

TRAFFIC BULLETIN



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CITES MEETING AT NEW DELHI, INDIA *By Tim Inskipp*

The third meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora was held in New Delhi from 25 February to 8 March. Delegates included representatives from 53 Parties, 16 non-Party states, the European Community, five UN agencies, INTERPOL and the International Whaling Commission. Of the 70 non-governmental organizations represented 10 were from India, 31 from the USA and 4 from the UK.

The Standing Committee was provided with additional functions: to oversee the execution of the Secretariat's budget and represent the Secretariat in matters dealing with the budget; to represent the Parties when requested and report to the Conference of the Parties on inter-meeting activities.

It was decided that the headquarters of the Convention Secretariat shall remain in Switzerland.

Report of the Secretariat

The Secretary General, in his report, expressed regret that to date only nine Parties had formally accepted the amendment to the Convention text required for financial provisions to be made enabling the Secretariat to carry out its duties. The amendment which was adopted at Bonn in June 1979 requires 34 acceptances before it enters into force. The number of cases of action for compliance control had increased dramatically to 274 involving 39 Parties during 1979-80. A summary of an investigation of illegal trade from Paraguay was included in the Report as an example: it was found that many export documents, involving trade in large numbers of skins of cats, otters and caimans, and some live animals, were found to be forgeries. The delegations of both Paraguay and the Federal Republic of Germany (one of the main importing countries involved) clarified their efforts to control the illegal trade. It was later resolved that Parties ensure strict compliance and control in respect of all provisions of the Convention.

The Secretariat was also concerned that the Trust Fund contributions, which pay for the running of the Convention and its meetings, had not been paid by 19 Parties for 1980 and the total arrears were about \$84000. A conference fee for Parties in arrears and observers was suggested. A resolution was adopted emphasising to the Parties the importance of making their Trust Fund contributions by the beginning of the applicable financial period; inviting non-Party states and other organisations to contribute to the Fund; and setting a meetings registration fee of US\$ 50 for all observer organisations from Party states. The 1982-1983 budget and scale of contributions to the Trust Fund were approved.

The Technical Expert Committee on Harmonization of Permit Forms and Procedures produced a number of draft resolutions at its meeting in Bonn in January 1980. After a long discussion on a model export permit the Parties agreed to standardize their own documents as much as possible, including use of one or more of the working languages and information on units of measurements. A number of Parties were unable to use special security paper, samples of which had been prepared for the Conference, but it was agreed to take appropriate measures including the use of serially numbered security stamps and exchange copies of documents to verify their authenticity. Parties having stricter domestic measures than the Convention which might affect the legality of traded items were asked to communicate details of their measures. It was resolved that acceptance of comparable documentation issued by States not Party to the Convention should be subject to a number of detailed criteria, especially for Appendix I specimens. These included sufficient identification of the species concerned; certification stating the origin and that exports do not contravene applicable legislation or are detrimental to the survival of the species; and guarantee of adequate welfare during transport.

The next topic that was discussed was harmonization and review of annual reports. Of the 40 states that had been Parties to the Convention through 1978 (and therefore obliged to produce an annual report on their relevant trade) only 29 had submitted a report for 1978 in time for the third meeting. In addition 3 states that became Parties after January 1978 also submitted reports. The data in these reports were analysed by TRAFFIC International on a consultancy basis and the transactions between Parties were compared in tabular form. The Statistics illustrated numerous discrepancies between the figures for exports of one Party and the figures for imports of the respective receiving Party. Using the 1978 Statistics as a basis the Secretariat requested supplementary information from five Parties and the replies revealed that a number of transactions were in contravention of

SEE STOP PRESS, p.28

the terms of the Convention. These included 14000 cat and otter skins imported by FRG from Uruguay, Peru and Ecuador, and large numbers of stuffed hawksbill turtles *Eretmochelys imbricata* imported by many Parties from the Seychelles. The Parties noted with appreciation the work carried out by TRAFFIC International and made several recommendations aimed at harmonizing the information presented in annual reports. It was decided to continue regular comparative tabulation of the reports with a view to the publication of a Yearbook of International Wildlife Trade.

Since illegal trade in African elephant ivory had become internationally very important, the Parties next considered special measures for controlling the trade. Definitions of 'raw' and 'worked' ivory were approved and a system of marking tusks and pieces of raw ivory was recommended for use. Careful scrutiny of all documents relating to the ivory trade was advised. Because of the special attention paid to conservation of whales a similar suggestion relating to cetacean trade documents was approved. Finally, in view of the threat to rhinoceros populations due to the trade in horn, it was resolved to request both Party and non-Party governments to prevent import, export or sale of rhinoceros products.

The Identification Manual Committee provided a report which included a completed sample chapter from the Manual on tortoises Testudinidae. A project proposal had been submitted to UNEP for partial funding of the Manual during 1981-83. The aim is to produce seven volumes of loose-leaf documents describing and illustrating the major groups of species and their products subject to control under the Convention. A number of Parties and non-governmental organisations are currently preparing sections for the Manual. Thirteen sections on live animals will cover about 77 species of mammals, 227 birds and 21 reptiles. Also in preparation are about 166 sheets on ivory, furskins and leathers and a checklist of Orchidaceae. Promises to prepare several other sections came from a number of parties. A resolution was adopted inviting parties to submit contributions and suggesting that Parties proposing additions to the appendices provide appropriate data for the Manual.

The Nomenclature Committee reported that, despite funding difficulties, a checklist of mammals of the world had been completed and would be published in April. This contained information on subspecies, distribution and protection status. The support of the Parties and additional funding was requested.

The Ranching Committee provided a detailed report on its attempts to develop criteria by which ranching operations for CITES Appendix I species would be assessed. The Committee proposed the establishment of a register of approved operations and allowing international trade in products of the species concerned only from such registered operations. The cost and complexity of such a procedure was questioned and the alternative of downgrading to Appendix II populations subject to ranching operations was advocated. A long discussion took place on this difficult issue and subsequently a new resolution was prepared based on the latter suggestion. It was resolved that before any population is downgraded a number of detailed criteria must be satisfied. These included the stipulation that the operation would be beneficial to the wild population, and that all products must be adequately identified and documented.

The Guidelines for the preparation and transport of live animals and plants were the next subject for discussion. The text of the draft Guidelines had been prepared under the auspices of TRAFFIC and unanimously approved in principle at the second meeting of the Parties. The final document had taken into account all comments received. Some further amendments were made, particularly restricting coverage of the Guidelines to wild animals. A resolution was adopted that the Parties make the most effective use of the Guidelines and

encourage compliance wherever possible; also expansion of the mandate of the Technical Expert Committee on Harmonization of Permit Forms and Procedures to amend the Guidelines when necessary. A further resolution adopted a proposal to develop an international reporting system for live specimens travelling in a stressed condition. The delegation of the USA pointed out that this procedure was not intended to be mandatory, only to provide feedback.

Status of subspecies included in the appendices. The desirability of using subspecies in the appendices was discussed at Costa Rica and a review of all listed subspecies was undertaken. Comments had only been received on 12 mammal and 8 bird subspecies and 1 plant variety. No decision was made on the recommendations for these taxa but it was agreed to review the listing of Latin American Felidae and Lutrinae subspecies because of the identification problems involved in regulating trade.

Species thought to be extinct included in the appendices. At the second meeting it was agreed to annotate a number of species in the appendices as p.e. (possibly extinct). The Secretariat was empowered to similarly annotate two more species:- the Pink-headed duck, *Rhodonessa caryophyllacea*, and the Glaucous macaw, *Anodorhynchus glaucus*.

Index of species mentioned in legislation. A document was distributed containing a sample from a computerized index of all references to species of higher taxa of vertebrates in the considerable volume of legislation so far analyzed, together with CITES listed invertebrates. It was resolved to continue the project with further development and updating of the Index and the Parties were asked to provide additional information and corrections.

Report of the IUCN/SSC Threatened Plants Committee. At the first meeting of the Parties a review of plant species listed in Appendices I and II was proposed. Bearing in mind the lack of trade data available on plants the TPC reviewed a sample of 30 species on Appendix I and 15 on Appendix II. The annual reports of parties, other trade and population data were reviewed and a number of recommendations for changes in the listings or undertaking population surveys was presented. The document was noted but the recommendations were not specifically discussed or adopted.

Technical cooperation, training and implementing legislation. The Secretariat reported on advisory missions to Latin America, Africa and the Middle East and several training programmes for enforcement of the Convention. A draft of Guidelines for national implementation of CITES was made available for information purposes only. It was resolved that the Parties ensure the continuation of technical assistance projects.

Disposal of Appendix I specimens. At the second meeting of the Parties international exchange of confiscated specimens for scientific and other purposes was recommended. The question had arisen whether Parties could sell legally held stocks of Appendix I specimens. Also the procedure for return to the country of origin of confiscated live specimens had created problems. It was resolved that each Party should inventory stocks of confiscated specimens and that the Secretariat should coordinate bona fide exchanges. In cases where transfer was not possible dead specimens should be stored or destroyed. Live specimens should be returned to the country of origin for release when possible or placed in rescue centres, preferably for breeding but otherwise for scientific/educational purposes.

Regulation of trade in wildlife listed on Appendix II. This document was prepared by Australia because of concern that "suitable measures....to limit the grant of export permits" (Article IV, paragraph 3) were not being undertaken and that CITES was simply documenting the decline of Appendix II species. It was resolved that a committee be established to determine guidelines for criteria under which the number of export permits for commercial trade in Appendix II species might be restricted.

Ten year review of appendices. The aim of this proposal was to evaluate the status of listed species to determine if the goals of the Convention were being met. It was not intended as a mechanism for evading present criteria for deletion of species. A system of regional reviews was suggested leading to propositions which would be put to the fourth meeting of the Parties. Many parties spoke in favour of this proposal and after a draft resolution had been extensively revised it was adopted.

Reverse listing concept for appendices. Under this proposed system the present appendices would be replaced by lists of species in which trade was freely allowed. A number of delegations spoke in support of the proposal and some mentioned that their national legislation used the principle. However some felt that there were enormous practical and legal difficulties in the elaboration of such a system and some delegations were opposed to the idea. It was resolved to appoint a Committee to examine whether other methods of classification may be preferable to the present system especially that of reverse listing. All ramifications should be investigated for a report to a future meeting.

Several other proposals were deferred through lack of time or withdrawn after discussion. Among the latter was a proposal prepared by Canada and the USA that a species be included in the appendices in accordance with Article II:2(b) only if such species occur in trade or are indistinguishable from a listed species by a control officer using an identification aid. In discussion it was pointed out that such a proposal opposed the fundamental principles of the Convention and would not allow the use of higher taxa for simplification purposes. It would also undo previous efforts to strengthen trade controls and presented a threat to the Berne criteria.

Of the 92 proposals for amendment of Appendices I and II 22 were withdrawn for various reasons. Those adopted were as follows:

MAMMALS

Saguinus oedipus (geoffroyi) in place of S. oedipus in Appendix I to clarify a taxonomic problem.

Cercopithecus diana (roloway) Diana monkey

Papio (= Mandrillus) leucophaeus Drill

Papio (= Mandrillus) sphinx Mandrill

All three of these African species transferred from Appendix II to Appendix I.

Physeter catodon (macrocephalus) Sperm whale

Balaenoptera borealis Sei whale

Balaenoptera physalus Fin whale

These three whales (two of which had some populations already on Appendix I) were transferred to Appendix I. The proposals, which go further than the restrictions imposed by the International Whaling Commission were supported by many delegations and only opposed by Japan and the USSR. These amendments should lead to a big step forward in the reduction of commercial whaling.

Damaliscus dorcas dorcas Bontebok.

Transfer from Appendix I to Appendix II of this non-endangered South African subspecies.

Hippotragus equinus Roan antelope.

Inclusion in Appendix II of this widespread but declining African species.

BIRDS

Spheniscus humboldti Humboldt penguin.

Inclusion in Appendix I of this overhunted bird.

Falco rusticolus Gyr falcon. Transfer from Appendix I to Appendix II of the North American population (excluding Greenland). This proposal provoked a lot of discussion because although the relevant criteria had been met it was felt that the change was unnecessary since there were no plans by the proponent to internationally exploit the species. Also any legal trade in the species could exacerbate illegal trade in the Eurasian populations. However the delegation of the USA stated that its country and Canada would provide stringent safeguards in the event of any trade. The proposal was adopted but with little support.

Penelope albipennis White-winged guan. Inclusion in Appendix I of this recently rediscovered Peruvian species.

PSITTACIFORMES (excluding Melopsittacus undulatus, Nymphicus hollandicus, and Psittacula krameri)

All parrots except Budgerigar, Cockateil and Rose-ringed parakeet.

This proposal, which will help to control the increasing illegal trade in parrots in many parts of the world, was supported by nearly all exporting countries and by most consuming countries. The USA, which had originally proposed a similar proposal to the one under discussion, favoured a very diluted proposal listing only about 20 species. Switzerland was opposed to the proposal because of the identification problems and the difficulties of dealing with confiscated live specimens. A roll call vote resulted in 32 Parties in favour, 4 against and 2 abstentions.

Amazona arausiaca Red-necked amazon

Amazona barbadensis Yellow-shouldered amazon

Amazona brasiliensis Red-tailed amazon

Inclusion in Appendix I of these rare or locally distributed parrots.

Cyclopsitta (= Opopsitta) diophthalma coxeni

Coxen's double-eyed fig parrot. Transfer from Appendix II to Appendix I of this very rare Australian subspecies.

Rhynchopsitta terrisi Maroon-fronted parrot. Inclusion in Appendix I (as Rhynchopsitta spp.) of this species to clarify a taxonomic problem.

REPTILES

Dermatemys mawii Central American river turtle.

Inclusion in Appendix II (originally proposed for I) of this rapidly declining species.

Psammobates (=Testudo) geometricus Geometric tortoise.

Replaces P. geometrica in Appendix I - a nomenclatural clarification.

Cheloniidae spp. Marine turtles. Inclusion in Appendix I of the entire family. Previously some Australian populations were included in Appendix II which had led to some illegal trade through misdeclarations of species or country of origin. This anomaly should now be resolved.

Grocodylus acutus American crocodile.

Transfer from Appendix II to Appendix I of all populations. Previously only the USA population was included in Appendix I but all populations are scattered and declining.

Brachylophus spp. Fiji iguanas.

Inclusion in Appendix I of the two known species, one of which has only recently been discovered.

Cyclura spp. West Indian rock iguanas.

Transfer from Appendix II to Appendix I of these localized large lizards which are extensively hunted.

Sauromalus varius San Esteban Island chuckwalla.

Inclusion in Appendix I of this species that is being threatened by trade.

Cordylus spp. Girdled lizards.

Pseudocordylus spp. Crag lizards.

Inclusion in Appendix II of these African genera which are extensively used by the pet trade.

FISH

Caecobarbus geertsi African blind barb fish. Inclusion in Appendix II (originally proposed for I) of this very local Zaire cave fish.

INVERTEBRATES

ANTIPATHARIA spp. Black corals. Inclusion in Appendix II of this order containing many species, some of which are commercially harvested for the jewellery trade.

FLORA

Pachypodium namaquanum

Transfer from Appendix II to Appendix I of this restricted South African species.

Ariocarpus agavoides

Ariocarpus scapharostrus

Aztekium ritteri

Echinocereus lindsayi

Obregonia denegrii

Pelecyphora aselliformis

Pelecyphora strobiliformis

Transfer from Appendix II to Appendix I of these rare Mexican cacti.

Nepenthes rajah Kinabalu pitcherplant.

Inclusion in Appendix I of this Malaysian insectivorous plant.

Darlingtonia californica California pitcherplant. Inclusion in Appendix II

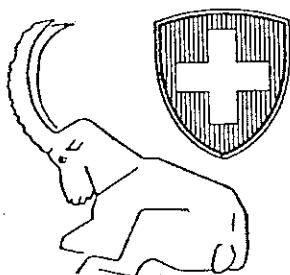
Sarracenia alabamensis alabamensis Alabama canebrake pitcherplant

Sarracenia jonesii Mountain sweet pitcherplant

Sarracenia oreophila Green pitcherplant

Inclusion in Appendix I for these three.

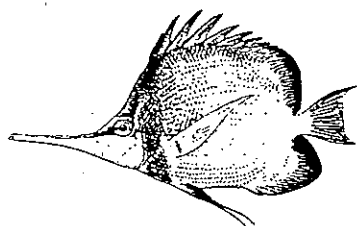
The last four are insectivorous plants from the USA.



News from Switzerland

FEDERAL VETERINARY OFFICE

- Ornamental fish are not subject to border veterinary controls nor to licensing in Switzerland. However, as many coral fish species are thought to be overexploited, the Federal Veterinary Office felt a need to get a rough idea about the volume of this type of trade. In cooperation with the Customs, the customs declarations relating to coral fish imports were collected during 1980 and evaluated. This survey revealed the following result:



Country of export	No. of shipments	No. of containers
Australia	1	9
Curacao	5 (2,3 %)	54 (2,3 %)
France	2	6
FR Germany	8 (3,7 %)	20 (0,8 %)
Indonesia	35 (16,1%)	484 (20,6%)
Israel	1	5
Italy	1	5
Kenya	11 (5,1 %)	85 (3,6 %)
Mauritius	2	21
Netherlands	1	7
Philippines	67 (30,9%)	692 (29,4%)
Singapore	22 (10,1%)	286 (12,2%)
Sri Lanka	43 (19,8%)	522 (22,2%)
Taiwan	1	10
Thailand	1	8
USA	16 (7,4 %)	139 (5,9 %)
Total	217	2353

- In TRAFFIC Bulletin III/1 (p.104) Susan M. Wells stated that listing the Roman snail, Helix pomatia, on CITES Appendix II would have a number of benefits. At the first meeting of the CITES Conference, Switzerland opposed the inclusion of Helix pomatia, arguing that this listing would contribute nothing to the survival of the species as long as the countries of export had not created adequate regulations for the taking of snails, and as long as no illegal trade was observed. But also Switzerland agreed that trade data would be useful, and subsequently the Federal Veterinary Office published data on snail imports in its annual reports. The table below shows a summary of these data, including the not yet published figures for 1980.

Country of export	1977	1978	1979	1980
Hungary	174244 kg	226200 kg	205441 kg	228909 kg
Poland	87790 kg	90200 kg	8300 kg	7700 kg
Romania		29666 kg		
Spain				17 kg
Yugoslavia	13311 kg			
Total	275345 kg	346066 kg	213741 kg	236609 kg

WILDLIFE LEGISLATION IN COLOMBIA A summary by Alberto Donadio

The Bulletin has published several pieces on the legal and illegal trade from Colombia. The following article on the Colombian laws of protection of wildlife may help to explain Latin American 'legal trade'. It was elaborated by Alberto Donadio in 1977, so some points may be slightly out of date. For example the Plan Vallego contracts were suspended after Donadio's lawsuit and subsequent publicity (see TRAFFIC Bulletin Vol 1 No 1, p.3).

The first known wildlife protection statute (1) in Colombia was enacted in 1941. Decree 459, 7 March 1941 (2), established a ten year ban on the hunting of several bird species, and seasonal restrictions on other birds and mammals. It also declared that crocodiles and caimans could be freely hunted (3). From near-pest status in 1941, the Spectacled Caiman, Caiman crocodilus fuscus, was considered endangered in 1959. By Resolution 0387, 16 March 1959, the Ministry of Agriculture prohibited the export of live Spectacled Caimans. Then by Resolution 1023, 30 July 1959, the Ministry banned hunting of Spectacled Caimans under 40 cm or over 120 cm in length in the Magdalena River and in its tributaries in the Atlantic Coast region. In 1963, the Corporacion Autonoma Regional de los Valles del Magdalena y del Sinu (CVM), a regional authority, was charged (4) with wildlife conservation in the Magdalena and Sinu river basins. The CVM by Resolution 125, 24 June 1965, banned hunting of the American Crocodile, Crocodylus acutus, and protected Spectacled Caimans under 120 cm in length. In other areas of Colombia wildlife conservation came under the jurisdiction of the Division of Natural Resources of the Ministry of Agriculture (5). By Resolution 411, 16 July 1968, the Ministry indefinitely banned the taking of the American Crocodile, the Orinoco Crocodile, C. intermedius, and the Black Caiman, Melanosuchus niger, as well as the taking of eggs of those species and of the Spectacled Caiman. The resolution also outlawed the taking of Spectacled Caimans under 120 cm in skeletal size.

At the end of 1968 an agency was formed by merging the Division of Natural Resources and the CVM. Inderena, the Institute for the Development of Renewable Natural Resources (6), was to protect natural resources in the entire country. Its functions as affecting wildlife are summarized as follows:

- regulation of use, taking and trade;
- issuance of licences and permits;
- creation and management of reserves;
- repopulation of fauna;
- research;
- collection of fees for taking of wildlife (7).

The agency became operative on 1 January 1969. Wildlife protection was entrusted to a Division of National Parks and Wildlife (8).

In one of its first decisions on wildlife, by Resolution 573, 24 July 1969, Inderena totally banned the hunting of the American and Orinoco Crocodile and of the Black Caiman, thus reiterating Resolution 411, 16 July 1968, of the Ministry of Agriculture. By Resolution 530, 29 July 1970, Inderena permanently prohibited the hunting of the Dwarf Caiman, Palaeosuchus palpebrosus, and of the Smooth-fronted

Caiman, P. trigonatus.

The 120 cm minimum size for Spectacled Caimans was in force from 1968 to 1973. By Resolution 847, 6 August 1973, Inderena:

- upped the minimum size to 150 cm;
- outlawed trade in live specimens under 150 cm and in hides and products of undersized caimans, beginning on 15 October 1973;
- totally protected the Apaporis River Caiman, Caiman crocodilus apaporiensis;
- indefinitely banned hunting and trade of Spectacled Caimans in Boyaca, Cundinamarca, Huila, Meta, Tolima, Arauca, Guainia, Vaupes and Vichada. In other words, no hunting is allowed in the central states nor in the Orinoco basin. Portions of Guainia and Vaupes belong to the Amazon basin;
- imposed a seasonal ban in the Atlantic Coast states during April, May, June and July of each year.

In short, complete legal protection exists for the American and Orinoco Crocodiles, for the Black Caiman, for the Dwarf Caiman and for the Smooth-fronted Caiman. Regarding the Spectacled Caiman, individuals under 150 cm may not be hunted or traded.

The above regulations deal specifically with crocodilians. We shall now consider those statutes that were enacted for wildlife conservation in general.

The Foreign Trade Council (9) by Resolution 003, 3 September 1968, prohibited the export of live wild animals or of wildlife products in the case of species whose hunting and trade is illegal. Despite the clear wording of the resolution and notwithstanding the fact that a 1974 law repeated the prohibition, from 1968 to the present, numerous shipments of protected species have been exported.

Resolution 16, 21 October 1969, of the Foreign Trade Council suspended exports of raw reptile skins.

The two basic environmental laws of Colombia were enacted in 1973 and 1974. Ley 23, 1973 (10) signals the first congressional declaration of concern for the environment. The act recognized that the environment is a common heritage of all citizens, adopted the 'polluter pays' principle, defined what actions constitute pollution and established other general guidelines for environmental protection.

Furthermore, the act empowered the President (11) to enact a Natural Resources Code (12). This comprehensive code (13) encompasses general environmental principles, and nearly every subject from air, water, energy, national parks, to forestry, fisheries, environmental impact statements (14) and even genetic engineering (15).

Articles 247 to 265 relate to wildlife. Continued utilization of wildlife is the stated aim of the Code (16). This aim is to be achieved through conservation, protection and rational utilization of wild animals (16a). Except for captive-bred animals and private hunting preserves, all wildlife belongs to the Nation (17). The definition of wildlife does not include domesticated animals, individuals bred in captivity and fishes and other wholly aquatic organisms (18).

Six categories of hunting have been defined:

- subsistence: this is hunting for food;
- commercial: hunting for pecuniary gain;
- sport;
- scientific;
- control: hunting for population management;
- foment: hunting to obtain individuals for captive breeding programmes (19).

On 20 May 1977, the Council of State, the highest administrative court in Colombia, suspended an Inderena authorization for commercial hunting of Psittacine birds that were to be used for scientific and educational purposes (20). The judge observed that a commercial hunting licence can only be issued under the terms set forth in the Code.

Except for subsistence hunting, all other categories require a licence (21). In the case of commercial hunting, the law mandates that an executive resolution signed by the President and the Minister of Agriculture should approve the licence (22).

It is not that every single licence requires presidential and ministerial approval. The Inderena decision that sets quotas for a species or that opens the hunting season in one area becomes effective only after being confirmed by executive resolution. In a different court case, also decided upon on 20 May 1977, the Council of State annulled Acuerdo 8, 9 March 1976, of Inderena and the respective executive resolution 126, 21 May 1976 (23).

From 28 January to 30 April 1975, licences were issued by the Barranquilla regional office of Inderena for 13,000 Spectacled Caimans and 1,852 live animals. The office did not submit the authorization for presidential confirmation. To remedy this omission, Inderena sought an executive resolution, which was granted, to validate these exports. The government's approval, the court ruled, is to be imparted prior to hunting of the animals. If done a posteriori it becomes a direct violation of article 259 of the Code. Though the Caimans and the live animals were exported, the plaintiff in this case asked the Inspection Office of the Presidency and the Attorney General's office (24) to investigate any wrongdoing by Inderena officials. The Council of State did take notice of Inderena's flagrant violation of law when it wrote: "It comes as a surprise that the agency charged by Congress with protection of wildlife actually proceeds in a way contrary to the aims of wildlife statutes" (25).

Section 260 of the Code refers to corporations that trade in wildlife products. There are two classes of corporations: a) those whose motive is profit; b) those that supply foreign buyers using animals for research.

Exports from both classes of corporations will be authorized only upon showing of compliance with section 259 (26), i.e. the export must be preceded by a hunting licence.

For exports of class a) corporations, a showing must be made that transformation and manufacture of raw wildlife products is not feasible in Colombia. Class b) corporations must prove that a valid scientific need exists when requesting an export licence.

Lastly, the Code contains two key prohibitions:

- to hunt or trade protected or undersized specimens, or to trade their products thereof;
- to export any live wild animal, except (1) for scientific research, or (2) under express waiver approved by the President and the Minister of Agriculture (27).

Export licences for live wildlife are not being issued by the export-import agency, Incomex. Smuggling does, however, continue from Barranquilla.

A court ruling has vigorously interpreted the extent of the first key prohibition. The facts of the case deserve recounting. On 6 August 1973, Inderena enacted three important resolutions. These banned hunting of Spectacled Caimans in the Orinoco basin, increased the minimum size to 150 cm, totally protected spotted cats, otters, Giant Otters, Spectacled Bears and other mammals, and outlawed commercial hunting of peccaries, boas, anacondas and all birds (28).

The resolutions became effective on 22 August 1973 upon publication in the official gazette. However, the trade ban only became effective on 15 October 1973. In October 1973 Inderena quietly directed that inventories be made of the species and products protected on 6 August 1973 so that exporters could go on exporting what were assumed to be 'stocks'.

Since the inventories began on 16 October 1973 there was no way to exclude any species obtained after the hunting ban took effect on 22 August 1973. For this reason and because nearly four years after the trade ban, firms were still exporting their 'stocks', patently violating section 265 e) of the Code, the Council of State on 6 May 1977 suspended (29) this practice.

Suspension is equivalent to an injunction. It stays an administrative decision in instances of manifest contradiction between a regulation and a statute and is either confirmed in a final judgment - the decision then becoming null and void - or revoked. Inderena did not appeal the suspension writ. Shipments of 'stocks' have been halted pending final disposition of the case.

The gist of the court's ruling is plain indeed and a useful legal tool for wildlife protection: once hunting is banned trading is ipso facto outlawed, without exceptions. Dealers may not claim they had acquired the animals prior to the hunting prohibition. If hunting becomes illegal on a certain date, no trading may be lawfully carried out beyond that date.

Why, it may be reasonably asked, despite the Code's indubitable wording, do Inderena and Incomex sanction exports of undersized caimans, peccaries, boas, anacondas? No justification is available, for both agencies are acting in defiance of law, as the Council of State's recent rulings have attested.

The two tanneries operating in Bogota (30) and one in Barranquilla (31) have signed 'Plan Vallejo' contracts with Incomex (32).

Under these contracts an exporter will import raw materials, free of duty and taxes, provided he will utilize them for manufacturing and subsequent export of finished products. The underlying concept is to promote employment and augment exports. Details are available for both Bogota firms. The Mendal contract signed on 3 December 1973 (33) allowed for the importation of:

- 1,000,000 raw Spectacled Caiman skins
- 20,000 raw Caiman skins (unspecified)
- 50,000 raw Black Caiman skins
- 5,000 raw crocodile skins (unspecified)

2,000,000 raw tegu skins (*Tupinambis* spp.)
 50,000 raw Capybara skins
 10,000 raw deer skins
 200,000 raw Collared Peccary skins
 150,000 raw White-lipped Peccary skins
 3,000 raw Jaguar skins
 30,000 raw Ocelot skins
 20,000 raw otter skins
 5,000 raw Giant Otter skins

It seems improbable that Mendal imported even a fraction of the total of 3,543,000 skins. Figures supplied by Incomex (34) show that in 1975-76 Mendal imported 26,000 Spectacled Caiman skins, 6,475 collared peccary skins and 250,000 tegu skins. The 3 December 1973 contract by 1976 was superseded by one signed on 10 August 1975 which only allows the import of 1,500,000 tegu skins and 150,000 Capybara skins. Exportadora Lao signed its contract on 14 August 1975. This provides for the import of chemicals and of 250,000 raw Spectacled Caiman skins.

Faced with the charge of having persistently flouted Section 261 of the Code by approving shipments of Spectacled Caimans under 150 cm, for example, Incomex claims Mendal's and Lao's shipments are exempted from compliance since skins are imported from abroad. The argument is most shaky indeed. To begin with, imports do not account for all exports of undersized caiman hides, as already explained. And even if the number of imported skins equalled the number of exported ones, there is no legal basis to exempt both firms from compliance. The Code applies to all exports from Colombia, no matter the origin of the hides. Section 261 in accordance with Section 259 mandates that exports shall be approved only if it is shown that a hunting licence exists. This licence must clearly have been issued by Inderena. Being foreign hides the exporters cannot produce an Inderena licence nor can they secure an executive resolution from the President and the Minister of Agriculture for a licence issued by officers from wildlife agencies of other countries.

In short, importation of wildlife - and not only of those species protected by Inderena regulations - for further re-exportation is illegal. Section 261 means, inter alia, that solely Colombian wildlife is to be exported from Colombia.

One other procedure contravenes the Code's prohibitions. Three tanneries (35) are sited in the Barranquilla Free Zone. The zone's statutes permit the import of any merchandise or product. The zone is considered extraterritorial for custom purposes. The tanners and the zone's administration in adducing exemption from the Code make it look as if it were extraterritorial for any other purpose. In fact exempt from Colombian jurisdiction. This is nonsense. The criminal, commercial and conservation laws of Colombia apply in the zone as anywhere else in the country. If they did not, the zone would then become a separate state.

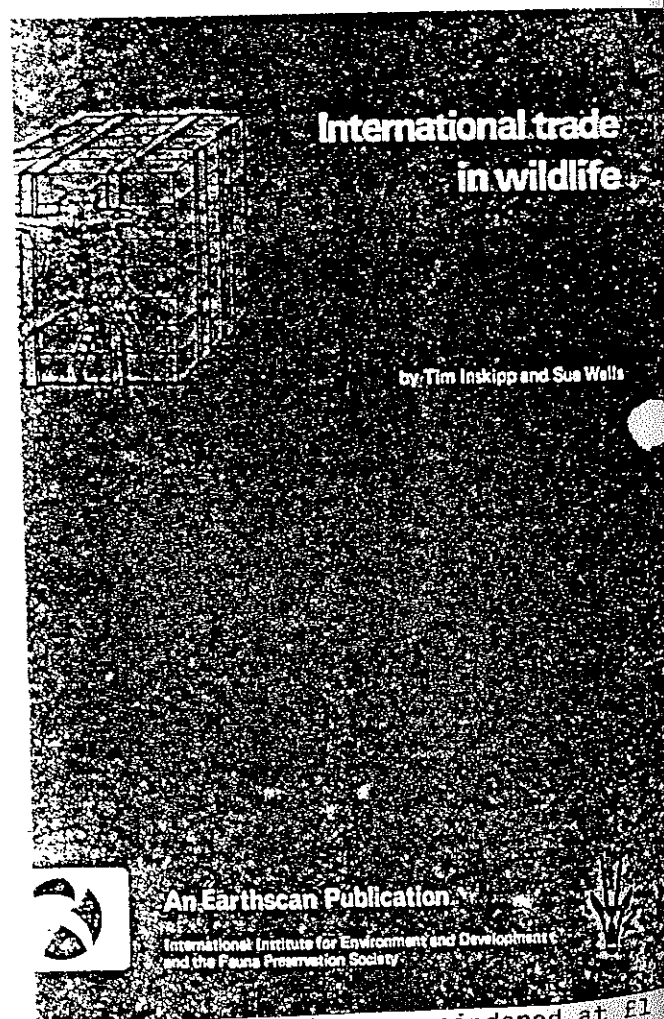
Hides traded in the zone are subjected to Sections 261 and 265 e). Exports must be accompanied by proof of an Inderena hunting licence. Since such does not exist for skins brought from abroad, only Colombian skins could legally be interned in the zone. On the other hand, tanneries within the zone must abide by the text of Section 265 e), which outlaws trade in any protected species. Any species whose hunting Inderena has banned may not legally be imported into, traded at or exported from the free zone.

NOTES

1. There may be other statutes and regulations, both in effect and revoked, in addition to those referred to in this section. A compilation of the legal materials on any one subject, such as contained in the US Code or the Code of Federal Regulations, is lacking in Colombia. See generally, Alberto Donadio, *Derecho Colombiano*, No. 175, Julio 1976, pp.8-11.
2. Statutes are cited from *Normas de legislación vigentes sobre fauna silvestre y Caza*, División de Parques Nacionales y Vida Silvestre, Inderena, Bogotá, 1972, from *Regimen de Importaciones, Exportaciones y Cambios*, Legislación Económica Ltda., from *Legislación Nacional de Pesca y Caza vigente*, División de Recursos Naturales, Ministerio de Agricultura, Bogotá, Imprenta Nacional, 1963, 212 páginas, and directly from the *Diario Oficial* (official gazette of Colombia).
3. Art. 11 e).
4. Art. 1 c), Decreto/ley 3304, 30 December 1963 (D.O. 30 December 1963).
5. Art. 1 f), Art. 13 t), Art. 13 u), Decreto/ley 3117, 18 December 1963 (D.O. 30 December 1963).
6. Its name has since been changed to National Institute of Renewable Natural Resources and the Environment, Art. 37 Decreto/ley 133, 25 January 1976 (D.O. 20 February 1976).
7. Decreto-ley 2420, 1968, Decreto 842, 1969, and Art. 38, Decreto-ley 133, 1976.
8. Since changed to Division of Land Fauna.
9. In principle, all exports are free. The Council is the only authority empowered to curtail exports. It may do so to protect fauna, flora and non-renewable natural resources. Art. 46 f), Decreto 444, 1967.
10. D.O. 17 January 1974.
11. Art. 19, Ley 23, 1973.
12. Its full name is National Renewable Natural Resources and Environment Protection Code, Decreto 2811, 18 December 1974 (D.O. 27 January 1975).
13. The Code has 340 articles.
14. Declaración de efecto ambiental, Art. 28.
15. Art. 301.
16. Art. 247.
- 16a. Ibid.
17. Art. 248.
18. Art. 249. Fishes and other wholly aquatic organisms are dealt with in Art. 266 et seq.
19. Art. 252.
20. Expediente 2551, First Section, Council of State.
21. Art. 259.
22. Ibid.
23. Expediente 2491, First Section, Council of State.
24. Procuraduría General de la Nación.
25. Expediente 2491, First Section, Council of State.
26. Art. 261.
27. Art. 265 e), Art. 265 i).
28. Resolución 847, 848, 849, 6 August 1973.
29. Expediente 2616, First Section, Council of State.
30. Mendal Hermanos and Exportadora Lao.
31. Curtiembre Inter-Andina.
32. Authority to enter into these contracts is vested in Incomex under Art. 172, Decreto 444, 1967. Their name is that of a former minister who devised the plan.
33. Contrato 1-47.
34. Exhibits, Expediente 2542, First Section, Council of State.
35. Francorep, Exportadora Antillana and Prodelta.



This book documents the international trade in birds with particular reference to the United States. It also contains a chapter on the Indian bird trade which was written by Tim Inskipp of WTMU. It is illustrated throughout and is available from The Animal Welfare Institute, P O Box 3650, Washington DC 20007, and The Humance Society of the United States, 2100L Street, NW, Washington DC 20036. Price \$5.00 prepaid. Recommended.



This book has now been remaindered at £1 including postage and packing.

Available from Fauna & Flora Preservation Society, c/o Zoological Society of London Regent's Park, London NW1 4RY and from Wildlife Trade Monitoring Unit, 219C Huntingdon Road, Cambridge CB3 0BL.

FROGS' LEGS FROM INDIA

In TRAFFIC Vol. III, No. 1, we published a short note drawing attention to the volume of the frogs' legs export trade from India. Victor Watkins of the World Society for the Protection of Animals has recently written a report entitled "Frogs' Legs Trade - India". Whilst the report is primarily concerned with the cruelty involved (the frogs' legs are cut off whilst the animals are still alive), it also states that the frogs are taken (allegedly in millions) from the wild with possibly serious ecological consequences. The main species involved are Rana tigrina and R. hexadactyla. Officially, the frogs are collected just after the monsoon season, from mid-August to November, as the exporting of frogs during the breeding season is banned by the Indian government. However, this does not prevent the frogs from being collected during the breeding season when they are most easily caught. They are then kept alive in water troughs until the 'open season'. Alternatively, their legs are cut off and frozen. The full report is available from WSPA, 160 Jermyn Street, London SW1Y 6EE.



THE CENTRAL AFRICAN REPUBLIC AND THE IVORY TRADE

Under the rule of Emperor Bokassa, the Central African Empire became one of the ivory exporter in Africa. La Couronne, a company dealing in ivory and diamonds and in which Bokassa had financial and family interests, was granted a monopoly in the ivory trade. In 1977, ivory exports were more than double the previous year's figure - official figures gave the amount as between 141 and 165,000 kg whereas the CITES Secretariat reckoned it to be in excess of 200,000 kg. La Couronne claimed that only 1% of the ivory originated in CAE with 79% coming from Zaire and 20% from Sudan. Although this ivory was illegal in origin, La Couronne accepted it as it was accompanied by 'full certification'.

With the overthrow of Bokassa, it was hoped that there would be a halt to the flow of ivory from the country - particularly since in March 1980 the new president, David Dacko, imposed a ban on the killing of elephants anywhere in the country and on the 'collection, commercialisation, importation, exportation or transit of ivory'. The Central African Republic acceded to CITES in August 1980 which entered into force in November 1980. However, according to an Insight article in the Sunday Times (22 February 1981), in the first half of 1980 at least 120 tonnes of ivory left Bangui, the capital, representing about 12,000 elephants. In February this year 20 tonnes were on offer - the seller being Bernard Ayendo, a former prime minister of the Republic and close friend of the President, who was given 'exceptional authorisation' for the consignment signed by the President himself. This had already happened in November 1980 when 16 tonnes seized by French Customs officers in Bangui, were released under the same 'exceptional authorisation'.

This illegal trade seems to have been carried on with the connivance of the French Government which, apart from a brief period at the end of 1979 when no permits at all were issued, allowed French traders to import the ivory without any check on the authenticity of its documentation. The French Customs have apparently been instructed to accept all consignments of ivory as long as they have a certificate of origin - which in some places can be acquired for as little as a bottle of whisky.

HORSESHOE CRABS (Limulus spp.)

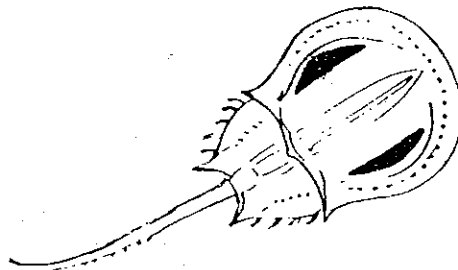
By Sue Wells

A major problem in the production of vaccines and intravenous fluids is contamination with bacterial endotoxins (poisons). Tests have to be carried out for the presence of these highly poisonous compounds and rabbits are generally used. However, recently scientists at the John Hopkins Medical Institute in Baltimore have received approval to use blood from Limulus, the Horseshoe or King crab, for this test.

The four living species of Limulus are the sole surviving members of a group which flourished some 200 million years ago, and as such are 'living fossils', having changed remarkably little from the earliest fossil representatives of this arthropod group, the Merostomata. In fact they are not crabs at all but are more closely related to arachnids. They live in shallow water, along sandy or muddy shores, burrowing for worms and molluscs on which they feed. Three species occur in the coastal waters off Asia, from Japan south to the Philippines and Indonesia. The fourth and most well-known species is L. polyphemus which is found on the east coast of America from Nova Scotia south to the Gulf of Mexico.

In recent years a decline in the overall population of the American species has been reported. Horseshoe crabs are used as animal fodder in some areas and have been killed in large numbers by clam diggers who maintain that they are significant predators on clam beds. They are also dried and varnished and sold as souvenirs in resorts such as Miami. In 1977, 23 tonnes of Limulus were taken off the coast of Maryland; by 1978, the catch had risen to 79 tonnes, much of which was probably destined for biomedical purposes and research.

Blood from the Horseshoe crab provides a more rapid and sensitive test for endotoxins than other tests. It contains only one type of cell which can easily be separated from the whole blood, and these cells, when lysed, form a gel in the presence of endotoxins. Blood can be taken from live specimens which could then be returned to the sea. However, we do not know to what extent animals are returned to their natural habitat and there is concern that the current rate of exploitation and bleeding may lead to a further decline in population numbers. The reproductive cycle and natural survival rate of this species is still poorly understood. Research is being carried out on methods of culturing Limulus blood cells in the laboratory, which may provide the final solution. In the meantime, further data on the scale of exploitation is required and the catch should probably be monitored.



LIBERIA AND MOZAMBIQUE JOIN CITES

The Republic of Liberia and the People's Republic of Mozambique acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora on 11 and 25 March 1981 respectively. They will become the 68th and 69th Parties to the Convention on 9 and 23 June 1981.

POLAR BEAR SKIN TRADE - OBSERVATIONS

The IUCN/SSC Polar Bear Specialist Group, at its January 1981 meeting in Oslo, estimated that approximately 900 polar bears, Thalarctos maritimus worldwide would be killed legally in 1981. According to Steven C Amstrup of the Group, most will be killed in Alaska, Canada and Greenland, with a smaller, less predictable component of so-called hazardous animals killed for safety reasons. He also states that since enactment of the US Marine Mammals Protection Act in 1972, a mean of 86 polar bears has been killed legally in Alaska each year. Barring legislative changes, there is no reason to expect the future kill in Alaska to differ from what it has been since 1972.

The US federal law currently prevents trade in all marine mammal products unless these products have been converted into authentic articles of clothing or handicraft by native Indian, Aleut or Eskimo people. Raw hides may not be sold to non-native Alaskans. However, according to the Animal Welfare Institute Information Report Vol.29 No 2 (1980), the world trade in polar bear hides is the primary means of financing the use of cocaine in Alaskan coastal villages. Apparently a large polar bear hide can be purchased for about US\$1000 in coastal villages and, after being smuggled out of the country, would sell for more than US\$10 000 in Japan for instance. The actual number of polar bears killed in Alaska probably ranges between 200 and 400 animals each year.

The Wildlife Trade Monitoring Unit (WTMU) was prompted to make enquiries about trade in polar bear hides after seeing auction results published in Fur Review last year. For example, Hudson's Bay Co., Pointe Claire, Canada offered 304 skins in their April 1980 auction although these were withdrawn from sale. Many of the 278 skins offered at the Hudson Bay Company Montreal/Dominion - Soundack auction in September 1980 were also withdrawn. The top price reached was US\$ 900. Preliminary investigations indicate that the polar bear trade situation is far from clear.

WFPA AND ISPA AMALGAMATE

The World Federation for the Protection of Animals (WFPA) and the International Society for the Protection of Animals (ISPA) amalgamated on 1 January 1981. The new organization is called the World Society for the Protection of Animals (WSPA) and its headquarters are at 106 Jermyn Street, London SW1.

TIM INSKIPP ON ADVISORY COMMITTEE - UK

Tim Inskipp from WTMU has been asked to become a member of the Advisory Committee on Animals Endangered in International Trade. The Committee advises the Nature Conservancy Council which has taken over the statutory duties of the Scientific Authority on Animals from the Department of the Environment as from 10 March 1981.

CORRECTION OF THE CORRIGENDUM!

In the corrigendum on page 108 of our last issue we managed to leave out some rather crucial words which probably caused some amusement! It should have read "Rene Honegger, curator of herpetology at Zurich Zoo, pointed out to us that the word 'caret' in the article 'New Regulations Regarding Turtles', which we thought might refer to Caretta caretta, is in fact more likely to refer to Eretmochelys imbricata." Apologies to Rene Honegger and thanks to TRAFFIC (USA) who, we believe, corrected the American mail-out.

THE TRADE IN LAND SNAILS

(This is the text of a report by John Burton and Sue Wells to the SSC meeting in Delhi in February).

In December 1980 Susan Wells and myself visited Eaton's Shell Shop, off Charing Cross Road, London. They are one of the largest UK dealers in marine molluscs, and also deal in coral, minerals, rattan etc.

We were surprised to see a large number of land molluscs, a wide variety of species, mostly labelled as originating in the Philippines. On previous visits over the last three years the only land snail that had been observed was Papustyla pulcherrima; this was still on sale. However, it cannot be stated with certainty that no others were on sale.

A representative selection of the land snails was purchased, and these were identified by the staff of the British Museum (Natural History); the identifications are appended.

There is very little known about the conservation status of any of these species; we have been informed that "in general, tropical snail faunas; especially in rainforest, are very diverse, having many species. Most species are both localised in distribution and have low abundance, few are widespread and abundant.... The diversity must be at risk from any reduction in quality or size of the habitat".

Dr Tucker Abbott's report on the shell trade in Florida for TRAFFIC (USA) states that "trade in land snail shells is currently limited mainly to the Haitian Tree Snail (Liguus virgineus) and several species of Helicostyla tree snails from Luzon Island in the Philippines. Several thousand pounds of these snails are imported into the United States each year". Dr Abbott believes that collecting in itself is unlikely to lead to the extinction of these species but suggests that a study should be carried out to determine the impact of the massive collecting of the Haitian Tree Snail that has been going on for at least 10 or 15 years; vast areas of trees have been cut down in Haiti, eliminating many tree snail habitats.

In view of the apparent sudden influx of these species on the international market we would suggest that there is an urgent need for:

1. Surveys of trade in land snails in consumer countries including UK, USA, Japan;
2. Sample field studies to determine:
 - a. species involved
 - b. effects of collecting
 - c. status of species involved.

There are numerous difficulties involved in any of the above proposals; probably the major stumbling block being that the base-line data is very limited, and even the taxonomy for the majority of species is extremely poorly understood.

However, urgent attention should be given to pilot studies along the lines described above, and action taken, probably along the following lines:

1. recommendations for more detailed field studies;
2. recommendations for trade controls, possibly under CITES;
3. recommendations for interim management plans, such as catch quotas.

APPENDIX

Species purchased, London, Dec. 1980; all priced 75p-95p each, except P. pulcherrima (£2.75)

Amphidromus perversus (?)
Naninia citrina (?)
Chloraea spp
Cochlostyla (Prochilus)
fertilis cagurana

Helicostyla (Cochlodryas)
floridus
Papuina meta (?)
Papustyla pulcherrima
Papustyla xanthochila
Smaragdia rangiana (?)

Liguus fasciatus

Sulawesi, Maluku
 Sulawesi, Maluku, Papua New Guinea
 Philippines

Known only from a few specimens from S W Mindoro (Philippines). (But may possibly refer to Chrysallis virgata)

Mindoro (Philippines)
 Solomon Islands
 Manus Island (Papua New Guinea)
 Solomon Islands, Manus Island
 Indo-Pacific (but could also be S. viridis from the Caribbean)
 Florida, Cuba (?). If this species has been correctly identified it is the Florida Tree Snail which declined rapidly throughout its range in Florida, but has now been transplanted into the Everglades National Park. It has established itself successfully there, and collection is allowed in the Big Cypress National Preserve from 1 October to 31 March with a bag limit of 10 snails of each colour form.



Please cut along dotted line and return to WILDLIFE TRADE MONITORING UNIT (WTMU),
 219C Huntingdon Road, Cambridge CB3 0DL, UK.

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FRANCE IMPOUNDS 15 TONS OF IVORY TUSKS

Sunday Times (UK) of 19 April 1981 reports on 15 tons of ivory tusks awaiting clearance in customs warehouses in Paris. This is less than two months after the CITES meeting in New Delhi when a new system of documentation was worked out making false documentation more difficult (see this issue, p. 13, 2nd para).

Jean-Claude Renoue, deputy head of customs, has forbidden its entry, even though French customs and the environment ministry says it has apparently 'perfect documentation'.

Valued at £550 000 the shipment, from Central African Republic, could represent tusks of more than 500 elephants. So many that officials "cannot accept at face value any claims that they died either of natural causes or during controlled culling. Doubts are fuelled by news of a further 30 tons of ivory to be flown to Paris from Chad."

This second shipment also originates from Central African Republic, according to the prominent French big-game hunter turned conservationist, Marc Pechinart.

Jean Servat, the Environment Ministry's Director of Nature Protection instructed Jean-Claude Renoue to block the shipment.
