

TIGER PROGRESS?

the response to CITES Resolution Conf. 9.13

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“There was a young lady of Riga
Who went for a ride on a tiger
They returned from the ride
With the lady inside
And a smile on the face of the tiger”

Anonymous

EXECUTIVE SUMMARY

Tigers in the wild continue to near extinction. Habitat loss and degradation and poaching for trade in Tiger parts are the two greatest threats to survival of wild Tigers today. Already in this century, three of the eight subspecies — the Caspian *Panthera tigris virgata*, Javan *P. t. sondaica* and Bali *P. t. balica* Tigers — have been lost. Of the remaining subspecies, the Indian Tiger *P. t. tigris*, also known as the Bengal Tiger, is the most numerous while the South China Tiger *P. t. amoyensis* is in greatest danger of extinction.

Tiger parts are used in most Asian traditional medicine disciplines. In traditional Chinese medicine, Tiger bone is the most precious part of the Tiger and is used to treat conditions such as rheumatism and arthritis.

At its inception, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) recognised that Tigers were endangered. All Tiger subspecies except for the Siberian Tiger were listed on Appendix I of CITES on 3 July 1975 and the Siberian Tiger *P. t. altaica* was transferred to Appendix I in 1987. In March 1993, the CITES Standing Committee first addressed the issue of trade in Tiger specimens and asked Parties to take any steps required to halt the illegal trade in Tigers and Tiger parts and to provide full reports to the Standing Committee on these measures (CITES Notification No. 738). Following a review of measures taken by States to halt the population decline of Tigers the CITES Standing Committee issued CITES Notification No. 774, which outlined minimum criteria for the adequate implementation of protection measures.

These measures were not enough to reduce the trade-related threat to this species and in response to this dilemma, the Parties to CITES, at the ninth meeting of the Conference of the Parties to CITES, held in Florida in 1994, worked together to form a resolution to urge countries around the world to do everything possible to help conserve the Tiger (Resolution Conf. 9.13 – Appendix I). Among other measures, the Resolution urges Parties to adopt adequate penalties to deter illegal trade and to consider national legislation to control domestic trade in Tiger parts; treat any product claiming to contain Tiger as a readily recognisable derivative and therefore subject to CITES provisions; support Tiger conservation efforts, including establishment of bilateral and multilateral conservation programmes; provide technical and financial assistance to Tiger range states; work with traditional medicine communities; and to engage in education and public awareness programmes.

During late 1996 and early 1997, TRAFFIC undertook a survey of legislation enforcement and conservation activities in 14 Tiger range States and 15 consumer States to assess the response to CITES Resolution Conf. 9.13 and to provide a basis for future recommendations to the Parties to CITES. This report presents the findings of this review in preparation for the tenth meeting of the Conference of the Parties to CITES, which will be held in Harare, Zimbabwe, 9-20 June 1997.

Generally speaking, the response to Resolution Conf. 9.13 has been poor.

Of the States surveyed, only six have adopted new legislation or amendments to existing legislation since the last meeting of the Conference of the Parties to CITES, and only one, the Netherlands, now has provisions to fully implement CITES and the terms of Resolution Conf. 9.13. Many of the Parties (50%) do not have national laws which specifically implement CITES. Only 30 per cent of States reviewed have voluntarily prohibited internal trade and most of those States had the prohibition in place prior to Resolution Conf. 9.13. Possession of Tiger products is banned in only five of the States surveyed. Only 30 per cent of Parties surveyed treat items labelled as containing Tiger as a readily recognisable derivative and subject to Appendix I provisions and, in all cases, this policy was adopted prior to agreement of

Resolution Conf. 9.13.

From the information available, it appears that illegal trade in Tiger parts and derivatives is occurring throughout the range and consumer States surveyed with a few exceptions. Financial penalties in many range States are low compared to the potential financial gain. In many States where steep penalties exist, they are not used due to legislation that is difficult to enforce because of limitations in forensic techniques, lack of resources or political will, or backlogged legal systems which require years to bring cases to court.

Current conservation activities relating to wild Tiger populations are concentrating on field research and habitat management/protection. Projects working directly with people in Tiger habitat and helping them live with Tigers are in the minority. Only three consumer States are assisting range States with funding and expertise to carry out Tiger conservation projects while five consumer States are providing assistance with conservation management and enforcement technology. In addition, only thirty per cent of States surveyed had educational programmes in operation regarding the ecological importance of the Tiger, its prey and its habitat.

Only thirty-eight per cent of States surveyed (including 60% of consumer States) were working with traditional medicine groups and other consumers to discuss alternatives to use of Tiger products and 27 per cent of States surveyed (including 54 per cent of consumer States) were involved in public awareness campaigns to eliminate use of these products.

CITES is merely a framework for co-operation among nations to control trade. The Convention cannot do this by itself. Parties must take responsibility for their own State's actions and not depend on the Convention to control trade without their active participation. Ultimately it is only the Parties who can stop the illegal trade in Tigers and their parts and ultimately help conserve the world's remaining Tigers.

INTRODUCTION

The Tiger *Panthera tigris*, largest of the Felidae, is nearing extinction in the wild. Habitat loss and trade in Tiger parts for traditional medicine are the two greatest threats to survival of wild Tigers today. Already in this century, three of the eight subspecies — the Caspian *P. t. virgata*, Javan *P. t. sondaica* and Bali *P. t. balica* Tigers — have been lost. Of the remaining subspecies, the Indian Tiger *P. t. tigris*, also known as the Bengal Tiger, is the most numerous while the South China Tiger *P. t. amoyensis* is in greatest danger of extinction (Table 1).

Table 1
Status of the Tiger *Panthera tigris*, November 1996

Tiger Sub-species		Minimum	Maximum
Indian Tiger <i>P. t. tigris</i>		3030	4735
	Bangladesh	300	460
	Bhutan	50	240
	China	30	35
	India	2500	3750
	Nepal	150	250
Caspian Tiger <i>P. t. virgata</i>		Extinct 1970s	
Siberian Tiger <i>P. t. altaica</i>		437	506
	China	12	20
	North Korea	<10	<10
	Russia	415	476
Javan Tiger <i>P. t. sondaica</i>		Extinct 1980s	
South China Tiger <i>P. t. amoyensis</i>		20	30
Bali Tiger <i>P. t. balica</i>		Extinct 1940s	
Sumatran Tiger <i>P. t. sumatrae</i>		400	500
Indo-Chinese Tiger <i>P. t. corbetti</i>		1180	1790
	Cambodia	100	200
	China	30	40
	Lao PDR	Present	
	Malaysia	600	650
	Myanmar	Present	
	Thailand	250	600
	Vietnam	200	300

Source: Peter Jackson, Chairman, IUCN/SSC Cat Specialist Group

Note: Both Indian and Indo-Chinese Tigers are found in Myanmar; Indian Tiger west of the Irrawaddy and Indo-Chinese Tiger to the east. Most estimates are educated guesses.

There is a growing question about whether or not the subspecies should be treated as genetically distinct entities. Recent work completed at the National Institutes of Health in the USA indicates that the genetic distance between the various Tiger subspecies is actually very small and likely the result of very recent changes (S. O'Brien, pers. comm., January 1997). In effect, the subspecies we know are really groups of Tigers adapted to different geographic circumstances. This provides good support for the idea of approaching Tiger conservation based on ecosystems rather than subspecies as per Dinerstein *et al.* (1997). Protecting the former will likely maintain the latter, not only by continuing to provide space and prey for the animals survival but by maintaining the varying conditions which produced the variety of Tigers we have today.

Conservation efforts to save the Tiger have concentrated on scientific research, training of staff and

enforcement in protected areas of range states. In addition, work with members of the traditional medicines communities of consumer States has begun a dialogue to help ensure co-operation necessary between the conservation and traditional medicine communities.

Tigers as healers

Tigers are part of the formularies of most of the Asian traditional medicine disciplines. Historically, in India, Tiger fat has been used as a home remedy for leprosy and rheumatism (Vijan and Gurnathan, 1994). In traditional Chinese medicine, Tiger bone is the most precious part of the Tiger. It is used to treat conditions such as rheumatism and arthritis and has been shown, experimentally, to have an anti-inflammatory effect (Bensky *et al.*, 1993). Ossein-hydroxyapatite, found in many animal bones has promoted bone healing and new bone growth in experimental studies (Annefeld *et al.*, 1986; Schmidt *et al.*, 1988). The ossein found in Tiger bone has a different amino acid profile from that of other non-felid species (Yang *et al.*, 1993) and may hold the secret to the apparent efficacy of Tiger bone.

In 1996, scientists at the China Pharmaceutical and Biological Products Centre in Beijing announced that they had successfully synthesised Tiger-bone essence by extracting essence from bones of other species and combining them to produce a substance close to Tiger bone (Asiaweek, 1 November 1996). This media report is being investigated further by TRAFFIC.

Tigers as villains

Stories abound of "man-eating" Tigers and even recent press articles document the fact that humans are part of the prey that Tigers may seek out. In the Sunderbans, a mangrove forest area on the border of India and Bangladesh, Tigers are believed to be responsible for a considerable number of deaths annually (Montgomery, 1995).

In the Russian Far East, where economic reforms have brought hard times to local people, Tigers are seen not only as man-eaters but as creatures stealing food from people's mouths as the Tiger hunts the same deer that the villager wants to feed his family. Asked if they would be better off without Tigers, villagers reluctantly agreed that they believed that was the case (Matthiessen, 1997).

Tigers and CITES

At its inception, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) recognised that Tigers were endangered. All Tiger subspecies except for the Siberian Tiger, also known as the Amur Tiger, were listed on Appendix I of CITES on 3 July 1975 and the Siberian Tiger was uplisted to Appendix I in 1987. Appendix I listing means international commercial trade is banned.

In March 1993, the CITES Standing Committee first addressed the issue of trade in Tiger specimens and asked Parties to take any steps required to halt the illegal trade in Tigers and Tiger parts and to provide full reports to the Standing Committee on these measures (CITES Notification No. 738). Following a review of measures taken by States to halt the population decline of Tigers, the CITES Standing Committee issued CITES Notification No. 774 which outlined minimum criteria for the adequate implementation of protection measures. These included consolidation and control of stocks, adoption and implementation of adequate legislation as well as provision of adequate enforcement. In particular, the Standing Committee called attention to the situation in States including China, Taiwan, the Russian Federation, Hong Kong, Myanmar, Lao PDR and Vietnam and urged more effective enforcement.

These measures were not enough to ensure the end of illegal trade in parts and derivatives and Tiger

populations in the wild continued to decline. In response to this dilemma, Parties to CITES, at the ninth meeting of the Conference of the Parties to CITES, held in Florida in 1994, adopted a resolution to urge States around the world to do everything possible to help conserve the Tiger (Appendix I).

Resolution Conf. 9.13 urges Parties to:

- Adopt legislation to properly control illegal killing of Tigers and/or trade in Tigers and Tiger parts and derivatives, including adequate penalties to deter illegal trade; and to consider national legislation to control domestic trade in Tiger parts;
- Treat any product claiming to contain Tiger as a readily recognisable derivative and therefore subject to Appendix I provisions;
- Support Tiger conservation efforts including joining the Global Tiger Forum and establishing whatever bilateral and multilateral conservation programmes possible;
- Provide technical and financial assistance to range States when possible, in particular to develop computer databases and mapping, improve enforcement techniques and forensic techniques;
- Work with traditional medicine communities and other consumer groups to develop strategies to eliminate use of Tiger and derivatives; and
- Engage in education and public awareness programmes.

In order to assess the Parties response to Resolution Conf. 9.13, TRAFFIC International carried out a survey of selected range and consumer States in late 1996 and early 1997. Using the specific points of the resolution as a framework, an analysis of implementation measures taken was completed to provide a basis for recommendations for further action. This report provides background information on the Tiger trade control issue and an analysis of response to Resolution Conf. 9.13 as well as detailed reviews of activities undertaken by selected range and consumer States.

METHODOLOGY

This survey covers data on Tiger trade control and Tiger conservation activity from 14 Tiger range States (Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, North Korea, Russia, Thailand and Vietnam) and 15 consumer States (Australia, Belgium, Canada, France, Germany, Hong Kong, Japan, Macau, the Netherlands, New Zealand, Singapore, South Korea, Taiwan, the UK and the USA) plus information from the European Union (EU) on Union-wide legislation and trade control. Consumer States were selected on the basis that some level of illegal trade in Tiger parts or related products had been found there by TRAFFIC in recent years. Where a State could be considered both a range and consumer State, for example China, it is considered a range State for the purposes of this report.

For each State, relevant trade control legislation was reviewed, as well as current available information on trade and trade violations and conservation/education activities. Information from the States themselves was collected by means of a questionnaire which was sent to government agencies in each State and by visits to several of the regions. In several cases, not all questions on the questionnaires were completed and information gathered on some States was incomplete. Although in many States local and international non-governmental organisations (NGOs) are actively involved in Tiger conservation activity, only work conducted primarily by the States surveyed is being included in this review.

Each State report, where possible, was reviewed by someone knowledgeable about the status of Tiger trade and conservation in that State with the exceptions of Bangladesh and Myanmar. Although efforts were made to contact officials in these States, reports are based solely on information from available reports.

Currency exchange rates used in this report were those listed for 1 March 1997 by the United Nations Development Programme.

This report is not intended to be a comprehensive review of Tiger trade control and conservation but focuses on issues specifically relating to Resolution Conf. 9.13 and is limited by the information available.

EVALUATION OF THE RESPONSE TO RESOLUTION CONF 9.13

"Parties and non-Parties, especially Tiger range and consumer states, which currently lack legislation to properly control illegal killing of Tigers and/or the trade in Tigers and Tiger parts and derivatives, to adopt such measures as a matter of urgency, and that such measures should address the requirements of the Convention and include penalties adequate to deter illegal trade"

Prior to the ninth meeting of the Conference of the Parties to CITES, all of the States surveyed, with the exception of Cambodia and North Korea, had Tiger trade control legislation in force (Table 2). A constitutional change will be necessary before Cambodia can proceed with developing wildlife trade legislation. Information on legislation in North Korea was not available for this report.

Of the range States surveyed, Bhutan, Sarawak (Malaysia) and Russia have amended their legislation since the ninth meeting of the Conference of the Parties to CITES. Bhutan and Russia granted Tigers complete protection in their new laws while Sarawak does not include Tigers in the schedule of protected species since they are not indigenous. None of the laws addresses the issues of use of Tiger in traditional medicines or of treating items labelled as containing Tiger, as Appendix I and subject to Appendix I provisions.

Four of the consumer States reviewed have made amendments to trade control legislation since the ninth meeting of the Conference of the Parties to CITES. Hong Kong, Canada, Japan and the Netherlands have all enacted new laws with higher penalties. Hong Kong's amendments provide for penalties for violation of trade laws which are among the highest surveyed (Table 3). Canada, after 21 years as a Party to CITES, finally has a law which specifically implements CITES. Japan's new law controlling domestic trade now includes parts of processed items of wildlife in the definition of recognisable derivatives but does not include items which are not "easily identified by ordinary citizens" and therefore the law does not control trade in most traditional medicines. Only the current Hong Kong and the Netherlands laws include a provision regarding treating products labelled as containing Tiger as Appendix I specimens. For both Hong Kong and the Netherlands, however, the labelling provision was in place prior to the ninth meeting of the Conference of the Parties and so was not directly influenced by Resolution Conf. 9.13. As of 1 June 1997, a new wildlife trade law will come into effect in the European Union which aims to improve implementation of CITES by all member States. The new law will tighten trade controls at external borders of the Union and requires that member States set penalties for infractions and introduce penalties for seizing wildlife, among other things.

Of the States for which information was available, only China has a total ban on import and export of Tiger and Tiger products. In India, Indonesia, and Vietnam, although in general import and export of Tigers and Tiger products is banned, exceptions are made and permits are issued for purposes of scientific research. Permits are required for import and export in 22 States (range states-Bangladesh, Bhutan, Lao PDR, Malaysia (all provinces), Myanmar, Nepal, Russia and Thailand; all consumer States surveyed). The States which require permitting for import/export of CITES Appendix I specimens such as Tiger should

conform to CITES and should not issue such authorisation for commercial purposes. The requirements of North Korea are not known and Cambodia with no legislation has no legal basis on which to require permitting.

For the 23 States which are Parties to CITES, only 12 (range states – Thailand; consumer states – Australia, Belgium, Canada, France, Germany, Hong Kong, the Netherlands, New Zealand, Singapore, South Korea, the UK and the USA) have legislation that specifically implements CITES. Chinese officials report that they plan to table CITES-implementing legislation before the State Council in 1997. This does not mean that the other Parties do not implement the Treaty but that the legislation in use for control of trade in endangered species does not specifically mention CITES, may not include the full CITES Appendices and may not allow the State to fully implement the provisions of CITES. If the CITES Appendices are not used as the basis for determining which animals' trade is to be controlled, the Tiger subspecies protected are limited to those in appended schedules which often protect only indigenous wildlife. For example, in Bangladesh only the Indian Tiger is legally protected and in Indonesia only the Sumatran Tiger is included in the schedules of protected species. Proving that Tiger bone exists in a sample of medicines can be impossible without costly forensic analysis and trying to prove what subspecies the sample came from may be beyond even expensive analysis.

All States with existing trade control legislation have a description of penalties for violations of those laws available (Table 3). Maximum imprisonment terms vary from three months (Belgium) to 15 years (Nepal) but the average across range and consumer States is 4.8 years and 4.1 years respectively. Macau has no provision for imprisonment following violation of trade laws while in China the death penalty is possible as punishment for these crimes. In contrast, average maximum imprisonment terms of selected rhino range States were more than twice as long, on average, as those of consumer States (Mainka, 1997). For rhinoceros range States, longer prison terms are being used as a deterrent as opposed to increased fines, which the local people can often not pay anyway.

Maximum fines for each State were compared to per capita Gross Domestic Product/Purchasing Power Parity (GDP/PPP) figures in an effort to make a valid comparison (Table 3). For the range States, which had an average GDP/PPP of US\$2987 per capita, the average maximum financial penalty was more than two times (216%) the GDP/PPP. For the consumer States, which had an average GDP/PPP of US\$19 717 per capita, the average maximum financial penalty was almost nine times (882%) the GDP/PPP.

A survey of prices paid for Tiger parts in seven range States between 1992 and 1994 puts an average maximum value of US\$3175 on one Tiger skeleton (Mills and Jackson, 1994). The maximum fines in seven range States (Bangladesh, Bhutan, India, Lao PDR, Nepal, Russia, and Thailand) and one consumer State (Macau) are equal to or below this level. Although there is certainly a question of whether a person living in the range States could such a fine at all, the current level of fines is less than the potential profit to be made and these States should consider increasing the penalties, either fines and/or imprisonment terms to serve as effective deterrents to illegal trade.

While increasing penalties is one option in assisting the battle against illegal trade, a high probability of being caught and convicted may also be an important deterrent factor. Therefore, increased efforts in enforcement of laws may be as significant as establishing adequate penalties in the fight against illegal trade in Tiger parts and products.

Of the 25 States and provinces for which trade violation data from 1994-1996 was available, six out of 11

Table 2
Summary of legislation for trade control in Tiger and Tiger parts

TIGER TRADE CONTROL LEGISLATION						Year of latest amendment	Labelled as Tiger product = Tiger product	Tiger subspecies protected	Disposition of Tiger items seized
International	Import	Export	Sell	Domestic Buy	Possess				
RANGE STATES									
Bangladesh	restricted	restricted	restricted	restricted	restricted	1974	No	Indian	?
Bhutan	N/A	N/A	N/A	N/A	N/A	1995	No	All	Held, Consolidated
Cambodia	banned	banned	banned	banned	?	N/A	Yes	N/A	Held, Consolidated
China	restricted	restricted	banned	banned	banned	1993	Yes	All	Held, occasionally destroyed
India	restricted	restricted	banned	banned	banned	1991	No	All	Destroyed
Indonesia	restricted	restricted	restricted	restricted	banned	1990	No	Javan, Sumatran	Held, Consolidated
Lao PDR	restricted	restricted	banned	banned	?	1989	No	All	?
Malaysia	restricted	restricted	restricted	restricted	restricted	1991	No	All	Held
Peninsular									
Sabah	restricted	restricted	restricted	restricted	restricted	1963	No	None	Held
Sarawak	restricted	restricted	restricted	restricted	restricted	1995	No	None	Held
Myanmar	restricted	restricted	restricted	restricted	restricted	1994	No	Indian, Indo-Chinese	?
Nepal	restricted	restricted	restricted	restricted	restricted	1993	No	All	Held, Consolidated
North Korea	?	?	?	?	?	?	?	?	?
Russia	restricted	restricted	banned	banned	banned	1995	No	Siberian	?
Thailand	restricted	restricted	restricted	restricted	restricted	1992	No	All	Destroyed
Vietnam	restricted	restricted	banned	banned	?	1992	No	All	Held
CONSUMER STATES									
Australia	restricted	restricted	legal ^a	legal ^a	legal ^a	1982	No	All	Destroyed
Belgium	restricted	restricted	restricted	restricted	legal ^b	1984	Yes	All	Held, Consolidated
Canada	restricted	restricted	restricted	restricted	legal ^b	1996	No	All	Held, Consolidated
France	restricted	restricted	restricted	restricted	legal ^b	1993	Yes	All	Held, not consolidated
Germany	restricted	restricted	restricted	restricted	banned	1986	Yes	All	?
Hong Kong	restricted	restricted	restricted	restricted	restricted	1995	Yes	All	Held, consolidated
Japan	restricted	restricted	restricted	banned ^d	legal	1995	No	All	Held, consolidated
Macau	restricted	restricted	restricted	restricted	restricted	1986	No	All	destroyed
New Zealand	restricted	restricted	legal	legal	legal	1989	No	All	Held (bone), destroyed (all other parts)
Netherlands	restricted	restricted	restricted	restricted	restricted	1995	Yes	All	Held, consolidated
Singapore	restricted	restricted	banned	banned	banned	1989	Yes	All	?
South Korea	restricted	restricted	banned	banned	legal ^b	1994	No	All	Held, occasionally destroyed
Taiwan	restricted	restricted	banned	banned	legal ^c	1994	Yes	All	Held, consolidated
UK	restricted	restricted	restricted	restricted	legal ^b	1985	Yes	All	No policy
USA	restricted	restricted	legal ^c	legal ^c	legal ^a	1973	No	All	Held, consolidated

NB. Restricted means that authorisation in some form (government permit, certificate of ownership, etc.) is required to legally import, export, trade or possess. States which conform to CITES will not issue authorisation import or export that is for commercial purposes but the option is available for non-commercial purposes such as scientific research.

^a Possession legal unless government can prove item was illegally obtained

^b Possession legal unless possessed with intent to trade

^c Permit restrictions for inter-state trade may apply depending on states involved

^d Domestic trade ban does not include traditional medicines or other items not "easily identified by ordinary citizens" as being Tiger

^e Possession is legal but items must be registered with the government

range States/provinces and 12 of 15 consumer States reported seizures of illegal Tiger items during that period (Table 3). Clearly, illegal Tiger trade continues in spite of current legislation and trade controls.

Although seizures occurred in 18 States, fines and imprisonment penalties were only levied in six (China, Germany, Hong Kong, Singapore, UK, and USA). China did issue a death penalty to one man who killed a Tiger in a zoo. The highest penalty levied since 1994 was in Hong Kong (US\$64 600) in May 1995 for illegal trading of medicines with Tiger extract. In many States, legislation with high penalties is in place but has not been used since the last meeting of the Conference of the Parties. In some cases, this is due to a lack of resources for proper enforcement and in others, an inability to prove that items seized, mostly traditional medicines, purporting to contain Tiger do contain Tiger product. Finally, in many cases, it may take years for cases to come to court, during which time offenders are released on bail and can continue their illegal activities.

“The Secretariat, where possible, to assist those Parties seeking to improve their legislation, by providing to them technical advice and relevant information”

The CITES Secretariat reports that no State has contacted the Secretariat for assistance in this regard since the last meeting of the Conference of the Parties to CITES in 1994.

“Parties seeking to improve their legislation controlling the trade in Tigers and Tiger parts and derivatives, or to adopt such legislation, to consider introducing national measures to facilitate implementation of CITES, such as voluntarily prohibiting internal trade in Tigers and Tiger parts and derivatives and prohibiting the sale of illegally traded Tiger parts and derivatives”

Only in Bhutan, a non-Party, has a ban on domestic trade in Tiger products been enacted since the ninth meeting of the Conference of the Parties to CITES. Japan prohibited domestic trade in raw materials and in 1995 added an amendment to the law which included Tiger parts and products but only those that are “easily identified by ordinary citizens”. Therefore, domestic trade in traditional medicines containing Tiger products remains uncontrolled in Japan.

However, domestic trade (purchase and sale) of Tiger parts and derivatives is banned in nine States (range States – Bhutan, China, India, Lao PDR, Russia and Vietnam; consumer States – Singapore, South Korea, and Taiwan). In China, some Tiger-based medicines manufactured prior to the 1993 ban continue to be used in specially designated hospitals. In some cases, such as Indonesia and Japan, there is a domestic trade ban in Tiger but it covers only readily recognisable raw materials and control over Tiger derivatives, such as are found in traditional medicines, is not included.

Permits are required for domestic trade in Tiger in 14 States (range States – Bangladesh, Malaysia, Myanmar, Nepal, and Thailand; consumer States – Belgium, Canada, France, Germany, Hong Kong, Macau, Netherlands, the UK and the USA). In several of these cases, for example Germany, permits for domestic trade could only be issued if the trade is deemed to be in the best interests of conservation of the species. Domestic trade is not controlled in Australia, New Zealand or within most states in the USA. The status of domestic trade controls in North Korea is not known.

Possession of Tiger parts and products is banned in five States (range States – India, Indonesia, and Russia;

Table 3
Summary of legislation penalties for individuals

	Maximum imprisonment	Maximum fine (US\$ equivalent)	Per capita GDP/PPP (US\$)*	Maximum Fine/ GNP	Seizures since COP9	Fines since COP9	Prison terms since COP9
<i>Range States</i>							
Bangladesh	1 year	BGT1000 (24)	1410	2%	?		
Bhutan	5 years	BTN10 000 (280)	1475	19%	No	No	No
Cambodia	N/A	N/A	1266	N/A	Yes	No	Yes
China	Death penalty	none specified	2935	-	Yes	No	No
India	7 years	INR25 000 (700)	1385	50%	Yes	-	-
Indonesia	5 years	IDR100 000 000 (42 175)	3705	1138%	No		
Lao PDR	2 years	LAK1 000 000 (1060)	1670	64%	?		
Malaysia	5 years	MYR15 000 (6000)	9470	63%	?		
Peninsular							
Sabah	1 year	MYR5 000 (2000)		21%	No	-	-
Sarawak	2 years	MYR25 000 (10 000)		106%	No	-	-
Myanmar	7 years	MMK50 000 (8064)	753	1071%	?		
Nepal	15 years	NPR100 000 (1756)	1165	151%	Yes	No	No
North Korea	?	?	?	?	?		
Russia	3 years	RUR(3200)	4760	67%	Yes	No	No
Thailand	4 years	THB40 000 (1556)	7535	21%	Yes	No	No
Vietnam	none specified	VND5 000 000 (430)	1310	33%	No		
Average	4.8 years		US\$2987	216%			
<i>Consumer States</i>							
Australia	10 years	AUD100 000 (78 125)	19 960	391%	Yes	No	No
Belgium	3 months	BEF20 000 000 (565 000)	18 040 ^a	3131%	Yes	No	No
Canada	5 years	CAD150 000 (111 111)	22 220	500%	Yes	No	No
France	6 months	FRF60 000 (10 968)	20 740	53%	No	-	-
Germany	5 years	DEM100 000 (61 728)	20 165	306%	Yes	No	Yes
Hong Kong	2 years	HKD5 000 000 (645 995)	23 892	2704%	Yes	Yes	Yes
Japan	3 years	JPY3 000 000 (24 800)	22 200	111%	No	-	-
Macau	None	PTA5 000 (646)	16 840	4%	Yes	No	No
Netherlands	6 years	NLGI 000 000 (531 915)	17 940 ^a	2970%	Yes	No	No
New Zealand	5 years	NZD100 000 (70 921)	18 205	389%	Yes	No	No
Singapore	1 year	SGD5000 (3546)	23,565	15	No	Yes	No
South Korea	5 years	KRW20 000 000 (23 560)	11 750	200%	Yes	No	No
Taiwan	7 years	TWD2 500 000 (91 210)	14 295	638%	Yes	No	No
UK	5 years	unlimited	19 130	N/A	Yes	Yes	Yes
USA		US\$250 000	26 825	932%	Yes	No	Yes
Average	4.1 years		US\$19 717	882%			

* - Per capita Gross Domestic Product/Purchasing Power Parity, based on World Bank ratios, is the value of all goods and services purchased in one year taking into account price differences between countries (Asiaweek, 31 January 1997); a - CIA World Factbook 1995; NB. COP = the Conference of the Parties to CITES.

consumer States – Germany and Singapore) and requires a permit in nine States (range States – Bangladesh, Bhutan, Malaysia, Myanmar, Nepal, and Thailand; consumer states-Hong Kong, Macau, and the Netherlands). In Germany, the possession ban does not apply to items for personal use for which an exemption has been obtained. Possession of Tiger parts and products is legal in several States as long as it can be shown that a) the items are not held with intent to trade (Belgium, Canada, France and the UK) or b) unless the government can prove that the item was obtained illegally or in contravention of CITES (Australia, South Korea and the USA). In Taiwan, possession is legal but the items must be registered with the government. There are also exemptions to the possession laws including grandfather clauses for pre-Convention items. In Australia, possession is permitted if the owner can prove his/her ignorance of the fact that the item was illegally imported.

“Parties to treat any product claiming to contain Tiger specimens as a readily recognisable Tiger derivative and therefore subject to Appendix-I provisions”

Of the States surveyed, one range State (China) and three consumer States (Hong Kong, Singapore, and Taiwan) have specifically incorporated this provision in their national legislation. In all cases, this policy was adopted prior to the ninth meeting of the Conference of the Parties to CITES in 1994. In the case of EU countries surveyed (Belgium, France, Germany, the Netherlands, and the UK), this is a Union-wide policy. The remaining 17 States, for which information was available, have not done so and many experience problems relating to enforcing trade laws due to their inability to state categorically that items seized do, in fact, contain endangered species derivatives and should be subject to Appendix I controls. Items containing Tiger derivatives are seized, but further action against the offenders cannot be taken and therefore seizure of the items is the only deterrent against further illegal activity.

Even in States which have legislation to include this provision, there are problems in enforcing penalties beyond seizure of the illegal items. In Belgium, an importer of traditional medicines containing Tiger bone, according to the package information, claimed that the product contained deer bone instead. No charges were laid and no penalty levied other than seizure of the items. However, in other EU States including Germany, the Netherlands and UK, labelling as containing CITES Appendix I species has been successfully used in prosecution of offences without the need to prove the product actually contained the specimen in question.

“Parties and non-Parties in whose countries stocks of Tiger parts and derivatives exist to consolidate and ensure adequate control of such stocks”

For the range States for which information was available, six held seized items in stock (Bhutan, Cambodia, China, Indonesia, Malaysia (Peninsular, Sarawak and Sabah), and Nepal) and two (India and Thailand) indicated that they destroyed items seized. Of the consumer States, seven held items in stock (Belgium, Canada, France, Hong Kong, Japan, the Netherlands, New Zealand, Taiwan, and the USA) while Australia, Macau and South Korea reported they destroyed Tiger items seized. Several countries including Japan and the UK hold Tiger-based items in stock and incinerate them on a regular basis. Privately held stocks are not monitored in most States except for Taiwan.

For reasons of security, detailed information on consolidation of stocks was not collected. The States which are known to have consolidated stocks include four range States (Bhutan, Cambodia, Indonesia, and

Nepal) and seven consumer States (Belgium, Canada, Hong Kong, Japan, New Zealand, Taiwan, and the USA). States which are known not to have consolidated their stocks of seized materials include China, France and the UK.

No information on control and consolidation of Tiger stocks was available from Bangladesh, Lao PDR, Myanmar, North Korea, Russia, Vietnam, Germany, and Singapore.

"Range States and consumer States that are not party to CITES to accede to the Convention"

None of the six States surveyed that are non-Parties have joined CITES since the last meeting of the Conference of the Parties to CITES. In the case of Taiwan, joining CITES is not possible. The other five States (Bhutan, Cambodia, Lao PDR, Myanmar and North Korea) are all range States and four have expressed interest in joining CITES. Although reliable sources indicate that Cambodia and Lao PDR have continued interest in joining CITES and both countries have received detailed accession guidance, the necessary government approvals have yet to be achieved (Nash and Broad, 1993; Broad and Phipps, 1994).

"Tiger range and non-range States to support and participate in international tiger conservation programmes including joining the Global Tiger Forum"

Based on the information provided by the States surveyed, a total of 14 projects specifically designed with wild Tigers in mind have been undertaken by States since the last meeting of the Conference of the Parties to CITES (Appendix II). Tiger conservation work is being carried out in several different aspects – field biology/research work (six projects), habitat protection/enforcement work (four projects), public awareness and education programmes (three projects), and eco-development programmes (one project). Four of the 13 projects are aimed at conserving all Tiger subspecies while five are for Indian Tigers, three for Sumatran Tigers, and two for Indo-Chinese Tigers. Conservation work for Siberian Tigers and for South China Tigers is being undertaken by several NGOs with government approval.

Support for Tiger conservation projects is coming from only a few consumer States, namely the Netherlands, Taiwan, the UK and the USA. Other consumer States are active in consumer education within their own State but not in global conservation programmes. On the other hand, many international NGOs are involved in Tiger conservation, public education and awareness building in range and consumer States.

In 1993, on the twentieth anniversary of Project Tiger in India, an international group of Tiger experts endorsed a declaration leading to the formation of the Global Tiger Forum (GTF) (Jackson and Kemf, 1996). In March 1994, in India, the group of 11 range States, including Bangladesh, Bhutan, Cambodia, India, Indonesia, Malaysia, Myanmar, Nepal, Russia, Thailand and Vietnam met for the first time. Ratification by five of the member States was required but at this first meeting only India, Myanmar and Bhutan did so. Indonesia declined to ratify, Thai officials have said that they did not think this is the appropriate mechanism while Russia stated that it could not afford to join at that time.

A meeting of the Forum was held in Delhi on 6-7 March 1997 with 11 of 14 range States and four donor countries participating. Five countries have now ratified the GTF (Bhutan, India, Myanmar, Nepal and Vietnam) so the Forum is now fully functional and several decisions were made at this meeting. It was agreed that by the summer of 1997 range States would 1) identify any transborder Tiger areas which are

not already in their country Tiger Action Plan; 2) compile an update on Tiger conservation and related activities in their State; and 3) designate a central officer who will be responsible for keeping regular contact with the GTF. The GTF hopes to be represented as an observer organisation at the 10th meeting of the Conference of the Parties to CITES. The Global Tiger Forum has received financial support from the UK and Norway.

"Governments of Tiger range States and, where appropriate, non-range States, establish co-operative bilateral and multilateral agreements for the management of shared wildlife species and protected habitats with common boundaries in order to achieve more effective control of illegal transborder movement of Tigers and Tiger parts and derivatives"

Tiger range States have been actively involved in establishing these agreements (Table 4). Only Bangladesh, Cambodia, Lao PDR and North Korea are not involved in some sort of cross-border wildlife trade control agreement. Of the consumer States the EU (through its regional wildlife law), and Taiwan and the USA (through a bilateral agreement) are participating in multilateral wildlife trade control agreements. Agreements currently in effect are evenly divided between trade control and conservation activity. Most of the agreements have been negotiated after the ninth meeting of the Conference of the Parties to CITES.

In October 1995, a Workshop was held in Beijing, China on Control of Wildlife Trade in the Asian Region and was attended by delegates of 20 States and territories. At the conclusion of the workshop the participants signed the Beijing Statement on the Control of Wildlife Trade in the Asian Region which indicated that this meeting was the beginning of close collaboration among participants to search for ways to stem the illegal trade in wild flora and fauna. Participants recommended regular co-operation among law enforcement agencies and information exchange as well as development of capacity building programmes in all States to enhance their enforcement efforts.

"Range and consumer States strengthen communication and sharing of information by designating at least one contact person in order to establish a regional network to assist in the control of the illegal trade in Tiger parts and derivatives"

Seven of the surveyed States — India, Germany, Hong Kong, New Zealand, Russia, Singapore, and the UK — have designated formal contact persons and notified the CITES Secretariat accordingly (Anon., 1996m).

"Countries with the relevant expertise to assist range and consumer States in the establishment of forensic facilities and to provide other technical assistance to aid the detection and accurate identification of Tiger parts and derived manufactured products"

Forensic facilities specifically for wildlife investigations are available in only a few locations — the USA, China, Taiwan and India (under US assistance) — although officials in other States have expressed interest in establishing such facilities. No laboratories devoted strictly to wildlife forensics are found in Europe but government and commercial laboratories there are doing some wildlife forensic work as requested. Researchers have now identified the appropriate DNA primers needed in order to identify Tiger

Table 4
Multilateral/bilateral agreements and participation since 1994

	Member of CITES (year)	Beijing Statement signatory	Global Tiger Forum member	Bilateral/Multilateral Agreements	
				Trade Control	Conservation
Range States					
Bangladesh	1982	Yes			India
Bhutan	No	Yes	Ratified		
Cambodia	No	Yes			
China	1981	Yes			India, Russia, USA
India	1976		Ratified	India, Vietnam	China, Bhutan, USA
Indonesia	1979	Yes	Declined	China, Nepal	Malaysia
Lao PDR	No	Yes		Thailand	Indonesia
Malaysia	1978	Yes			
Myanmar	No	Yes	Ratified	India	
Nepal	1975	Yes	Ratified		
North Korea	No				
Russia	1992	Yes	Declined	Malaysia	China, USA
Thailand	1983	Yes		China, Taiwan	
Vietnam	1994	Yes	Ratified		
Consumer States					
Australia	1976			EU	
Belgium	1984				EU
Canada	1975				
France	1978			EU	
Germany	1976	Yes			
Hong Kong	1976	Yes			
Japan	1980				
Macau	1981			EU	
Netherlands	1984				
New Zealand	1989				
Singapore	1987	Yes			
South Korea	1993	Yes			
Taiwan	No			Vietnam, USA	
UK	1976			EU	
USA	1975				Taiwan

derivatives. Products such as traditional medicines which contain Tiger derivatives often contain compounds that inhibit the detection process and techniques need to be developed to deal with this problem. Work is currently under way at the Forensic Science Services in the UK to develop an easy-to-use technique that can deal with the problem of inhibitors and rapidly detect Tiger derivatives in samples submitted (C. Allan, TRAFFIC International, pers. comm., March 1997).

This is an area which needs much attention. Laws in several countries require that proof of Tiger content be obtained prior to any prosecution for Tiger trade offences. For reasons of expertise or financial resources, at present, this is unlikely to occur. In countries which currently accept labelling as a means of recognising Tiger derivatives, traditional medicine manufacturers are now evading this problem by changing the product labelling so that Tiger ingredients are not listed. Ultimately a rapid, reliable means of detecting Tiger derivatives in products is needed to assist in the effort to control trade in Tiger products.

“Donor nations assist in funding the infrastructure and the provision of expertise to develop computer databases and mapping, as well as any other necessary conservation management and enforcement techniques”

Six of the 15 consumer States (40%) plus the EU have been involved in supporting infrastructure and expertise development in range States. Consumer States which have assisted financially in implementing conservation and enforcement projects since the ninth meeting of the Conference of the Parties to CITES include the EU, Hong Kong, Taiwan, and South Korea (CITES enforcement training seminars), the Netherlands and the UK (conservation activity in Nepal and India) and the USA (enforcement training as well as conservation efforts). Other consumer States have not contributed to the international Tiger conservation effort in range States, however NGOs in the consumer States have made major contributions.

“Work with traditional-medicine communities and industries to develop strategies for eliminating the use and consumption of Tiger parts and derivatives”

Of the range States for which information was available, only one, China, is working with traditional medicine practitioners (Table 5). Many of the consumer States (66%) had programmes of co-operation with traditional medicine communities and have had discussions on control of use of endangered species in medicines. These include discussions with the traditional medicine community (Australia, New Zealand, Singapore, South Korea, Taiwan,); awareness campaigns with traditional medicine importers and practitioners regarding the illegality of importing items containing Tiger (Canada, Hong Kong, Japan, South Korea, Taiwan, the UK); and major symposia with the traditional medicine and conservation communities participating (Hong Kong and South Korea). Most of this activity has occurred after the ninth meeting of the Conference of the Parties to CITES.

“Carry out appropriate education and awareness campaigns, making use of indigenous knowledge and traditional wisdom, directed at appropriate rural and urban communities and other targeted groups in range States, on the ecological importance of the tiger, its prey and its habitat”

Six of the range States (Bangladesh, Cambodia, India, Indonesia, Nepal and Thailand) had public awareness programmes in place regarding the importance of Tigers and their ecosystems while only three

Table 5.
Summary of response to CITES Resolution Conf. 9.13

	BD	BT	KH	CH	IN	ID	LA	MY	MM	NP	KP	RU	TH	VN	AU	BE	CA	FR	DE	HK	JP	MO	NL	NZ	SG	KR	TW	UK	US
Adopt/amend legislation	=	+		=	=	=	=	=	=	?	+	=	=	=	=		+				+		+						
Adequate financial penalties						=		=		?			?	?	=														
Secretariat assistance											+			=															
Prohibit domestic trade including Tiger Derivatives		+		=			=			?				=															
Treat products claiming to contain tiger as Appendix I				=						?						=													
Consolidate and control stocks		=	=			=				?						=													
Accession to CITES	=			=		=		=																					
Participate in international Tiger conservation	=	+	+	=		=		=		?																			
Multilateral agreements		=		+	+	+		+		?	+	+	+	+															
Designate contact person for regional network					+						+																		
Assistance with forensics																													
Assistance with conservation management and enforcement																													
Work with traditional medicine communities				+											+		+												
Public education on ecological importance of Tiger and its habitat	+		+		+	+				?																			
Educate user groups; promote substitutes				+													+												

Note: = indicates already in place prior to Resolution Conf. 9.13; + indicates undertaken since Resolution Conf. 9.13; and ? indicates the situation is unknown.

of the consumer States (Hong Kong, Singapore, and Taiwan) had such programmes. In many of the consumer States, NGOs, rather than government programmes, were involved in conducting these public awareness programmes.

“Introduce programmes to educate industry and user groups in consumer States in order to eliminate the use of tiger-derived substances and promote the adoption of alternatives”

Only one of the range States, China, and seven of the consumer States (Canada, Hong Kong, Japan, Singapore, South Korea, Taiwan, the UK and the USA) have begun programmes to educate user groups in order to eliminate use of Tiger-derived substances and promoted the adoption of alternatives. In most cases, NGOs in consumer States were actively involved in these programmes.

Alternatives to the use of Tiger bone in traditional medicines which have been suggested include bones of other felids, dog bones or bones of a pika *Ochotona* spp. (Bensky *et al.*, 1993; Mills and Jackson, 1994). Populations of other felids and the pika are also currently under threat and therefore, could not be recommended as a viable substitute. Dog bones are said to have an “excessive” effect and are not acceptable by many traditional medicine practitioners. Recent research findings from China indicate that a Tiger bone substitute, made from a mix of bones of non-endangered species may become available. This new product is currently undergoing testing in Chinese hospitals.

CONCLUSIONS

Generally speaking, the Parties have not yet fully implemented the measures suggested by Resolution Conf. 9.13.

Of the States surveyed and for which information was available, four adopted new legislation or amendments to existing legislation since the last meeting of the Conference of the Parties. The amendments brought in higher penalties for violations of Tiger trade control laws but did not address other aspects of the problem as outlined in Resolution Conf. 9.13 such as treating items labelled as containing Tiger, whether or not they really did, as Appendix I specimens and subject to Appendix I controls. Only nine States have voluntarily prohibited internal trade in Tiger including Tiger derivatives with an additional two States having a domestic trade ban on readily recognisable Tiger parts. Most of these prohibitions were in place prior to Resolution Conf. 9.13. Possession of Tiger products is banned in only five States. In several States national Constitutions may guarantee property rights and possession cannot be banned unless items are illegally acquired.

As evidenced by the reports of seizures and TRAFFIC surveys since the ninth meeting of the Conference of the Parties to CITES, illegal trade in Tiger parts and derivatives is occurring throughout the range and consumer States surveyed with a few exceptions. Financial penalties in many range States are low compared to the potential financial gain. In many States where steep penalties exist, they are not used due to legislation that is difficult to enforce because of limitations in forensic techniques, back-logs of cases to enforce in the courts and lack of resources for enforcement.

Only 30 per cent of Parties treat items labelled as containing Tiger as a readily recognisable derivative and subject to Appendix I provisions. Legislation which does not contain this provision makes enforcement of trade laws almost impossible as forensic techniques are costly and are not yet at a stage where definite

identification of Tiger content can be easily and rapidly made.

Current range State conservation activities relating specifically to Tigers and supported primarily by range and consumer States are concentrating on field research and habitat management/protection. Projects working directly with people in Tiger habitat and helping them live with Tigers are in the minority. Less than one-third of consumer States are assisting range States with funding and expertise to carry out Tiger conservation projects. Many NGOs are involved in Tiger conservation work. Sixty per cent of consumer States were working with traditional medicine groups and other consumers to discuss alternatives to use of Tiger products and 54 per cent of consumer States were involved in public awareness campaigns to eliminate illegal use of these products.

Many States from which responses were received consider CITES to be a bureaucratic addition to their workload and several mentioned that maintaining CITES in their State required resources which might be better used in other aspects of trade control such as enforcement in the field.

The tenth meeting of the Conference of the Parties will examine the progress made by range and consumer States on Tiger trade issues, based on the CITES Secretariat's report of its ongoing review of this topic for the Standing Committee. It can only be hoped that this will prompt the Parties to act with urgency.

The response to Resolution Conf. 9.13 has been far from complete. CITES is only an agreement among member States. For CITES to work, those States must take responsibility to properly enforce the treaty and to live up to the recommendations of resolutions which they have made. Ultimately it is the Parties who must control trade, and take responsibility for the long-term survival of the world's remaining Tigers.

RECOMMENDATIONS

The actions agreed to by all CITES members in Resolution Conf. 9.13 still stand and the failure of many Parties to implement them is disappointing and disturbing as full implementation of the Resolution is a critical contribution to the survival of the Tiger.

The following recommendations aim to identify high priority actions necessary to meet the goals of Resolution Conf. 9.13.

Trade control legislation

- All Parties should adopt legislation which includes protection for all Tiger subspecies and all Tiger parts, products and derivatives.
- All Parties which do not yet have comprehensive domestic trade control over Tiger products and Tiger derivatives should enact and implement appropriate legislation as soon as possible.
- States which have not yet done so, should enact legislation stating that any product claiming to contain Tiger parts, whether or not it does, is a recognisable Tiger derivative and therefore subject to Appendix I provisions.
- Range States should increase penalties for violations of Tiger trade control laws to make the penalties commensurate with potential profits from illegal activities.
- Of the non-Parties, it is urgent that the Government of Cambodia be encouraged to make the necessary constitutional changes in order to implement and enforce effective wildlife trade control legislation

Enforcement

- All Parties need to commit significant resources to enforcement of their trade control legislation
- All Parties should develop closer liaisons with national Justice authorities in order to expedite cases involving wildlife trade law violations.
- All Parties and non-Parties need to develop and maintain co-operative bilateral and multilateral agreements on trade control in Tiger parts and derivatives and devote the necessary resources to enforcing these agreements.
- Donor nations should become actively involved, both financially and in provision of expertise, with range States in their efforts to conserve Tigers and enforce trade controls.
- Continued research into forensic identification of Tiger derivatives in traditional medicines should be encouraged and funded and resulting techniques put into action in support of enforcement efforts.

Participation in CITES

- Bhutan, Cambodia, Lao PDR, Myanmar and North Korea should join CITES and should receive assistance from Parties and the Secretariat in their efforts to enact effective legislation and enforcement techniques.
- CITES implementation training for all Parties should continue.

Conservation and public awareness

- Conservation programmes in those range States which do not yet have one should be established and financial and technical assistance should be provided by donor States as needed.
- International conservation programmes that emphasise local development and education should be implemented, and more donor States should become involved in this effort.
- Since many range States are also consumers of Tiger products, they should engage in public education programmes to educate users about use of Tiger products and its consequences for wild Tigers, and the availability of alternatives and substitutes.

RANGE STATES

Bangladesh

Bangladesh is home to 300-460 Indian Tigers located along the border with India and possibly in the south in the Chittagong hills. Confirmed sightings in three protected areas, including the Sundarbans Tiger Reserve which likely houses the largest surviving population in the world, have been made. No surveys have been conducted in the Chittagong Hill Tracts and the population status of Tigers in this area is unknown. However reports of men being wounded by Tigers were filed to the Divisional Forest Officer in this area in 1985 (Anon., 1995a).

Tigers in Bangladesh are threatened by poaching and habitat loss. From 1975 to 1991 as many as 14 Tigers were poached. Natural disasters are also a problem for Tigers. A cyclone in 1988 was thought to have killed nine Tigers (Anon., 1995a).

Tigers have been responsible for human fatality in 23 cases which were reported between 1975 and 1992 (Anon., 1995a). It is estimated that in the Sunderbans, which overlaps the Indo-Bangladesh border, Tigers are responsible for a considerable number of deaths per year. Many of these deaths go unreported since they occur in the core area of reserves that is set aside for wildlife and any people in the area are there illegally (Montgomery, 1995).

Trade control legislation, enforcement and penalties

Bangladesh acceded to CITES in February 1982. While there is no specific legislation in Bangladesh to implement CITES, endangered species are protected under the *Bangladesh Wild Life Preservation Act* (1974). Hunting and capturing Tiger (listed on the Third Schedule as a protected animal) is legally prohibited unless an individual animal becomes a threat to public life.

Tigers are considered the property of the government and sale, acquisition and/or possession of Tigers and/or Tiger trophies requires a permit from the government as well as a Certificate of Lawful Possession for the person in possession of the item. Trophies are defined as any durable animal part, e.g. bone, skin whether or not included in a manufactured or processed article. However, the law does not state that products purporting to contain Tiger would be considered under this legislation.

Importation of Tiger-related items requires both proof that the item was legally exported from the State of origin and an import permit issued by the Government of Bangladesh. Exportation of Tiger-related items also requires a government-issued permit. In both cases, the transaction must take place at a designated Customs port of entry.

Dealer's permits can be issued by the government. These must be renewed annually and require maintenance of records which are inspected. A dealer's permit does not exempt the individual from the import and export requirements of the Act.

Enforcement is the responsibility of the Forest Department. Rewards are offered to persons who render assistance in apprehending criminals. The right to seize and confiscate is granted to Forest officers and Police officers acting on behalf of the government to enforce the Act.

Violations of the Act are subject to imprisonment for six months to one year and/or fines of BDT500-1000

(US\$12-24). Interference with an officer attempting to discharge his duties is subject to a fine of BDT1000-2000 (US\$24-48) and one to two years in prison. The Act also specifies that "nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law... or from being liable under any other law to a any higher punishment or penalty than that provided by this Act".

No data on Tiger-related trade violations since the ninth meeting of the Conference of the Parties to CITES was available at the time of writing this report. No information on whether confiscated items are held in stock or destroyed was available.

In a report given to the CITES Asian Regional Meeting, Bangladesh officials stated that illegal trade in Tiger bones or other parts is not known in their State. The last seizure of an illegally held Tiger skin occurred in August 1992 (Anon., 1995a).

The Ministry of Environment and Forests, in co-operation with the United States-Asia Environmental Partnership (USAEP) and the USFWS held a CITES implementation workshop in Dhaka in April 1995.

Multilateral agreements

Bangladesh is a signatory to the Beijing Statement.

Conservation, public awareness and education

The Sunderbans region, which Bangladesh shares with India, has been identified as a high priority area for Tiger conservation, due to its unique ecosystem (Dinerstein *et al.*, 1997). Three small, unconnected Tiger reserves in the mangrove forests of Bangladesh have been expanded to cover a contiguous area of 1397km² adjoining the Sunderbans Tiger Reserve in India, thereby creating a total protected area of 4000 km² (Anon., 1996a).

In an effort to control domestic trade in wildlife, in particular items geared towards tourists, an education campaign was initiated in April 1995 including posters, stickers and billboards advocating wildlife conservation (Brooks *et al.*, 1995).

Bhutan

The most recent Tiger assessment in Bhutan (which is still under way) provides estimates between 50-120 animals, of which 60% are likely found within five protected areas: Royal Manas National Park, Jigme Dorji National Park, Black Mountain National Park, Thrumshingla National Park and Phipsoo wildlife sanctuary. During the course of the ongoing survey, sign of Tiger was found at altitudes of 3300m, indicating that a possible shortage of prey or forest cover at lower altitudes was forcing the animals to explore higher terrain (M. Norbu Sherpa, *in litt.*, January 1997, although it is unlikely that they are resident at these altitudes (P. Jackson, *in litt.*, April 1997).

Traditional Bhutanese medicine has a formulary based on classical Tibetan medicine and contains several animal ingredients. Tibetan medicine texts contain formulations that include both Tiger bone and whiskers, although the current formulary of the National Institute of Traditional Medicine in Thimphu contains no formulations with Tiger-based ingredients.

Although Bhutan has established an anti-poaching programme, poaching continues due to the lucrative

benefits from sale of wildlife products, a shortage of enforcement manpower, ability of local people to kill any wildlife that preys on their livestock and a low level of public awareness of the problems facing Tigers in the world (Anon., 1995b).

Trade control legislation, enforcement and penalties

Bhutan is not yet a party to CITES however, for many years, government representatives have stated its intention to join. In 1995, the *Forest And Nature Conservation Act 1995* came into force and replaced the *Bhutan Forest Act of 1969*. The Tiger *P. tigris* is included in Schedule I of the list of totally protected species in Bhutan. All Schedule I wildlife in Bhutan "may not be killed, injured, destroyed, captured, collected or otherwise taken..." whether or not they are in government reserves. However, there are exceptions to this law including 1) defence of human life and/or livestock; 2) defence of crops or private property; 3) accident (if so certified by a local Forest Officer; and 4) issuance of a special collection permit for either scientific or conservation purposes or for purposes of culling and control. The law applies to "forest produce" which includes wild animal parts and products but does not specifically include labelling in the definition of recognisable parts.

Import and export of wildlife in Bhutan requires a permit issued by the Ministry certifying lawful acquisition (for exports) and a document stating that in the Ministry's opinion export will not be detrimental to the survival of the species. Possession of wild animals or their parts also requires a permit. Domestic trade is completely banned.

Forest officers are authorised to search for and seize illegally obtained wildlife as well as to detain and arrest any suspects. In addition, any equipment used to assist in the illegal activity (e.g. vehicles, weapons) can also be confiscated.

Violations of the Act are subject to up to five years imprisonment and/or a monetary fine of BTN10 000 (US\$280) for each Tiger. Rewards of up to one half the value of forest produce illegally obtained may be offered to those providing information which leads to apprehension of offenders. Any materials seized are held by the Forestry Department in Thimphu (Sangay Wangchuk, Royal Government of Bhutan Forestry Department, pers. comm., July 1996).

There have been no Tiger-related offences reported since the last meeting of the Conference of the Parties to CITES (U. Norbu, WWF Bhutan Programme Office, pers. comm., March 1997).

The Bhutan Government, in collaboration with the WWF Bhutan Programme Office, held a workshop on control of trade in wildlife parts and products on 27 November 1995 and representatives from the police, Customs and forestry staff participated. These workshops are expected to continue on an annual basis.

Multilateral agreements

The Royal Manas National Park in southern Bhutan borders India and the Indian Project Tiger Reserve is contiguous with Royal Manas along the entire border. The Bhutanese and Indian Governments have co-operated to manage the Manas ecosystem as a whole.

Conservation, public awareness and education

The Ministry of Agriculture, with WWF support, has begun the Bhutan Tiger Conservation Project to assess the approximate number of Tigers and habitat in the State. Twenty people have been trained in

survey techniques; survey work has begun in central Bhutan; and experts have confirmed sign of ~80 Tigers. (Kuensel 16 November 1996)

Anti-poaching programmes, including training and workshops for staff, are planned for 1997, with the support of WWF.

Cambodia

Cambodia may have as many as 100-200 Indo-Chinese Tigers within its borders. Cambodia still has 56 per cent forest cover and could potentially support more than 500 Tigers but pressures from hunting and war have led to more conservative estimates of Tiger numbers.

Wildlife in Cambodia has been under threat for many years due to war. However, with cessation of war and the installation of a democratically elected government in 1993 and an improving economy the picture for wildlife has not improved since levels of wildlife trade have increased and Tiger parts are openly displayed for sale. In early 1995, Cambodian authorities estimated that two or three Tigers were killed per month (Jackson and Kemf, 1996).

A survey of wildlife markets in Cambodia in early 1994 reported prices of US\$250-1500 for live Tigers and US\$55-100/kg for Tiger bones (Martin, 1995). In a recent survey of wildlife markets in Cambodia, Tiger bone, skin or teeth were found in 5% of shops visited in Phnom Penh's O Russei market and Tiger claws were found in 9% of shops visited (Martin and Phipps, 1996). In addition, Tiger claws, skull and teeth were available at several souvenir shops in Phnom Penh.

Trade control legislation, enforcement and penalties

Although not a member of CITES, Cambodia has expressed interest in joining the Convention. Guidelines for accession were drafted for Cambodia by TRAFFIC Southeast Asia and presented to the government in November 1994 (Broad and Phipps, 1994). Meetings have been held regarding accession however no decision on who the Management Authority or the Scientific Authority would be could be reached.

The Wildlife Protection Office of the Forestry Department is drafting a Wildlife Conservation Act which is intended to replace current decrees and declarations and provide the basis for CITES implementation when Cambodia accedes to the treaty. It is unlikely that Cambodia will join CITES by the tenth meeting of the Conference of the Parties to CITES (Lic Vuthy, WPO, Ministry of Forestry, *in litt.*, January 1997).

In Cambodia, the Constitution defines permissible subject matter for legislation and to date, nature conservation has not been constitutionally approved by the National Assembly as a subject for development of laws. Therefore, although several *Krets* (Decrees) and *Prakas* (Declarations) have been issued regarding wildlife trade, they are unenforceable without national legislation (Esler, 1996).

On 25 June 1988 the Council of Ministers issued the *Forest Practice Rules* (*Kret No. 35*) Article 22 which forbids hunting of all wild game and birds "until a new law is issued". Game hunting was banned pending the issuance of a list of protected species but as of March 1997 this list has not been issued. Therefore, this aspect of the *Kret* is impossible to enforce.

The *Kret* also covers domestic trade in Tigers including sale, purchase and possession. Violations are

punishable, in theory, by imprisonment with the sentence determined by the judge based on the seriousness of the crime and in consultation with the Wildlife Protection Office of the Department of Forestry.

On 1 August 1994, the Ministry of Agriculture officially declared *Regulation No. 359 on Hunting and Non-Wildlife Trade*. Enforcement is the responsibility of the Wildlife Protection Office of the Forestry Department. Trade of "new items" are prohibited but sales of old items such as antique bracelets are technically still legal (Martin and Phipps, 1996).

In 1996, the government issued a joint announcement by the Ministers of Economics and Agriculture the *Prakas No. 1568 on the Prevention of the destruction of wildlife in the Kingdom of Cambodia (1996)* to prohibit hunting, trading, and transport of wildlife included on the schedule. Particular reference is made to restaurants and other consumer businesses. The *Praka* provides for confiscation of items but not prosecution.

Both the *Kret No. 35* and *Praka No. 1568* are not passed as laws in Cambodia and do not provide a legal basis for protection. Enforcement efforts for these two decrees are minimal since no penalties can be levied. Occasional spot checks are undertaken by wildlife officers and confiscation may occur but no legal framework exists in Cambodia to penalise or deal with confiscated material. Despite these shortcomings, there is a feeling among enforcement staff in Cambodia that spot checks are having some deterrent effect since several restaurants have been closed down following such checks.

Wildlife within nature reserves and sanctuaries are under the jurisdiction of the Ministry of Environment while wildlife outside the reserves comes under the purview of the Forestry Department (under the Ministry of Agriculture).

Reported Tiger-related offences since 1994

Date	Items	Case History
1994-1995	5 skins	Confiscated
1995	1 live Tiger	Confiscated from businessman

Source: Cambodia Wildlife Protection Office

Seized animals are sent to zoos in Cambodia while Tiger parts and products are held in the charge of the WPO. Any privately owned Tigers or Tiger parts are not registered or inspected.

Representatives from Cambodia attended a workshop in Hanoi (March 1995) discussing control of trade in Tiger parts across the borders of Vietnam, Lao PDR and Cambodia. Cambodian representatives attended a CITES enforcement training seminar held in Hong Kong in 1996.

Multilateral agreements

Cambodia is one of the signatories to the Beijing Statement of October 1995.

Conservation, public awareness and education

With the assistance of IUCN, Cambodia is developing a national protected area system for biodiversity conservation. A project to conduct surveys of Tiger habitat in Cambodia and develop Tiger management plans is also receiving NGO support.

The government has conducted poster campaigns from 1993 to 1997 on endangered species as well as produced a calendar (1996 and 1997) featuring endangered species. Meetings have been held with businessmen who collect trophies of endangered species. A video featuring performances by well known Khmer singers singing nature conservation songs has been used on Cambodian television.

China

China is home to several of the Tiger subspecies. Sightings of Tigers have been confirmed in 21 protected areas in China (Jackson and Kemf, 1996). Only a small population (< 50 individuals) of South China Tiger remains in the south east while a few Siberian Tigers may still be located in the north-eastern part of the State. Some Indo-Chinese Tigers range the border area to the south. A few Indian Tigers still reside in South-eastern Tibet where conflicts with local people have stimulated the Forest Department of the Tibet Autonomous Region to consider resettling these villagers outside the Tiger's range (Qiu, 1996). Wild prey in this area is so scarce that population studies on Tigers are done using estimates based on number of livestock killed by Tigers (Qiu and Zhang, 1996).

From 1990 to 1992, China exported more than 27 million units of Tiger products to 26 different countries and territories (Mulliken and Haywood, 1994). During the same period, China reported importing more than 49 000 units of Tiger products from the USA, Japan and Luxembourg (Mills and Jackson, 1994). China was both a major consumer and producer of Tiger products.

In 1993, China was one of two countries certified by the US Department of the Interior under the Pelly Amendment for possible trade sanctions in response to evidence of continuing illegal trade in rhinoceros and Tiger products. China banned domestic trade in Tiger and rhinoceros soon after the certification. As of March 1997, China remains certified under the Pelly Amendment but no sanctions have been imposed.

Trade control legislation, enforcement and penalties

China became a Party to CITES in April 1981. There are several laws in China involved in wildlife conservation and trade control including the *Criminal Law of the People's Republic of China (1980)*, the *Customs Law of the People's Republic of China (1987)* and the *Law of the People's Republic of China on the Protection of Wildlife (1989)*. None of these laws specifically implement CITES. China has now drafted the Regulations on Wild Fauna and Flora Import and Export which is expected to be submitted to the State Council in the summer of 1997 (Z. Fan, *in litt.*, February 1997).

The *Law of the People's Republic of China on the Protection of Wildlife* was adopted at the 4th meeting of the Standing Committee of the National People's Congress in 1988 and became effective on 1 March 1989 and provides to Tigers, which are listed on Schedule I of fully protected animals in China, the maximum protection in the wild. While hunting of wildlife is prohibited, the law does allow capture of wildlife for scientific purposes including domestication once a permit has been obtained. Article 17 of the wildlife law explains that "the State shall encourage the domestication and breeding of wildlife". Sale, purchase and utilisation of wildlife or the products thereof are also prohibited although under special circumstances, such as scientific research or domestication, permission may be granted by the State.

Enforcement of the laws is the responsibility of the police agencies in China. Confiscated items are held in stock following marking via a number and weighing. The law states that citizens have the duty to protect wildlife resources and the right to inform authorities about destruction of those resources but makes no provisions for rewards for such actions.

Import and export of non-indigenous wildlife for breeding/domestication purposes, is controlled by the *Regulation for the Enforcement for the Protection of Terrestrial Wildlife of The People's Republic of China* (1992). Domestic wildlife trade control in China is governed by these laws as well as the *Decision of the Standing Committee of the National People's Congress regarding the severe punishment of criminals who seriously sabotage the economy*. Minimum penalties for violations of any of these laws are monetary fines while the maximum penalty is death. No specific penalties are listed.

On 29 May 1993, China issued a legal notice (*Circular Concerning the Ban on trade in Rhinoceros Horns and Tiger Bones*) prohibiting importation, exportation, sale, purchase and transport and pharmaceutical use of Tiger bone and publicised the ban in newspapers, and on radio and television (Mills and Jackson, 1994). Any product marked, even if falsely marked, as containing these derivatives will be treated under law as if they contain such derivatives. Although the ban is clear about most trade activities it is unclear as regards possession. Possession and personal use of Tiger-based items, if legally obtained prior to the ban, may still be legal in China.

Since the May 1993 ban, there have been two instances of stocks of illegal materials seized being destroyed, including real and fake Tiger bones and medicines in Harbin, Heilongjiang in January 1994 and analgesic ointments containing Tiger bone in Nanning, Guangxi in September 1994 (China CITES Management Authority, *in litt.*, January 1997).

In March 1994, the Chinese Management Authority informed the Standing Committee that although the May 1993 ban prohibited trade and use of Tiger-based medications, some hospitals continued to use stocks of these medicines which were produced prior to the ban. In 1996, The State Administration of the Traditional Chinese Medicine, the Ministry of Health, the Ministry of Forestry and the Ministry of Finance produced specific management measures and regulations stipulating that these medicines could only be used in designated hospitals within a period of three years and should not be sold. The Chinese Management Authority asked for the understanding of the Standing Committee and the Secretariat on this issue (Anon., 1996m).

Reported Tiger-related offences since 1994

Date	Items	Prosecution results
January 1995	Tiger	farmer Li Hao killed a Tiger in a Shenyang zoo in 1993; death sentence issued 12 January 1995
22 March 1995	one Tiger bone and one skin	Kong Fantao and 13 accomplices attempted to smuggle items from Russia; bone and skin confiscated and held by police; all criminals jailed
27 August 1995	bone and skin	Qian Xiuri and eight accomplices captured by Jilin Police; bone and skin confiscated, held by police; all criminals imprisoned
September 1995	bones	Kang Hushan captured by Forestry Police of Jilin province; bones confiscated, held by police; Kang imprisoned
October 1996	bones	bones confiscated in Guangdong, held by police; criminals imprisoned

Source: China CITES Management Authority and Associated Press 18 January 1995 (January 1995 violation) NB. Specific prison terms were not available however prison terms ranged from 1.5 to 17 years.

All confiscated items are held in stocks, marked and registered by the authorities who did the confiscation. No annual inspection of these facilities are required although periodic inspection of both government, hospital and privately held stocks does occur.

Chinese officials attended a CITES enforcement training seminar held in Hong Kong in November 1996. Representatives of the USFWS were hosted by the Ministry of Forestry in November 1996 and discussions about CITES implementation in China, captive management of species used in traditional medicine and the new Detecting Centre at the College of Wildlife Resources at Northeast Forestry University in Harbin in Northeast China.

Multilateral agreements

In April 1994, Vietnam signed an agreement of co-operation in Forestry with the People's Republic of China. The Sino-Vietnamese working group on Forestry Co-operation held a panel discussion on 19-20 December 1995 regarding joint prevention and control of illegal trading of wildlife along the border. As a result of the discussions, both sides agreed to continue to abide by CITES stipulations, to crack down on illegal trading of wildlife along the border between Vietnam and China in accordance with laws in both countries.

On 2 March 1995, China and India signed an agreement (The Protocol on the Conservation of the Tiger) committing both nations to improving control of the trade in Tiger parts. However, no follow-up activities have resulted from this agreement. The agreement includes a special reference to "sustainable development of the species" and reference to co-operation on captive breeding of Tigers which has drawn criticism from several foreign scientists.

China's Ministry of Forestry hosted a workshop on 23-24 October 1995 in Beijing for representatives from 20 countries and territories in an effort to control illegal wildlife trade. The result was the Beijing Statement which acknowledges that the illegal wildlife trade is still rife in Asia and stimulates poaching. China has also agreed to work co-operatively with Russia on Siberian Tiger surveys and research.

The CITES Management Authority of China feels that CITES should take measures to support captive breeding of rhinoceros and Tigers by providing assistance of related techniques and funds for range States (Z. Fan., *in litt.*, January 1997).

Conservation, public awareness and education

The Chinese Government has elected to budget RMB300 million (US\$36 million) to protect South China Tigers in their ninth five-year period (China Environment News, 15 October 1995). The funds will be used to establish a nature reserve in South China Tiger habitat, create corridors between habitats and to establish a breeding station where Tigers "will be trained and released into the wild". Although there has been no further progress to date on establishing the nature reserve, the Ministry of Construction, in co-operation with the IUCN/SSC Conservation Breeding Specialist Group, has set up a Tiger breeding centre in the Hangzhou Zoo, Zhejiang Province (Z. Fan, *in litt.*, 2 February 1997).

While China's wild populations of Tigers are nearing extinction, there is some consideration of reintroducing captive-bred Tigers to the wild. The breeding centre for Siberian Tigers in Hengdaohezi in north-eastern China has suggested re-introduction as a potential project for funding support for their facility (Martin *et al.*, 1991). In 1992 and 1994, China requested CITES recognition of the centre in order to be able to sell Tiger parts on the international market to raise funds to maintain the centre. On both

occasions the requests were withdrawn before presentation to the meeting of the Conference of the Parties to CITES and no request is being made for the tenth meeting (P. Jackson, *in litt.*, April 1997).

In addition, all Tiger parts and/or derivatives used in traditional medicine have been removed from the National Medicine Dictionary which is the official Chinese Pharmacopoeia in use for practitioners of traditional medicine in China.

India

India, with 2500-3750 Indian Tigers, has the largest remaining population of wild Tigers of any State in the world. Sightings have been confirmed in 66 protected areas across the State (Jackson and Kemf, 1996).

India reported export of two Tiger bodies to Russia in 1988 and a few other international transactions of live Tigers and Tiger skins. However, Indian CITES records from 1975 to 1992 contain no reports of Tiger bone export even though South Korea reported receiving 258kg of Tiger bone from India during that time (Mills and Jackson, 1994).

Conservation in India has been hampered by many problems. In 1992-1993, the Central Government transferred the responsibility for dealing with poaching and illegal trade in wildlife to the State Governments along with the allocated funds but the money was merged in general revenues of the State and was not available when needed for enforcement efforts (Anon., 1996b).

A survey of 15 Project Tiger Reserves, carried out in 1995, revealed several problems including unclear legal status of reserves, lack of an armed strike force, late arrival of budget funds, and lack of basic equipment to combat poaching. In addition, several reserves have not been properly demarcated making it difficult to manage (Anon., 1996c).

In 1994, seizures of Tiger skins and bone provided evidence of 50 poached Tigers (Anon., 1995c) while in 1995, seized bone and skins were estimated to account for about 73 Tigers (Anon., 1996d). Tiger prey is also falling victim to poachers and making survival of Tigers that manage to avoid poachers more difficult.

Trade control legislation, enforcement and penalties

India acceded to CITES in October 1976. India has no laws to specifically implement CITES but import and export of Tiger products are controlled by the *Export and Import Policy (1992-1997)* (EXIM). Although not specifically a wildlife law, EXIM provides the framework for permitting and international trade control of wildlife specimens. All export and import of wild animals are permitted only through one of five designated ports: Bombay, Calcutta, Delhi, Madras and Cochin. Exports and imports of totally protected species, including Tigers, is prohibited except for scientific or zoological purposes.

All violations of EXIM are also considered offences under the Customs regulations and liable to those penalties as well. Possession of illegally traded items is not controlled by EXIM.

Domestic trade and possession of wild animals, parts, derivatives or trophies is controlled by the *Wildlife (Protection) Act 1972*. Since Tigers are listed on Schedule I of the Act, all trade in Tigers and their parts is banned. Labelling, as on traditional medicines, is not mentioned in the Act as a means of identification of recognisable parts. The Act is in effect everywhere in India except for the State of Jammu and Kashmir which has its own wildlife protection legislation.

Illegal trade of wildlife is subject to a penalty of INR1000 (US\$28) or five times the value of the item traded, whichever is higher and up to one year in prison. Violations of domestic trade laws are subject to fines of up to INR5000 (US\$140) and one to seven years in prison. Possession of illegally traded specimens is liable to a fine of INR25 000 (US\$700) and up to six years in prison. In the case of Tiger, under the Act, offences are punishable by a minimum imprisonment of one year and an additional fine in any amount the court may deem fit, in excess of INR5000 (US\$140).

Under the *Customs Act*, illegal trade in wildlife is subject to a penalty of INR1000 or five times the value of the item traded.

In October 1995, the Indian Government told the CITES Asia Regional Meeting it had seized a half tonne of Tiger bone so far that year.

Reported Tiger-related offences since 1994

Date	Items	Case History
10 August 1994	50kg bones, two skulls, 145 claws, seven teeth, three skins	two arrests and following interrogation three more skins seized and one more person arrested
15 September 1994	two Tiger skins, 15kg bone	Gang of poachers arrested following two raids in Uttar Pradesh
29 December 1994	one skin	four people arrested and skin seized; consignment destined for Nepal; prosecution pending
1 March 1995	three skins, 35kg bones	45 arrests following raids near Kanha Tiger reserve
15 March 1995	skin	three arrests following raid on wildlife trader's factory in Puri Orissa
March/April 1995	two skins	seized in separate incidents in Bihar; arrests made
April 1995	two skins, two skeletons	seized in separate incidents in Mandla, Chhindwara and Bastar Districts
10 October 1995	one skin, 10kg bone	one dealer in Agra arrested
21 January 1996	one skin	eight arrests in Maharashtra
29 January 1996	one skin	Seized in West Bengal but believed to have originated in Assam
29 February 1996	one skin	six arrests in Uttar Pradesh
15 March 1996	one skin	four arrests in Uttar Pradesh
30 March 1996	three skins	four arrests in Uttar Pradesh
8 April 1996	12+ fake skins	Seized in Uttar Pradesh; reported large numbers of fake skins in this area
16 April 1996	six skins	one arrest in Delhi
29 April 1996	one skin	three arrests in Orissa

Source: *TRAFFIC Bulletin* 15(1), 15(2), 15(3), 16(1), 16(2)

Note: Under the Act, persons arrested are apprehended, brought before a magistrate and, in most cases released on bail, pending final disposition of the case which can take years.

Any live Tigers seized are sent to zoos while all other Tiger items seized are destroyed.

In February 1995, a CITES implementation workshop was conducted by the CITES Secretariat and the USFWS (Division of Law Enforcement) in Delhi, India. In 1996, a national co-ordination committee comprised of various enforcement agencies was established to improve enforcement activity throughout the State.

A co-operative project between the USFWS and the Wildlife Institute of India involves establishing wildlife forensic laboratory facilities at the Institute. This project also includes development of computer databases and conservation management techniques for Tiger.

As per recommendations made in Resolution Conf. 9.13, India has designated Mr. P. K. Sen, Director of Project Tiger, and Mr. Vinod Rishi, Secretary of the Global Tiger Forum, as the contact persons on issues concerning the trade in Tiger specimens (Anon., 1996m).

Multilateral agreements

On 2 March 1995, India and China signed an agreement (The Protocol on the Conservation of the Tiger) committing both nations to improving control of the trade in Tiger parts. Nepal and India held a bilateral meeting in January 1997 to discuss joint action to control illegal trade across their border.

The Manas Tiger Reserve in eastern India borders with Bhutan and is contiguous with the Royal Manas National Park along the entire border. Indian and Bhutanese Governments have co-operated to manage the Manas ecosystem as a whole unit.

Conservation, public awareness and education

In 1994, the Indian Government set up a committee to evaluate Project Tiger. The Wildlife Institute of India served as consultants for the analysis and recommended that the Project be expanded, both in funding and scope (Anon., 1996e). As of 1997, there are 23 protected areas included in Project Tiger covering 33 000 km² of India's forest in 14 states.

The Global Environment Facility (GEF) has approved a bid to fund a project which would improve management of six Tiger areas in India (Anon., 1996l)

India's main national TV station has aired public service ads including one called "Save the Tiger" nationwide during prime time. No other public awareness campaigns have been launched by the government. The Ministry of Tourism has begun to include information on illegal wildlife trade on all passenger embarkation cards.

Indonesia

Indonesia was home to several subspecies of Tiger but today only 400-500 Sumatran Tigers remain. Seven protected areas in Indonesia have reported sightings (Jackson and Kemf, 1996). Some hope exists that a few Bali Tigers may remain but no claims have been verified. Up to 80 per cent of the Sumatran Tigers live within protected areas (five national parks and two game reserves) while 20 per cent are in unprotected areas likely to be converted to agriculture (Tilson, 1996)

Although Indonesia joined CITES in 1979, export of Tiger bone continued with 2619kg of bone going to

South Korea between 1980 and 1992 as reported by the South Korean Customs administration. Taiwanese trade records also list Indonesia as a Tiger bone exporter after accession to CITES (Mills and Jackson, 1994).

Organised poaching rings are not thought to be operating in northern Sumatra, but opportunistic or deliberate hunting by farmers living on the edge of protected areas occurs (Plowden and Bowles, 1997). Gold shops in Sumatra's main communities are the centre of the commercial domestic market. Interestingly, Tiger part vendors were not concerned about the illegality and potential danger of openly dealing in Tigers while great caution was shown when rhino products were discussed. (Plowden and Bowles, 1997).

Trade control legislation, enforcement and penalties

Indonesia acceded to CITES in March 1979. There is no specific CITES implementing legislation in Indonesia but the *Act of the Republic of Indonesia No. 5 of 1990 Concerning Conservation of Living Resources and Their Ecosystems* (CLRE) allows the provisions of the Convention to be implemented and is the legal basis for protection of the Tiger. The Act lists Sumatran Tigers as protected but other Tiger subspecies not endemic to Indonesia are not protected under the Act.

The Act controls both international and domestic trade by prohibiting killing, possession and trade of live protected animals as well as trade, possession, transfer, import or export of dead protected animals or parts of the animal. No specific reference is made to readily recognisable derivatives such as might be found in traditional medicines and it is likely that they are not covered under this law. Exceptions are made in cases where the animal endangers human life or for purposes of research and safeguarding of the animals.

Intentional illegal trade or possession of protected animals is subject to a fine of IDR100 million (US\$42 175) and imprisonment of up to five years. Violations through negligence of wildlife trade law is subject to a fine of IDR50 million (US\$21 100) and prison of up to one year.

By presidential decree, the Directorate General of Forest Protection and Nature Conservation (PHPA) of the Ministry of Forestry is responsible for enforcement of the Act, but due to Indonesia's geography of thousands of islands, enforcement is difficult. Even so, intelligence operations are carried out in Jakarta and regular monthly patrols of conservation areas in Sumatra and Meru Betiri are conducted.

Under the terms of *Decree No. 556/KPTS II/1989 (Concerning the Permit of Capture/Take, Care for, Transport in and/or outside of the Republic of Indonesia for Wild Animals and Plants or parts thereof)* permits for taking wildlife must be obtained from the Director General of PHPA and export can only be authorised by the Minister of Forestry.

Wildlife can only be taken for purposes including use as gifts of State; captive conservation collections, scientific research and population control. Several protected animals, including Tiger, fall under this Decree and can be taken only for specific purposes and with appropriate permits and authorisation as outlined in the Decree.

There have been no reported Tiger-related offences since the ninth meeting of the Conference of the Parties to CITES.

Indonesian legislation allows the government to seize and confiscate specimens of protected animals

involved in violations. All items seized are held in stocks or used in research and education activities. All stocks held, both government and privately owned, are marked and registered. Government held stocks are consolidated.

At the CITES Asia Regional Meeting in 1995, Indonesia stated that poaching of Sumatran Tigers was "uncontrolled and illegal hunting and trading pressure on Tigers were overwhelming" (Jackson and Kemf, 1996).

The Indonesian management authority reports that CITES has been useful in assisting with conservation in Indonesia but further assistance with training in CITES implementation for all personnel involved in species trade as well as increasing public awareness of Tiger conservation would be useful.

Multilateral agreements

As a Tiger range state, Indonesia is eligible to be a member of the Global Tiger Forum, however membership has been declined by the Indonesian Government. Indonesia is a signatory to the Beijing Statement.

Conservation, public awareness and education

Training on wildlife management for local PHPA officers is organised annually at the Forestry Training Centre in Bogor for staff from all of Indonesia's islands. There is also a Tiger breeding project under way in Bogor (1995-1997). The remainder of the specific Tiger conservation efforts are concentrated on the island of Sumatra where the last remaining Indonesian Tigers live.

The Sumatran Tiger project is a long-term field study of Tigers involving the Indonesian Department of Forest Protection and Nature Conservation (PHPA), the IUCN/SSC CBSG and several NGOs. A database is being established in Jakarta along with training seminars for staff. In Sumatra integrated conservation development projects are being implemented and development of photo trapping techniques perfected.

The World Bank is supporting a conservation project in Kerinci in west Sumatra where Tigers are known to range. Support from the US Rhinoceros and Tiger Fund will be used to support an Adopt-a-Warden campaign and a community education programme at Way Kambas National Park in Sumatra. In 1996, photo equipment manufacturer Kodak pledged IDR50 million (US\$21 000) to Sumatran Tiger conservation and some of the money is expected to be used to insert more conservation messages into the formal school curriculum.

Lao PDR

Although it is known that Indo-Chinese Tigers are present in Lao PDR, surveys to establish the numbers of individuals have not been completed. Tigers are believed to range throughout the southern half of the State where there are a few confirmed records. A protected area system has only recently been established and sightings of Tiger have been reported in 16 (Jackson and Kemf, 1996).

Tigers have been reported as the major culprit in 44 per cent of livestock predations in Vietnam taking mainly water buffalo, cattle and pigs. In addition, Tiger parts are valued as amulets, ingredients in traditional medicines and as curios for sale in neighbouring China, Vietnam and Thailand. Therefore, despite their protected status they are "probably shot whenever opportunity permits" (Salter, 1993).

Traditional medicine is an important part of primary health care in the Lao PDR. Within Lao PDR there are an estimated 68 different ethnic groups using a wide variety of traditional medicine systems. Tiger teeth are used to cure poison and treat joint diseases, Tiger bone is used to increase strength and relieve waist pain while Tiger gall bladder is used as part of a mix to treat diabetes (Baird, 1995).

Surveys of Tiger parts in markets in Lao in 1989 reported Tiger bones were one of the products most in demand and were available at Luang Namtha and Oudomsay at a cost of LAK70 000-120 000/kg (US\$74-127). Tiger skins were available in Vientiane (four skins seen) for US\$400-800 as were Tiger claws. (Chazee, 1990)

Although much of the wildlife trade in Lao PDR is for domestic use, trade across borders with China, Myanmar, Thailand, Cambodia and Vietnam does occur (Nash and Broad, 1993). Of these, Myanmar and Cambodia are not Parties to CITES.

Trade control legislation, enforcement and penalties

Lao PDR is not a party to CITES but the Directorate of Wildlife and Fisheries Conservation issues import and export permits comparable to CITES. Guidelines for accession to CITES were prepared by TRAFFIC Southeast Asia and presented to the Lao PDR government in March 1993 (Nash and Broad, 1993).

Within Lao PDR, the government agency currently responsible for wildlife import/export control is the Department of Forestry of the Ministry of Agriculture and Forestry. All wild animals in the Lao PDR are considered to be the property of the State. Wildlife conservation and trade control is managed under several different decrees.

The *Decree on the Protection of Forest No. 74/CCM (1979)* prohibits hunting during breeding season or within 10km of international boundaries. In October 1986, the *Decree in Relation to the Prohibition of Wildlife Trade No. 185/CCM (1986)* was passed banning all wildlife trade. This Decree prohibited all wildlife trade including derivatives. Wildlife is considered the property of the State.

The *Decree on the State Tax System No. 47/CCM (1989)* specifies that persons intending to exploit natural resources must request a licence and pay taxes on the resource. Article 16 lists wildlife and parts subject to tax. This Decree appears to nullify Decree No. 185 although this is not officially stated. Tax rates of three to 20 per cent are applicable to various animal parts and a rate of five per cent is applicable to Tigers (Madar and Salter, 1990). Responsibility for enforcement is given to Forestry authorities. Violations of the Decree are subject to punishment but no specific punishment is listed. However, violations of State tax regulations are punishable by three months to three years in prison or fines.

The *Decree on Management and protection of Aquatic Animals and Wild Animals and on Hunting and Fish No. 118/CCM (1989)* gives the highest degree of protection to Tigers. Hunting of Tigers is forbidden. Import or export of Tigers, or Tiger parts must be accompanied by a certificate of origin and authorisation for removal. All Lao citizens have the right to capture or kill wildlife if the animal is endangering human life but the captured or killed animal then becomes the property of the State.

Illegal hunting or trading of species listed on Schedule I of the instructions, which includes the Tiger (*P. tigris* – no subspecies listed), are subject to fines of LAK50 000-500 000 (US\$53-530) and/or imprisonment for three months to two years (Anon., 1991). Illegal export or import of wildlife from the Lao PDR can be fines from LAK100 000-1 000 000 (US\$106-1060) and/or imprisonment for three months

to two years (Anon., 1991). Enforcement of the Decree is the responsibility of the Forestry Police (Enforcement Division).

Under the *Penal Code of Lao PDR (1990)* some specific penalties are listed. Illegal hunting of restricted species is subject to imprisonment for three months to two years. Illegal exploitation of natural resources is subject to fines of LAK5000-50 000. Illegal trade in commodities belonging to the State are subject to six months to two years in prison.

The Lao Ministry of Health and Social Welfare has issued several decrees which should govern use of wildlife/traditional medicines including 1) *1036/MH (23 August 1988)* regarding establishment of shops selling medicines; 2) *411/MH (16 July 1990)* regarding control of the import and export of medicines and their ingredients and 3) *467/MH (27 July 1990)* regarding the production of medicines. None of these decrees mentions the MOAF and their responsibility for wildlife trade control and no mention is made of which species can or cannot be sold, exported or imported (Baird, 1995)

No information on Tiger-related violations were available at the time of writing this report. Information on whether any seized material would be held in stock or destroyed was also not available.

Multilateral agreements

Lao PDR is a signatory to the Beijing Statement.

Representatives from Lao PDR attended a workshop in Hanoi (March 1995) discussing control of trade in Tiger parts across borders of Vietnam, Lao PDR and Cambodia.

Conservation, public awareness and education

The development of a Tiger Action Plan for Lao PDR is being funded by WWF.

Malaysia

Before efforts to conserve Tigers in Malaysia began in 1976, Tigers were considered a pest species. State governments paid bounties for dead Tigers until 1955 when the species was upgraded to a game animal. It is estimated that, between 1960 and 1976, 223 Tigers were killed in peninsular Malaysia (Mills and Jackson, 1994). Today, between 600 and 650 Indo-Chinese Tigers remain in Malaysia, and sightings have been confirmed in 13 protected areas (Jackson and Kemf, 1996).

Between 1990 and 1992, Malaysia imported 5691 Tiger products from China and Malaysia is also reported as an exporter of Tiger bone to South Korea with 320kg sent in 1993 (Mills and Jackson, 1994). A TRAFFIC Southeast Asia survey of 143 traditional medicine shops in six cities reported that at least 64 per cent of shops visited had one or more Chinese patent medicines with Tiger as an ingredient (Chan, 1995).

Trade control legislation, enforcement and penalties

Malaysia became a Party to CITES in January 1978. Responsibility for wildlife conservation in Malaysia is divided among the federal authorities and those in peninsular Malaysia, Sabah and Sarawak. Each region operates independently and is solely responsible for wildlife trade control within its jurisdiction. Although there is no CITES implementing legislation in Malaysia, the *Protection of Wild Life Act 1972 (Act 76)* (PWLA) was amended in 1991 to extend the PWLA's protection to CITES listed taxa.

Peninsular Malaysia

Within peninsular Malaysia the PWLA is the primary vehicle for legal protection of wildlife. The PWLA states that it is illegal to shoot, kill, take or possess any totally protected animal, which includes Tigers as they are included in CITES Appendix I, without a licence. The law includes prohibition against taking or possessing Tiger skin and other parts but does not cover processed goods made from Tiger derivatives. Exceptions may be made in cases where wildlife is endangering human life or damaging human property.

Violations with respect to totally protected wildlife are subject to a maximum penalty of MYR15 000 (US\$6000) and/or imprisonment for five years.

Game wardens in Malaysia are granted powers of search and seizure if they have reason to suspect illegal activity with respect to wildlife. Customs officers can seize material intercepted at ports of entry into Malaysia. Any material seized is held in stocks, or in the case of live Tigers, sent to Zoo Melaka which is associated with the Department.

Sarawak

In Sarawak, the *Wildlife Protection Ordinance, 1990* (WPO) which was amended in 1995 also has effect. The WPO States that no person can hunt, kill, sell, import, export or possess any totally protected animal or trophy or flesh without permission in writing from the Director. Tigers are not included in the list of totally protected animals as they are not an indigenous animal in Sarawak.

Violations of this law are subject to fines of MYR5000 (US\$2000) and/or one year in prison. Wildlife officers in Sarawak have powers of seizure and arrest. Seized material is held in stock and may be used by the government's Education Extension Unit.

Sabah

Within Sabah, the *Fauna Conservation Ordinance 1963* (FCO) is used to govern wildlife trade. The FCO prohibits import, export, hunting, capture, possession, sale, giving or receipt of scheduled animals without a licence. Parts and derivatives are covered, including processed products which are readily recognisable. The Ordinance does not contain any provisions for treating items labelled as containing products of endangered species as if they do. Tigers are not included on the schedule of protected animals.

Violations of illegal trade and illegal possession are subject to maximum fines of MYR5000 (US\$2000) and one year in jail.

Enforcement of the FCO is done by authorised officers, i.e. the Director of Wildlife, any wildlife Officer, any Wildlife Ranger, any Police Officer or any Forest Officer, who have powers of search, seizure and arrest.

Seized material is held by the department and used for educational purposes. No information on seizures/prosecutions since 1994 in peninsular Malaysia was available for this report. For either Sabah or Sarawak, no Tiger-related offences have been reported since the ninth meeting of the Conference of the Parties to CITES.

From 8-12 July 1996, Malaysia hosted a CITES enforcement training seminar for Management Authority staff and enforcement officers. From 15-17 1996, a training course for trainers was also held in Malaysia. Malaysian officials attended a CITES enforcement training seminar held in Hong Kong in November 1996.

Multilateral agreements

Bilateral discussions between Thai and Malaysian CITES management authorities to improve trade control enforcement across their common border have begun. As well, an additional District Wildlife Enforcement Office was opened in Ulu Muda district bordering Thailand in January 1995.

Malaysia was a participant in the Workshop on the Control of Wildlife Trade in the Asian Region and a signatory to the Beijing Statement in 1995.

Conservation, public awareness and education

Malaysia has been involved in Tiger conservation work since 1976 when the first efforts in Tiger management units began. Tiger population monitoring studies, captive breeding efforts at Zoo Melaka and work with local people who lose livestock to Tigers are some of the activities. The policy of shooting "problem Tigers" has been changed to one of capture and relocation to the Zoo. A database of Tiger-livestock interactions has been started but no analysis has been done to date.

Malaysia has a Tiger conservation component to its National Conservation Strategy which is being supported by WWF Malaysia. Part of this effort included hosting of the Regional Training Course on Tiger and its prey species (26 September – 8 October 1995) which was attended by participants from five Tiger range states.

In addition, Malaysia has signed a bilateral agreement with Indonesia to work co-operatively on a Tiger conservation strategy.

Myanmar

Myanmar is known to have both Indian and Indo-Chinese Tigers within its borders but the numbers of individuals have not been estimated. Bengal Tigers are located west of the Irrawaddy while Indo-Chinese Tigers are located to the east. There are currently one national park (Alaungdaw Kattapa National Park - 620 mile²) and three wildlife sanctuaries (Pidaung - 279.7 mile²; Siwe-U-Daung - 126 mile²; Mulayit - 53.5 mile²) in Myanmar which are thought to have Tigers. A survey conducted in 1994 in Tamarthi Wildlife Sanctuary in north-western Myanmar found signs of Tiger and the investigators estimated that up to 15 Tigers were living in the sanctuary (Rabinowitz *et al.*, 1995).

The border between Thailand and Myanmar recently opened and Thai journalists visiting the market in Tachilek, Myanmar (one of Myanmar's major wildlife trading centres) reported seeing wildlife products openly on sale including Tiger skins (Anon., 1996d).

Trade control legislation, enforcement and penalties

Myanmar is not a Party to CITES. However, the Law States as one of its objectives, "...to carry out in accordance with International conventions adopted by the State...". Therefore, should Myanmar accede to CITES, legislation is in place for implementation.

Myanmar has the *Protection of Wild Life and Wild Plants and Conservation of Natural Areas Law* which became effective in 1994. This law prohibits hunting within reserved forests and wildlife sanctuaries without a permit as well as possession, sale or transport of completely protected wildlife, which includes the Tiger, or any part thereof without permission. Both Indian and Indo-Chinese Tigers are specifically listed in the totally protected species list but other Tiger subspecies are not listed.

Exemptions to the possession clause may be granted in cases where the item is used as part of traditional custom and for which the owner has a certificate of registration issued by the Director General of the Forest Department. The Law also does not apply to possession, use sale, transport or transfer of a drug prepared from a part of protected wildlife.

Violation of this law, by illegal hunting, trade or possession of Tiger or their parts is subject to a fine of MMK50 000 (US\$8064) and/or up to seven years in prison. The Law States that the burden of proof of lawful ownership rests on the person against whom legal action may be taken and not on the government. Illegal specimens are confiscated by the Forest Department.

No information on Tiger-related offences since the ninth meeting of the Conference of the Parties to CITES was available at the time of completing this report. In addition, whether items seized were held in stocks or destroyed is not known.

According to the report to the CITES Asian Regional meeting held in Tokyo in 1995, Myanmar has no official trade in wildlife but illegal trade practices cannot be ruled out "as it is very difficult to control because of the many trans-boundary jungle routes to the neighbouring countries" (Tun, 1995).

Multilateral agreements

Myanmar has officially joined the Global Tiger Forum and was among the Parties to sign the Beijing Statement in October 1995.

Conservation, public awareness and education

Myanmar began implementation of its Nature Conservation and National Parks Project in 1981 with a target of five per cent of the land to be taken for establishment of a protected areas network (Tun, 1995). As of October 1995, Myanmar had three national parks and 16 wildlife sanctuaries totalling 2792 km² which is less than one half per cent of total land area for Myanmar (657 740km²). The Directorate of Wildlife and Environmental Conservation is to be upgraded to a Department status and it is hoped that more conservation activity will be possible then (Tun, 1995).

Nepal

Nepal's Tiger population is estimated to be 150-250 Indian Tigers located in the southern area bordering India, including populations in Royal Chitwan National Park and Royal Bardia National Park as well as Parsa Wildlife Reserve and Sukla Phanta wildlife reserve. Any populations outside of these protected areas have not been surveyed but it is known that there are at least two other locations where Tigers are found.

A survey conducted in Royal Chitwan National Park from November 1994 until January 1995 indicated that there were about 37 resident adult Tigers in the park at that time (McDougal, 1995). The adult population recorded is thought to represent 40 per cent of the total population and, therefore, Chitwan National Park may have almost 100 Tigers including cubs and older, non-breeding individuals. A similar Tiger survey conducted in Royal Bardia National Park in December 1995 reported 28 resident adults with an estimated total Tiger population including cubs of about 70 animals (P. Jackson, *in litt.*, April 1997).

Trade control legislation, enforcement and penalties

Nepal became a Party to CITES in September 1975. There is no CITES implementing legislation in Nepal

but wildlife trade is addressed in the *National Park and Wildlife Conservation Act, 2029* which was implemented in 1973 and has been amended four times, most recently in 1993. The Indian Tiger is listed under Schedule 1 of this Act and hunting of Tiger is prohibited. An exception is made in the case of a man-eating Tiger for which hunting is permitted following receipt of an order from the authorities.

Import or export of any animal or recognisable part thereof must obtain a recommendation from the Ministry of Forest and Soil Conservation. No protected wildlife, or trophies from them, can be sold, purchased or otherwise transferred or possessed without having written permission to do so. Trophies are defined as any body of an animal or any part which is in such form as to be recognisable and therefore likely does not cover traditional medicines made from Tiger.

Powers of inspection, search and arrest are granted to officers enforcing the Act who have reason to believe that a violation has occurred. Wildlife wardens as well as police can arrest poachers.

Within national parks in Nepal, wildlife law enforcement is carried out both by officials of the Department of National Parks and Wildlife Conservation (DNPWC) as well as the Royal Nepal Army. Over 600 military troops are stationed within Nepal's national parks. Outside of national parks, the Department of Forestry is charged with enforcement of wildlife laws but this is a low priority behind protection of tree resources (Hartman *et al.*, 1995). Within cities such as Kathmandu, enforcement of wildlife laws is the responsibility of the National Police.

Illegal hunting is punishable by imprisonment for one to three years and a fine of up to NPR15 000 (US\$263). Persons illegally selling, buying or possessing wildlife or their products are subject to a imprisonment up to four to 15 years and a fine of up to NPR100 000 (US\$1756). In the case of offences concerning Tiger, accomplices are awarded the same penalties as the offender.

In addition, the Act provides for rewards to informers who provide information leading to the conviction of anyone in illegal possession of Tiger products. The reward can be up to a maximum of NPR50 000 (US\$878).

Since 1994, there have been 14 poaching incidents filed with the DNPWC. In some cases these were encounters with armed groups in which the poachers escaped, however several poachers have been arrested and imprisoned. No specific Tiger incidents were included in the reports. In 1995 there were eight seizures of Tiger bone around Royal Chitwan National Park although some of the bone may have come from India (Anon., 1996d). Seized specimens are held in stocks under DNPWC control.

Reported Tiger-related offences since 1994

Date	Items	Case History
January to August 95	Tiger skins and 26kg bones	Seized by District Forest Office in Chitwan National Park
December 1996	Tiger bone	two rangers arrested

Source: TRAFFIC report to CITES – January 1996; The Rising Nepal, 10 January 1997

At the CITES Asia Regional Meeting in 1995, Nepal authorities reported that nine seizures of Tiger parts, most whole skeletons, had occurred in villages adjacent to two protected areas (Jackson and Kemf, 1996).

The DNPWC, in co-operation with the United States-Asia Environmental Partnership and the USFWS held a CITES implementation workshop in Kathmandu from 16-22 May 1995.

Multilateral agreements

Nepal and India held a bilateral meeting in January 1997 to discuss joint action to control illegal trade across their border.

Conservation, public awareness and education

A census of Tigers in Nepal was carried out in 1995 with the co-operation of DNPWC, the King Mahendra Trust for Nature Conservation, IUCN and NGOs (Rising Nepal, 6 January 1997). In Royal Bardia National Park an integrated conservation project has begun with the assistance of the Dutch Government. In March 1997, Nepal hosted the fourth International Tiger Field Assessment Workshop in Chitwan National Park with participants from nine of the 14 Tiger range States.

The Nepal Forum of Environmentalists newspaper Hamro Batawaran (Our Environment) is now posted on walls in rural areas to inform local people about environmental issues.

North Korea

Little is known about the state of Tiger conservation in North Korea. Less than 10 Siberian Tigers are thought to remain in North Korea along the border with China (Park-U-il, *in litt.* to P. Jackson, 1995). No reports on Tiger sightings have been received (Jackson and Kemf, 1996).

Reports from visitors to North Korean tourist sites state that bottles of "Tiger Bones Liquor" were prominently displayed for sale (Reuters, 8 May 1995). North Koreans selling these products said they knew of no domestic rules restricting sales of Tiger products.

There is also reported illegal activity involving North Korean Forestry Concessions whose employees enter Russia to work at Russian logging operations and then illegally harvest, purchase and export wildlife, including Tiger parts, back to North Korea (A. Vaisman, *in litt.* to TRAFFIC Europe, 18 March 1997).

Trade control legislation, enforcement and penalties

North Korea is not a party to CITES. North Korea has an Environment Protection Committee under the Ministry of Culture and Arts. The function and activities of this committee were not available for this report.

Multilateral agreements

North Korea is not participating in any multilateral agreement.

Conservation, public awareness and education

No known efforts in Tiger conservation have been made by the North Korean Government. North Korea does share a major forest biosphere reserve with China (the Chang Bai Shan reserve) which is contiguous with Tiger habitat in neighbouring countries. Whether or not Tigers occur in this area in North Korea is not known. As Tiger habitat shrinks the need for corridors to allow geographically separated Tigers to interact becomes important and one such corridor which has been suggested by biologists studying in this area includes North Korea (Marcot, 1995)

Russia

The first overall census over the entire Russian Far East range, carried out in February 1996, indicates that there may be more Siberian Tigers remaining in Russia than originally believed. The completed survey indicates that there are likely 415-475 Siberian Tigers, including cubs, (Matyushkin *et al.*, 1997) which is almost twice the previous estimates. Ninety-five per cent of the Russian Tiger population is one population and not fragmented as elsewhere in Tiger range (P. Jackson, *in litt.*, April 1997). Sightings have been reported in four protected areas.

Between 1989 and 1994, CITES data reports that Russia exported 242 live Tigers, two Tiger skins, one Tiger body, seven hair samples and 266 other Tiger specimens.

Within Russia there is a long tradition of hunting Tigers and with increased ease of access to Asian markets the numbers of Tigers lost have increased. In the Russian Far East in 1996, a whole Tiger carcass was worth as much as US\$15 000 (A. Vaisman, *in litt.* to TRAFFIC Europe, 18 March 1997).

Difficult economic times for the new Russia have made enforcement difficult. There are at least a dozen border crossings with China in small towns that do not have any means of legal control due to a lack of resources. Indeed, some officials have been involved in the very crimes they were employed to prevent. In 1993, a State district game manager was found guilty of poaching a Tiger and attempting to sell its pelt. He was convicted to a two year suspended sentence but retained his position with the government and is still there (I. Chestin *in litt.* to TRAFFIC Europe, 30 July 1996).

The Russian Parliament decided to award amnesty to minor criminals, including all poachers, who committed their crimes before 23 February 1994, which was the 75th anniversary of the Red Army (I. Chestin, *in litt.* to TRAFFIC International, February 1997). At least one Tiger poacher was not prosecuted due to this decision and the skin of the Tiger in question was given to the head of the District Committee for Nature Protection (I. Chestin, *in litt.* to TRAFFIC International, 1997).

Approximately 10 Tigers are killed annually in the Khabarovsk region of Russia. A large number of Tiger skins and bones are in the hands of local people and although prices are increasing, supply exceeds demand. The main buyers are Chinese (A. Vaisman, *in litt.*, to TRAFFIC Europe, 1996). People living in areas on the edge of protected spaces have admitted to killing Tigers for food (Matthiessen, 1997).

A new trend in illegal trade is now being seen in the Russian Far East. A poacher shoots a Tiger but does not collect it. Instead, he marks the location of the carcass on a map and then sells the map for US\$1000-3000. The purchaser of the map then collects his Tiger (A. Vaisman, *in litt.* to TRAFFIC Europe, 18 March 1997).

Trade control legislation, enforcement and penalties

As part of the USSR, Russia was a Party to CITES as of 1976 and in 1991, following the break-up of the Soviet Union, Russia remained the only member of all the former Soviet Republics. CITES officially entered into force in the Russian Federation in January 1992. There is no CITES implementing legislation in Russia. However, on 13 Sept 1994, the Government of Russia adopted the decree *On measures to ensure execution of Russia's obligations under the CITES Convention*. The Decree states that import and export of Tigers requires a permit and permits will be given for legally harvested or legally bred animals. The *Law of the Animals* passed in April 1995 is the legal basis for wildlife protection in Russia, however it covers only native species. Siberian Tigers are listed in the Red Data Book of the Russian Federation

and hunting is strictly forbidden. The law also bans trade and possession in captivity of Tigers. The Law grants rights of seizure and confiscation but does not delineate which authorities have these rights.

Article 258 of the new *Russian Criminal Code*, which came into force on 1 January 1997, provides a penalty of up to three years imprisonment for hunting endangered species as well as fines calculated as 210 times the minimum monthly salary which in 1997 terms is US\$ 3150. (A. Vaisman, *in litt.* to TRAFFIC Europe, 18 March 1997). However, failure to pay the fine results in confiscation of belongings and no imprisonment (Matthiessen, 1997) and, compared to potential profits, the penalty is not much of a deterrent.

Information on whether seized items were held in stocks or destroyed was not available for this report.

From 27-31 May 1996, the Government of Switzerland, through WWF International, sponsored a CITES enforcement training course for Management Authority staff and enforcement officers of the Commonwealth of Independent States in Moscow. Following this, from 3-5 June 1996, the Russian Federation hosted a training course for trainers in Russia.

Reported Tiger-related offences since 1994

Date	Items	Case History
1994-1996	20 Tiger skins	Confiscated by Customs in the Russian Far East; several cases went to court but no guilty verdicts resulted
December 1996	10 Tiger skins	intercepted enroute from Khabarovsk to Vladivostock enroute to Japan

Source: I. Chestin *in litt.* to TRAFFIC Europe, 30 July 1996; A. Vaisman, *in litt.* to TRAFFIC Europe, 1996

As per the recommendations of Resolution Conf. 9.13, Russia has designated Mr. Guennady Kolonin as the contact person on issues concerning the trade in Tiger specimens (Anon., 1996m).

Multilateral agreements

In 1995, the Russian Prime Minister and the US Vice President led a Commission on Sustainable Management and Conservation of Natural Resources. The Commission's Joint Statement supported several Russian-American Government and NGO initiatives to conserve forests and wildlife. (Anon., 1996f)

Russia is a signatory to the Beijing Statement. Russia is also working co-operatively with China on survey and research concerning the Siberian Tiger. The USA, through the United States Agency for International Development (USAID), is assisting Siberian Tiger conservation activities in the Russian Far East.

Conservation, public awareness and education

The Russian Government and the Academy of Sciences have approved a national strategy for conservation of the Siberian Tiger. The Sikhote Alin Nature Reserve, where many of Russia's remaining Siberian Tigers are located, has recently been expanded from 673km² to 4143km² (Anon., 1996g).

A habitat protection plan for the Siberian Tiger in Primorje and Chabarovsk provinces is being supported by several NGOs. Activities in this plan include Tiger surveys, an outreach education programme and lobbying at federal and regional levels. NGOs are also supporting anti-poaching activity in Primorje Krai.

Thailand

Thailand may have 250-600 Indo-Chinese Tigers left within its borders. Fourteen of Thailand's protected areas have confirmed Tiger sightings (Jackson and Kemf, 1996). Huai Kha Khaeng-Thung Yai Naresuan World Heritage Site, which lies along the border with Myanmar, may contain as many as half of all Thailand's Tigers. Tigers are coming into conflict with local people living in buffer zones around the reserves. In September and October 1995, 80 cattle of a herd of 1000 were lost to Tiger and on 1 July 1996, four Tigers left Huai Kha Khaeng and attacked cattle in nearby villages (Anon. 1996h).

In addition, the Thai Royal Forestry Department (RFD) statistics show 300 registered Tigers in captivity in Thailand, the vast majority of which are hybrids bred from animals imported from overseas zoos (Anon. 1996b). Captive Tigers are found both in facilities run by the RFD as well as by private owners.

A survey conducted by the WWF Thailand Project Office in April/May of 1996 of border markets around Thailand (two with Myanmar, one with Cambodia, one with Laos) indicates that Tiger products are still available in these areas. Tiger skins were found in price ranges from THB8000-30 000 (US\$311-1167) and live cubs were on sale for THB9000-18 000 (US\$350-700). The most commonly seen part of the skeleton was the skull and prices ranged from THB500-2500 (US\$19-97) (Anon. 1996h).

Thailand has recently been implicated as a source of Tiger-based medicines coming into Hong Kong. The Hong Kong Management Authority sent a letter to the Management Authority of Hong Kong indicating that in one year, Hong Kong Customs and Excise intercepted about 100 passengers from Thailand carrying Tiger-based medications (Anon., 1996m).

Trade control legislation, enforcement and penalties

Thailand joined CITES in April 1983. Wildlife in Thailand is protected under the *Wild Animals Reservation and Protection Act, B.E. 2535* (1992) which specifically implements CITES.

Hunting of wild animals is prohibited unless the animal is endangering human life, or property and in such cases, the hunted animal's carcass becomes the property of the State. No import or export of Tigers is permitted without a licence which must be obtained from the Director General of the Forestry Department. Domestic trade of wild animals, including Tigers, their parts or derivatives is also prohibited without a licence unless the animal has been bred in captivity. Possession of wild animals or their carcass is also illegal without a licence from the Director General. There is no stipulation in the Act to treat items labelled as coming from Tiger as recognisable derivatives and therefore subject to Appendix I regulations.

Violations of the Act involving illegal export/import are subject to fines of up to THB40 000 (US\$1600) and/or imprisonment for up to four years. Illegal possession is subject to a fine of THB10 000 (US\$389) and/or one year in prison and illegal domestic trade is punishable by a fine of THB20 000 (US\$778) and/or two years in prison. In addition, all illegally obtained wild animal specimens are forfeited to the State.

The Agriculture Ministry is responsible for enforcing the Act. Any live Tigers seized are held while Tiger parts and products containing Tiger derivatives are destroyed.

There are still individuals in Thailand in possession of Tigers by virtue of a grandfather clause to the 1992 legislation, however, these people are still prohibited from trading or selling any of the animals they possess or any by-product from them. The sale of any Tiger product is illegal in Thailand, regardless of whether they originate from wild or captive-born Tiger (Anon., 1995d).

Reported Tiger-related offences since 1994

Date	Items	Case History
June 1995	weapons and Tiger trapping equipment	Royal Forestry Department raided mining operations adjacent to Huai Kha Khaeng wildlife sanctuary; several civil servants arrested

Source: WWF News 2(16)

As the border between Thailand and Myanmar has recently opened, and markets on the Myanmar side have been reported to sell Tiger and other endangered species products, the Thai Government has proposed to build a CITES authority booth on the border.

Thai representatives attended a CITES enforcement training seminar held in Hong Kong in November 1996.

Multilateral agreements

Thailand is a signatory to the Beijing Statement.

Bilateral discussions between Thai and Malaysian CITES management authorities to improve trade control enforcement across their common border have begun. As well, an additional District Wildlife Enforcement Office was opened in the district bordering Malaysia in January 1995.

Conservation, public awareness and education

As a follow-up to the First International Conference to Assess the Status of the Tiger, held in Huai Kha Khaeng Wildlife Sanctuary in October 1994, seven training workshops were held to teach rangers from Thailand's protected area system how to survey Tigers and other large mammals.

From 24-31 January 1996 the Second International Conference and Geographic Information System Workshop to Assess the Status of Tigers was held in Thailand. Recommendations were made in several areas including improved control of poaching and illegal trade in Tiger parts; increased efforts in public awareness and education especially as 1998 is the Year of the Tiger in the Asian calendar; efforts to include the needs of local people in all Tiger conservation activities; and ratification of the Global Tiger Forum by all member states (Anon., 1996i)

Vietnam

Only 200-300 Indo-Chinese Tigers remain in scattered habitat in Vietnam. Eleven of Vietnam's protected areas have confirmed reports of Tiger. Tiger range in Vietnam is shrinking due both to deforestation and illegal hunting. During the first six months of 1995, five Tigers were known to have been killed (Jackson and Kemf, 1996).

Tiger bone is an important ingredient in traditional Vietnamese medicine. However, Vietnamese pharmacists are aware of the endangered status of the Tiger and they advocate use of bones of domestic animals as a substitute in at least one book on the subject (Nguyen, 1993). However, Tiger skins were seen

in Vietnamese wildlife markets during surveys done in 1992 and 1993. In one traditional medicine shop Tiger bone was available at US\$100/kg in a shop that claimed to obtain 10 Tiger skeletons a year (Chen, in prep.)

Vietnam has three government-owned but independently operated companies, named Native and Forest Products Import and Export (NAFORIMEX I, II, and III) which are involved in marketing of wildlife products.

Trade control legislation, enforcement and penalties

Vietnam joined CITES in April 1994. There is, as yet, no CITES implementing legislation but legal protection for Tigers in Vietnam is provided by *Decree of the Council of Ministers Determining the List of Rare and Precious Forest Flora and Fauna and Regulations for their Management and Protection 18/HBDT* (1992) which concerns management of rare and precious species of flora and fauna. The Tiger is one of 45 species on which a complete ban on hunting and trade, including export, use was placed. Exceptions may be permitted by the government in cases of scientific research or international exchange. Implementation of the Decree is the responsibility of the Ministry of Forestry. The maximum penalty for violation of this Decree is VND5 million (US\$430).

In March 1993, Vietnam issued an *Instruction on the Management and Protection of Rare Animals and Plants* which prohibited display or sale of rare or endemic wildlife and imposed a strict ban on sale of rare and endemic wildlife at markets for purposes of raising as pets, making medicines or as foods.

In May 1996, an Instruction from the Prime Minister on urgent measures for wildlife protection and development was also issued. This document recognises that within Vietnam "there has been increasingly serious status that many wild and valuable animal species, including endangered ones, have been illegally caught, traded, exported and even killed". This updated Instruction states that products made from rare wild animals are strictly prohibited. Any shop or restaurant serving wildlife products must clearly state the origin of the specimen and must register with the government. The document encourages business owners to start captive management of wildlife necessary in business and urges businessmen to make a commitment not to buy wild-caught animals for their use.

Exceptions to the law are made if a party can show the need for scientific research or display such as a zoological collection. Vietnamese zoos have been implicated in the wildlife trade by legally obtaining specimens, including big cats and then declaring the animals of "low quality" or "unsuitable" for display and disposing of the animals on international markets (Anon, 1994b).

Items seized are held in stock or in the case of live animals released. Reports on seizures/prosecutions which may have occurred since 1994 were also not available for this report.

Multilateral agreements

In April 1994, Vietnam also signed an agreement of co-operation in Forestry with China. The Sino-Vietnamese working group on Forestry Co-operation held a panel discussion on 19-20 December 1995 regarding joint prevention and control of illegal trading of wildlife along the border. As a result of the discussions, both sides agreed to continue to abide by CITES stipulations, to crack down on illegal trading of wildlife along the border between Vietnam and China in accordance with laws in both countries. Currently under negotiation is a trade control treaty with the Government of Taiwan.

Vietnam was a participant in the Workshop on the Control of Wildlife Trade in the Asian Region and a signatory to the Beijing Statement in 1995.

Conservation, public awareness and education

Representatives from Vietnam attended a workshop in Hanoi (March 1995) discussing control of trade in Tiger parts across the borders of Vietnam, Lao PDR and Cambodia. The specialists attending the workshop identified priority action to improve knowledge of Tiger distribution, manage buffer zones in the interests of Tigers and people, improve measures against poaching of Tigers and their prey, suppress illegal trade in Tigers and their products and provide training and increased public awareness about the Tiger and its importance.

CONSUMER STATES

Australia

In 1991 and 1992, China reported Australia as the destination for 103 containers of Tiger products (Mills and Jackson, 1994). Market surveys conducted by TRAFFIC Oceania in 1995 indicated a healthy market in Australia for traditional Chinese medicines containing endangered species such as Tiger, rhinoceros, bear, leopard and Musk Deer. Almost 15 per cent of the traditional medicine shops in three major centres in Australia surveyed in 1995 sold medicines claiming to contain Tiger. Most products found were manufactured products and the majority were made in China (Callister and Bythewood, 1995).

From July 1991 to March 1995, 42 917 items were seized and over half of these purported to contain Tiger ingredients (Callister and Bythewood, 1995).

Trade control legislation, enforcement and penalties

Australia joined CITES in October 1976. In Australia the *Wildlife Protection (Regulation of Exports & Imports) Act 1982* (WPA) is the CITES implementing legislation which came into effect on 1 May 1984. The *Therapeutic Goods Act 1989* (TGA) is also involved in wildlife trade control with respect to wildlife used in medicines. Enforcement of these laws is the responsibility of the Australian Customs Service, Environment Australia (formerly the Australian Nature Conservation Agency) and the Therapeutic Goods Administration of the Commonwealth Department of Human Services and Health. (Callister & Bythewood, 1995).

The WPA prohibits importation of CITES-listed species without a permit and possession of specimens obtained in contravention of the Act is illegal. The latter point does not apply if a person can prove they were not aware that the possession was illegally imported (Callister and Bythewood, 1995). The onus is on the government to prove that the owner had reason to believe the items were illegally obtained. Products labelled as containing Tiger are not treated as such unless forensic testing confirms the claim (J. Holden, TRAFFIC Oceania, pers. comm., January 1997).

Maximum penalties under the WPA include a fine of AUD100 000 (US\$78 125) and/or 10 years imprisonment for illegal importation and a fine of AUD100 000 or imprisonment for five years for illegal possession (Callister & Bythewood, 1995). Illegal import of CITES Appendix I items by corporations is subject to a maximum fine of AUD200 000 (US\$156 500).

The TGA controls import and manufacture of therapeutic products and applies to all goods destined for supply in Australia. Tiger-based products are not listed under the TGA and cannot be legally imported.

(Callister & Bythewood, 1995). The penalty for importing unregistered goods (i.e. Tiger products) is AUD24 000 (US\$18 750) and the penalty for selling/supplying these goods is AUD12 000 (US\$9375).

Import of Tiger containing products is illegal in Australia but internal sale is not controlled by federal legislation. Instead, individual State legislation is responsible for controlling domestic trade. The States have varying restrictions on wildlife trade and many concentrate only on native wildlife.

Wildlife that is being imported or exported is also subject to Customs control and smuggling illegal products into Australia is liable to penalty for making a false declaration (Nichols *et al.*, 1991). Enforcement of provisions of all Acts may be done through the Crimes Act.

As of 1996, the Australian Government was developing a seizures and intelligence database to assist in its enforcement efforts.

Reported Tiger-related offences since 1994

Date	Items	Summary
1994	Tiger-based products	3036 items seized
1995	Tiger-based products	2796 items seized
January to May 1996	Tiger-based products	1144 items seized

Source: Environment Australia

Although items have been seized, there have been no prosecutions for illegal importation or possession of Tiger products in Australia. All items seized are destroyed although small amounts may be kept and distributed for educational purposes.

Few of the recommendations of Resolution Conf. 9.13 have been implemented in Australia. There is currently no offence for the illegal sale of Tiger parts or derivatives in Australia. The offence of illegal possession is so difficult to prove, there has never been a successful prosecution for illegal possession of Tiger parts or derivatives in Australia, although there have been a large number of seizures.

In addition, not accepting Tiger-labelled products as a recognisable derivative means that no prosecutions can result from offences related to these medicines labelled as containing Tiger without forensic proof the medicines do actually contain Tiger. The Australian Government has been slow to address these long-standing deficiencies in the WPA.

Conservation, public awareness and education

TRAFFIC Oceania, in collaboration with Environment Australia and the University of Western Sydney, is in the process of organising a public symposium for practitioners and traders of traditional Chinese medicine.

Belgium

Belgium was the destination for 10 containers and 250 000 pills of Tiger products from China between 1990-1992, second only to Japan. As Belgium does not have a large Asian community, Belgium is

believed to be an entrepôt for Tiger medicines destined for other countries (Mulliken and Haywood, 1994).

Trade control legislation, enforcement and penalties

Belgium became a Party to CITES in January 1984. As a member of the EU, Belgium is bound by the *Council Regulation (EC) 3626/82* and *Commission Regulation (EC) 3418/83* regarding CITES implementation. These regulations will be replaced as of 1 June 1997 by *Council Regulation (EC) No. 338/97* on the protection of species of wild fauna and flora by regulating trade therein and an accompanying implementing Commission Regulation.

The CITES implementing legislation in Belgium includes the *Law of 28 July 1981 (Wet houdende goedkeuring van de Overeenkomst inzake de internationale handel in bedreigde in het wild levende dier-en plantesoorten)*, and the implementing *Royal Decree of 20 December 1983 (Koningklijk besluit houdende toepassing van de Overeenkomst inzake de internationale handel in bedreigde in het wild levende dier-en plantesoorten)*.

These laws dictate that permits are required for import and export of Tigers, Tiger parts and/or Tiger derivatives. Domestic sale, purchase or possession is prohibited unless in accordance with exemptions in the legislation. For example, possession of non-living specimens of Appendix I listed animal species for personal use is allowed and no inventory must be submitted to the CITES Management Authority. This exemption does not apply to privately held live Appendix I-listed animals, such as Tiger, which all have to be registered.

Items labelled as containing Tiger are subject to confiscation, whether or not they do, in fact, contain Tiger products. For legal purposes, though, it may be necessary to prove the products do contain Tiger parts before a conviction can be obtained.

Violations of the law are subject to fines ranging from BEF200 000-2 million (US\$5650-565 000) and/or 15 days to three months in prison depending on the court and on the seriousness of the crime.

If seizure and confiscation occurs, live specimens are sent to the national zoo while Tiger parts and Tiger products are held in stocks or destroyed. Items held in stock by the government are marked and registered. Privately held items are not registered or inspected.

Reported Tiger-related offences since 1994

Date	Items	Case History
21 February 1995	552 items purporting to contain Tiger products	Operation Pilule raids on shops in Belgium
August 1995	five skins, one skull and two bodies	seizure of materials held in stockpile by Dutch taxidermist resident in the UK

Source: Belgian Customs data and *TRAFFIC Bulletin* 16(1)

In December 1994, Belgian Customs authorities began an investigation into the Belgian traditional Chinese medicine market in response to the *TRAFFIC* report which stated the Belgium was listed as the destination for large amounts of Tiger products from China (Mulliken and Haywood, 1994). The

enforcement activity, named Operation Pilule, involved a nation-wide raid of shops in February 1995. Thirty premises in seven cities were visited and nine of these had illegal products. Authorities also seized approximately 500kg of medicines purporting to contain other endangered species.

At the level of the EU, Belgium participates in CITES enforcement training that occurs annually and sometimes more often for all member States in locations that alternates among members. At the national level, enforcement training in Belgium is done individually by each of the enforcement agencies (i.e. Police, Customs) for their own staff.

Conservation, public awareness and education

Belgium is not participating in any specific international Tiger conservation programmes. No national public awareness programmes regarding the Tiger and its ecological importance are in place and no programmes for consumers such as traditional medicine practitioners are available as it is a small and widely dispersed group which would be difficult to effectively target with one programme.

Canada

Canada has been identified by TRAFFIC as a potentially key market for Tiger-based medicines. Between 1990 and 1992, China reported exports to Canada of 1193 containers of Tiger products. In addition, between 1981 and 1991, US records show that Canada exported 157 shipments of Tiger product to the US of which 85 were seized (Mills and Jackson, 1994). Determining the exact volume of wildlife trade in Canada is difficult as no national database for enforcement is in use and very few reports of trade in Tiger derivatives exist.

There is a growing Asian population and many traditional Asian medicine shops across the State to provide formulations for the public. The Canadian Wildlife Service reports that trade in Tiger parts in Canada is "somewhat significant". Between November 1994 and March 1996 seizures included large quantities of Tiger bone, Tiger bone pills, Tiger bone powder, Tiger bone oil, Tiger plasters, and Tiger bone glue (Chalifour, 1996).

Trade control legislation, enforcement and penalties

Canada joined CITES at its inception in 1975. Between 1975 when Canada joined CITES and 1996, Canada relied on the Export and Import Permit Act to control trade in endangered species but this legislation did not outlaw possession, purchase or sale of endangered species products. New legislation to specifically implement CITES in Canada, the *Wild Animal and Plant Protection and Regulation of International And Interprovincial Trade Act* received royal assent in 1992 but did not come into force until 14 May 1996. This four year delay was due in part to negotiations between federal and provincial governments on what the regulations should contain..

The Act prohibits possession for the purpose of sale of Tiger parts and products without a permit. Exemptions may be granted in cases where the specimen was obtained pre-Convention, where the owner can establish that the item was legally imported into the State or where the import/export can be shown to benefit conservation of the species. The Act does not penalise consumers for simple possession (without intent to sell) of illegal products and thereby does not remove consumer demand for Tiger products from the market (Chalifour, 1996).

The Act does not cover derivatives which are not readily recognisable as coming from Tigers, such as those

found in traditional medicines. Although Tiger-based medicines have been seized for illegal import, no charges are laid against the importer due to the inability to prove in court that the product actually contained what it was claiming to (N. Chalifour, pers. comm., January 1997). While seizure of an item requires only reasonable grounds to suspect that an illegal act has occurred (such as a label claiming a product contains an illegal substance) prosecution requires proof of actual content so that charges are rarely laid.

Interprovincial movement of Tiger parts and/or products requires a permit only if the importing province specifically regulates trade but most provinces' regulations deal only with trade in indigenous species and would not cover trade in Tigers.

The Act grants search and seizure powers to enforcement officers. The Criminal Code of Canada also provides powers of search and seizure under section 487 (Chalifour, 1996). Penalties under the Act include fines of up to CAD150 000 (US\$111 111) for individuals and up to CAD300 000 (US\$222 222) for corporations and/or imprisonment up to five years. The Act also allows offences occurring on more than one day to be penalised individually for each day, thereby compounding the penalties. Any fines imposed go into national revenues and are not earmarked for enforcement or conservation activities.

All seized items are stored in Environment Canada warehouses across Canada and some specimens are used for education purposes. There is no official national inventory of items but each region of CWS has its own inventory and marking system.

Reported Tiger-related offences since 1994

Date	Items	Case History
March 1995	Raw Tiger bone	Search of British Columbia company resulted in seizure of 180 boxes of goods containing Tiger bone, bear gall bladders and alligator parts
July 1995	Tiger bone pills, Tiger plasters	Seizures resulting from investigation of six traditional medicine businesses in Vancouver; no charges as possession not illegal at time
January 1996	20 000 packages of Tiger bone pills	Shipment from Hong Kong
?	Tiger skin	Undercover officer offered one Bengal Tiger skin for CAD7500
June 1996	traditional medicines purporting to contain Tiger bone	raids on 14 traditional medicine shops in Calgary, Alberta; 80 boxes of medicines forwarded for forensic testing; further action pending

Source: Chalifour, 1996; TRAFFIC USA newsletter 15(3)

From 1994-1996, 77 seizures of Tiger parts and products were made by CWS officials (Environment Canada *in litt.* to N. Chalifour, 24 February 1997).

Training programmes for implementation of the Act and therefore CITES in Canada, began in 1997 for

CWS regional chiefs and officers. Training for Customs officers is planned. In addition, at the regional level, some ad hoc training has occurred (N. Chalifour, pers. comm., February 1997).

Conservation, public awareness and education

The Canadian Wildlife Service has translated posters and brochures on endangered species products into several Asian languages. In Ontario, CWS has written to importers identifying CITES-protected species and reminding them of the illegality of importing products containing such species (Chalifour, 1996). In early 1997, CWS, in co-operation with WWF Canada, will produce a brochure on the Act and traditional medicine.

European Union

The European Union (EU) is an entity of now 15 countries formed to create a socio-economic and political co-operative of the European nations. The primary purpose of the EU is to achieve advancement in the world economy by creating an economically and politically integrated community in which the national barriers of trade are removed and the free movement of goods, persons, services and capital are allowed between the member countries.

As of 1 January 1993, internal community border controls were virtually eliminated and the EU became a formally unified market. The mandate of the EU was also expanded to include monetary, social and environmental issues. Although each member State has its own legislation, they are obliged by membership in the EU to implement the regulations produced by the European Council.

All EU member States are required by the Community Regulations to implement the provisions of CITES as well as the stricter provisions of the EU including *Council Regulation (EC) 3626/82* which is the core Law and *Commission Regulation (EC) 3418/83* which is the implementing Decree. These regulations, in addition to CITES provisions, stipulate the following:

- Imports of all three CITES Appendices require permit or certificate;
- Some Appendix II and III species are treated as Appendix I under Annex C1;
- Display to the public for commercial purposes of Appendix I or Annex C1 species without exemption certificate is prohibited;
- Transport authorisation for live specimens of Appendix I or Annex C1 species must be obtained prior to movement within the EU; and
- Items labelled as containing parts or derivatives of CITES-listed species will be deemed to do so for legal purposes

The last item was tested in Belgium in 1994. An importer of traditional medicines containing Tiger bone, according to the package information, claimed that the product contained deer bone instead. No charges were laid and no penalty levied other than seizure of the items (T. De Meulenaer, pers. comm. March 1997). However, in other EU States including Germany, the Netherlands and UK, labelling as containing CITES Appendix I species has been successfully used in prosecution of offences.

The community regulations do not cover possession of CITES Appendix I items.

These two regulations will be replaced as of 1 June 1997 by *Council Regulation (EC) 338/97 on the Protection of Species of Wild Fauna and Flora By Regulating Trade Therein* and an implementing Commission Regulation. This Regulation clarifies the obligations of EU member States to CITES,

tightens trade controls at the Union's external borders, requires that member States set penalties for infractions and introduce penalties for seizing wildlife and standardises co-operation among members by designating particular situations in which these bodies must communicate and specifying the parties to be contacted (Fleming and Flanders, 1997).

The new Regulation also contains language to ensure that CITES Resolutions are fully implemented. As for all regulations, enforcement is the responsibility of the member States. Therefore, in view of the creation of a single market since 1993, the EU has set up annual training programmes for its Customs departments for all EU member states.

France

In 1990 and 1991, France reported the import of 200 containers of Tiger wine and 50 cartons containing Tiger derivatives. TRAFFIC investigations conducted in several European countries, including France, in 1995 reported that traditional medicines containing Tiger parts or products were widely available. In addition, small pieces of raw bone were found in one shop in Paris but without analysis it is unclear whether it was from Tiger.

Trade control legislation, enforcement and penalties

CITES has been in effect since 1978. As a member of the EU, France is bound by the *Council Regulation (EC) 3626/82* and *Commission Regulation (EC) 3418/83* on CITES implementation. These two regulations will be replaced as of 1 June 1997 by Council Regulation (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein and an implementing Commission Regulation.

A 1 March 1993 Ministerial Order under the *Code Rural (1976)* (CR Volume II regarding the protection of nature) addresses CITES implementation in France. All items under import, export or re-export (including items in transit) are governed by this order and require a permit. Pre-Convention items can be legally imported and exported with permits.

Article 3 of this Order also addresses domestic trade in France. It is illegal to buy, sell, transport or hold with intent to sell any specimens of protected species without a permit issued by the Ministry of Environment. However, it is not illegal to possess specimens as long as no intent to trade can be demonstrated.

Illegal international and/or domestic trade is subject to a fine of FRF2000–60 000 (US\$365–10 968) and/or up to six months in prison. Any items seized are held in stocks. These stocks are not consolidated, marked or registered. Privately owned stocks are also not marked, registered or inspected.

In addition, the *Code Douanier* (Customs Law) of France allows control of everyone in possession of CITES specimens. Control can occur at the time of importation, exportation or re-exportation and also at any time after the initial importation into the State. Illegal international trade or possession is also subject to a fine of one to three times the commercial value of the item.

Although TRAFFIC surveys indicate that Tiger-based traditional Chinese medicines are found in Paris, Customs officers report that no specific investigations regarding these items has been undertaken in Paris (M. Todisco, *in litt.*, to TRAFFIC Europe, March 1997).

At the level of the EU, France participates in CITES enforcement training that occurs annually for all member States in one location which alternates among members each year. At the national level, enforcement training in France is done individually by each of the enforcement agencies (i.e. Police, Customs) for their own staff. In addition, a CITES training course is organised for officers of the Office national de la chasse, veterinary services and Customs.

Conservation, public awareness and education

The Government of France is not involved in any Tiger conservation programmes. Due to lack of funding, no education/awareness programmes on the ecological importance of Tigers have been implemented. No programmes to educate local consumers such as traditional medicine communities are in place.

Germany

TRAFFIC investigations conducted in several European countries, including Germany, in 1995 reported that traditional medicines containing Tiger parts or products were widely available. In Germany, 42 sites in seven cities were visited and five different types of Tiger bone medicines were observed.

Trade control legislation, enforcement and penalties

Germany became a Party to CITES in June 1976. As a member of the EU, Germany is bound by *Council Regulation (EC) 3626/82* and *Commission Regulation (EC) 3418/83* on CITES implementation. These two regulations will be replaced as of 1 June 1997 by *Council Regulation (EC) 338/97* on the protection of species of wild fauna and flora by regulating trade therein and an implementing Commission Regulation.

Paragraphs 20-31 of the *Gesetz über Naturschutz und Landschaftspflege* (Federal Nature Conservation Act), which was most recently amended in 1986, is the national legislation which implements CITES. The Act prohibits import or export to/from non-EU member States without a permit. Regulation of items in transit is included in the Act.

Domestic trade is covered under Article 20 which prohibits possession, processing, sale, trade, transport or display to the public of protected species. Exemptions may be made for captive-bred animals or those legally imported into Germany to promote conservation of the species. Possession of readily recognisable parts or derivatives of CITES Appendix I species is possible only in cases where possession can be shown to have occurred prior to 31 August 1980. Goods which appear from the packaging or label to contain derivatives of endangered species are considered as recognisable derivatives. Exceptions are made for derivatives for personal use which includes items of traditional medicines, although an exemption is required for each individual item.

In addition, there is a German law (Strafgesetzbuch – Paragraph 6, Article 9 and Paragraph 7) which allows the government under certain conditions to penalise German nationals who commit crimes in other countries, including violations of wildlife laws. However, relevant agencies are unfamiliar with this legislation and it is rarely used in wildlife crime cases.

Illegal international trade in CITES Appendix I specimens is subject to imprisonment for up to five years or a fine. The amount of the fine is left to the discretion of the Court and set according to the income of the offender. There are also administrative penalties for violations of the Act's provisions, i.e. import or export without required documents, and the fine can be up to DEM100 000 (US\$61 728). Unlawful sale,

offer for sale, transport for sale or display to the public for commercial purposes is also subject to a DEM100 000 fine. Other violations are punishable with a fine of up to DEM20 000 (US\$12 345).

The Act gives powers of seizure to enforcement officers and even if the presence of protected species products is in doubt, the burden of proof of innocence rests with the person charged with the violation and not the enforcement officials.

Reported Tiger-related offences since 1994

Date	Items	Case History
15 November 1995	Medicines purporting to contain wildlife products including five bottles of Tiger bone wine and 3000 packets of medicine	no items seized; action pending
February 1996	one Tiger skin and one Tiger head	two Russian citizens sentenced to 12 months and eight months in prison, respectively for illegal import and trade

Source: Anon., 1996m

Enforcement of trade regulations such as CITES has been delegated to regional authorities in Germany, except for major ports of entry. Co-ordination among regions is essential for adequate control of trade.

No information on how items seized are handled was available for this report.

At the level of the EU, Germany participates in CITES enforcement training that occurs annually for all member States in one location which alternates among members each year. At the national level, enforcement training in Germany is done individually in several courses each year by each of the enforcement agencies (i.e. Police, Customs) for their own staff in close co-operation with the CITES Management and Scientific Authorities. In addition, there is a co-operation agreement among the agencies to share information and resources as needed to enforce CITES.

As per recommendations made in Resolution Conf. 9.13, Germany has designated two persons, Mr. Michael Müller-Boge and Mr. Franz Böhmer, as contact persons on issues concerning the trade in Tiger specimens.

Conservation, public awareness and education

The German Government is not involved in any international Tiger conservation projects.

Hong Kong

International trade in Tiger parts was banned in Hong Kong in 1985 and trade in Tiger-based medicines was banned effective 29 January 1994 (Mills and Jackson, 1994). As of 28 April 1994, it is illegal to possess medicines containing or claiming to contain Tiger ingredients without a licence issued by the Agriculture and Fisheries Department (AFD). Such licences would be available only under "very exceptional circumstances" (AFD press release, 22 April 94).

Prior to the domestic ban, Hong Kong was recognised as a major entrepôt for Tiger products. Following the ban and implementation of strict enforcement measures, many seizures were made (Mills and Jackson, 1994). However, the resources of the Customs department are limited and Hong Kong remains one of the busiest shipping ports in the world. Therefore, complete enforcement of wildlife trade laws in Hong Kong remains a challenge.

Trade control legislation, enforcement and penalties

Hong Kong, as a territory of the United Kingdom, became a signatory to CITES when the UK joined in 1976. On 1 July 1997, sovereignty over Hong Kong returns to the People's Republic of China and the territory will become a Special Administrative region but will continue to maintain a separate Customs system. The permitting system under the existing endangered species legislation will not change (P. K. Chan, *in litt.* to J. Mills, 15 October 1996). Items coming from China to Hong Kong will be treated as imports under the legislation (C. S. Cheung, AFD, *in litt.*, March 1997).

The Government of Hong Kong enacted the *Animals and Plants (Protection of Endangered Species) Ordinance, Cap. 187* specifically to implement CITES. Tigers are included on Schedule 1, 2, 5, and 6 of the Ordinance and import, export or possession of Tiger, Tiger parts and or products purporting to contain Tiger derivatives is prohibited unless a permit is issued. The Ordinance is stricter than CITES in several aspects including the requirement for an import licence for Appendix II specimens, the requirement for a possession licence for the majority of CITES species and the requirement for CITES export documents for all specimens in transit through Hong Kong.

Enforcement of the Ordinance is the responsibility of the AFD and the Customs and Excise Department. In addition, the Royal Hong Kong Police are responsible for investigating any information suggesting the possible involvement of organised crime in illegal wildlife trade. All three departments are members of the Endangered Species Protection Liaison Group which meets regularly to co-ordinate enforcement work and exchange information.

While officials of the AFD have powers of search and seizure and the ability to issue summonses, only the Customs department and the Police have the power to arrest. Officials of the Customs department, as authorised officials under the Ordinance, will provide assistance in making an arrest when requested by the AFD.

However, possession of illegal products, such as medicines containing Tiger products, by non-residents of Hong Kong can go unpunished due to the inability of the AFD staff to issue a summons to someone with no Hong Kong address, as was demonstrated in August 1995 when a Chinese national escaped penalty after attempting to import 3000 musk/Tiger plasters into the Territory. The plasters were forfeited under a court forfeiture order. Despite this loophole, Hong Kong remains one of the territories with the strictest legislation controlling trade in Tigers and their parts.

In January 1995, new legislation created new penalties for violations of the Ordinance of up to a maximum of two years imprisonment and HKD5 million (US\$646 000) in fines. Any fines collected go into general revenues and are not earmarked for enforcement or conservation activities.

Items seized are held in a strong room under the charge of AFD.

A CITES enforcement training seminar, supported by the Hong Kong Government, was held from 11-15

November 1996 and included participants from Cambodia, China, Hong Kong, Korea, Malaysia, Mongolia, New Zealand, Philippines, Singapore, Thailand and Vietnam. As well, AFD enforcement officers have attended training courses held by the USFWS and the CITES Secretariat in wildlife crime investigation.

Reported Tiger-related offences since 1994

Date	Items	Prosecution results
1994	Purported Tiger parts including paws (2 pieces), claw (2 pieces), penis (138 pieces), bone (9.84kg), wine (66 bottles) and medicines (52 413 packets and 40g)	226 seizures and 74 prosecutions; fines totalling HKD245 900 (US\$31 811)
1995	Purported Tiger products including paw (2 pieces), penis (9 pieces), bone (9.936kg), wine (12 bottles) and medicines (23 601 packets, 205 pieces, 151 pills, 22 bottles and 321g)	347 seizures resulting in 142 prosecutions; fines totalling HKD542 500 (US\$70181)
1996	Purported Tiger products including stuffed head (1 piece), penis (5 pieces), bone (30g), medicine (13 345 packets, 626 pieces, 4 pills, 20 bottles, and 800g)	169 seizures resulting in 149 prosecutions; fines totalling HKD2 133 200 (US\$275 960)
September 1994	medicines with rhinoceros/Tiger	On 27 May 1996 shop-owner fined HKD425 000 (US\$54 980)
15 May 1995	160 packets of medicines with Tiger extract	On 10 November 1995 the trading company was fined HKD500 000 (US\$64 600) which was reduced to HKD200 000 (US\$25 873) on appeal
24 August 1995	3000 Musk/Tiger bone plasters	Importer was not HK resident so no action taken other than confiscation
6 October 1995	76 packets of medicines with rhinoceros or Tiger ingredients	In April 1996 shop owners fined HKD250 000 (US\$32 340) which was reduced to HKD95 000 (US\$12 290) on appeal

Source: Hong Kong Agriculture and Fisheries Department, Eastern Express 25 August 1995; South China Morning Post, 11 November 1995; AFD

In 1996, the Government of Hong Kong conducted a registration scheme for traditional medicine practitioners in order to provide a recognition for qualifications and a source of control for the public.

As per recommendations made in Resolution Conf. 9.13, Hong Kong has designated Mr. C. S. Cheung, AFD, as the contact person on issues concerning the trade in Tiger specimens.

Multilateral agreements

Hong Kong was a participant in the Workshop on the Control of Wildlife Trade in the Asian Region and

a signatory to the Beijing Statement.

Conservation, public awareness and education

On 31 October 1995, TRAFFIC East Asia together with HK AFD hosted a workshop for traditional Chinese medicine practitioners from China, Hong Kong, Japan, Singapore and South Korea. The objective of the workshop was to open a dialogue between traditional medicine practitioners and manufacturers and conservationists. The traditional medicine practitioners indicated that they preferred strict government regulatory measures for medicines containing endangered species over total bans. They also suggested that farming of some of the species being used in the manufacture of traditional medicines would reduce the impact on those species in the wild.

In 1996 and 1997 the Hong Kong AFD called upon members of the public to stop buying medicines made from endangered species including Tiger and rhino through announcements, posters and displays. An information brochure entitled "Protect Endangered Species" has been printed in Chinese and English and distributed to traders, schools and other relevant groups. In addition, lectures on endangered species trade are given to new recruits to the department as well as staff of the Customs and Excise Department.

Research, partially supported by WWF, into efficacy of Tiger bone and potential substitutes is ongoing at the Chinese University of Hong Kong by Dr. P. But.

Japan

Japan is a major consumer of wildlife products and most Tiger products are used in traditional medicines. Between 1990 and 1993, Japan imported 57 566kg and 68 747 items of Tiger-based medicines (CITES Annual reports). In 1994, five live Tigers and one trophy were imported into Japan and in 1995, five live Tigers, 1kg of bone, two skulls and one body were imported into Japan (MITI Annual Report). The Tiger bone which was imported originated from China and was considered Pre-convention by the permitting authorities (A. Ishihara, *in litt.*, 20 March 1997).

Trade control legislation, enforcement and penalties

Japan acceded to CITES in November 1980 but has no specific CITES implementing legislation. For trade control relating to CITES, Japan applies the *Customs Law* and the *Foreign Exchange Control Law* (FECL) which was revised in 1980 in order to implement CITES. Domestic control of transfer of CITES Appendix I species is under the *Law for the Conservation of Endangered Species of Wild Fauna and Flora* (LCES) in Japan first came into effect in 1993, was amended in 1994 and the amended law came into effect on 28 June 1995.

The FECL requires anyone importing or exporting CITES Appendix I species to obtain a permit from the Ministry of International Trade and Industry (MITI). The Customs Law also requires import and export permits to be obtained for CITES species. As a CITES Appendix I species, Tigers and their products fall under the purview of these two laws.

Violations of the *Customs Law* are in place primarily to prevent evasion of tax. Maximum penalties are three years imprisonment and/or JPY3 000 000 (US\$24 800). The FECL is in place to stop importation of prohibited goods such as firearms and CITES listed species. The maximum penalty is three years imprisonment and/or JPY1 000 000 (US\$8260). However, if three times the value of the item exceeds JPY1 000 000 then the maximum fine is increased to three times the item's value. It is possible to apply

both the Customs Law and FECL to one case and in that instance, the maximum penalty possible would be the higher of the two laws.

If a violation of the Customs laws or FECL occurs, the government may seize the illegal materials but there is no legislation to allow for confiscation at ports of entry (airports, sea ports, etc.) into Japan. Illegally imported items which are discovered by Customs on entry into Japan may be voluntarily surrendered by the importer without further penalty. Customs maintains records of total amounts of traditional medicines surrendered but they are not reported by item classifications such as which species might be involved.

Within Japan, the LCES prohibits the sale, transfer and display for sale purposes of species of CITES Appendix I with certain exceptions. The recent amendment included addition of parts of processed items of wildlife, including Tiger hair, skin, teeth and claws, as well as Tiger products used in personal ornaments and furniture (e.g. Tiger rugs, mounted trophies). There are LCES requirements for registration and marking of materials held by manufacturers and dealers. But LCES does not cover simple possession nor does it cover parts or derivatives of such species which cannot be "easily identified by ordinary citizens" as being that species and thus the law excludes most traditional Chinese medicines from control. LCES gives discretionary authority to the Director General of the Environment Agency to allow domestic trade on any protected species under certain conditions such as a Cabinet Order or direction from the Prime Minister's Office.

Violations of the LCES are subject to fines of up to JPY1 million (US\$8260) or one year in prison. There is no penalty for possession of illegally traded specimens. There is no provision for seizure of items held in violation of LCES.

The Japanese Pharmaceutical Affairs Law also plays a role in domestic trade of Tiger derivatives used in medicines. If a traditional medicine containing Tiger bone is designated as a medicine by the Law then domestic trade would also be controlled by the Law. If a Tiger bone traditional medicine is sold as medicine it is in violation of the Law but if it is not sold as a medicine there is no law to control trade. At present, Tiger bone itself has not been designated as medicines and they can be sold, distributed and held in Japan without penalty. There are a few traditional medicine preparations containing Tiger bone that have been approved as medicines and their trade is controlled. Therefore, current legislation does not provide complete control of domestic use and most Tiger bone medications are not controlled by law except to protect public safety (Anon., 1995i).

All live animals seized are sent to zoos within Japan. Other confiscated items are consolidated into storage areas in nine main Customs regions of Japan. Of all Tiger parts and Tiger derivatives seized, some material may be sent to museums for educational purposes and the rest is incinerated. MITI disposes of materials annually. While awaiting incineration, individual seized items are not marked but records are kept as all seized items are the property of the government. No inspections of stock are undertaken.

There were no cases of Tiger-related trade violations since the last meeting of the Conference of the Parties to CITES.

In 1994 and 1995, TRAFFIC conducted surveys of retail shops in major Japanese cities and found many Tiger-based medicines, including Tiger bone wine, Tiger bone pills and Tiger bone/musk pills, available for sale (Anon., 1995i).

Following the TRAFFIC survey, the Federation of Pharmaceutical Manufacturers Association of Japan develop a voluntary regulation system in June 1995. Under this regulation system, traditional medicine traders are requested to report to a CITES committee of the Association and to mark stocks of medicines containing rhino horn and Tiger bone as well as maintain records on designated forms for at least three years. Biannual reports to the CITES committee are requested. Traders who do not comply with this regulation are requested to improve their methods of control of these products but otherwise, no action is taken against them.

In response to Resolution Conf. 9.13, at the Asia Regional Meeting of CITES in Tokyo in October 1995, Japan presented the development of A Plan for Domestic Measures for the Protection of Tigers and Rhinoceros including the following measures (the situation as of 1 March 1997 is in brackets):

- “dissemination of information on the present situation of Tigers and rhinoceros through mass media, professional journals and seminars”. (To date only one article has been published.)
- “survey on the use of traditional medicines in Japan including evaluation of current stocks, annual sales volume, and user's motivation for purchasing medicine”. (According to the Environment Agency this survey will be conducted in 1997).
- “distribution control of traditional medicines by “directing industries to continue to refrain from importing Tiger/rhinoceros traditional medicines and their materials” and direction to pharmacies not to display these products”. (No legal import of Tiger parts has been reported since 1994. Articles and notices were placed in bulletins of the pharmacists' association).
- “thorough restraint of introduction of Tiger/rhinoceros medicines from abroad by individuals”. (No specific action has been taken on this point).
- “smooth transition to alternative medicines”. (Some research in plant substitutes for Tiger bone medicines is under way).

The Ministry of Health and Welfare “guides” traditional medicine traders and manufacturers not to import traditional medicine containing Tiger parts. Japan depends on the honour of traders and manufacturers to abide by the guidelines. The effectiveness of this system is questionable. In 1996, a TRAFFIC Japan survey team visited 26 traditional medicine shops. Of these shops, 20 had traditional medicines containing Tiger bone and 14 of these shops had Tiger-based traditional medicine without the seal required by the voluntary registration system.

Of all the consumer countries surveyed, the legislation of Japan provides the least control of Tiger trade internationally or domestically and the penalties for violation of the laws are among the lowest in spite of the fact that Japan is one of the richest of the consumer nations.

Multilateral agreements

Japan was a co-sponsor and participant in the Workshop on the Control of Wildlife Trade in the Asian Region held in October 1995 and a signatory to the Beijing Statement.

Conservation, public awareness and education

Japan is not involved in any international conservation efforts concerning Tigers.

As part of A Plan for Domestic Measures for the Protection of Tigers and Rhinoceros, public awareness campaigns were included but only one article has been published.

The Federation of Pharmaceutical Manufacturer's Association is conducting some research into which plants might be used as substitutes for Tiger bone but extensive testing will be required before the Ministry of Health and Welfare will approve this substitution.

Macau

Between 1990 and 1992, 14 386 containers of Tiger product and 100 cartons of Tiger wine were imported from China (Mills and Jackson, 1994). There is no current information about the level of wildlife trade in Macau or the use of Tiger products in the traditional medicines there.

Trade control legislation, enforcement and penalties

As a territory under Portuguese jurisdiction, Macau became a Party to CITES when Portugal ratified the treaty in 1981. It is unknown how the situation may change when Macau reverts to Chinese sovereignty in October 1999.

Both international and domestic trade in endangered species is controlled by the *Regulation on Application in the Territory of Macau of CITES, (Decree Law No 45/86/M)* which came into effect on 29 September 1986. The law prohibits unauthorised import, export, possession and/or sale of endangered species including Tiger and their products. Permits must be issued by the Bureau of Economic Services.

Violation of the Decree is not considered a criminal offence and often the only penalty is confiscation of the illegal specimen. For a CITES Appendix I species, the minimum fine for violation of this Decree is MOP500 (US\$65) and the maximum fine is MOP5000 (US\$646) plus 20 per cent of the declared value of the item. In addition stock may be confiscated. The fines are doubled for repeated offences. No imprisonment penalty is listed.

Enforcement of the Decree is the responsibility of Customs. Staff involved in issuing permits are not trained to read the Appendices and have no direct access to the CITES secretariat. In addition, Customs officers do not receive any training in identification of wildlife and their products. Although there was a CITES implementation workshop held in nearby Hong Kong in November 1996 and the Government of Macau was invited to send some of their staff, no one from Macau participated.

Reported Tiger-related offences since 1994

Date	Items	Case History
1994	Tiger penis	item seized but no penalty as no prosecution carried out

Source: Macau Management Authority

Any items seized are destroyed.

Due to the perceived low level of wildlife trade in Macau, officials there are sceptical of the benefits of CITES for the territory. There is interest in the Macau Government to have Customs staff receive training in enforcement but no steps have been taken in this direction to help implement CITES in Macau.

Conservation, public awareness and education

Posters and pamphlets were produced shortly after the Decree was introduced in 1986 but there have been

no further public awareness of education activities since. The government informed traditional medicine shops by letter about the law and also placed an announcement in the newspaper.

Netherlands

CITES annual reports show that between 1990 and 1992 the Netherlands was the destination for 10 cartons of Tiger bone wine from China (Mills and Jackson, 1994). Compared to the total amount exported by China during this time, the amount is small but TRAFFIC investigations conducted in several European countries, including the Netherlands, in 1995 reported that traditional medicines containing Tiger parts or products were widely available. Five different types of Tiger bone medicines were observed during the study. Of traditional medicine shops surveyed, availability of illegal products was highest in the Netherlands.

A study on legal and illegal animal trade in the Netherlands estimated that 87 600 illegal animals entered the country each year representing 25% of the legal trade (Vink, 1995).

Trade control legislation, enforcement and penalties

The Netherlands joined CITES in July 1984. As a member of the EU, the Netherlands is bound by *Council Regulation (EC) 3626/82* and *Commission Regulation (EC) 3418/83* on CITES implementation. These two regulations will be replaced as of 1 June 1997 by *Council Regulation (EC) 338/97* on the protection of species of wild fauna and flora by regulating trade therein and an implementing Commission Regulation.

As of 1 August 1995, the Dutch Endangered Species Act (*BUDEP-Wet bedreigde uitheemse dier-en plantesoorten*) came into force. Legal import and export of Tiger material is governed by *WOG (Wet op de Geneesmiddelenvoorsiening* or Medicines Act) and *Warenwet* (the act that regulates the condition of food and goods).

All imports and export of Tiger or their products require a permit. Domestic trade is also controlled and permits are required for sale, purchase and possession. As in all EU States, labelling which states the item contains Tiger is considered as a recognisable derivative for legal purposes.

Illegal import, export, sale, purchase and possession of Tiger products is subject to maximum penalties of up to NLG1 000 000 (US\$531 915). The maximum possible prison penalty is six years.

Enforcement of BUDEP is the responsibility of the General Inspection Service, the Customs Service and the Police, including the Environmental Crime Unit.

Reported Tiger-related offences since 1994

Date	Items	Summary
1995-1996	Illegal wildlife products	about 25 seizures
March 1996	Medicines claiming to contain Tiger products	—

Source: Environmental Crime Unit, TRAFFIC

If seizure and confiscation occur, Tiger bone is held in stocks while other Tiger parts and medicines claiming to contain Tiger are destroyed. Some Tiger parts are used for educational purposes. The bone is held in stock by government authorities and is marked and registered but any bone in private ownership is not monitored.

The Environmental Crime Unit has developed a database on traditional Chinese medicines and the forensic lab of the National Crime Investigation Service (Divisie Centrale Recherche Informatie) is beginning work in wildlife forensics.

At the level of the EU, the Netherlands participates in CITES enforcement training that occurs annually for all member States in one location which alternates among members each year. At the national level, enforcement training in the Netherlands is done individually by each of the enforcement agencies (i.e. Police, Customs) for their own staff. In addition, there is a co-operation agreement among the agencies to share information and resources as needed to enforce CITES. The Netherlands is one of the few countries which includes officials from the Ministry of Justice in CITES enforcement training activities.

Conservation, public awareness and education Activities

The Netherlands Government is not currently involved in any Tiger conservation activities.

New Zealand

An investigation undertaken by TRAFFIC Oceania in February 1995 surveyed 30 shops in New Zealand's two largest cities and found that 46 per cent of shops visited had products containing CITES-listed species. (Callister and Bythewood, 1995). Twenty per cent of shops visited had Tiger products for sale.

Trade control legislation, enforcement and penalties

New Zealand became a Party to CITES in August 1989. The CITES-implementing legislation in New Zealand is the *Trade in Endangered Species Act 1989* (TESA) which was amended in 1991 to increase penalties and expand powers of search and seizure for officials.

TESA prohibits import and export of Tiger and Tiger products without a permit. Trade also requires a permit but the definition of trade does not include domestic sale. Possession of illegally obtained specimens is prohibited but the authorities must be able to prove that the possessor was aware that the product was illegally obtained. Legislation includes parts and derivatives if readily recognisable. Labelling as containing Tiger is not accepted as "recognisable" Tiger parts.

Illegal international trade or attempted trade as well as illegal possession of a CITES Appendix I specimen such as Tiger, by an individual, is subject to a fine of up to NZD100 000 (US\$70 921) and/or up to five years imprisonment. If the offender is a commercial operation, the fine is increased to NZD200 000 (US\$141 842).

The TESA does give powers of search and seizure to any officer with reasonable cause to believe that specimens have been illegally imported. In addition, powers of arrest and forfeiture are granted. All items seized are marked, registered and held by the Crown.

New Zealand also has the *Medicines Act (1981)* which states that a licence is required to wholesale, label or pack medicines. This legislation is primarily designed to control importation and sale of prescription

medicines (Callister and Bythewood, 1995).

The Interdepartmental Fauna and Flora Task Force, also known as the CITES Task Force has been targeting imports of traditional Chinese medicines purporting to contain CITES-listed species. However, as labelling is not deemed a method of determining "recognisable derivatives" it is unclear how this Task Force will enforce the legislation.

Reported Tiger-related offences since 1994

Date	Items	Summary
1995	three skins, one trophy and 138 medicines	Items seized but no prosecutions

Source: New Zealand Annual CITES report

A CITES enforcement training seminar, partially supported by the Hong Kong Government, was held from 11-15 November 1996 and included participants from New Zealand.

With no legal controls over domestic sale of CITES-listed species and the burden of proof on the government to prove illegal possession, no prosecutions for Tiger-related trade have occurred in New Zealand. However, seizures do occur indicating that trade in Tiger products into New Zealand does exist.

As per the recommendations of Resolution Conf. 9.13, New Zealand has designated A. Baucke as the contact person on issues concerning the trade in Tiger specimens (Anon., 1996m).

Conservation, public awareness and education

New Zealand is not currently involved in any Tiger conservation activities.

No public awareness campaigns on the ecological importance of Tiger have been developed in New Zealand. There has, however, been an effort by CITES officials to liaise with the traditional medicine communities in New Zealand.

Singapore

Since 1987, when CITES came into force in Singapore, no international trade has been reported by Singapore officials. However, between 1990 and 1992, China listed Singapore as the designated recipient of 1610 bottles of Tiger bone wine and 24 578 containers of Tiger-based medicines. Singapore has also been reported as an exporter of Tiger products, to both Taiwan (1980-1987) and South Korea (1970-1985) (Mills and Jackson, 1994).

Following a November 1994 ban on domestic trade in Tiger parts in Singapore, TRAFFIC Southeast Asia conducted a survey of traditional medicine shops in the country. The investigator reported that of 80 shops visited, nine shops stocked Tiger penis (or purported Tiger penis), six had Tiger bone pills and one had a Tiger bone plaster available (Chan, 1995).

Trade control legislation, enforcement and penalties

CITES came into force in Singapore in February 1987. The *Endangered Species (Import and Export) Act*

(Chapter 92A) is the CITES implementing legislation in Singapore which came into effect in March 1989. Under the Act, import or export of scheduled wildlife (i.e. CITES Appendix I and II species) requires a permit and no sale, display or possession of illegally imported specimens are permitted. The Act covers Tigers, Tiger parts and readily recognisable products.

Violations of this section are subject to a fine not exceeding SGD5000 (US\$3546) and/or one year in jail. Repeat violations may be subject to SGD10 000 fine (US\$7092) and/or one year in jail.

As of 4 November 1994, Singapore banned the domestic trade and public display in Tiger parts and related products including medicines containing Tiger derivatives. Violations of this ban are subject to a fine of up to SGD2000 (US\$1418) and/or up to three months in jail.

Singapore's *Wild Animal and Bird Act* (1965) also prohibits importation of animals into Singapore without a permit and violations are subject to a fine of SGD1000 (US\$709) for each animal. Export of wild animals or skins are prohibited unless the animal was legally obtained.

Authorised officers, including any Senior Primary Production Officer, any police officer, any Customs officer or any other public officer authorised by the Director of Primary Production, are empowered to seize animals or animal parts which are suspected to be illegal. The Primary Production Department holds regular training seminars for staff to keep them informed about prohibited items.

Information on whether items seized are held in stocks or destroyed was not available for this report.

Reported Tiger-related offences since 1994

Date	Items	Case History
July 1994	200kg Tiger bone	Shipment from Singapore to South Korea; in September 1996 two trading company members were convicted and fined SGD5000 (US\$3546) each for export without a permit and an additional SGD1000 (US\$709) for making a false declaration of contents

Source: CITES Infractions Report Reference 51338

A CITES enforcement training seminar, partially supported by the Hong Kong Government, was held from 11-15 November 1996 and included participants from Singapore.

There have been no other Tiger-related trade violations since the ninth meeting of the Conference of the Parties to CITES (Primary Production Department, in. litt. to TRAFFIC Southeast Asia, 18 February 1997).

As per recommendations made in Resolution Conf. 9.13, Singapore has designated Leon Hon Keong, Lye Fong Keng, and Bobby Lee as the contact persons on issues concerning the trade in Tiger specimens.

Multilateral agreements

Singapore was a participant in the Workshop on the Control of Wildlife Trade in the Asian Region and a signatory to the Beijing Statement.

Conservation, public awareness and education

The PPD has held meetings with the Chinese Medical Association to discuss the use of endangered species in traditional medicines and to explain the domestic ban and penalties for violations. Efforts have also been made, through the media, to make the public more aware of Tiger conservation issues.

South Korea

Between 1970 and 1993, when international trade in Tiger bone became illegal, South Korea imported 8981kg of Tiger bone from more than 12 countries. The majority of this bone came from Indonesia (44%) and China (27%). As much as 20 per cent of this total (1883kg) was imported in 1993, immediately prior to implementation of the ban on Tiger trade. South Korea also exported 434kg of Tiger products to the USA between 1985 and 1991 (Mills and Jackson, 1994).

There are some 7000 licensed Oriental medicine practitioners in South Korea dispensing Oriental medicine. In a show of good faith, in June 1996, one pharmaceutical company voluntarily burned all of its stored Tiger bones and Tiger medicines (Ministry of Environment *in litt.* to TRAFFIC East Asia, 12 July 1996).

Trade control legislation, enforcement and penalties

South Korea became a Party to CITES in October 1993. The *Natural Environment Preservation Law*, administered by the Ministry of Environment includes legal provisions to control trade in endangered flora and fauna list in the CITES Appendices. With respect to Tigers in trade, this Law is superseded by the *Law Concerning the Protection of Wildlife and Game* (LCPWG) and trade in Tigers for medicinal purposes is regulated under the *Pharmaceutical Affairs Law* (PAL). In addition, import and export of wildlife is governed by the *Customs Act 1967* (Amended 1995).

The LCPWG was enacted in 1986 and amended in 1994 to facilitate CITES implementation. Import or export of endangered birds and mammals requires permission from the government under Article 25-2 of the law and acquisition, possession, transfer and storage of illegally obtained specimens are prohibited under Article 24. The law does not have any provisions stating that items labelled as containing rhinoceros product, whether the label is accurate or not, will be treated as if they do, and therefore regarded as a recognisable product liable to penalty. Violations of the law are subject to penalties of up to one year in prison or a fine of KRW3 million (US\$4000).

South Korea's PAL prohibits sale, storage or display of medicines made from Tiger bones. Violations are subject to a maximum penalty of five years in prison or a fine of KRW20 million (US\$23 560). As part of the enforcement of this law, periodic inspections are undertaken by pharmaceutical control officers. In 1995, 28 407 facilities, including herbal clinics, traditional medicine pharmacies, wholesalers and others, were inspected (Anon, 1996j).

Under the Customs Law, if people smuggle illegal items into Korea for commercial use and are caught they will be charged. However, if the items brought in are deemed for personal use only, no charges are laid. In both cases, the illegal items are confiscated and destroyed. Violations of the Customs Act, such as failing to declare items on import, are subject to a fine of 10 times the value of duty evaded and/or 10 years imprisonment.

A voluntary registration of Tiger bone stocks was completed in February 1994 and 1061.5kg of bone and

227.8kg of bone powder were registered by pharmaceutical manufacturers with an additional 100.8kg bone and 10.3kg bone powder registered by other parties. All bones and containers of powder were marked and photographed (Mills and Jackson, 1994). By March 1995, the government hoped to end the market on Tiger-bone and Tiger-bone powder products in South Korea.

Staff of the Korea Food and Drug Administration Office were sent to a US forensic lab for one week' training course, however, the staff feels that more training is needed.

Reported Tiger-related offences since 1994:

Date	Items	Case History
10 June 1994	252kg bone	suspect imported inefficacious Tiger head bones instead of Tiger shinbones, manufactured 46 400kg of arthritis medicine (Go Ho Hwan) worth KRW8.3 billion (US\$9.8 million) and sold them in the market; suspect undervalued product on import and evaded import taxes; suspect acquitted and prosecution has now appealed
1995	one skin	suspect attempted to smuggle skin into South Korea aboard a Russian ship; skin was confiscated

Source: Environment Department of the Supreme Prosecutor's Office, Seoul, ROK and Customs data

In June 1994, the presidents of the largest pharmaceutical company and the largest distributor of Oriental medicines were arrested for violating the *Law for Special Measures to Control Health Related Crimes* by attempting to substitute herbivore bones for those of Tigers in medicines (Mills and Jackson, 1994)

Tiger bone stocks have been registered and marked with stickers from the Ministry of Health and Social Affairs as well as photographed. For powder stocks, stickers are affixed to containers. In June 1996, the Government of South Korea incinerated 793.2kg of Tiger bone along with 159kg of semi-manufactured Tiger products and more than 48 000 packs of Tiger bone-containing medicines held by a pharmaceutical manufacturer (Anon., 1996m).

The Korean Government, in co-operation with TRAFFIC East Asia held a CITES workshop in Seoul in March 1995. A CITES enforcement training seminar, partially supported by the Hong Kong Government, was held from 11-15 November 1996 and included participants from South Korea.

Conservation, public awareness and education

The government has made efforts to increase public awareness of Tigers and their conservation status by conducting co-operative programmes with NGOs. In April 1994, Tiger conservation posters were distributed throughout the country (Anon, 1996j). In addition, in October 1994, the Government worked with the traditional medicine community and affixed stickers to the front doors of shops notifying customers that Tiger bone and their derivatives are not sold in these stores (Anon., 1996j)

Taiwan

Control of the Tiger bone trade in Taiwan began in 1985 when pharmaceutical manufacturers were prohibited from applying to register new Tiger-based medicines (Mills and Jackson, 1994). However, a

TRAFFIC survey in 1992 reported that 15 of 50 wholesale medicine businesses surveyed had purported Tiger medicines available and 13 of those were deemed to be authentic Tiger bone (Nowell, 1993).

In late 1993, the Taiwanese Government called for voluntary registration of Tiger products and the Council of Agriculture established the Wildlife Protection Unit, the mandate of which is to investigate the black market in endangered species (Mills and Jackson, 1994). Undercover operations in March 1994 revealed that 27 of 519 businesses visited sold Tiger products and, in April 1994, 22 of 5623 stores visited had Tiger products (Anon, 1994c).

Trade control legislation, enforcement and penalties

Taiwan cannot join CITES since the United Nations does not recognise Taiwan as a sovereign nation. For purposes of issuing documentation, the Board of Foreign Trade of the Ministry of Economic Affairs issues import and export permits which are viewed by some Parties as equivalent to CITES documentation. The COA is viewed as equivalent to a CITES Scientific Authority.

Trade in wildlife is covered under Taiwan's *Wildlife Conservation Law* (23 June 1989, amended 29 October 1994) as well as the *Board of Foreign Trade Announcement No. 79-07018* under the *Foreign Trade Act*. The Law prohibits import, export, trading, display or exhibit of protected wildlife and its products unless under special circumstances regulated in the legislation. Tigers, as CITES Appendix I species, are considered protected wildlife. Products labelled as containing Tiger are treated as if they do, in fact, contain Tiger.

Permits are issued by the Board of Foreign Trade following approval by the Council of Agriculture (COA). Permits to import live specimens of Tigers are limited to academic research institutes, educational institutions and public or private zoos for education, academic research or circus performances. In theory, permits for the import of Tiger products could be issued in compliance with the WCL although it is deemed unlikely at this time given the current government policy.

Penalties for violation of the WCL include imprisonment of six months to five years plus a possible supplemental fine of TWD300 000-1.5 million (US\$11 000-56 000). If the violation is committed as an occupation then the penalties are increased to imprisonment for one to seven years plus a possible supplemental fine of TWD500 000-2.5 million (US\$19 000-93 000). In addition, under the WCL, anyone who falsely labels merchandise as containing protected wildlife or its products, is subject to a fine of not less than TWD150 000-750 000 (US\$5600-28 000).

The Department of Health announcement of 6 March 1986 (Pharmaceutical Affairs Law) prohibited pharmaceutical manufacturers, including those with Pharmaceutical Export Certificates, from applying for registration of new medicines containing Tiger bone. Any previously obtained certificates would not be extended past the current expiry dates and were later cancelled.

Taiwan banned international trade in Tiger bone in August 1985 under BOFT. Possession of Tiger bone, Tiger skin, or Tiger specimens without registration is subject to fines of TWD10 000-50 000 (US\$400-2000). All items registered in Taiwan have been inventoried, marked measured and photographed. Owners must maintain stocks for any future checks (Anon., 1995e). As of December 1995, registered stocks of Tiger products included 197.65kg of Tiger bone, 336 skins and 68 specimens.

In August 1991 the Taiwan Department of Health requested that Tiger bone medicines no longer be

dispensed. Domestic trade, including sale and display, of Tiger bone is now also prohibited.

Enforcement of wildlife trade laws is done by the Wildlife Protection Unit (COA), Taiwan Customs, and the Investigation Bureau of the Ministry of Justice (MJIB) as well as local government agencies and police units. Research into product identification techniques is currently ongoing at the MJIB. On 29-30 June 1995, staff of MJIB visited Hong Kong to confer on analysis of Chinese medicinal materials and wildlife derivatives. Any protected wildlife seized is held in stock and the inventory is strictly monitored.

Reported Tiger-related offences since 1994

Date	Items	Case History
January to April 1995	69 bottles Tiger bone wine	items seized in one case; further action pending
January to April 1995	5580 Tiger bone adhesive plasters	items seized in two cases; further action pending
31 May 1995	Tiger teeth	illegal display, further action pending
17 August 1995	seven Tiger teeth	MJIB uncovered a smuggling case including Tiger teeth and other wildlife products; case prosecuted on 14 November 95

Source: Anon., 1995f

Although Taiwan is not a Party to CITES, TRAFFIC East Asia has held two workshops on CITES in Taiwan. The most recent workshop in December 1996 brought together representatives from Japan, Malaysia, the Philippines, South Korea, Thailand and the USA as well as more than 50 participants from the local government, research and academic communities.

In 1995, delegates from Taiwan travelled to the USA to study identification techniques for wildlife products and the Wildlife Protection Unit also sent one person to the 1995 International Training Seminar for Wildlife Enforcement Officers held in the USA.

In 1994, the US Government certified Taiwan under the Pelly Amendment and imposed trade sanctions on Taiwan, however on 30 June 1995, the US Government declared that Taiwan had made "significant strides" and the sanctions were removed. Taiwan remained certified under the Pelly Amendment for an additional year until September 1996 when the certification was removed.

Multilateral agreements

The Taipei Economic and Cultural Representative Office in the USA and the American Institute in Taiwan signed an agreement on technical co-operation for the conservation of flora and fauna on 6 March 1995. This agreement covers law enforcement, scientific research and training activities.

On 2 September 1996 Taiwan and the Republic of South Africa strengthened their co-operation on law enforcement, technology and other areas related to wildlife conservation by signing the Agreement between Taiwan and the Republic of South Africa on Technical Co-operation in the Field of Endangered Species Conservation.

Currently under negotiation is a bilateral agreement with the Government of Vietnam.

Conservation, public awareness and education

In 1995, the Government of Taiwan donated US\$540 000 to international conservation activities, which included support for the following:

- The 1995 International Training Seminar for Wildlife Enforcement Officers held in the USA;
- Daily operation of the CITES Standing Committee Regional Office in Thailand;
- TRAFFIC International's project "Assisting the Enforcement of CITES and Related National Legislation"; and the
- IUCN project "Promoting Sustainability in International Trade in Wildlife and supporting the implementation of CITES" (Anon., 1995g).

In addition, the Government of Taiwan sponsored the Beautiful Taiwan Foundation to produce 40 000 copies of "Save the Tiger" stickers and leaflets in July 1995. In September 1995, the Ministry of Education sponsored the printing of "Save the Tiger" stickers and leaflets and distributed them to 3254 primary and junior high schools. At the same time the Department of Health sponsored TRAFFIC East Asia-Taipei's production of a Traditional Chinese Medicine and Wildlife Conservation publication.

In 1996, support for Tiger projects included:

- Participation in and donations to the International Tiger Conference in Thailand (US\$10 000);
- Donations to the World-wide Network of Citizens and NGOs to conserve Tigers and to Campaign to reduce medicinal and other uses of Tiger products (a world-wide web page run by the University of Minnesota); and
- the IUCN/SSC Cat Specialist Group project "Current Distribution of Tiger populations in East and Southeast Asia", a project to develop computer databases and mapping (US\$24 000)

Public awareness and education activities undertaken in 1996 include television commercials produced by the Government Information Office on traditional medicines and tonics, and production of "Please Do Not Buy Endangered Species While Travelling Abroad" leaflets by the Council of Agriculture.

UK

In 1993, UK Customs reported seizure of several Tiger items including one skin, four claws, nine teeth, 40 packets of musk/Tiger plasters, 51 bottles of musk/Tiger bone pills, 30 strips of musk/Tiger plasters, two bottles of tincture of Tiger bone plus 423 other units of Tiger bone medicines. The country of export for these products included Dubai, Hong Kong, India, Singapore, Thailand and the USA, according to UK CITES Management Authority seizure data.

Trade control legislation, enforcement and penalties

The UK became a Party to CITES in October 1976. As a member of the European Union, the UK is bound by *Council Regulation (EC) 3626/82* and *Commission Regulation (EC) 3418/83* on CITES implementation. These two regulations will be replaced as of 1 June 1997 by *Council Regulation (EC) 338/97* on the protection of species of wild fauna and flora by regulating trade therein and an implementing Commission Regulation.

All imports and exports governed by CITES provisions are implemented through the *Customs and Excise Management Act 1979*, which makes it an offence to export or import goods that were illegally obtained. There are no exemptions for specimens in transit through the UK. Penalties for violation of the Act include up to seven years in jail and/or unlimited fines.

Customs and Excise Officers are empowered to require any person possessing or controlling a restricted item to prove it was lawfully imported or exported under EU regulations. If a specimen is illegally obtained, it is liable to forfeiture.

The *Control of Trade in Endangered Species (Enforcement) Regulations 1985* (COTES) include controls over domestic trade. Domestic trade, including sale, offer for sale, exhibit for sale, possession and transport for purposes of sale is prohibited under COTES. This regulation applies to Tiger parts or anything which derives wholly or partly from Tiger parts. As per EU regulations, if the package labelling includes Tiger parts, then the product is deemed to contain Tiger, whether or not it really does. Commercial trade in Tiger is permitted in cases where it can be proven that the specimen is a) captive bred; b) sold for scientific purposes such as a captive breeding project; c) legally imported into the EU; or d) obtained pre-Convention. In all these cases, an exemption certificate can be obtained and the item can be traded domestically. Two types of exemptions exist, either specific or general. The former requires a trader to apply for an exemption certificate in each case while the latter applies to species which are generally exempt. Tiger products would require a specific exemption certificate. There is no control over possession of Tiger items unless it can be shown that the item is being held with intent to trade (C. Allan, TRAFFIC International, pers. comm., March 1997).

Illegal domestic sale is liable to punishment of up to two years in jail or a fine of GBP5000 (US\$8064). Penalties for making false statements in order to obtain permits include a fine of GBP5000 (US\$8064) for a summary conviction in a magistrate's court or an unlimited fine and up to four years in prison for an indictment conviction. Possession of an illegally traded specimen is not penalised unless possession is for commercial purposes.

In the UK, there is no set policy on the fate of seized items containing endangered species. Items seized may be stockpiled in warehouses and held until needed for court cases. Following prosecution, the enforcement agency responsible for the seizure can decide on what happens to the items which can include 1) being held in stocks; 2) being destroyed; or 3) distribution to interested parties for use in education programmes (C. Allan, pers. comm., March 1997).

TRAFFIC investigations in September 1994 revealed that hundreds of medicines containing wildlife derivatives were available in the United Kingdom and 50% of businesses visited had these available (Anon., 1995h). This information led to Operation Charm, a multi-agency enforcement initiative to stop the UK trade in medicines containing endangered species. Police raids and seizures in several UK cities occurred in February and November 1995 and led to seizures of Chinese medicines purporting to contain Tiger derivatives. Fifty per cent of shops visited by TRAFFIC investigators contained medicines with CITES-listed species. Most of the medicines seized were manufactured in China and shipped to the UK via Hong Kong (Crawford Allan, pers. comm., December 1996)

Reported Tiger-related offences since 1994

Date	Items	Case History
1994	20 musk/Tiger plasters, 1747 Tiger bone plasters, 96 bottles Tiger bone pills, one Tiger skin, nine Tiger teeth and 20 bottle Tiger bone tincture	Seized by Customs with country of export including Hong Kong, Thailand, China, USA, Nigeria and Tanzania
12 September 1994	20 packet. Tiger bone plasters	Seized from the mail en route from Tanzania to Australia
7 February 95	bones and medicines claiming to contain Tiger products	six individuals arrested and prosecuted in November 1995 with fines of GBP60-3000 (US\$97-4839)
15 August 1995	500 illegal specimens seized including one Tiger skin and skull	Part of largest seizure of its kind in the UK; On 9 May 96 prosecuted and sentenced to GBP18 500 (US\$29 839) and 2 years in prison
31 August 1995	Traditional Chinese medicines claiming to contain Tiger bone	Bear and monkey bones being sold as Tiger bones; GBP1000 (US\$1613) fine
30 November 1995	Traditional Chinese medicines claiming to contain Tiger bone	Operation Charm seizure in West London
1995	15 musk/Tiger bone plasters, 31 Tiger bone plasters, two boxes Tiger bone plasters, seven Tiger claws and five bottles Tiger bone liniment	Items seized by Customs as individuals attempted to import into UK; countries of origin listed for these products include Hong Kong, China, USA, India, Kenya, Ethiopia, Nigeria and Morocco
14 August 1996	245 Tiger bone plasters	Raid on Portsmouth premises with seizure of hundreds of traditional Chinese medicines In March 1997 fines of GBP2000 (US\$3226) imposed + GBP150 (US\$242) costs

Source: UK CITES Management Authority and *TRAFFIC Bulletin* 15(1), 16(1), 16(2)

At the level of the EU, the UK participates in CITES enforcement training that occurs annually for all member States in one location which alternates among members each year. In October 1995 the UK hosted the annual EU CITES training seminar with 125 representatives from EU countries as well as Baltic and East European States attending (UK CITES newsletter, January 1996). At the national level, enforcement training in the UK is done individually by each of the enforcement agencies (i.e. Police, Customs) for their own staff.

As per recommendations made in Resolution Conf. 9.13, the UK has designated Guy Clarke and Lynn Garvey as the contact persons on issues concerning the trade in Tiger specimens.

Conservation, public awareness and education

Currently the UK Government is contributing GBP50 000 (US\$80 645) towards Tiger conservation in India. In addition, the UK provided GBP50 000 (US\$80 645) for support of the Global Tiger Forum and

its activities.

The Metropolitan Police, with approval from the UK Government, have begun a public awareness campaign for traditional medicine pharmacists who can declare themselves "endangered species free" and display a sticker in their shops to inform customers they do not stock medicines containing endangered species. As well as enforcement activity such as police raids, Operation Charm has initiated information seminars on traditional medicine and the effects on wildlife populations. In addition, brochures on Operation Charm are available.

USA

The USA is a major consumer of illegal wildlife products with trade estimated to be worth US\$100-200 million annually (GAO, 1994). Between 1982 and 1991, the USA imported 218 046 units of Tiger products from Hong Kong most of which were seized as illegal imports (Mills and Jackson, 1994).

A one-day survey conducted in 1995 at the Smithsonian's Museum of Natural History showed that the Museum's visitors' knowledge about the Tiger was limited to its physical appearance and dietary habits. Visitors surveyed "demonstrated much concern and respect for animals but little more than a very basic knowledge of animal conservation." Visitors surveyed did not associate Asia with animal conservation or Tigers and did not make a direct connection between their own lives and animal conservation. A statement regarding the loss of wild Tigers related to numbers living in captivity was rated by visitors as more interesting than loss of Tigers due to use in traditional medicines or rising human population needs (Anon., 1996k).

Trade control legislation, enforcement and penalties

The USA joined CITES in July 1975. The first line of defence controlling trade in Tigers and their parts is the *Endangered Species Act* (ESA) which prohibits import and export of specimens of species listed as threatened or endangered on the "Endangered and Threatened Wildlife and Plants" list produced by the USFWS. All subspecies of Tigers are listed as endangered on this list.

The ESA is also intended to prohibit interstate sale of species listed as endangered and imported in violation of CITES. Individuals wishing to engage in inter-state commerce may require a permit to do so legally but intra-state trade is not controlled (Mulliken and Thomsen, 1990). Possession of endangered species is not a violation of the ESA if the government cannot prove that the animal was taken in violation of the ESA or traded in violation of CITES.

Violations are punishable by a fine of US\$100 000 for individuals and US\$200 000 for an organisation and/or imprisonment for one year.

The *Lacey Act* is an umbrella law that allows for enforcement of any law, regulation or treaty of the USA, any US state law or regulation or any foreign wildlife law. For example, an item that is taken, possessed, transported or sold in violation of foreign law, and subsequently imported to the USA, can be seized under the *Lacey Act*. A fine of up to US\$250 000 for an individual or US\$500 000 for a business and/or a jail sentence of up to five years can be levied for violations of the *Lacey Act*. The *Lacey Act* is generally not used when another enforceable law already exists but can be used in addition to the ESA, for instance, if more than one law (including foreign laws) was broken during the violation.

Seizure of an item purported to contain Tiger derivatives can occur without physical proof that it truly contains the prohibited substance. Although seizures may occur, importers are rarely further penalised for their activity. There is currently a bill to amend the *Endangered Species Act* which has been introduced entitled the Rhino and Tiger Product Labelling Act. If passed in its current form, this will mean the prohibition of importation of any product labelled as containing any endangered or threatened species, or any species listed on Appendix I to CITES. Interstate commerce in these products will also be prohibited.

All items seized are stored in a central repository. Perishable items are destroyed by incineration while non-perishable items are stored. Non-perishables include many traditional medicines which are packed in wax ball preparations for longevity. All items stored are tagged, bar-coded and entered in a database. The repository is subject to auditing by the Inspector General's office but during the first 18 months of operation no audit has been conducted. It is expected that an audit will occur in 1997 (Bernadette Hilbourn, USFWS, pers. comm., January 1997)

Some items are used in educational programmes such as the "Cargo for Conservation" programme of the USFWS while some items, from non-CITES Appendix I, non-endangered species may be auctioned to the public in order to provide space for storage and generate income for maintenance of the facility.

Reported Tiger-related offences since 1994

Date	Items	Case History
September 1994	one Siberian Tiger skeleton	Chinese national intercepted by US Customs attempting to smuggle the skeleton along with other traditional medicines containing endangered species; on 4 April 1995, he was sentenced to 21 months in prison
6 September 95	traditional medicines including Tiger bone plasters, and bear bile	Seized at LA airport from four Chinese Nationals who were arrested and charged with smuggling and violations of the ESA; all pleaded guilty to one misdemeanour and received prison sentences of eight months to one year

Source: TRAFFIC USA newsletter 14(2); *TRAFFIC Bulletin* 16(1)

NB. The 6 September 1995 case was prosecuted only because the government could prove the bear bile seized did contain bear and was illegal.

The Pelly Amendment to the US *Fishermen's Protective Act of 1967* allows the USA to take action against a State that is engaged in trade that violates any international conservation programme concerned with endangered species. In 1993, a petition to invoke the Pelly Amendment against Taiwan, China, South Korea and Yemen for failing to control illegal trade in rhinoceros and Tiger was drafted. Decisions on South Korea and Yemen were withheld, due to decrease in trade and decisions to join CITES by both countries, however both China and Taiwan were certified on 7 September 1993 (US Department of Interior news release, 7 September 1993). In April 1994, the US Government invoked Pelly Amendment sanctions against Taiwan which were lifted in June 1995. The certification of Taiwan was lifted on 11 September 1996.

Each US state also has the authority to regulate the sale, purchase and possession of foreign wildlife species. The majority of US states prohibit trade in Tiger, but Tiger parts and derivatives may not always

be covered. For example, Hawaii, New Jersey and Washington all have significant markets but no legislation prohibiting Tiger parts or derivatives in trade.

Ongoing forensic research to aid in trade control is under way at the US National Fish and Wildlife Laboratory. Most of the Tiger-related research has been done on Musk Deer and Tiger bone plasters. Bone can be identified using infra-red spectroscopy and then immunodiffusion techniques are applied to determine the animal to the family level. In patented Musk Deer and Tiger bone plaster preparations examined so far, no presence of bone was found.

In 1995, the USFWS, in conjunction with the US Asian Environmental Partnership and the CITES Secretariat, facilitated a series of CITES implementation workshops in several Tiger range States including Bangladesh, India, Indonesia and Nepal. The workshops provided basic information on CITES administration, wildlife inspection, wildlife crime investigation techniques and species identification.

From 28 October to 11 November 1996, USFWS staff visited China and the Ministry of Forestry staff who are responsible for CITES implementation in China. The visit included discussions on China's CITES work, traditional medicine and captive management of some of the species used in traditional medicine and presentations on the new Detecting Centre at the College of Wildlife Resources at the Northeast Forestry University in Harbin.

Multilateral agreements

Bilateral agreements between the US and Russia and the US and China have resulted in Tiger conservation projects. In addition, an agreement on trade control enforcement exists between the USA and Taiwan.

Conservation, public awareness and education

The US State Department contributed US\$1 million to IUCN in 1994, US\$75 000 of which was specifically earmarked for the IUCN/SSC Cat Specialist Group. In 1994, these funds were used to follow up on Global Tiger Fund recommendations for Tiger conservation in the following activities: 1) workshop on Tigers in tropical Asia 20-24 October 1994; 2) Workshop on Tigers in Cambodia, Lao PDR and Vietnam 1-3 March 1995; 3) inspection of South China Tiger reserves; 4) establishment of the Tiger Link, an organisation to co-ordinate dealing with problems of Tiger conservation; and 5) inspection of the Tiger situation in the Russian Far East.

In 1994, the US Congress passed the Rhinoceros and Tiger Conservation Act and allocated funds to be used for conservation of these species. The philosophy of the funds provided is to provide small amounts of seed money for a short term as a catalyst that may be needed to get projects running. Unfortunately, some range countries such as North Korea are ineligible for these funds.

In 1996, US\$200 000 was allocated and US\$400 000 is available for 1997. Project proposals are evaluated based on immediacy of impact and capacity-building in range countries. To date, 65 proposals have been received and 13 projects have been approved with a further 17 projects which will be reconsidered on receipt of additional information. As of 16 January 1997, five Tiger projects had been approved for funding under the RTA totalling US\$157 400. These included support for assessment of wild populations in range States, anti-poaching efforts in Indonesia and India, and community conservation education in other range States.

The USFWS has a long-term association with the Wildlife Institute of India. Beginning in 1989 a formal

programme of co-operation was begun including projects which help Tiger conservation efforts such as 1) development of wildlife forensic capability in India, 2) creation of the Indian wildlife health co-operative and 3) evaluation of human impact and effects on herbivore populations in Corbett National Park, a Project Tiger reserve (F. Bagley, USFWS, pers. comm., February 1997). These projects provide training for Indian staff as well as equipment to several field activities in India.

In co-operation with the University of Minnesota, USFWS has sponsored a project to co-ordinate Tiger conservation in seven Southeast Asian Tiger range States and assisted with funds to ensure attendance of participants from the 11 range States at the January 1996 meeting in Bangkok and at the follow-up workshop in Kathmandu. USFWS has contributed funds to all four of the International Tiger Field Assessment Workshops that have been held.

In 1995, USFWS began support to the Wildlife Protection Society of India to develop a database on Tiger poaching and Tiger trade. USFWS is also working with the Centre for Wildlife Studies in Nagarahole National Park on a project entitled "Ecological status and conservation of Tigers in India".

In October 1995, the USFWS launched a public education programme to inform US citizens that some traditional medicines for sale in the USA may contain products of endangered or threatened wildlife, including Tigers. Teacher training workshops were held in Los Angeles in collaboration with several NGOs.

Although there has been a lot of activity since the last meeting of the Conference of the Parties to CITES in the USA with respect to Tigers and activities which fall under Resolution Conf. 9.13, most were in place before the resolution was passed and would likely have occurred with or without CITES action.

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Appendix I

CITES Resolution Conf, 9.13

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

Ninth Meeting of the Conference of the Parties
Fort Lauderdale (United States of America), 7 to 18 November 1994

RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conservation of and Trade in Tigers

AWARE that three subspecies of Tiger, *Panthera tigris*, have become extinct within the last 50 years and that the surviving populations of the species have declined sharply within the last five years;

NOTING that wild populations of Tigers are threatened by the combined effects of poaching and of habitat loss caused by disturbance, fragmentation and destruction;

AWARE also that the Tiger is listed in Appendix I and international commerce in the species is prohibited;

NOTING that, despite inclusion of the species in Appendix I, illegal trade in Tiger specimens has escalated, and could lead to extinction in the wild;

NOTING further that the Standing Committee has called upon all Parties and non-Parties to the Convention to take such measures as are required to halt the illegal trade in Tigers and Tiger parts and derivatives;

RECOGNIZING that strengthened technical co-operation between range and non-range States, and financial support, would contribute to more effective Tiger protection;

RECOGNIZING also that long-term solutions to the protection and conservation of the Tiger and its habitat require the adoption of bold and unprecedented actions;

ACKNOWLEDGING that increased political will, financial resources and expertise in some range and consumer States will significantly improve the control of the illegal killing of Tigers, trade in their parts and derivatives, and protection of their habitat;

APPRECIATING the recent positive actions taken by some consumer States to address the illegal trade in Tiger parts and derivatives;

COMMENDING the recent initiatives by some range Parties to facilitate co-operation in Tiger conservation, including:

- a) India, which, with co-sponsorship from the United Nations Environment Programme (UNEP), convened the first meeting of Tiger range States, in March 1994, to establish a Global Tiger Forum; and
- b) Thailand, which convened a workshop in October 1994 to map distribution of Tigers and the status of their forest habitat in a Geographic Information System and to initiate regional co-operative action in this regard;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES

- a) those Parties and non-Parties, especially Tiger range and consumer States, which currently lack legislation to properly control illegal killing of Tigers and/or the trade in Tigers and Tiger parts and derivatives, to adopt such measures as a matter of urgency, and that such measures should address the requirements of the Convention and include penalties adequate to deter illegal trade;
- b) the Secretariat, where possible, to assist those Parties seeking to improve their legislation, by providing to them technical advice and relevant information;
- c) all Parties seeking to improve their legislation controlling the trade in Tigers and Tiger parts and derivatives, or to adopt such legislation, to consider introducing national measures to facilitate implementation of CITES, such as voluntarily prohibiting internal trade in Tigers and Tiger parts and derivatives and prohibiting the sale of illegally traded Tiger parts and derivatives;
- d) all Parties to treat any product claiming to contain Tiger specimens as a readily recognisable Tiger derivative and therefore subject to Appendix-I provisions, as provided for in Resolution Conf. 9.6;
- e) those Parties and non-Parties in whose countries stocks of Tiger parts and derivatives exist to consolidate and ensure adequate control of such stocks;
- f) all range States and consumer States that are not party to CITES to accede to the Convention at the earliest possible date; and
- g) Tiger range and non-range States to support and participate in international Tiger conservation programmes including joining the Global Tiger Forum;

RECOMMENDS

- a) that the governments of Tiger range States and, where appropriate, non-range States, establish co-operative bilateral and multilateral arrangements for the management of shared wildlife species and protected habitats with common boundaries in order to achieve more effective control of illegal transborder movement of Tigers and Tiger parts and derivatives; and
- b) that all range and consumer States strengthen communication and sharing of information by designating at least one contact person in order to establish a regional network to assist in the control of the illegal trade in Tiger parts and derivatives;

REQUESTS

- a) countries with the relevant expertise to assist range and consumer States in the establishment of forensic facilities and to provide other technical assistance to aid the detection and accurate identification of Tiger parts and derived manufactured products; and
- b) that, given that biological and distribution data are essential for the implementation of the Convention, donor nations assist in funding the infrastructure and the provision of expertise to develop computer databases and mapping, as well as any other necessary conservation management and enforcement techniques;

RECOMMENDS that the governments of Tiger-consumer States:

- a) work with traditional-medicine communities and industries to develop strategies for eliminating the use and consumption of Tiger parts and derivatives;
- b) carry out appropriate education and awareness campaigns, making use of indigenous knowledge and traditional wisdom, directed at appropriate rural and urban communities and other targeted groups in range States, on the ecological importance of the Tiger, its prey and its habitat; and
- c) introduce programmes to educate industry and user groups in consumer States in order to eliminate the use of Tiger-derived substances and promote the adoption of alternatives;

DIRECTS the Standing Committee to continue its review of Tiger trade issues in range and consumer States and to report to the Parties on progress made, with a view towards identifying additional legislative and enforcement measures that may be necessary to stop the illegal trade in Tigers and Tiger parts and derivatives; and

CALLS UPON all governments and intergovernmental organizations, international aid agencies, and non-governmental organizations to provide, as a matter of urgency, funds and other assistance to stop the illegal trade in Tigers and Tiger parts and derivatives and to ensure the survival of the Tiger

Appendix II

Summary of international Tiger conservation programmes since 1994

Location	Project	Supporting Partners
Asia	Population Survey in Cambodia and Myanmar	Taiwan Government and NGOs
Asia	Workshop of Tiger Field Assessment	USFWS-RTF and NGOs
Asia	Conservation Education and Awareness Training programme for the protection and preservation of the Tiger and rhinoceros	USFWS-RTF and NGOs
Asia	Indochinese Tiger: regional assessment of conservation status and distribution	USFWS – RTF and NGOs
India	Investigation into Poaching and illegal trade of wild Tigers in India	USFWS – RTF and NGOs
India	Database on Tiger poaching and trade	USFWS and NGOs
India	Tiger Link – operating support	US State Department. IUCN/SSC Cat Specialist Group and NGOs
India	Tiger Conservation	UK Government and NGOs
Indonesia	Tiger community education programme at Way Kambas National Park, Sumatra, Indonesia	USFWS – RTF and NGOs
Indonesia	Adopt-a Warden programme at Way Kambas	USFWS - RTF and NGOs
Indonesia	Sumatran Tiger Conservation in Kerinci	World Bank
Nepal	Royal Bardia National Park integrated conservation project	Dutch Government and NGOs
Thailand	Workshop on Tigers in tropical Asia, Bangkok, 1994	US State Department. IUCN/SSC Cat Specialist Group and NGOs
Vietnam	Workshop on Tigers in Indochina – Hanoi - 1995	US State Department. IUCN/SSC Cat Specialist Group and NGOs

NB. This list includes only those range State projects with range and/or consumer State support and designed specifically with Tigers in mind and not those that may also benefit Tigers such as CITES implementation workshops, trade monitoring support, general wildlife surveys, etc.

