

VOL. 23 NO. 1

1

# TRAFFIC

BULLETIN

TRADE IN  
SOUTH AFRICAN  
ABALONE

THE POACHING OF  
MALAYAN SUN BEARS

REPORT OF 15TH  
CITES MEETING

DECEMBER 2010

The journal of the TRAFFIC network disseminates information  
on the trade in wild animal and plant resources



TRAFFIC was established in 1976 to perform what remains a unique role as a global specialist leading and supporting efforts to identify and address conservation challenges and solutions linked to trade in wild animals and plants.

K. LOCHEN / TRAFFIC

**TRAFFIC's Vision is of a world in which trade in wild plants and animals is managed at sustainable levels without damaging the integrity of ecological systems and in such a manner that it makes a significant contribution to human needs, supports local and national economies and helps to motivate commitments to the conservation of wild species and their habitats.**

Trade in wildlife is vital to meeting the needs of a significant proportion of the world's population. Products derived from tens of thousands of species of plants and animals are traded and used for the purposes of, among other things, medicine, food, fuel, building materials, clothing and ornamentation.

Most of the trade is legal and much of it sustainable, but a significant proportion is not. As well as threatening these resources, unsustainable trade can also lead to species declining in the wild to the point that they are threatened with extinction. Illegal trade undermines local, national and international efforts to manage wild natural resources sustainably and causes massive economic losses.

TRAFFIC is a joint programme of WWF and IUCN, the International Union for Conservation of Nature. The role of

TRAFFIC is to seek and activate solutions to the problems created by illegal and/or unsustainable wildlife trade. TRAFFIC's aim is to encourage sustainability by providing government, decision-makers, traders, businesses, consumers and others with an interest in wildlife trade with reliable information about trade volumes, trends, pathways and impacts, along with guidance on how to respond where trade is illegal or unsustainable. Eight regional TRAFFIC programmes are co-ordinated by the TRAFFIC International headquarters in Cambridge, UK.

TRAFFIC's reports and advice provide a technical basis for the establishment of effective conservation policies and programmes to ensure that wildlife is maintained within sustainable levels and conducted according to national and international laws and agreements. The journal of the TRAFFIC network, *TRAFFIC Bulletin*, is the only journal devoted exclusively to issues relating to international trade in wild plants and animals. Provided free of charge to over 4000 subscribers and freely available from the TRAFFIC website ([www.traffic.org](http://www.traffic.org)), it is a key tool for disseminating knowledge of wildlife trade and an important source of information for those in a position to affect change and improve awareness.



JEFF FOOTE / WWF-CANON

Much of the content published in the *TRAFFIC Bulletin* arises from investigations carried out by TRAFFIC staff, whose wide-ranging expertise allows for a broad coverage of issues. TRAFFIC has also built up a global network of contacts with, for example, law enforcement agents, scientists, and wildlife experts, some of whom are regular contributors to the *TRAFFIC Bulletin*.

TRAFFIC welcomes articles from contributors on the subject of wildlife trade that will bring new information to the attention of the wider public, and guidelines are provided in this issue and online to assist in this process. For more information, please contact the editor: Kim Lochen ([kim.lochen@traffic.org](mailto:kim.lochen@traffic.org)).



JÜRGEN FREUND / WWF-CANON



MARTIN HARVEY / WWF-CANON

The *TRAFFIC Bulletin* is a publication of TRAFFIC, the wildlife trade monitoring network, which works to ensure that trade in wild plants and animals is not a threat to the conservation of nature. TRAFFIC is a joint programme of WWF and IUCN.

The *TRAFFIC Bulletin* publishes information and original papers on the subject of trade in wild animals and plants, and strives to be a source of accurate and objective information.

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Published by TRAFFIC International,  
219a Huntingdon Road, Cambridge, Cambs.,  
CB3 0DL, UK.

© TRAFFIC International 2010  
ISSN 0267-4297  
UK Registered Charity No. 1076722

Cover illustration: *Opuntia microdasys*/*Sedum treleasei*  
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This page, from top: fruit of *Krakoa Amomum ovoideum* (© TRAFFIC / Eanghuort Khou); CoP15 (© S. Broad / TRAFFIC); ivory seizure in Thailand (© Suvarnabhumi Airport Passenger Control Customs Bureau); Abalone *Haliotis midae* (© M. Bürgener / TRAFFIC); Malayan Sun Bear *Helarctos malayanus* (© Alain Compost / WWF-Canon)

Funding for the printing and distribution of this issue of the *TRAFFIC Bulletin* is generously provided by The Rufford Foundation.



Printed by Portland Print,  
Kettering, Northants NN16 8UN, UK

# TRAFFIC

BULLETIN

VOL. 23 NO. 1 DECEMBER 2010

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“Commerce trumps conservation at wildlife convention”, was the Reuters headline at the close of the 15th meeting of the Conference of the Parties (CoP15) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Doha, Qatar, in March 2010. A chorus of similarly gloomy commentary was heard from a wide range of media, organizations and governments reflecting on the meeting’s outcomes, painting a picture of an ailing treaty, where decision-makers were unwilling to look beyond short-term politics and vested interests and face up to the serious conservation management challenges that CITES had been designed to address.

## EDITORIAL

So what actually happened in Doha? Were the meeting outcomes universally bad? And what do they mean for the future of CITES in its 35th anniversary year? As is often the case, the answers are not straightforward, but they are important to consider both in the context of international efforts to address unsustainable trade in wild animals and plants and in the wider scene of multilateral negotiations on environmental issues in the shadow of the 2009 United Nations Climate Change Conference in Copenhagen.

The CITES CoP15 results that attracted most of this negative commentary were a series of decisions against the listing of commercially important marine species in the Convention’s Appendices (the lists of animals and plants subject to trade controls under the treaty). Primary among these was a proposal to list Atlantic Bluefin Tuna in Appendix I (which would ban commercial trade), which raised a host of questions about the relationship between CITES and the International Commission for the Conservation of Atlantic Tunas (ICCAT), the body so far used by governments to oversee management and trade in this species.

Despite ICCAT’s clear failure to prevent catastrophic declines in stocks of this species caused by excessive catches, there was a strong movement to ensure that its authority not be undermined by a CITES listing. The proposal was heavily defeated by vote after debate. And this decision appeared to set a trend for a negative reception for a range of other marine species proposals for various sharks and red coral. Overall, there was a strong sense in debate that CITES was simply not viewed by a majority of government members as an appropriate tool to address trade concerns for valuable marine species, despite the fact that alternative international approaches were either failing or simply did not exist. In this regard, the despondency felt by many by the end of the meeting was to some extent justified.

Fortunately, though, it was not all bad news from CITES CoP15. Member countries made important progress in deciding how to address issues such as trade in rhinoceroses, Tigers, agarwood and ivory. The majority of proposals to list other species in the Appendices were adopted and much was agreed with respect to matters

relating to implementation of the treaty; for example procedures for dealing with e-commerce. However there is no escaping the fact that these glimmers of progress struggled to shine a positive light for the future amidst the low spirits engendered by the marine debates.

So, what lies ahead for CITES? Some might argue that keeping a narrow focus and avoiding the difficult high-value marine and forest trade sectors would provide a workable comfort zone for CITES to operate in. However, this ignores the fact that the Convention has long been applied to these other areas of wildlife commerce. And more importantly, it would be an admission of failure and that a treaty established by governments to help prevent negative conservation effects

from international wildlife trade be treated as irrelevant to the sectors that account for the vast majority of this commerce in terms of both value and impact. In fact, despite its age, CITES actually provides a rather modern set of flexible and powerful tools that governments can use as a basis for collabor-

ative action to manage sustainable trade and avoid negative impacts in any sector of wildlife commerce. At its heart is a sustainability standard, a chain of custody system for international trade and a framework for collaborative enforcement and compliance management that can be applied in a manner fully compatible with existing national and international management agreements for the harvest of marine species, trees and other high-value wildlife species.

That said, there is no denying the fact that some important things need to change if CITES is to be used to its full potential. Within governments, there is an urgent need for more emphasis on longer-term economic, social and environmental goals. It should not be tenable for decisions about natural resource use to ignore scientific advice, historical experience and sustainability promises made regularly under many international agreements. At the same time, there is a need for greater private sector responsibility and a move away from a culture of claiming to be working within a set of rules, while at the same time campaigning to ensure that those agreed are as weak as possible. Furthermore, at an international level, a great deal needs to be done to improve coherence between negotiations under different agreements, especially those relating to high-seas governance, fisheries management and international trade regulation.

If commerce and conservation are simply treated in CITES and other international negotiations as irreconcilable competitors, then it is inevitable that neither will succeed. In the field of wildlife trade management at least, some of the outcomes of the CITES CoP15 were rightly viewed as bad tidings for the treaty’s future. Looked at another way, though, the strong media attention to CITES debate on engagement with marine fisheries trade has placed the inadequacies of existing management arrangements firmly in the public spotlight. Governments now need to stand back and use the full range of tools available to address the fact that commerce will only be sustained if conservation is accepted as part of its concern.

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**Steven Broad**, Executive Director, TRAFFIC International

**LEIGH HENRY** Senior Programme Officer at TRAFFIC North America has left after a period of almost nine years to help lead WWF-US's species policy and advocacy work.

**AMELIE KNAPP** left her position as Programme Officer for TRAFFIC Europe in August 2009 after a period of four years to join the Belgian Ministry of Environment as their CITES Scientific Authority.

## bulletin board

**TIMOTHY LAM**, Senior Programme Officer at TRAFFIC's East Asia office based in Hong Kong, left at the end of January 2010 after a period of three years to work for the Agriculture, Fisheries and Conservation Department in Hong Kong.

**BRYONY MORGAN** supports the FairWild Foundation's Interim Secretariat—hosted by TRAFFIC International—and is covering the Global Medicinal Plant Programme Assistant role from Cambridge in the absence of **BRITTA PATZÖLD** who is on maternity leave.

**EVA PAULE MOUZONG**, TRAFFIC Central Africa's Programme Communicator has left TRAFFIC to head IUCN's Central Africa Regional Radio Programme.

**NATALIA PERVUSHINA** left in August 2010 after a period of three years running TRAFFIC's programme in the Russian Far East.

**STÉPHANE RINGUET** was appointed Regional Director of TRAFFIC Central Africa's Programme. **DENIS MAHONGHOL** joined the TRAFFIC Central Africa office on 1 November 2010 as Forest and Trade Officer.

**CHRIS SHEPHERD** has been appointed Deputy Director of the TRAFFIC office in South-east Asia.

**ANASTASIYA TIMOSHYNNA**, based in the TRAFFIC Central Eastern Europe Project Office, was formally appointed Global Medicinal Plant Programme Lead with effect from 1 September 2010 after acting in this position on an interim basis. Prior to this, Nastya was the Medicinal Plants Officer for South East Europe. **SUSANNE HONNEF** returned from a six-months' sabbatical on 1 September and will support the Global Medicinal Plant Programme as liaison officer to the German market.

traffic

websites

www.traffic.org (English)  
 www.wwf.ru/traffic (Russian)  
 www.wwf.org.mx/wwfmex/prog\_traffic.php (Spanish)  
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 The TRAFFIC Bulletin is available on www.traffic.org

### CITES Secretary-General



CITES SECRETARIAT

The new Secretary-General of the CITES Secretariat, Mr John Scanlon, took up his duties on 3 May 2010. Mr Scanlon succeeds Mr Willem Wijnstekers who served the Convention as Secretary-General from 1999 and who retired on 1 May 2010.

### Enforcement action in Central Africa

At the 6th Session of the Central African Forest Commission's (COMIFAC) Ministerial Council from 8–11 November 2010, in Kinshasa, Democratic Republic of Congo, Ministers gave a mandate to the COMIFAC Secretariat to finalize a Regional Wildlife Trade Enforcement Action Plan for 2011–2016 for the Kinshasa summit in June 2011. COMIFAC comprises ten Central African countries collaborating for the conservation and sustainable use of the Congo basin ecosystems.

<http://www.comifac.org>

### In memoriam Dr Rainer Bächli



IMO

We are sorry to report the death of Dr Rainer Bächli on 10 June 2010. Dr Bächli was not only a founding member of the FairWild Foundation but he also made an enormous contribution to organic and biodiversity work worldwide.

Within the FairWild Foundation, Dr Bächli was at the core of developing the FairWild Standard for sustainable wild-collection of natural ingredients.

With his profound knowledge of the social and ecological context regarding the sustainable use of natural resources, he particularly contributed to the merging of the initially separate International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (ISSC-MAP) and FairWild Standard into one unified system. He was also instrumental in translating the FairWild Standard into practical field application, a work that had just begun.

The Standard defines guidelines and provides tools to collectors, producers and decision-makers for the planning and implementation of a sustainable and socially-equitable resource management system, thus guaranteeing a constant and reliable supply of raw materials to industry and traders. It is also the basis of a third-party audited certification scheme, through which buyers can know they are supporting fair trading—the products are legally and sustainably sourced, and the benefits are felt by all those involved, right down to the local communities harvesting the wild plants.

TRAFFIC initially became involved in this area through supporting the development of ISSC-MAP. Following the merging of this Standard with the original FairWild Standard (focused on social and fair trade issues), TRAFFIC remains engaged with the FairWild Foundation through a partnership agreement. The FairWild Standard is at the heart of TRAFFIC's programme on sustainable management and trade in medicinal and aromatic plants, thus keeping Rainer's inspiration and legacy alive in our work.

## SURGE IN RHINOCEROS POACHING IN SOUTH AFRICA

**R**HINOCEROS poaching in South Africa shows no signs of abating, with the number of animals illegally killed in the country this year alone rising beyond 200 (September 2010). This compares to 122 poached in the whole of 2009 in South Africa, itself the worst year for two decades.

Poaching gangs are increasingly sophisticated in their mode of operation: helicopters are often deployed to track the rhinoceroses (White Rhinoceroses *Ceratotherium simum* and Black Rhinoceroses *Diceros bicornis*) from which the animals are shot using guns or tranquilizing darts; the horns are removed using a chainsaw and quickly taken from the scene by air. The whole operation can take as little as 10 minutes. If the rhinoceros hasn't already died, it will often bleed to death.

"The number of horns moving out of Africa is escalating, with poached horns able to move from the site of the kill to the global market in as little as 48 hours," said Tom Milliken, Director of TRAFFIC's programme in East/Southern Africa.

"The resurgence in rhino horn trade is linked to the availability of cellular phones for rapid communication, internet marketing so that criminals remain anonymous and the growing presence of Asian organized crime in Africa," he said.

However, enforcement officers in the country have hit back with a number of significant breakthroughs in tackling the spiralling poaching. In late September, 11 people appeared in court on suspicion of being part of an organized rhino poaching racket. They included two veterinarians and a businessman. All were bailed and are due to appear in court in April 2011. On the same day, in a separate arrest, a man accused of supplying firearms to Mozambican nationals to poach rhinoceroses in Kruger National Park appeared in Nelspruit Magistrates' Court. He was also accused of smuggling horns to Mozambique where they were sold to Vietnamese and Chinese nationals and shipped to East Asia. A Chinese national and a Mozambican man also appeared in Phalaborwa Magistrates' Court charged with illegal possession of rhinoceros horn, although the outcome of their application for bail is presently unknown.

Neighbouring Namibia has warned poachers to steer clear of its rhinoceroses. "Poach a rhino in Namibia, and the blood of the people will be on your hands," said Netumbo Nandi-Ndaitwah, Namibia's Minister of Environment and Tourism.

"You will not be poaching a State rhino, but will be stealing from our people, depriving whole communities of a livelihood."

The Minister noted that, according to the Elephant Trade Information System—the global ivory trade monitoring system managed by TRAFFIC on behalf of CITES Parties—Namibia had one of the best track records in the world for arresting, prosecuting and convicting ivory poachers.

Meanwhile in Europe, the UK Government announced in September a ban on the export of rhinoceros horns except under exceptional circumstances; previously the export of antique horns was permissible.

**“ THE RESURGENCE IN RHINO HORN TRADE IS LINKED TO THE AVAILABILITY OF CELLULAR PHONES FOR RAPID COMMUNICATION, INTERNET MARKETING SO THAT CRIMINALS REMAIN ANONYMOUS, AND THE GROWING PRESENCE OF ASIAN ORGANIZED CRIME IN AFRICA ”**

The ban came after evidence of antique rhino horn and horn products being legally imported from across Europe for re-sale in the UK. The horns were sold at auction houses and then re-exported, often to East Asia, where powdered rhino horn is in high demand for use in medicines, despite no proven clinical efficacy.

Richard Benyon, UK Minister for the Natural Environment and Fisheries, said: "I am extremely concerned about the increase in the number of rhinoceros horn products being sold through UK auction houses. We believe this is providing a financial incentive for poachers and encouraging the use of rhinoceros horns in Asian medicine."

Following the UK's announcement, government officials will be contacting all auction houses and major antique trade associations in the country to highlight the implications of trading rhino horn, and explain why most applications to export such items will be refused. The case will also be made to ensure a co-ordinated EU approach to the problem.

**Richard Thomas**, Communications Co-ordinator,  
TRAFFIC International



MARTIN HARVEY / WWF-CANON



## Development of a spatial reference database for ivory

WWF Germany, in joint co-operation with the International Centre of Ivory Studies (INCENTIVS) at the Johannes Gutenberg University in Mainz, Germany, has been contracted by the Federal Agency for Nature Conservation (BfN) to undertake a research project which aims to develop an isotopic map that can be used to determine the provenance of ivory and to check the accuracy of the designation of origin. The German Federal Ministry of Environment, Nature Conservation and Nuclear Safety (BMU) will partially fund this project, which will initially run from July 2010 until the end of 2012. The research will build on earlier work to seek an appropriate method for determining the area of origin for individual tusks. Several researchers have shown that the provenance of elephant ivory can be traced by its isotopic composition (Koch *et al.*, 1995; Vogel *et al.*, 1990; van der Merwe *et al.*, 1990), but no attempts have yet been made to produce an isotopic map of elephant ivory.

The isotope enrichment of certain chemical elements in the tusks or the bone material of the animals is a sound method to identify reliably the origin of elephant ivory. Isotopic analysis has the advantage of allowing insights into the origin of elephant ivory even from crafted material. Additionally, the isotope database may eventually offer information on the geographic origin of other species of similar trophic level (e.g. rhinoceroses).

The geographic origin of ivory is determined by a combination of various routine geochemical analyses. Especially promising is the determination of the isotopic composition of the element strontium (Sr) but the composition of the stable isotopes of carbon (C), nitrogen (N), oxygen (O), hydrogen (H) and sulfur (S) also allows a reliable assessment of the provenance. Elephants ingest the biologically available isotopes with the material they consume. The isotopic composition of the element strontium, for example, which can be found in food, consists of the isotopes  $^{87}\text{Sr}$  (a product of the natural decay of  $^{87}\text{Rb}$ ) and  $^{86}\text{Sr}$ . Their ratio is determined by the chemical composition of the geological subsoil: young volcanic regions such as the East African Rift are characterized by a low  $^{87}\text{Sr}/^{86}\text{Sr}$  ratio, whereas older parts of the earth's crust have a high  $^{87}\text{Sr}/^{86}\text{Sr}$  ratio. Carbon and nitrogen isotopes can serve as indicators of the nutritional composition or the climate zone. A very low  $\delta^{13}\text{C}$  ratio indicates densely forested habitats, a high ratio is indicative of savannah landscapes. In a similar way, a low  $\delta^{15}\text{N}$  ratio suggests humid conditions, whereas in drier elephant habitats higher ratios prevail. Hence a relatively accurate determination of origin is possible by defining the composition of the tusks.

Since 1995, experts of the IUCN/SSC African Elephant Specialist Group (AfESG) have monitored the spatial distribution of elephant populations in Africa on a regular basis and have published their numbers in status reports. These reports contain vector data which spatially represent the range of the different populations and thus provide information on geology, vegetation and precipitation. A reference database for ivory can be set up using these spatial data together with georeferenced ivory samples from museums and collections. In the course of the project, the historic material will be complemented by recent samples from African Elephant range States. Isotope distribution maps of elephant ivory can then be generated using geostatistic procedures, such as "kriging".

In the 1980s, the international trade in ivory led to a dramatic decrease in the African Elephant population in many African countries. In an attempt to counter this decline, in 1989 the international community listed the species in CITES Appendix I, thus prohibiting commercial ivory trade. The trade prohibition and protective measures allowed elephant populations in some African countries to recover, above all in East and southern Africa where they are increasing at an average annual rate of four per cent (Blanc *et al.*, 2007). Due to the stable, and in some areas growing numbers of animals in southern Africa, in 1997 the populations of Botswana, Namibia and Zimbabwe and, in 2000, the population of South Africa were transferred to CITES Appendix II which enabled these countries to trade in elephant products under strict controls. Nevertheless, CITES has only allowed one-off sales and does not permit unrestricted trade in products made of elephant ivory. One of the main arguments for the trade prohibition is the fact that it is very difficult to distinguish legal from illegal ivory in the markets, so that the legal ivory trade would in effect provide a perfect cover for smuggling. In the medium-term, some African countries, in particular those in southern Africa, might insist that trade in ivory from their stocks should be allowed in order to generate continuous revenues for nature conservation. Also, the Asian Elephant *Elephas maximus* (listed in CITES Appendix I) is clearly more endangered than the African Elephant *Loxodonta africana*. Setting up a reference database that helps to establish the origin of ivory specimens can assist significantly in determining the provenance of illegal ivory and in improving measures relating to enforcement and conservation at international levels.

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## CBD outcomes in relation to wildlife trade

The 193 Parties to the Convention on Biological Diversity (CBD) concluded their business at CoP10 in Nagoya, Japan—held from 18 to 29 October 2010—with several decisions of relevance to wildlife trade. The Convention's new Strategic Plan 2011–2020 sets 20 ambitious targets to halt further biodiversity loss. Moreover, in a landmark agreement 18 years after the CBD's birth, the Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization—in short the “Nagoya ABS Protocol”—was agreed. It shall ensure that countries harbouring great natural diversity of wildlife receive adequate benefits in return for providing access to these resources. The Protocol will provide an internationally binding framework, applying, for example, to enterprises actively bio-prospecting for pharmaceutical, medicinal, biochemical, aromatic and food resources. On the item of Sustainable Use, Parties agreed to implement the national and international level recommendations of the Liaison Group on Bushmeat for the conservation and sustainable use of bushmeat. Parties should also consider the customary sustainable hunting practices for the livelihoods of indigenous and local communities. The Global Strategy for Plant Conservation (GSPC) was extended until 2020 to allow for a continuation of the global efforts to halt the continuing loss of wild plants from over-exploitation, including from unsustainable and illegal trade. Specific action supporting the sustainable use of biodiversity was also urged for inland waters, mountain biomes, dry and sub-humid lands and agricultural systems. Parties were also urged to ratify the United Nations agreement on Port States measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. Finally, an Ad Hoc Technical Expert Group (AHTEG) was created to seek technical advice on developing and/or enhancing international standards to avoid spread of invasive alien species, to prevent the impacts and minimize the risks associated with the introduction of invasive alien species as pets, aquarium and terrarium species, as live bait and live food.

TRAFFIC participated as an observer and provided input to negotiations on targeted agenda items. TRAFFIC further informed Parties via side events on medicinal plant use and the role of traditional knowledge and indigenous people, and on wildlife trade impacts on protected areas.

Find the CBD CoP10 results under:  
<http://www.cbd.int/nagoya/outcomes/>

**Roland Melisch**, Senior Programme Director  
 Africa and Europe, TRAFFIC International.  
 E-mail: [roland.melisch@wwf.de](mailto:roland.melisch@wwf.de)



## COMMUNITIES COMBAT POACHING OF VICUÑAS IN PERU

Farming communities in the Ayacucho region in Peru have combined forces to thwart poaching of Vicuñas *Vicugna vicugna* in the Pampa Galeras National Reserve, in the province of Lucanas. The communities have created a consortium, called Vicuña Peru, that unites 12 communities living around the reserve and some 100 private associations. The group operates in the buffering zone—which covers between 80 000 and 100 000 hectares under the care of 45 park guards—and in the areas around the reserve.

The initiative started after some 100 Vicuñas were attacked during two poaching episodes that took place around the reserve. The group is primarily focused on training the park guards, who have also been equipped with radio tracking devices, and will be given motorcycles. This is a pilot project that is expected to be mirrored in other regions of the country such as Puno, Huancavelica and Junín.

The Vicuña is prized for its fine quality wool. Native to the high Andes of Argentina, Chile, Bolivia and Peru, the global population decreased to a few thousand during the mid-1960s due to over-exploitation. The species was included in CITES Appendix I in 1975. With improving management, numbers have increased, and several populations, including those of Peru, have subsequently been transferred to Appendix II. Peru has the largest Vicuña population in the entire Andean region, currently estimated at more than 65 000 animals, with the largest concentration occurring in the Pampa Galeras National Reserve (IUCN, 2010). The shearing of live CITES II-listed specimens and regulated sale of the wool and related products provides a livelihood for many communities.

[www.livinginperu.com/news-12502-environmentnature-farmers-fight-vicuna-poaching-ayacucho-peru](http://www.livinginperu.com/news-12502-environmentnature-farmers-fight-vicuna-poaching-ayacucho-peru), 22 June 2010; TRAFFIC International; IUCN (2010). *IUCN Red List of Threatened Species. Version 2010.4*. [www.iucnredlist.org](http://www.iucnredlist.org). Downloaded on 10 November 2010

## Zimbabwe moves to tighten ivory trade controls

The Government of Zimbabwe has revoked the right of licensed domestic ivory traders to issue “Short Export Permits” at the time ivory products are legally purchased as souvenirs. The move will stop abuse of the legal trade in ivory souvenirs. All CITES Parties have been asked not to authorize the importation of ivory carvings when an individual presents a Short Export Permit from Zimbabwe.

Formerly, such permits were supplied by Zimbabwe's CITES Management Authority to licensed curio traders who could issue the document to souvenir buyers at the time of purchase.

CITES Parties have authorized such trade in ivory carvings from Zimbabwe for non-commercial purposes since 1997, when the country's elephant population was transferred to CITES Appendix II. But that decision did not allow trade in raw ivory, which was never intended to be covered by the Short Export Permit system.

However, cases have come to light whereby unworked elephant tusks were being illegally offered for import to a number of countries using Short Export Permits.

Now anyone wishing to take ivory carvings out of Zimbabwe will need to obtain an export permit from one of three CITES Management Authority offices in Harare, Bulawayo or Victoria Falls.

Earlier this year, in the Elephant Trade Information System (ETIS) report prepared by TRAFFIC, on behalf of CITES, Parties noted the Zimbabwe Government had previously suspended trade in ivory products because of abuse of the regulatory system.

[www.traffic.org/home/2010/8/23/zimbabwe-moves-to-tighten-ivory-trade-controls.html](http://www.traffic.org/home/2010/8/23/zimbabwe-moves-to-tighten-ivory-trade-controls.html);  
 CITES Notification No. 20010/024, 16 August 2010



WWF / TRAFFIC / BRITTA PÄTZOLD

## Fair and sustainable trade in wild plants on a firm footing: FairWild Foundation launches a revised Standard

In October 2008, the International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (ISSC-MAP) was brought under the auspices of the FairWild Foundation. ISSC-MAP, which focused principally on ecological aspects of sustainability, has now been fully merged with the original FairWild Standard<sup>1</sup>, focused on social and fair trade issues. The FairWild Standard version 2.0 thus provides a single, comprehensive system for the sustainable management and trade in wild-collected natural ingredients for food, cosmetics and pharmaceuticals (Box 1).

Globally, more than 400 000 tonnes of medicinal and aromatic plants are traded annually, with the majority of these species harvested from the wild. Of the 50–70 000 plant species used medicinally worldwide, around 15 000 are thought to be threatened by over-exploitation and habitat loss. Over-exploitation of wild plants can threaten people's health, economies and biodiversity on a broad scale, and undermine the livelihoods of collectors who often belong to the poorest social groups in the countries of origin.

Application of the revised FairWild Standard will ensure that medicinal plants are sustainably managed and harvested, and that those involved in collecting and trading them receive a fair deal for their knowledge and efforts. It fills a niche not covered by other systems, such as Fair Trade

certification and Organic standards. The latest Standard was drawn up following extensive consultations with plant experts and representatives from the global herbal products industry, and incorporates the lessons learned through practical application of the Standard in the field.

ISSC-MAP was originally developed by TRAFFIC, WWF, IUCN/SSC Medicinal Plants Specialist Group and BfN (the German Government's Federal Agency for Nature Conservation). Now that ISSC-MAP has merged with the FairWild Standard, TRAFFIC continues to support the FairWild Foundation through a partnership agreement<sup>2</sup>, including hosting the Foundation's interim Secretariat.

### IMPLEMENTING THE FAIRWILD STANDARD

Developing a standard with principles and criteria is only a first step; to become effective, it needs to be implemented. There are a number of different scenarios in which the FairWild Standard can be used. For example, it forms the basis of a third-party audited certification scheme, allowing communities and businesses to confirm and communicate to the public that their harvesting practices meet the FairWild sustainability and social criteria. The revised Standard is thus getting immediate application with the companies already engaged in the FairWild certification scheme. This year, the FairWild-accredited audit body, the Institute of Marketecology (IMO), has scheduled audits for 23 wild plant collection companies in 13 different countries. The first FairWild-certified products reached the market in 2009, and now include four different types of tea manufactured by the US-based company Traditional Medicinals: Just for Kids Organic Nighty Night® Herbal Tea, Organic Throat Coat® Herbal Tea, Just for Kids Organic Cold Care Herbal Tea and Organic Liquorice Root Tea.

The FairWild Standard is useful not only for companies wishing to certify their products as sustainably traded. The Criteria can also be used by local resource

#### BOX 1. PRINCIPLES OF THE FAIRWILD STANDARD

The FairWild Standard provides guidance on best practice harvesting and trading of wild-harvested plant (and similar) resources in 11 key areas:

1. Maintaining wild plant resources
2. Preventing negative environmental impacts
3. Complying with laws, regulations, and agreements
4. Respecting customary rights and benefit sharing
5. Promoting fair contractual relationships between operators and collectors
6. Limiting participation of children in wild-collection activities
7. Ensuring benefits for collectors and their communities
8. Ensuring fair working conditions for all workers of the FairWild collection operations
9. Applying responsible management practices
10. Applying responsible business practices
11. Promoting FairWild buyer commitment

<sup>1</sup>Developed by SIPPO (the Swiss Import Promotion Programme) in co-operation with Forum Essencia e.V. and IMO (Institute for Marketecology); <sup>2</sup>Other partners are WWF, ProFound, IUCN/SSC Medicinal Plant Specialist Group (MPSG) and SIPPO.

## BOX 2. OUTCOMES OF THE “SAVING PLANTS THAT SAVE LIVES AND LIVELIHOODS” PROJECT FUNDED BY THE GERMAN FEDERAL MINISTRY FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (BMZ)

ISSC-MAP was tested on the ground in a variety of situations in six selected project areas in Brazil, Cambodia, India, Lesotho/South Africa, Nepal and Bosnia-Herzegovina. The various implementation contexts included: existing resource management schemes (both community- and State-managed); a protected area context; situations with links to existing regulatory requirements, including those for CITES non-detriment findings; and field-level partnership with business and local non-governmental organizations (NGOs).

Through its participatory approach, the project achieved a high level of local uptake of ISSC-MAP and facilitated the development of national, regional and international stakeholder networks, which are crucial for continuous implementation and scaling up of activities. The project contributed substantially to raising awareness among governments of the need for sustainable management and trade models when developing regulatory frameworks relevant to medicinal and aromatic plants. It established that ISSC-MAP was a useful instrument to improve understanding of natural plant resources and integration of local communities into the economy, while simultaneously working for the maintenance of wild plant populations.

A series of challenges and successful approaches were identified through the project. Based on these, recommendations for improving the management of wild plants were made in nine areas:

- Understanding regulatory context is key. In cases where laws on sustainable wild-collection are outdated or lacking, ISSC-MAP (now FairWild) principles can be used as a guide to revise or develop laws.
- Partnerships with local stakeholders should be made, including by identifying clear and realistic market openings for harvested products.
- Project documentation should include local needs as well as existing knowledge on wild plants that may not have previously been written down.
- Training and capacity-building of local project workers is required in resource assessment, harvest monitoring, collection and processing techniques, protection of their traditional knowledge and benefit-sharing.
- Project-time span should be designed with a long-term perspective in mind, in order to support projects through to stability.
- Certification should be evaluated on a case-by-case basis to see if it is the best option for reinforcing sustainability.
- International co-ordination is valuable to standardize efforts on the ground, support compliance and promote relevance to inter-governmental conservation and development frameworks.
- Research should be prioritized on plant species for which sustainability of wild harvest is a major concern.
- Initiation of a value-adding strategy and market development should be funded, including capacity-building and tools for resource management.

Source: Kathe, W., Pätzold, B., Leaman, D., Timoshyna, A., Newton, D., Khou, E., Kinhal, G., Sapkota I.B., Pasha, M.K.S., Ndam, N., Melisch, R., Bundalo, S., Honnef, S., Osborn, T., Buitrón, X., and Liu, X. (2010). Wild for a Cure: Ground-truthing a Standard for Sustainable Management of Wild Plants in the Field. TRAFFIC International. For highlights of BMZ projects, see also [www.traffic.org/bmz-project-highlights/](http://www.traffic.org/bmz-project-highlights/)

managers in designing harvest strategies, government agencies in designing harvest and trade controls, and businesses and industry associations developing voluntary codes of practice. The former ecological module of the FairWild Standard (ISSC-MAP, now incorporated in FairWild Standard version 2.0) was subject to trials by WWF, TRAFFIC, IUCN, and their partners in six wild-collection projects worldwide (Box 2). The Standard has also been tested in a project under the EU-China Biodiversity Programme, focused on sustainable management and trade in the fruit of Southern Schisandra *Schisandra sphenanthera* from the Upper Yangtze Ecoregion. The FairWild Standard is also being implemented in projects in Uzbekistan, Afghanistan, and most recently in the Caucasus (Box 3). In the context of these projects, the FairWild Standard has been used to shape national biodiversity legislation, for example in Bosnia and Herzegovina, and in India where the National Medicinal Plants Board has included FairWild's ecological principles in its Guidelines for Good Field Collection Practices of Medicinal Plants.

### FAIRWILD STANDARD AND INTERNATIONAL POLICY

The year 2010 was the International Year of Biodiversity, culminating in the Conference of the Parties

(CoP10) to the Convention on Biological Diversity (CBD). The newly revised FairWild Standard and associated performance indicators were already making a splash, being promoted for inclusion in the toolbox to be developed by 2012 for implementation of the revised Global Strategy for Plant Conservation (GSPC) (2011–2020). The FairWild Standard was introduced to delegates and attendees through side events and in an intervention in CBD's Working Group 2 as a tool to help Parties, other governments, communities and the private sector to implement the relevant plans, programmes and policies to ensure sustainable and equitable harvesting of and trade in wild plant resources. These include National Biodiversity Strategies and Action Plans for the implementation of the GSPC, and particularly the targets highlighted below:

Targets:

- 3: Information, research and associated outputs, and methods necessary to implement the Strategy, developed and shared.
- 11: No species of wild flora endangered by international trade.
- 12: All wild harvested plant-based products sourced sustainably.
- 13: Indigenous and local knowledge innovations and practices associated with plant resources, maintained or increased, as appropriate, to support customary use, sustainable livelihoods, local food security and health care.

(source: [www.cbd.int/cop/cop-10/doc/advance-final-unedited-texts/advance-unedited-version-gspc-en.doc](http://www.cbd.int/cop/cop-10/doc/advance-final-unedited-texts/advance-unedited-version-gspc-en.doc) (p.6))



TRAFFIC and the FairWild Foundation support the adoption of the revised GSPC, and commit to provide further input to the development of an online toolkit for its implementation.

One of the notable outcomes of the CBD CoP10 was the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The FairWild Standard contains requirements for the development and implementation of Access and Benefit-Sharing (ABS)<sup>3</sup> agreements and protection of Traditional Knowledge (TK)<sup>4</sup> in accordance with international policy. The FairWild Foundation will now be developing guidance on how the Nagoya Protocol can be implemented in practice through the FairWild Standard.

The FairWild Standard and associated guidance documents are also highly applicable to other international environmental agreements, such as the development of non-detriment findings (NDF) required for implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). ISSC-MAP was used to guide the development of a NDF for African Cherry *Prunus africana* in Cameroon and Kalwerbossie *Pelargonium sidoides* in Lesotho. The latter species is not listed in CITES, but populations are under severe pressure due to land conversion and harvesting. ISSC-MAP proved to be a comprehensive and useful tool to prepare the NDF, and the results were presented at a CITES NDF workshop in Mexico. The FairWild Foundation is now looking ahead to CITES meetings in 2011 to see how the revised FairWild Standard can be brought to a wider audience in this respect.



## WHAT NEXT FOR FAIRWILD?

The FairWild Foundation is currently developing additional guidance documents for the implementation of the Standard in collaboration with a range of partners. A number of opportunities have been identified to support the development and implementation of policy processes, as outlined above, both at international and national level. The Foundation also looks forward to working with existing and new partners, including the private sector, to put the Standard into practice. TRAFFIC will be supporting the Foundation in this regard: promoting use of the FairWild Standard is at the heart of TRAFFIC's medicinal plants programme worldwide. Finally, now that the revised Standard has been launched, the FairWild Foundation and partners are well placed for an expansion of the FairWild certification scheme. Look out for more FairWild-certified goods coming your way in 2011!

*Bryony Morgan, Global Medicinal Plant Programme Assistant, TRAFFIC, and Secretariat, FairWild Foundation; Anastasiya Timoshyna, Global Medicinal Plant Programme Lead, TRAFFIC*

<sup>3</sup>in relation to the Access and Benefit-sharing provisions of the CBD. <sup>4</sup>CBD Parties work to preserve traditional knowledge, innovations and practices of indigenous and local communities that make significant contributions to sustainable development and conservation of biodiversity. This is referred to as "Traditional Knowledge".

### BOX 3. THE FAIRWILD STANDARD IN THE CAUCASUS

Poverty is widespread among rural populations of Georgia, Armenia and Azerbaijan, and local collectors are forced to exploit the wild-collected plant resources above sustainable levels. Wild collection is not seen as a profession but as seasonal work, although for many people the generated income is the main or only source of income throughout the year. In most cases wild collectors do not work with contracts and are not embedded in social security systems.

The international market for wild-collected plants is growing steadily and can potentially open up alternative marketing possibilities for products from the Caucasus. GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) and the Institute for Marketecology (IMO) are supporting the Governments of Armenia, Azerbaijan and Georgia to implement the programme "Sustainable Management of Biodiversity", financed by the German Government.

The programme component on wild plant collection aims to:

- improve the economic situation of local people by establishing value chains for wild-collected plant products.
- introduce a management system for wild-collected plant resources so that the collection is sustainable over long time periods.
- institutionalize sustainable collection methods in a normative framework.

Activities implemented under the project include a series of training sessions and seminars for various target groups along the value chains, developing area-specific management plans along with the resource users, and supporting national stakeholders in developing adapted standards which shall regulate and institutionalize the collection of wild plants. The FairWild Standard is key to the project's approach, and its use may lead to the development of FairWild-certified products for a number of species.

Contact: Heiko Schindler, Institute of Marketecology ([hs@imo.ch](mailto:hs@imo.ch))

## BOSNIA AND HERZEGOVINA NEW RULES FOR USE OF NWFPs

New rules governing the use of non-wood forest products (NWFPs) in Bosnia and Herzegovina have been announced, in line with the principles and criteria of FairWild's Standard for sustainable and fair use of wild-collected species. Non-wood forest products include materials such as medicinal and aromatic plants, mushrooms, berries, ornamental plants and lichens.

The Ministry of Agriculture, Forestry and Water Management of the Republic of Srpska recently published a new edition of the *Rulebook of Conditions for Utilization and the Methods of Collection of Other Forest Products* which lies at the heart of regulations governing the collection and sustainable use of NWFP species, based on the *Law of Forests* (2008). TRAFFIC participated with the Ministry in a review of the new legislation.

The Rulebook identifies responsible entities for the management of wild NWFPs, defines procedures for establishing harvesting quotas, the selection of harvesting techniques, the process of devising management plans for species use and population monitoring. Other measures concern the establishment of new licensing procedures and controls over commercial collection, the introduction of a list of plants approved and forbidden for commercial collectors (the first list of its kind), and introduction of obligatory annual plans for NWFP use, based on ecological sustainability.

Species of particular conservation concern, which are on the list of species forbidden for commercial collection, include medicinal plants such as *Arnica montana*, Bearberry *Arctostaphylos uva-ursi* and Yellow Gentian *Gentiana lutea*.

"The adoption of the Rulebook is a positive example of a policy mechanism to support the establishment of a sustainable system for the wild collection and use of non-wood forest products," said Anastasiya Timoshyna, TRAFFIC's Global Medicinal Plant Programme Lead. TRAFFIC hopes similar supporting policy mechanisms will be widely established in other countries of South East Europe—an important region for the collection of wild NWFPs.

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Email: [Anastasiya.timoshyna@wwf.hu](mailto:Anastasiya.timoshyna@wwf.hu)

## KOREAN PINE : PROTECTION IN RUSSIA

CONES OF  
KOREAN PINE  
*Pinus koraiensis*  
Ussurian forests,  
S.E. Siberia, Russia



A ban on the logging of Korean Pine *Pinus koraiensis* has been announced by the Russian Government in a move to preserve key habitats of the Amur Tiger *Panthera tigris altaica*. Korean Pine occurs in temperate forests in Russia's Far East and has been subject to rising global demand for its timber. Fewer than 500 Amur Tigers remain in the Korean Pine forests of Russia and north-east China.

The ban was declared just prior to the opening of the International Tiger Conservation Forum held in St Petersburg on 21 to 24 November 2010. According to Igor Chestin, CEO of WWF-Russia "a ban on Korean Pine logging is the best gift for the Amur Tiger in the Year of the Tiger. Korean Pine is of crucial importance for Tiger conservation: its cones are fodder for wild boars, and wild boars are Tiger's prey". Further, the ban will benefit the legal pine nut trade in the region which WWF and TRAFFIC have been promoting as a means of providing legal and sustainable income.

"TRAFFIC and WWF Russia warmly welcome the ban, which is good news for the local people whose livelihoods depend on the trade in Korean Pine nuts and for Amur Tigers which live where these trees grow," said Alexey Vaisman, Senior Programme Officer with TRAFFIC Europe-Russia. "The ban will need to be backed up with appropriate enforcement action," added Vaisman.

Measures to protect the Korean Pine were already introduced by the Russian Government in July 2010 when the species was placed in CITES Appendix III in an attempt to regulate the trade, much of it carried out illegally. Such a listing meant that all cross-border shipments had to be authorized by the issuance of a document certifying the origin of the products covered by the listing.

"The fate of the Amur Tiger is inextricably linked to the safeguard of the Korean Pine," said Pauline Verheij, joint TRAFFIC and WWF Tiger Trade Programme Manager.

At the International Tiger Conservation Forum, the 13 countries with surviving Tiger populations agreed on a historic Declaration on Tiger Conservation, committing these countries to double the number of remaining wild Tigers—whose total population is estimated at 3200—by 2022.

"Russia is putting in place the kind of measures that will help with the commitment by Tiger range countries to double numbers of wild Tigers by 2022," said Verheij.

The fate of the Amur Tiger is inextricably linked to the safeguard of the Korean Pine



AMUR TIGER  
*Panthera tigris altaica*  
Amur Region,  
Russian Far East

## Ban on imports of seal products reinstated in EU

A temporary hold on the ban on imports of seal products to the EU was lifted in October 2010, a ruling that has been strongly criticized by Canadian Inuit groups and commercial sealers who have announced a plan to appeal the EU's decision. The regulation to ban the imports of seal products to the EU was adopted in August 2010 but prompted an outcry from Inuit groups and the Canadian federal government. The Inuit Tapiriit Kanatami (ITK)—Canada's national Inuit group—along with 15 seal meat and pelt traders were granted a temporary exemption until further ruling by the European Court of Justice.

The ban was reinstated on 25 October, but a narrow exemption still allowed goods deriving from traditional hunts to be traded. Despite the exemption, indigenous groups are opposed to the decision, claiming that it will cause the market for seal products to collapse. It is reported that, since the legislation was proposed, pelt prices have fallen by 64% from 2007 levels.

Inuit groups also fear that an exemption will not always be recognized. Judge Marc Jaeger has dismissed these claims, writing that "[t]he plaintiffs presented no concrete indication that would justify their fears in this regard", making the ban official. The next step for ITK will be a formal appeal of the court's decision.

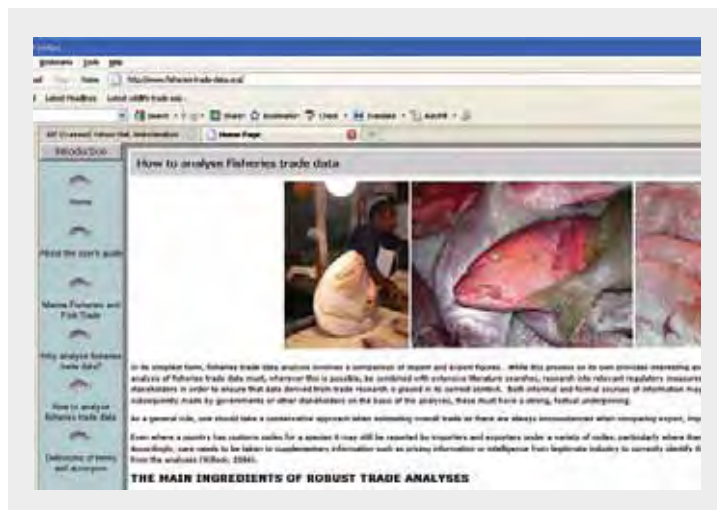
In November 2009, Canada and Norway launched a World Trade Organization (WTO) complaint over the ban saying that it is discriminatory and goes against WTO trade rules. Last month, the two countries requested an additional period of consultations and have thus far stopped short of bringing the case to the WTO's Dispute Settlement Body. They say they will make a decision on the matter before the end of the year.

*International Centre for Trade and Sustainable Development, 8 November 2010: <http://ictsd.org/i/news/biores/94057/>*

## TRAFFIC develops fisheries trade data analysis user's guide

Analysis of the trade in wildlife products has for some time been recognized as a valuable source of information that contributes to the sustainable use of natural resources. Given the extent to which fisheries products are traded internationally, knowledge of the trade and the market for those products is almost a prerequisite to good management. It can provide a direct point of intervention, for instance through the use of trade measures, as well as guide interventions at other points of the management system. In the context of illegal, unreported and unregulated (IUU) fishing, analysis of trade and market information is a potentially powerful tool to assess IUU fishing activities and so assist efforts to combat them. Trade data analysis can assist efforts to combat IUU fishing by:

- identifying discrepancies between export and import figures for a fish product;
- identifying the countries engaged in trade in a certain product;
- identifying trade routes for IUU fish;
- comparing estimated catch and trade volumes; and
- creating increased awareness of trade dynamics by fisheries management agencies especially where IUU fishing is considered to be a threat.



In order to assist fisheries, Customs, and other officials tasked with regulating the international trade in fish and fish products, and more particularly in tackling IUU fishing and related trade, TRAFFIC has developed a Fisheries Trade Data Analysis User's Guide, through generous funding from the UK Department for Environment, Food and Rural Affairs (Defra). The guide provides information on how data analysis can be used by compliance and management officials in their efforts to tackle IUU fishing, links to 24 country and six meta-data websites where fisheries trade data can be sourced, and step-by-step guidance on navigating each of these sites, including advice on the sourcing and extraction of trade data. The guide was launched on 25 October 2010 at <http://www.fisheries-trade-data.org>.

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DAVID NEWTON / TRAFFIC

## TRAFFIC's role in the training of South Africa's Green Scorpions

In September 2005, TRAFFIC, in partnership with the University of Pretoria, was awarded a contract by the South African Department of Environment Affairs and Tourism (DEAT) to develop and implement training programmes for the country's newly formed Environmental Management Inspectorate (EMI)—more popularly known as the “Green Scorpions”. In the three years leading up to this appointment, TRAFFIC had cut its teeth on law enforcement training through its DANIDA-sponsored “Sustainable Utilisation through Law Enforcement Training and Law Compliance Assistance” that resulted in South Africa's first comprehensive training programme for mid-ranking officials involved in the management of biodiversity and enforcement of CITES. Using these materials, in conjunction with TRAFFIC's Wildlife Trade Handbook—a species identification guide—TRAFFIC trained over 300 officials in three provinces (Limpopo, Eastern Cape and KwaZulu-Natal) during the period 2003 to 2005. This course was pitched at SAQA level 5 (final year of school).

In 2005, with these DANIDA-funded materials in hand, TRAFFIC, the University of Pretoria and DEAT plunged into the task of developing an EMI Bridging Training course, initially presented to South African National Parks (SANParks) staff at the Kruger and Augrabies National Parks. Supported by the UK and US governments, the project was subject to rigorous and continuous monitoring and evaluation which enabled the partners to appraise and improve performance, leading to the conversion of the bridging training into the existing EMI Basic Training Course for Grades I–IV. After two contract extensions, the development of training notes, teaching aids, completion of practical training for over 700 Environmental Management Inspectors and adoption of the training programme by three tertiary education institutions to ensure sustainability, the contract came to an end.

There remained, however, over 2000 ranger level officials who required training but for whom the Honours

< MR XOLA MKEFE, NARRATOR OF THE GRADE V ENVIRONMENTAL MANAGEMENT INSPECTOR TRAINING DVD, DURING FILMING ON THE SLOPES OF TABLE MOUNTAIN, CAPE TOWN, SOUTH AFRICA.

level basic training is not appropriate. Rangers in South Africa are often not English speakers and have to be taught in one of 12 other possible official languages. After a period of consultation with provincial and national conservation agencies, TRAFFIC and DEAT concluded a new contract, assisted by NORAD funding, to develop audio-visual training materials aimed at supplementing existing ranger training with the Grade V EMI components in seven official languages (including English). This primarily comprised developing their understanding of their new set of law enforcement powers under South Africa's *National Environmental Management Act* (NEMA). Grade V EMIs have fewer powers than Grade I–IV EMIs, and are critically important to conservation efforts because they are often the eyes and ears inside national and provincial parks and other protected areas.

Working with an education specialist, legal experts, a team of film-makers, as well as KwaZulu-Natal Wildlife and DEAT, TRAFFIC drew up a training blueprint suitable for Grade V EMIs. Based on this, a film script was developed that was in turn used to select officials that could act in the various roles envisaged for the DVD. The presenter for the DVD was Xola Mkefe, Manager of the SANParks West Coast National Park, while several of the ranger staff in the northern section of Table Mountain National Park were chosen to play poachers and/or Environmental Management Inspectors. The DVD demonstrates the wrong way and right way of carrying out enforcement work in the EMI context. The focus of these training DVDs is the legal framework established by NEMA for the carrying out of key enforcement activities, such as searches, arrests, seizures and confiscations rather than a best practice technical compliance and enforcement guideline. Once filming was completed after three-months and the final English script produced, the arduous process of translating it into isiXhosa, isiZulu, Tsitsonga, Afrikaans, Setswana and Sesotho began. The South African Department of Arts and Culture provided this service, which was finalized by May 2010. Once the final edits had been undertaken and compilation of the DVD completed, TRAFFIC was able to hand the DVDs and associated training guides over to the Department of Environment Affairs and relevant provincial and national training staff by the end of June 2010, bringing this final capacity-building contract to an end.

The next phase for TRAFFIC is to assist where possible with implementation of the training programme amongst rangers. Looking to the future, the aim is to develop similar training programmes in other countries in East/Southern Africa where there is a need for them.

*David Newton, National Representative, TRAFFIC East/Southern Africa*

**INTERPOL** should play a leading role in supporting national and international enforcement. This was the verdict of delegates attending INTERPOL's General Assembly in Doha, Qatar, who voted unanimously in favour of a resolution encouraging greater global policing efforts. The resolution called upon national law enforcement authorities to recognize that "environmental crime is not restricted by borders and involves organized crime networks which engage in other crime types including murder, corruption, fraud and theft". It noted that there is a vital need for a global response and that INTERPOL should play a leading role in supporting enforcement worldwide. 'Environmental crime' encompasses activities ranging from illegal trade in wildlife, to transborder movements of hazardous waste, and the illicit exploitation of natural resources.

## new enforcement initiatives

**INDIA** and **NEPAL** have signed an agreement that will help strengthen efforts for better management of forest areas along the 1751 km of the Indo-Nepal border, much of which are key habitats for Tigers and other threatened wildlife. The signing of the Memorandum of Understanding (MoU) on 29 July 2010 followed a meeting on transboundary biodiversity conservation held in Kathmandu, Nepal, between senior officials of India's National Tiger Conservation Authority and Nepal's Ministry of Forest and Soil Conservation. Both the countries will co-operate and co-ordinate implementation of national action plans to protect Tigers, rhinoceroses and elephants and strengthen the role of personnel involved in wildlife conservation, by intensifying the joint patrolling of border areas and restoring border habitats.

"For the value of long-term conservation, it is encouraging to see the strengthening of the existing collaboration between India and Nepal for the protection of biodiversity and ecological security in the area bordering the two countries," said Mr Ravi Singh, Secretary General and CEO, WWF-India.

Key transboundary areas to benefit include Sukhlaphanta- Lagga Bagga- Pilibhit, Bardia-Katerniaghat-Khata, Banke-Suhelwa, Jhapa-Darjeeling and Kosi Tappu.

"With wildlife moving freely across the border and illegal wildlife trade increasingly a transnational crime, such intercountry agreements are imperative for ensuring adequate biodiversity conservation in South Asia," said Mr Samir Sinha, head of TRAFFIC's office in India. "In the past, porous borders have allowed smuggling of protected wildlife and other wildlife products out of the region for consumption in other parts of Asia. The new collaboration will enable a better flow of intelligence between India and Nepal and lead to joint operations to curb the illegal wildlife trade," he said.

TRAFFIC India and WWF-India in collaboration with Uttar Pradesh Forest Department conducted a two-day training workshop in June 2010 on wildlife law enforcement for officers from India and Nepal. The main purpose was to help build alliances between enforcement agencies of the two countries and strengthen cross-border co-operation. The meeting addressed various issues related to cross-border illegal wildlife trade occurring in the densely forested border region, wildlife laws, wildlife investigations, use of forensics in fighting wildlife crime, and use of metal detectors to detect snares and traps laid by poachers to catch wildlife.

**MALAYSIA** has drawn up new legislation which means stricter penalties for those convicted of poaching wildlife in the country. The *Wildlife Conservation Act 2010* was agreed in August 2010 and is expected to come into effect by the end of the year. As well as increasing fines and gaol sentences for illegal wildlife hunting and trade, mandatory gaol sentences for setting snares will also be imposed and penalties provided for those products in trade that are claimed to contain parts of protected species or its derivative. The agencies empowered to enforce wildlife laws will now include police and Customs officers. Those convicted of a wildlife crime under the new law will be barred from holding a licence, permit or special permit for five years from the commencement of a case. Illegal trade in key species such as pangolins and monitor lizards, will also be subject to tougher penalties. The Act aims to protect domestic wildlife. In June 2010, Malaysia's *International Trade in Endangered Species Act 2008* came into force which imposes stricter penalties for violation of international trade regulations.

**MEXICO** has signed an agreement with TRAFFIC in an effort to combat illegal trade in wild plants and animals in Mexico. TRAFFIC will assist Mexico's environmental protection agency PROFEPA over the next four years with capacity building of PROFEPA's staff, and introduce more efficient tools for combating illegal wildlife trade, coupled with improved management of seizures. Some 299 enforcement officers have been trained as a result of co-operation between the two organizations over the previous four years, and thanks to support from the UK's Strategic Programmes Fund and UK-Mexico Sustainable Development Dialogue, donations have been received to cover costs of equipment and reference materials on identification and management of species listed in CITES, as well as equipment to assist with inspection of tropical timber and more than 2000 pieces of equipment to assist enforcement officers at Mexican border-crossing points. In 2008, PROFEPA seized 27 264 illegal wildlife products, and a further 22 346 in 2009, with several major wildlife traffickers apprehended in wildlife trade hotspots such as the markets of Sonora and Xochimilco (Mexico City), Charco Cercado (San Luis Potosi), and several markets in the Bajío region.

[www.cites.org/eng/news/press\\_release.shtml](http://www.cites.org/eng/news/press_release.shtml), 8 November 2010; [www.traffic.org/home/2010/8/4/india-and-nepal-sign-accord-to-protect-wildlife-and-tackle-c.html](http://www.traffic.org/home/2010/8/4/india-and-nepal-sign-accord-to-protect-wildlife-and-tackle-c.html), 4 August 2010; [www.traffic.org/home/2010/8/6/malaysia-gets-tough-new-wildlife-law.html](http://www.traffic.org/home/2010/8/6/malaysia-gets-tough-new-wildlife-law.html); [www.wwf.org.mx/wwfmex/prog\\_traffic.php](http://www.wwf.org.mx/wwfmex/prog_traffic.php)



# CoP15

## REPORT OF THE 15TH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES

*J. Gray*

### OPENING OF THE MEETING

The 15th meeting of the Conference of the Parties (CoP15) to CITES took place in Doha, Qatar, from 13 to 25 March 2010 and was attended by some 800 Party representatives and over 390 observers from inter-governmental, international and national organizations. The following is a summary of salient aspects of the meeting from TRAFFIC's perspective. Unless otherwise stated, amendments to the Appendices adopted at CoP15 entered into force 90 days after the meeting, that is on 23 June 2010. Official proceedings of CoP15 will be published by the CITES Secretariat.

His Excellency the Minister of Environment, Abdulla bin Mubarak bin Aboud Al-Madadi; the Executive Director of UNEP, Mr Achim Steiner; and the Secretary-General of CITES, Mr Willem Wijnstekers, welcomed participants to the meeting. The nomination of Sheikh Doctor Faleh bin Nasser Al-Thani as Chair of the meeting was accepted by acclamation, as were the nominations of Mr John Donaldson (South Africa) and Mr Wilbur Dovey (New Zealand) as Chairs of Committees I and II, respectively. The meeting was opened by Sheikh Doctor Faleh bin Nasser Al-Thani following a display of Qatari ceremonial processions, chants and dances.

### ADMINISTRATIVE MATTERS

#### *6. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties*

The Secretariat's financial report for 2007 and 2008 (**document CoP15 Doc. 6.2 (Rev. 1)**), and its report on implementation of the costed programme of work for 2009 (**document CoP15 Doc. 6.3 (Rev. 1)**) were presented in Committee II and subsequently noted in plenary session on the penultimate day of the meeting. The Secretariat's report of its implementation of the costed programme for 2010 to 2011 (**document CoP15 Doc. 6.4 (Rev. 1)**), and its costed programme of work for 2012 to 2013 in **document CoP15 Doc. 6.5 (Rev. 1)** were discussed by the Budget Working Group of Committee II and subsequently accepted in plenary session. The Budget Working Group also drafted a resolution on financing and budgeting of the Secretariat and meetings of the Conference of the Parties, which established a 6% increase in the budget for the costed programme of work 2012 to 2013. This was to be met by an annual drawdown of USD450 000 from the Trust Fund and contributions from the Parties of USD5 225 466 for 2012 and USD5 723 142 for 2013. This draft resolution, which included the scale of contributions from Parties for 2012 to 2013, was adopted (**Resolution Conf. 15.1**).

### STRATEGIC MATTERS

#### *7. Committee reports and recommendations*

The Chair of the Standing Committee did not submit a report to CoP15, as he was unable to attend the meeting. The report of the Chair of the Animals Committee (**document CoP15 Doc. 7.2.1**) and the report of the Chair of the Plants Committee (**document CoP15 Doc. 7.3.1**) were noted by the meeting. Additionally, it was decided to carry forward matters arising from the documents, namely to refer the question of extending the validity of **Decision 13.93** on the periodic review of Felidae to Committee II, and to refer the issue of potential conflicts of interest in the Animals and Plants Committees to the



Standing Committee. Other significant items from the reports are recorded under subject-specific sections of this summary.

#### 10. Co-operation with other organizations

**Document CoP15 Doc. 10.1** on synergy with biodiversity-related international initiatives—specifically post-2010 biodiversity targets, the Biodiversity Indicators Partnership, the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), and climate change—had been prepared by the Secretariat and contained draft decisions relating to the engagement of CITES with these initiatives. Following requests in Committee I for some refocusing of the decisions and redefinition of parameters for engagement, the decisions on IPBES and climate change were redrafted by a working group. They, and the decisions on Biodiversity Indicators Partnership and post-2010 biodiversity targets, were subsequently adopted (**Decisions 15.10–15.17**), establishing preliminary or continued interaction between CITES and these biodiversity-related initiatives, and requiring reports on developments to CoP16.

The Secretariat presented **document CoP15 Doc. 10.2** in plenary session, reporting on areas related to CITES co-operation with the Food and Agriculture Organization of the United Nations (FAO) since CoP14. There was minimal discussion of the document but, in response to a proposal from China, a draft decision directed to the Standing Committee was adopted (**Decision 15.18**) to analyse the current Memorandum of Understanding (MoU) between CITES and FAO, determine co-operation between the two bodies on forestry issues and ensure co-operation in general was within the framework of the MoU.

In **document CoP15 Doc. 10.4**, the Chair of the Plants Committee reported on CITES activities in collaboration with the Global Strategy for Plant Conservation (GSPC) and other aspects of the Convention on Biological Diversity (CBD) relating to flora. A draft decision in Annex 2 of the document, essentially for further strategic collaboration of this kind, was adopted by consensus (**Decision 15.19**).

There was provision within the agenda for statements from representatives of other conventions and agreements on their CITES-related activities and interventions and these were heard from the Convention on Migratory Species (CMS); the International Tropical Timber Organization (ITTO); and the World Customs Organization (WCO). The Global Tiger Forum had submitted information to the meeting via **document CoP15 Inf. 71**.

#### 11. Co-operation with international financial institutions

This item was introduced but not discussed during the meeting, but the World Bank submitted **document CoP15 Inf. 61**, which set out its co-operation offered to CITES Parties covering a range of issues: investment in

biodiversity; addressing wildlife crime; awareness- and capacity-raising; and enforcement of forestry and fisheries laws.

#### 14. CITES and livelihoods

At its 57th meeting (SC57), in 2008, the Standing Committee agreed on the creation of the Working Group on CITES and Livelihoods and the chair of this group presented **document CoP15 Doc. 14** in Committee II. This document reported on progress with **Decision 14.3** (to develop tools for Parties to assess the impacts of CITES decisions on livelihoods and guidelines to address these). A draft resolution in Annex 1 of the document set out key principles on CITES and livelihoods and draft decisions in Annex 2 were for the Standing Committee to continue the Working Group so that it could finalize the tools and guidelines, and for the Secretariat to co-ordinate review of these by the Parties. There was much support for continuation of the Working Group. The draft resolution was supported by Malaysia and Mexico, but the European Union (EU) and St Lucia considered that the Standing Committee should revise this, in time for CoP16, and the current version was then rejected. The draft decisions received general support. Once they had been amended to reflect the aim of revising the draft resolution and to include in the decision directed to the Secretariat a deadline for revision of the tools and guidelines mentioned in **Decision 14.3**, they were adopted (**Decisions 15.5–15.7**).

#### 16. Capacity building

In **document CoP15 Doc. 16.1**, the Secretariat gave a report on its activities to improve national and regional efforts to implement the Convention, including work on an EU-funded project to identify underlying problems affecting CITES implementation in developing countries, and collaboration with non-governmental organizations (NGOs) on CITES-related training. The report also recommended extension of the validity of **Decision 14.10 Support to Master's programmes** which, with support from Antigua and Barbuda, Chile, China and South Africa, was agreed. Saudi Arabia stressed the need for training materials in more languages, including Arabic. Benin, the Democratic Republic of Congo and Kenya cited obstacles to CITES implementation in Africa and Fiji noted the threat to the economies of small developing countries posed by trade suspensions for non-compliance with CITES. Australia, on behalf of the Oceania region, and Kenya put forward draft decisions directed to the Secretariat to support capacity-building in their regions, including via meetings to be held before SC62. These decisions were adopted (**Decisions 15.21–15.22**).

Committee I noted the Secretariat's report on the International Expert Workshop on Non-detriment Findings in **document CoP15 Doc. 16.2.1**. It also considered the report of the Animals and Plants Committees on the Workshop in **document CoP15 Doc. 16.2.2** and adopted slightly amended versions of the draft decisions in its

annex. These were decisions to further and improve Parties' use of non-detriment findings (NDFs) based on the outcome of the Workshop and to review guidance on NDFs at CoP16 (**Decisions 15.23–15.25**). The amendment to the decision directed to the Secretariat (**Decision 15.25**) stipulated that capacity-building for the making of NDFs and translations of CITES guidelines for the making of NDFs into Arabic, Chinese and Russian should be supported by external funding.

*Decisions 14.135* and *14.143* had directed the Plants Committee to develop principles, criteria and indicators for the making of NDFs for wild specimens of high-priority taxa such as timber species; *Prunus africana* and other medicinal plants; and agarwood-producing species. **Document CoP15 Doc. 16.3** contained guidance from the Plants Committee in accordance with these Decisions. Annex 3 of the document contained draft decisions directed to the Parties and the Secretariat to carry forward the findings of Plants Committee working groups on NDFs for these species. The Chair of the Plants Committee proposed amendments in session to align these more closely with the decisions in document CoP15 Doc. 16.2.2 (i.e. the report of the Animals and Plants Committees on the International Expert Workshop on Non-detriment Findings). No Party spoke against the decisions, but China considered that documentation produced in response to *Decisions 14.135* and *14.143* was over-complicated and the EU and Mexico asked for minor amendments to the decisions, which were subsequently adopted (**Decisions 15.26–15.27**).

## INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

### Review of Resolutions and Decisions

#### 18. Review of Resolutions

The Secretariat presented a document (**CoP15 Doc. 18**) to address revisions to Resolutions, the need for which became apparent in the course of its normal work, as well as in the context of the specific review under way in line with *Decision 14.19*. The Secretariat proposed changes to 13 Resolutions contained in the document annexes: changes to nine of these, namely *Resolutions Conf. 5.10*; *Conf. 7.12 (Rev.)*; *Conf. 9.5 (Rev. CoP14)*; *Conf. 9.7 (Rev. CoP13)*; *Conf. 9.10 (Rev. CoP14)*; *Conf. 9.19 (Rev. CoP13)*; *Conf. 11.11 (Rev. CoP14)*; *Conf. 11.21 (Rev. CoP14)*; and *Conf. 14.7*, and concomitant actions, were adopted without lengthy discussion or amendment in session, several of the changes being non-substantive or marginally substantive in nature. Other Resolutions were discussed as follows:

The draft decision to review *Resolution Conf. 10.10 (Rev. CoP14)* on *Trade in elephant specimens*, which provides the mandate for Monitoring of Illegal Killing of Elephants (MIKE) and Elephant Trade Information System (ETIS),

was adopted (**Decision 15.74**) after inclusion of a provision put forward by Rwanda for greater involvement of elephant range States in the review, and after a modification suggested by the USA to direct the decision to the Standing Committee, rather than to the Secretariat.

The Secretariat's proposed amendments to *Resolution Conf. 12.3 (Rev. CoP14)* on *Permits and certificates* concerned, *inter alia*, explanatory texts for source codes on permits and certificates and the inclusion of a definition of "hunting trophy". Some changes to explanatory texts for source codes D, C and F were adopted as agreed in session, but a working group needed to be set up to develop a definition for "hunting trophy". The group eventually proposed that "hunting trophy" within the context of the Resolution should mean a whole animal or a readily recognizable part or derivative of an animal that was raw, processed or manufactured and in legal trade by or on behalf of the hunter. Additionally with reference to the Resolution, the Secretariat suggested that Parties may wish to review the need for a change to the text to address situations where permits and certificates were not endorsed at the time of export. A working group was set up to examine this question and its proposal that a lack of endorsement of permits and certificates at point of export should trigger liaison between authorities in the importing and exporting countries was adopted. All other changes to the Resolution were adopted in the form proposed by the Secretariat in document CoP15 Doc. 18, or as a result of business under agenda items on electronic permitting and on review of the universal tagging system and trade in small crocodilian leather goods (**Resolution Conf. 12.3 (Rev. CoP15)**).

There was little opposition in Committee II to the proposed deletion of *Resolution Conf. 12.2* and related adoption of a draft decision for the Secretariat to investigate ways to establish a mechanism to secure funding to support provision of technical assistance to CITES Parties. Debate was, however, re-opened in plenary session at the request of the USA, to broaden the means by which funding could be secured. The draft decision was then adopted (**Decision 15.20**).

There was no consensus on the Secretariat's proposals for amendment of *Resolution Conf. 12.10 (Rev. CoP14)* on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, which were designed to facilitate the implementation of registration of captive-breeding operations. A working group was therefore set up and its revisions of the Resolution were adopted (**Resolution Conf. 12.10 Rev. CoP15**). The working group noted in session that its most substantive deviation from the Secretariat's proposals had been the provision for the Standing Committee to resolve issues where a Party objected to the registration of a breeding operation.

Finally on this agenda item, the USA and Mexico put forward amendments to Resolutions not in document

CoP15 Doc. 18, respectively to tighten the definition for coral fragments in *Resolution Conf. 11.10 (Rev. CoP14)*, and to direct the Secretariat to provide justification for any proposed changes to Decisions at meetings of the Conference of the Parties (*Resolution Conf. 4.6 (Rev. CoP13)*). These amendments were adopted.

## 19. Review of Decisions

The Secretariat regularly reviews the validity of Decisions and its report on this process for CoP15 was delivered in **document CoP15 Doc. 19**. Annex 1 of the document contained Decisions that the Secretariat considered needed amending or replacing by the Parties; Annex 2 contained the Secretariat's suggestions for such changes; and Annex 3 contained Decisions that the Secretariat proposed should remain in effect unaltered. It was noted that any Decision not listed in Annex 1, 2 or 3 would cease to be in effect after CoP15, unless the Parties wished otherwise. The meeting agreed to retain all Decisions in Annex 3 unaltered. Following discussion of the Decisions in Annex 1, some were deleted, some revised, some replaced and some retained unchanged, notably:

- The proposal to delete *Decision 14.81*, determining that no periodic review of any great whale listing should occur while the moratorium by the International Whaling Commission was in place, was rejected after a vote, with 24 in favour of its deletion, but 46 against.
- Several African Parties (Cameroon, Democratic Republic of the Congo, Kenya, Liberia, Mali and the Republic of Congo) and the EU were against the Secretariat's recommendation to delete *Decisions 14.73* and *14.74* which directed the Central Africa Bushmeat Working Group to liaise with the CBD on relevant issues and report to CoP15 and, as a result, it was agreed to extend the validity of these Decisions until CoP16.
- It was also agreed similarly to extend the validity of three other Decisions: *Decision 14.138* regarding agreement on exemption of certain agarwood products from CITES controls; *Decision 14.144* to support a workshop aimed at strengthening the capacity of Parties to implement agarwood-related Decisions; and *Decision 14.100* to evaluate the outcomes of the 2007 FAO Workshop on Sustainable Use and Management of Sea Cucumber Fisheries.
- Regarding Decisions on elephants, after in-session consultations which involved Kenya, Namibia, the USA, TRAFFIC, IUCN and the Secretariat, the meeting agreed with the Secretariat's recommendation to delete *Decision 10.2 (Rev. CoP11)* on conditions for the disposal of registered ivory stocks for non-commercial purposes that had been agreed in 1997, but not acted upon positively by donor countries. *Decision 14.75*, which was completed with the tabling of the *African elephant action plan* by the African Elephant range States at CoP15, was also deleted. *Decision 14.78* was replaced (*Decision 14.78 (Rev. CoP15)*), clarifying that updates on ETIS and MIKE, on the status of elephants, from IUCN, and on progress with the *African elephant action plan* should be made available to future meetings of the Standing Committee, contingent upon the provision of external funding. *Decision 14.76* regarding support from donors for elephant-trade-related activities was retained and *Decision 14.79* was amended (*Decision 14.79 (Rev. CoP15)*) to remove its last paragraph, whose actions had been implemented.

There was discussion of some Decisions not included in document CoP15 Doc. 19. Accordingly, it was agreed to retain *Decision 13.93* on reviewing Felidae listings, in line with the Animals Committee's recommendation to keep this Decision, and *Decisions 14.66*, *14.68* and *14.69* concerning domestic trade and captive-breeding of Asian big cats and related enforcement.

## Compliance and enforcement

### 24. Enforcement matters

In accordance with *Resolution Conf. 11.3 (Rev. CoP13)* on *Compliance and enforcement*, requiring a report on enforcement matters at each regular meeting of the Conference of the Parties, the Secretariat presented **document CoP15 Doc. 24**. Annex 3 contained a report from Egypt on improvement of enforcement of CITES in that country following recommendations resulting from a Secretariat mission to Egypt to assess enforcement needs in 2007. As there were no outstanding recommendations on enforcement matters for Egypt, the Secretariat announced that the matter was now closed. The Secretariat reported on a high-level mission to Nigeria to discuss CITES implementation and referred the meeting to **document CoP15 Inf. 27** outlining Nigeria's recent progress with this. The Secretariat would continue to work with Nigeria, with a view to lifting the current trade suspension.

Other items covered by the document included news of Alerts (news of enforcement interest issued by the Secretariat) published since SC58; plans to direct Secretariat attention to enforcement matters in South and Central America and the Caribbean; the inter-sessional work of the CITES Enforcement Experts Group; Illegal, Unreported and Unregulated (IUU) fishing of sturgeons; designation of Parties' enforcement and Scientific Authorities; and the design of a strategy for a co-ordinated approach to wildlife law enforcement by the Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and WCO. Annex 1 of the document set out draft decisions for the establishment of an illegal-trade database working group and these were supported by Botswana, Canada, Israel, Malaysia, India and the USA and adopted by consensus (*Decisions 15.42–15.43*). The EU suggested that the working group be tasked with developing a global seizures database modelled on EU-TWIX (EU Trade in Wildlife Information eXchange).

### 25. Proposed revision of Resolution Conf. 11.3 (Rev. CoP14) on Compliance and enforcement

This item was introduced by Spain, on behalf of the EU, and aimed to promote the use of sniffer dogs as a means of detecting illegal wildlife trade by adding appropriate text to *Resolution Conf. 11.3 (Rev. CoP14)*. Canada was the only Party to express a doubt about the proposal and the amendments to the Resolution in **document CoP15 Doc. 25**, as modified by the Secretariat's comments in the same document, were therefore adopted.



## 26. Review of Significant Trade in specimens of Appendix-II plant species

**Document CoP15 Doc. 26 (Rev. 1)** was introduced by the Chair of the Plants Committee. It concerned the poor response from range States for Asian medicinal species *Cistanche deserticola*, *Dioscorea deltoidea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Pterocarpus santalinus*, *Rauvolfia serpentina* and *Taxus wallichiana* to *Decision 14.20*, which had directed them to implement regionally co-ordinated actions to improve management of the seven species. In response, the Plants Committee had suggested replacing *Decision 14.20* with two new decisions, set out in the annex to document CoP15 Doc. 26 (Rev. 1), to enable continuation of the incomplete business and to introduce a basis for more and different efforts to stimulate action. They were adopted by consensus, as amended by editorial suggestions from the Secretariat (*Decisions 15.36–15.37*).

### Trade control and marking

## 27. Introduction from the sea

CoP14 had agreed the definition for “the marine environment not under the jurisdiction of any State” contained in *Resolution Conf. 14.6 on Introduction from the sea*. A *Decision (14.48)* emerging from the same meeting had led to the formation of the Standing Committee Working Group on Introduction from the Sea, tasked with establishing, among other things, the definition for “transportation into a State” and clarification of the term “State of introduction”. Draft revisions to the Resolution reflecting the Working Group’s decisions were presented in Annex 1 to **document CoP15 Doc. 27**, which also contained proposed revisions to *Decision 14.48* in its Annex 2, but a further two versions of the Resolution and *Decision (documents CoP15 Com. II. 14 and Com. II. 35)* were issued before discussion of this agenda item in session, following meetings of the Working Group in the margins of the meeting. These documents and discussion in session reflected the fact that recommendations for definitions of “State of introduction” and “transportation into a State” were still outstanding. Brazil, on behalf of Central and South America and the Caribbean, except Saint Vincent and the Grenadines, supported the continuation of the Working Group to address this and other issues and favoured the definition of “State of introduction” as the port State. In contrast, the EU thought that the flag State should be the “State of introduction”. The EU, echoed by the Pew Environment Group, lamented the slow progress on this issue. The revisions to *Resolution Conf. 14.6* and *Decision 14.48* providing for continued deliberations, with a report to SC62 and CoP16, were adopted.

## 30.1. Electronic permitting toolkit

The Secretariat introduced this issue, reporting on progress with *Decisions 14.56* and *14.57*, which in particular had been for the Secretariat to instigate preparation of a CD-

ROM and Internet-based toolkit on electronic permitting systems. It directed the meeting to review three new decisions in **document CoP15 Doc. 30.1 Annex**, to encourage Parties to use the CITES Electronic Permitting Toolkit, extend the mandate of the Working Group on Information Technologies and Electronic Systems, and otherwise take forward work on this issue. Algeria, Brazil, the EU, Guatemala, on behalf of Central and South America and the Caribbean, and Jamaica backed the development of electronic permitting within CITES. Malaysia, seconded by China and South Africa, was concerned that the use of electronic permitting should not be portrayed as obligatory for Parties, while the USA did not think Parties had had enough time to evaluate the Toolkit and suggested that the work allocated to the Secretariat by the draft decisions should be subject to availability of external funding. The draft decisions, with amendments to reflect this concern and that of Malaysia, were adopted (*Decisions 15.54–56*).

## 30.2. Proposed revision of Resolution Conf. 12.3 (Rev. CoP14) on Permits and certificates

Amendments to this Resolution presented by the EU in **document CoP15 Doc. 30.2 (Rev. 1)** were to make explicit the fact that electronic transfer for permits and certificates was recognized as a method approved by the Parties. The amendments were adopted, with a slight modification proposed in session by the USA.

## 32. E-commerce of specimens of CITES-listed species

In **Document CoP15 Doc. 32**, the Secretariat reported that, following consideration of the outcome of the workshop on e-commerce held in Vancouver, in February 2009, the Standing Committee had directed it to prepare a draft decision, with the aim of enabling a better understanding of Internet trade, and draft revisions to *Resolution Conf. 11.3 (Rev. CoP14)*, to include provisions relating to Internet crime. These drafts, set out in the document’s annexes, were adopted (*Decisions 15.57–15.58* and *Resolution Conf. 11.3 (Rev. CoP15)*) after amendment in session, notably to stipulate the necessity of having domestic legislation adequate for investigation and punishment of illegal wildlife e-commerce.

### Species trade and conservation

## 42. Great apes

**Document CoP15 Doc. 42** provided a report of the Standing Committee’s inter-sessional activities under the remit of *Resolution Conf. 13.4 on Conservation of and trade in great apes*. The report singled out the fact that the majority of seizures of great apes did not seem to be followed up with adequate investigations. It noted that, at a meeting of the UN Great Apes Survival Project (GRASP) Executive Committee in September 2009, the Secretariat had suggested technical missions led by itself and the GRASP Secretariat to selected Gorilla range States

to assess means of supporting law enforcement, in collaboration with INTERPOL and WCO. The GRASP Executive Committee had accepted this suggestion and the Secretariat accordingly sought endorsement from the Parties for such missions via the draft decisions presented in document CoP15 Doc. 42. These decisions, which also directed the Standing Committee to review the missions' findings and called for a report to CoP16, were adopted (**Decisions 15.44–15.45**), reflecting wide support in session.

### 43. Asian big cats

#### 43.1 Report of the Secretariat

In introducing **document CoP15 Doc. 43.1**, the Secretariat noted prominent events related to Tiger conservation in which CITES had been involved inter-sessionally, such as the First Asia Ministerial Conference on Tiger Conservation, held in Hua Hin, Thailand, in January 2010. It also noted that Decisions relating to Asian big cats taken at CoP14 had had little effect on the conservation of the species, yet it believed much of today's illegal trade in Tigers could be markedly reduced if concerted efforts were made, and in the light of this it presented draft decisions designed to galvanize action, in the document's Addendum. Notably, the decisions directed Parties to report incidents of Tiger poaching and illegal trade by 30 June 2010, a date chosen to allow INTERPOL sufficient time to analyse any information submitted before the Global Tiger Summit [the International Tiger Conservation Forum which took place in November 2010], at that time scheduled for September 2010. The information so received was to be disseminated in two documents, one with intelligence for restricted use, the other with public information for the CITES website. India, Nepal and Thailand wished for more time before submitting any such reports, but Bhutan, the EU, Malaysia, Myanmar and the UK were supportive of the decisions in the Addendum, which were adopted (**Decisions 15.46–15.49**).

#### 43.2 Proposed revision of Resolution Conf. 12.5 on Conservation of and trade in tigers and other Appendix-I big cat species

With **document CoP15 Doc. 43.2**, the EU proposed to strengthen *Resolution Conf. 12.5*, one of the most important CITES tools for monitoring and controlling trade in Tiger parts and derivatives, notably by increasing co-operation between range States, improving enforcement controls, ensuring breeding operations were consistent with the conservation of wild populations, and encouraging consideration of a seizures database. The document contained a revised version of *Resolution Conf. 12.5* in its Annex 1 and comments on this revision from the Secretariat. In introducing the document, Spain responded to these comments from the Secretariat, in particular explaining that, in its opinion, domestic trade could legitimately be controlled under CITES in so far as it affected international trade in Asian big cats. Ghana, Israel, Mali and Rwanda supported the EU's proposed

changes to the Resolution. China, India, Myanmar, Thailand and Viet Nam, however, said that they could not support a revision of the Resolution urging Parties to restrict domestic trade in CITES specimens and they, and Bhutan, Egypt, Indonesia, Japan, Nepal and Pakistan, opposed the EU's proposal. In the light of this, a working group of range States and representatives of the EU met to discuss document CoP15 Doc. 43.2 in more detail, returning with agreed revisions to *Resolution Conf. 12.5*. As Chair of the working group, the UK reported that the revisions had been agreed on the assumption that *Decision 14.69* (stipulating restrictions for operations breeding Tigers on a commercial scale and that Tigers should not be bred for trade in their parts and derivatives) would remain in effect. The working group's revisions, which were adopted (**Resolution Conf. 12.5 (Rev. CoP15)**), *inter alia* deleted text instructing the Secretariat to initiate compliance proceedings for range States that failed to comply with the Resolution, added a new paragraph recommending Parties to assist range States technically and financially in complying with the Resolution, and deleted Annex 4 of document CoP15 Doc. 43.2 containing definitions of "trade", "intensive operations" and "commercial scale", among others, to be used in interpretation of the Resolution. The USA reiterated an earlier request that a decision to direct the Standing Committee to review and update the form and guidance for reporting incidents of wildlife crime (annexed to document CoP15 Doc. 43.2) should be drawn up. This was agreed (**Decision 15.70**).

### 44. Elephants

#### 44.1 Monitoring of illegal trade in ivory and other elephant specimens and 44.2 Monitoring of illegal hunting in elephant range States

The results of the two monitoring systems for elephants under CITES—Monitoring Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS)—were discussed together. In introducing **document CoP15 44.2 (Rev. 1)** on monitoring of illegal hunting in elephant range States, the MIKE Central Co-ordination Unit also drew attention to **document CoP15 Inf. 41** on trends and factors associated with illegal killing of elephants. These documents represented the first time information on trends from the MIKE programme had been presented at a CoP. The analysis found that the most important predictors of levels of poaching in elephant range States were national government effectiveness, whereby countries with low government effectiveness or low Human Development Index scores had higher levels of elephant poaching, but poaching rates declined significantly as government effectiveness and the Human Development Index scores increased. At the site level, elephant poaching was more intense where vegetation cover was greater. Poaching levels were highest in central Africa and lowest in Asia. Finally, no relationship could be inferred between CITES decisions to allow a one-off ivory sale in 2008 and levels and trends of poaching as estimated by the proportion of illegally killed elephants.

The report from the Secretariat in **document CoP15 Doc. 44.1 (Rev. 1)** updated the meeting on the *Action plan for the control of trade in elephant ivory* and commented on recent illegal trade in ivory. With regard to the former, it noted that resources had hampered progress, but also that measures to deal with non-compliance with the plan had not been invoked and recommended that this should be remedied with the assistance of enforcement officers seconded by the Parties. The Secretariat also recommended amending *Resolution Conf. 10.10 (Rev. CoP14)* on *Trade in elephant specimens* to take account of technological advances in ivory marking techniques and to update the *Action plan* to reflect the fact that questionnaires on elephants and trade in ivory had now been undertaken and an assessment report on the responses submitted to the Secretariat by TRAFFIC.

The annex to **document CoP15 Doc. 44.1 (Rev. 1)** comprised the ETIS analysis and was presented by TRAFFIC, which manages ETIS on behalf of the Parties. TRAFFIC also drew attention to **document CoP15 Inf. 53** which provided sub-regional summaries of the ETIS data for all African and Asian elephant range States, allowing the characteristics of each sub-region to be compared with the results of the MIKE analysis. The ETIS analysis demonstrated major increases in ivory seizures in 2006 and 2009 and a steadily increasing trend in illicit trade in ivory since 2004, and showed that large-scale ivory seizures were becoming more frequent with the passage of time. The countries most heavily implicated in illicit trade were the Democratic Republic of the Congo, Nigeria and Thailand, but a further nine countries or territories were of a secondary level of concern. TRAFFIC recommended stepping up actions to match the intent behind adoption of the *Action plan for the control of trade in elephant ivory* via *Decision 13.26 (Rev. CoP14)*.

The USA, supported by China, advocated more active implementation of the *Action plan* and the Secretariat's recommendation to second enforcement officers from CITES Parties to support the Secretariat's work was accepted, with the effect that revisions of *Decision 13.26 (Rev. CoP14)* and of *Resolution Conf. 10.10 (Rev. CoP14)*, with respect to the

marking of ivory, were adopted (*Decision 13.26 (Rev. CoP15)* and *Resolution Conf. 10.10 (Rev. CoP15)*) and **document CoP15 Doc. 44.2 (Rev. 1)** was noted.

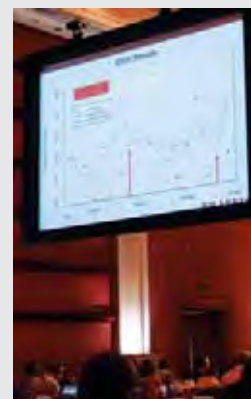
#### 45. Rhinoceroses

##### 45.1 Report of the Secretariat

**Document CoP15 Doc. 45.1 (Rev. 1)** outlined a number of developments related to *Decisions 14.88–14.90* on the declaration of rhinoceros horn stocks and implementation of *Resolution Conf. 9.14 (Rev. CoP14)* on *Conservation of and trade in African and Asian rhinoceroses* in range States where illegal killing of rhinoceroses appeared to have increased. The Secretariat's document also included an annex which comprised the comprehensive report from IUCN and TRAFFIC on the conservation status of African and Asian rhinoceroses. This report highlighted a major escalation in rhinoceros poaching in Zimbabwe and South Africa, the advent of Viet Nam as a major destination for illicit rhinoceros horn, and the apparent extinction of the Northern White Rhinoceros *Ceratotherium simum cottoni* since CoP14.

Further, the Secretariat also offered an Addendum with draft decisions focused on the creation of a joint CITES Ivory and Rhinoceros Enforcement Task Force. Finally, it drew attention to reports on the conservation of rhinoceroses from range States in **documents CoP15 Inf. 32** (South Africa), **CoP15 Inf. 33** (Zimbabwe) and **CoP15 Inf. 62** (Viet Nam), adding that the situation in Zimbabwe was a concern for the CITES community. Botswana, Cameroon, the Democratic Republic of the Congo, Kenya, Nepal and Swaziland supported the draft decisions and were concerned about the steady surge in poaching in some range States. The USA recommended an additional element, directed to the Secretariat, to facilitate bilateral exchanges between key rhinoceros range States and rhinoceros horn consumer States and to report on these at SC61 and 62. These draft decisions were adopted, with the addition of Nepal as one of the Parties prioritized to join the Ivory and Rhinoceros Enforcement Task Force (*Decisions 15.72–73*).

## SCENES FROM CoP15



PHOTOGRAPHS: S. BROAD / TRAFFIC



#### 45.2 Revision of Resolution Conf. 9.14 (Rev. CoP14) on Conservation of and trade in African and Asian rhinoceroses

Kenya's document (**CoP15 Doc. 45.2 (Rev. 1)**) for revision of this Resolution and inclusion of defined roles for range and consumer States was broadly supported by Parties, although several were opposed to the proposed amendment that encouraged destruction of rhinoceros horn stocks and establishing a new procedure for the IUCN/TRAFFIC report. These issues were deleted from Kenya's revised proposals in **document CoP15 Com. II. 29**, which was adopted, following two more corrections suggested by the Secretariat. As well as amendments to the Resolution (resulting in **Resolution Conf. 9.14 (Rev. CoP15)**), the revised proposals, which had been agreed in conjunction with other Parties, comprised a draft decision directing the Secretariat to examine implementation of the Resolution and to report on this to SC61, SC62 and SC63 (**Decision 15.71**). South Africa, Zimbabwe and Viet Nam also will be submitting update reports on rhinoceros poaching and rhinoceros horn trade to future meetings of the Standing Committee.

#### 46. Tibetan Antelope *Pantholops hodgsonii*

*Resolution Conf. 11.8 (Rev. CoP13) on Conservation of and control of trade in the Tibetan Antelope* directs the Standing Committee to provide an update at each meeting of the Conference of the Parties on enforcement measures to counter the illegal trade in Tibetan Antelope products and to fulfil this obligation the Secretariat presented **document CoP15 Doc. 46**. The report suggested a Secretariat mission to liaise with the Government of India and authorities of the State of Jammu and Kashmir, to study ways in which the international community could help to halt the trade in Tibetan Antelope products. This proposal was withdrawn, however, in response to **document CoP15 Inf. 15** provided by the Government of India, who did not agree that a mission was necessary. Document CoP15 Doc. 46 was noted by the meeting.

#### 47. Saiga Antelope *Saiga tatarica*

**Document CoP15 Doc. 47**, a report by the Secretariat on progress with the seven Saiga Antelope Decisions (14.91–14.97) adopted at CoP14, advised that it had not been possible to complete various actions, for example the amassing of information from relevant Parties' biennial reports, as these had not been received in time. The representative from the Convention on the Conservation of Migratory Species of Wild Animals reported in session that one element of these Decisions was fulfilled, as the Russian Federation had signed the MoU concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope and as a result all range States were now signatories. Trade in Saiga horns remained problematic, however, and the draft decisions put forward in the Secretariat's report to CoP15, adopted by consensus (**Decisions 14.91, 14.93 (Rev. CoP15)–14.95 (Rev. CoP15), 14.96 and 14.97 (Rev. CoP15)**), were essentially

reissued directions from the seven CoP14 Decisions. These included the direction to range States to implement the *Medium-Term International Work Programme for the Saiga Antelope (2007–2011)* developed in support of the MoU, and to give information on this in their biennial reports for 2009–2010. States trading in Saiga parts and derivatives and donor States are likewise required to collaborate in managing the trade, and the decisions require a report to CoP16 from the Secretariat on progress on the actions they specify.

#### 48. Snake trade and conservation management

Decisions adopted following discussion of **document CoP15 Doc. 48** submitted by China and the USA (**Decisions 15.75–15.78**), focused on under-regulation of the Asian snake trade. The decisions, which were set out in the document, directed the Secretariat to convene a workshop to consider conservation priorities, management and enforcement needs related to snake trade and provided for results of the workshop to be evaluated in succession by the Animals Committee, the Standing Committee and CoP16.

#### 49. Tortoises and freshwater turtles

In **document CoP15 Doc. 49**, the Secretariat reported on implementation of *Decisions 14.126–129* which had been to extend liaison with WCO to promote the use of harmonized tariff codes for tortoises and turtles; for a summary of Parties' implementation of *Resolution Conf. 11.9 (Rev. CoP13) on Conservation of and trade in tortoises and freshwater turtles*, as contained in biennial reports; and to contract the IUCN/SSC Tortoise and Freshwater Turtle Specialist Group to undertake a study on conservation of and trade in CITES-listed tortoises and freshwater turtles in Asia. In the document, the Secretariat asked Parties to consider the need to continue special reporting on tortoises and turtles as required by *Resolution Conf. 11.9 (Rev. CoP13)*, (*Decision 14.127*), and noted that the IUCN/SSC report, which was the outcome of *Decision 14.128*, was available in **document CoP15 Inf. 22**. As no Party put forward views on this report, the Chair suggested it be considered by a working group, potentially to draft a decision based on its contents. This was done and the resulting document comprised draft decisions, which were adopted (**Decisions 15.79–15.83**). These directed the Animals and Standing Committees to review the IUCN/SSC report and encouraged the Parties to review their implementation of *Resolution Conf. 11.9 (Rev. CoP13)* and to develop national tariff Customs codes—based on the WCO harmonized system—for trade in tortoises and freshwater and terrestrial turtles, as a matter of priority.

#### 50. Hawksbill Turtle *Eretmochelys imbricata*

*Decision 14.86* taken at CoP14 had been to raise funds in collaboration with the Inter-American Convention for Protection and Conservation of Sea Turtles (IAC) and the Convention for the Protection and Development of the

Marine Environment of the wider Caribbean region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol) for a regional Hawksbill Turtle meeting, and to report on that meeting to CoP15. The meeting in question was held in Mexico, in September 2009, and **document CoP15 Doc. 50**, submitted by IAC and presented by the Secretariat, provided the report of the meeting. The document also contained a draft decision directing the Secretariat to explore opportunities for co-operation with IAC, the Cartagena Convention and its SPAW Protocol, including in development of joint proposals to donors, and this decision was adopted by consensus (**Decision 15.84**).

**51. Humphead Wrasse *Cheilinus undulatus*: additional management measures needed to combat IUU fishing**

In discussion of this agenda item, Australia and Malaysia favoured the draft resolution attached to **document CoP15 Doc. 51**, presented by Indonesia, which was to improve implementation of the Appendix-II listing for Humphead Wrasse. Specifically, the resolution was to address IUU fishing linked to shipments by sea and discrepancies in records between trading entities. China was supportive of improved controls, but advised bilateral initiatives as the way to achieve these and in this it was backed by the EU and Norway, who thought adoption of the resolution would be premature before further discussion of the outcomes of the international workshop on the Humphead Wrasse held in Hong Kong in June 2009 and consideration of the Fisheries Circular planned for publication by FAO in 2010. As there was no consensus emerging, a working group was constituted. It returned to Committee II with draft decisions and, with one amendment proposed by China, these were adopted (**Decisions 15.86–15.88**). Notably, these Decisions urge Parties to consider limiting international transport of Humphead Wrasse to air-borne transport and to work on finding acceptable options for dealing with confiscated fish. Otherwise they urge Parties to step up the normal measures taken for trade control and request the Secretariat's assistance in so doing.

**52. Atlantic Bluefin Tuna *Thunnus thynnus***

The document for this agenda item, **CoP15 Doc. 52 (Rev. 1)** containing a draft resolution submitted by Monaco to urge Parties to rebuild stocks of the species, was to be considered by the Parties only in the event of acceptance of an Appendix-I listing for Atlantic Bluefin Tuna and as such was withdrawn following rejection of **document CoP15 Prop. 19** (see agenda item **68. Proposals to amend Appendices I and II**).

**53. Conservation and management of sharks and stingrays**

The Chair of the Animals Committee introduced **document CoP15 Doc. 53**, reminding the meeting that *Resolution Conf. 12.6* provided the context for work on sharks within CITES, and reporting on the Committee's

activities in the ambit of the seven shark Decisions adopted at CoP14. The document recommended adoption of new decisions and amendments to the Resolution, as the bases for work on: commodity codes for sharks; shark species of concern; freshwater stingrays; the outcome of the FAO technical workshop (November 2008); monitoring and reporting; and links between international trade in shark fins, meat and IUU fishing. Argentina, China, Egypt, Iceland, Japan, Libya, Morocco, the Russian Federation and the United Arab Emirates variously considered that adoption of the document would be unnecessary, premature, or that CITES was an inappropriate forum for managing shark trade altogether, citing identification problems, socio-economic issues, and the desirability of acting in concert with other international agreements as obstacles, among others. Australia, Croatia, the EU, South Africa and the USA, echoed by the Pew Environmental Group and WWF, supported the document in its entirety or for the most part, but the draft decisions and proposed revisions to the Resolution were rejected after a vote, with 52 in favour, 36 against and 11 abstentions, as the required two-thirds' majority was not achieved. On the final day of the meeting, Brazil, seconded by Egypt, asked for debate to be re-opened on the draft decision on freshwater stingrays. No Party opposed this motion and the decision was then adopted without discussion (**Decision 15.85**). New Zealand, seconded by Australia, succeeded in re-opening debate on amendment of *Resolution Conf. 12.6*, although Chile and Gabon opposed this motion. They drew attention to a version of the Resolution set out in **document CoP15 Inf. 70** which no longer identified particular shark species for conservation and which now included clauses on capacity-building for developing countries. This version was adopted by consensus.

**57. *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii***

The Chair of the Plants Committee had prepared **document CoP15 Doc. 57** which provided a report on the Committee's work under the terms of *Decision 14.146*, which had adopted an action plan "to complete knowledge on the status of conservation of, trade in and sustainable use" of the four species. In the light of discussions at the 18th meeting of the Plants Committee (PC18), the document recommended continued collection and analysis of information on these plants and included a draft revision of *Decision 14.146* to this end. The EU was supportive of this, but suggested formation of a working group to evaluate the draft decision text. The draft decision's annex (a revision of the *Action plan* for *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*) directed range States to include their populations of the species in Appendix III, but the Central and South American and Caribbean region, while generally supportive of the document, advised less imperative language on this point and also that assessment of the population status of the four species should be subject to budgetary capacity. Bolivia and Brazil stated

they had already registered their populations of *Cedrela odorata* for listing in Appendix III; Norway, however, urged the Plants Committee to consider recommending Appendix-II listings for the species at CoP16, noting that higher levels of protection for other species had come too late in the past. TRAFFIC intervened to state that it thought efforts would best be spent tackling organized crime and investing in verifying legal trade in the species, citing the current critical conservation status of Big-leaf Mahogany, despite its listing in Appendix II. After these discussions, the draft revision of *Decision 14.146* and its annex were adopted, with amendments in line with comments made by Norway and the Central and South American and Caribbean region, and with endorsement of an associated budget of USD1 000 000 (*Decision 14.146 (Rev. CoP15)*).

### 58. Big-leaf Mahogany

**Document CoP15 Doc. 58** was a submission from the Plants Committee in line with *Decision 14.145* which had adopted the *Action plan for the control of international trade in bigleaf mahogany* and required a report to CoP15 on progress with the plan. Mexico, as Chair of the Bigleaf Mahogany Working Group, reported that the Group had not achieved all its goals, adding that there had been financial constraints in the range States. The intention of the draft decision in the document's annex, therefore, was to allow the work of the Group to continue. The Chair of the Plants Committee noted that in discussion of the previous agenda item, the EU had requested a working group to streamline the text of the revised *Decision 14.146*. Through adoption of this revised Decision, it had now been agreed that the Bigleaf Mahogany Working Group would incorporate *Cedrela odorata*, *Dalbergia retusa*, *D. granadillo* and *D. stevensonii* in its mandate and the Chair of the Plants Committee reiterated a call for a working group, to clarify issues relevant to decisions on these timber species and Big-leaf Mahogany. This was supported by the EU, range States for the species, and the USA and accordingly a working group was established and drew up amendments to the draft decision in document CoP15 Doc. 58. These resulted in three decisions, which were adopted. The Decisions were for the Secretariat to seek external funding for the running of the Working Group, and for the Plants Committee to change the name of the Bigleaf Mahogany Working Group to the "Working Group on Bigleaf Mahogany and Other Neotropical Timber Species" and to support implementation of the new version of *Decision 14.146* (see item on *Cedrela odorata* and *Dalbergia* spp. above). They also mandated continued joint work between CITES and ITTO on this subject and reports to CoP16 from the Secretariat and the Plants Committee. Additionally, a budget of USD45 000 for the Working Group's activities was approved (*Decisions 15.91–15.93*).

### 61. Report of the Central Africa Bushmeat Working Group

The Secretariat reported in **document CoP15 Doc. 61** that it had not received any report on bushmeat for submission to the meeting by the Central Africa Bushmeat Working Group, as required under *Decision 14.74*. The EU lamented the lack of a report from the Group, while Israel denounced it as unacceptable. Both these Parties and TRAFFIC, WWF and IUCN suggested ways to improve focus on bushmeat as a CITES issue. The Chair of Committee II noted the mandate for continuation of the work of the Central Africa Bushmeat Working Group, via retention of Decisions decided under a previous agenda item.

### Amendment of the Appendices

### 63. Criteria for the inclusion of species in Appendices I and II

With the support of **document CoP15 Doc. 63** presented by the Secretariat, the meeting addressed the problem of differences in interpretation of the criteria for listing species in the Appendices, notably differences between the Secretariat and FAO over when regulation of trade was necessary to ensure that harvest from the wild did not threaten the survival of wild populations (Annex 2 a B. of *Resolution Conf. 9.24 (Rev. CoP14)*). The Secretariat reported that it believed an inter-sessional process was necessary to improve understanding of the criteria and recommended adoption of decisions contained in the document for this purpose. As there was no agreement on these decisions in session, a working group chaired by Canada was set up to review these and it returned to Committee I with versions that were adopted by consensus. The Decisions (*Decisions 15.28–15.30*) called for reports at the 25th meeting of the Animals Committee (AC25) from the Secretariat, FAO and IUCN/TRAFFIC on experiences with applying the criterion in Annex 2 a B. (and introductory text to Annex 2 a) to commercially exploited aquatic species proposed for inclusion in Appendix II at CoPs 13, 14 and 15. Following receipt of these reports, the Animals Committee was directed by the Decisions to develop guidance on application of the criterion, for consideration by the Standing Committee and subsequent presentation to CoP16.

### 68. Proposals to amend Appendices I and II

Forty-two proposals to amend the Appendices were considered at CoP15. In the account below, the name of the proponent Party or Parties is given in brackets after the proposal number and species. Of the 42 proposals, 28 were decided upon with minimal discussion, as follows:

**Prop. 1** *Canis lupus* (Switzerland as Depositary Government, at the request of the Animals Committee). **Addition of an annotation to the species *Canis lupus* listed in Appendices I and II reading: "Excludes the domesticated form and the dingo which are referenced**



as *Canis lupus familiaris* and *Canis lupus dingo*".  
Accepted by consensus.

**Prop. 7** Mariana Mallard *Anas oustaleti* (Switzerland as Depositary Government, at the request of the Animals Committee). **Deletion from Appendix I.** Accepted by consensus.

**Prop. 10** Ornate Spiny-tailed Iguana *Uromastyx ornata* (Israel). **Transfer from Appendix II to Appendix I.** Withdrawn, in view of the fact that there was clear opposition to the proposal in session.

**Prop. 11** Honduran Spiny-tailed iguanas *Ctenosaura bakeri*, *C. oedirhina* and *C. melanosterna* (Honduras). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 12** Guatemalan Spiny-tailed Iguana *Ctenosaura plearis* (Guatemala). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 13** Tree frogs *Agalychnis* spp. (Honduras and Mexico). **Inclusion in Appendix II.** Accepted by consensus, concerns voiced by Iceland and Norway over the disparity in conservation status and appearance between the species notwithstanding.

**Prop. 14** Kaiser Spotted Newt *Neurergus kaiseri* (Iran). **Inclusion in Appendix I.** Accepted by consensus.

**Prop. 20** Satanas Beetle *Dynastes satanas* (Bolivia). **Inclusion in Appendix II.** Accepted by consensus.

Madagascar's proposals for succulent endemic plant species were introduced as a suite. The EU reported it had been unable to determine whether or not the taxa met the criteria for listing in Appendix II and called for a working group to consider the proposals. This was agreed and the final outcome for the proposals (see below) was in line with the group's recommendations, which included draft decisions (**Decisions 15.97** and **15.98**) to gather further information on these and other Malagasy species that could benefit from CITES-listing.

**Prop. 22** *Operculicarya decaryi* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

**Prop. 23** *Operculicarya hyphaenoides* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 24** *Operculicarya pachypus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 26** *Zygosityos pubescens* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 27** *Zygosityos tripartitus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 30** *Senna meridionalis* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

**Prop. 34** *Adenia firingalavensis* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

**Prop. 35** *Adenia olaboensis* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.



**Prop. 36** *Adenia subsessilifolia* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

**Prop. 37** Marsh Rose *Orothamnus zeyheri* (South Africa). **Deletion from Appendix II.** Accepted by consensus.

**Prop. 38** Swartland Sugarbush *Protea odorata* (South Africa). **Deletion from Appendix II.** Accepted by consensus.

**Prop. 39** *Cyphostemma elephantopus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 40** *Cyphostemma laza* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

**Prop. 41** *Cyphostemma montagnacii* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

**Prop. 25** Cactaceae spp. and all taxa with annotation #1 (Mexico and USA, on behalf of the Plants Committee). **Delete annotations #1 and #4 and replace them both with the following new annotation for plant taxa listed in Appendix II:**

**"All parts and derivatives, except:**

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico;
- b) seedlings or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), *Opuntia* subgenus *Opuntia* (Cactaceae), *Hylocereus* and *Selenicereus* (Cactaceae);
- e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade."

Amend footnote 6 as follows (delete struck-through text):

Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention:

- *Hatiora* x *graeseri*
- *Schlumbergera* x *buckleyi*



Left to right: *Opuntia microdasys*; *Selenicereus anthonyanus*; *Schlumbergera* sp.; *Swietenia mahagoni*

- *Schlumbergera russelliana* x *Schlumbergera truncata*
- *Schlumbergera orssichiana* x *Schlumbergera truncata*
- *Schlumbergera opuntoides* x *Schlumbergera truncata*
- *Schlumbergera truncata* (cultivars)
- Cactaceae spp. colour mutants ~~lacking chlorophyll~~, grafted on the following grafting stocks: *Harrisia* ‘Jusbertii’, *Hylocereus trigonus* or *Hylocereus undatus*
- *Opuntia microdasys* (cultivars).

Accepted by consensus, with an amendment to paragraph d) to revert to an exemption from CITES controls for any cactus fruits and parts and derivatives from naturalized and artificially propagated plants. A draft decision arising from discussions of the proposal was put forward by the EU. It directed the Plants Committee to produce guidance materials on terms used in annotations of the Appendices and was accepted by consensus (**Decision 15.31**).

**Prop. 28** Cliff Spurge *Euphorbia misera* (Mexico and USA). **Deletion from Appendix II.** Accepted by consensus.

**Prop. 31** Orchidaceae spp. in Appendix I (USA). **Amend the annotation to the listing of Orchidaceae included in Appendix I, as follows: Delete the current annotation, which states:**

*For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention.*

Replace with the following new annotation:

**“For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of ‘artificially propagated’ agreed by the Conference of the Parties.”** Accepted by consensus.

**Prop. 32** *Beccariophoenix madagascariensis* (Madagascar). **Inclusion of the seeds of the species in Appendix II.** Accepted by consensus, via agreement to amend the annotation in Prop. 25.

**Prop. 33** *Dypsis decaryi* (Madagascar). **Inclusion of the seeds of the species in Appendix II.** Accepted by consensus, via agreement to amend the annotation in Prop. 25.

**Prop. 42** Palo santo *Bulnesia sarmientoi* (Argentina). **Inclusion in Appendix II.** Accepted by consensus, with a concomitant draft decision suggested by the EU for trading range States and importing Parties, in association with the Plants Committee, to work on identification of essential oil and wood and to report at CoP16 (**Decision 15.96**).

The following fourteen proposals were more controversial than those listed above, final decisions on all but one of the proposals being resolved via a vote, where a two-thirds’ majority was required to secure acceptance. **N.B.** Votes below are recorded according to the following format: **in favour/against/abstaining**.

**Prop. 2** Bobcat *Lynx rufus* (USA). **Deletion from Appendix II.** The USA renewed its attempt made at previous meetings to remove the Bobcat *L. rufus* from Appendix II, on the grounds that there was no evidence that pelts of other *Lynx* species were traded as *L. rufus*, that it would produce a guide to pelt identification, and that it would list *L. rufus* in Appendix III if its proposal were accepted. Botswana, Canada, China, Japan, Qatar, the Russian Federation, Senegal and Zimbabwe supported the USA’s arguments, but the EU, Norway and Tunisia remained concerned that there would be look-alike problems compromising enforcement for other *Lynx* species if the Bobcat were deleted from Appendix II. In view of the lack of consensus, a vote was called and the proposal was **rejected** (53/46/15).

**Prop. 3** Polar Bear *Ursus maritimus* (USA). **Transfer from Appendix II to Appendix I.** In introducing this proposal, the USA stated that the main threat to the Polar Bear *Ursus maritimus* was climate change, but it was concerned that trade had had or may have a detrimental effect on the species. The USA received support from Egypt, Mali, Qatar, Rwanda and Yemen, who favoured a precautionary approach, but were opposed by Canada,

Denmark, Iceland, Norway and the EU, as well as Nunavut Tunngavik Incorporated (a group promoting Inuit economic, social and cultural well-being). Those against the proposal did not think the species met the biological criteria for an Appendix-I listing, nor that it was threatened by international trade. As opinion was divided, delegates proceeded to a vote, as a result of which the proposal was **rejected** (46/62/11).

**Prop. 4** African Elephant *Loxodonta africana* (Tanzania). **Transfer the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation** to allow trade in hunting trophies for non-commercial purposes; a one-off sale of government-registered raw ivory; trade in raw hides; and trade in live animals to appropriate and acceptable destinations, as defined in *Resolution Conf. 11.20*.

Tanzania has Africa's second-largest elephant population, the largest ivory stockpile documented in Africa, and experiences increasing human–elephant conflict. Referring to concerns about enforcement issues that had been expressed by the Secretariat and in the Panel of Experts report, Tanzania drew attention to recent anti-poaching operations and legislation for a new wildlife authority. Tanzania requested that the decision on its proposal be taken in two parts, firstly considering the annotation minus the paragraph (paragraph b)) which would allow the one-off ivory sale and secondly considering the annotation as a whole. This request for division of the proposal for voting purposes was decided by secret ballot (76/37/15). Botswana, China, Japan, Malawi, Qatar and Uganda backed the proposal, while the Congo, the EU, India, Liberia, Nigeria, Rwanda, Tunisia and the USA spoke against it. While there was recognition amongst this last group of Parties that Tanzania had taken measures to conserve its elephant population, the group was concerned that the Tanzanian proposal undermined the agreement reached at CoP14 that no further proposals for trade in ivory from Appendix-II elephants should be submitted until at least nine years after the sales of raw ivory agreed at that meeting. The secret ballot votes on Tanzania's proposal resulted in the rejection of the proposal without paragraph b) (57/45/32), as well as the defeat of the whole proposal (59/60/13). In a final plenary session of the meeting, Tanzania succeeded in re-opening debate on the proposal, but voting again resulted in **rejection** (55/55/34).

**Prop. 5** African Elephant *Loxodonta africana* (Zambia). **Transfer of the population of Zambia from Appendix I to Appendix II for the exclusive purposes of allowing trade in hunting trophies for non-commercial purposes; a one-off sale of government-registered raw ivory; trade in raw hides; and trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20.**

In introducing its proposal, Zambia cited increasing human–elephant conflict, and the wish to reduce dependency on donors by exercising its sovereign rights,

as underlying causes for submitting the proposal. To appease those opposed to any ivory trade at the present time, Zambia amended its proposal to remove the element of the annotation referring to sale of raw ivory. Support for the amended proposal came from Japan, Norway, South Africa, Uganda, the USA and Zimbabwe, several of whom said they believed effective conservation should be rewarded through benefits to local communities and that Zambia's enforcement system was adequate to cope with the regulation that would be required by acceptance of the proposal. Ghana, Kenya, Mali and Rwanda were against the amended proposal. Reasons cited included their belief that it was against the spirit of the nine-year moratorium on proposals for ivory sales agreed at CoP14; that range States had not been consulted; and that incidence of human–elephant conflict was not a function of the size of elephant population. In response, Uganda and Zambia asked the Secretariat to reiterate the terms of the nine-year moratorium, which it did by confirming that the moratorium applied only to those Parties whose elephants were in Appendix II at the time of CoP14. Noting the divided opinion, Zambia asked for a vote on its amended proposal. This was conducted by secret ballot and resulted in rejection (55/36/40). In a final plenary session of the meeting, Zambia succeeded in re-opening debate on the proposal, but it was again **rejected** (59/47/38).

**Prop. 6** African Elephant *Loxodonta africana* (Congo, Ghana, Kenya, Liberia, Mali, Rwanda and Sierra Leone). This proposal to amend the current annotation applying to elephant populations of Botswana, Namibia, South Africa and Zimbabwe sought to apply a 20-year moratorium on legal trade in raw or worked ivory under CITES. However, following the defeat of Proposals 4 and 5, Kenya suggested the meeting consider a draft decision in place of Proposal 6. This decision aimed to prevent all African Elephant range States from submitting proposals to amend the Appendices for the species during the nine-year moratorium period, seeking to extend the terms of the moratorium beyond the four countries with elephant populations in Appendix II. The decision received support from Algeria, Burkino Faso, Liberia, Nigeria and Tunisia but not from Botswana, China, the EU, Tanzania or Uganda. Noting the lack of agreement over the draft decision, Kenya requested adjournment, to allow discussion with other range States, but adjournment was **denied** after a vote (53/58/20). Delegates then proceeded to a vote on the draft decision, which was subsequently **rejected** (38/76/21). Proposal 6 was then **withdrawn**.

**Prop. 8** Morelet's Crocodile *Crocodylus moreletii* (Mexico). **Transfer from Appendix I to Appendix II with a zero quota for wild specimens.**

On introducing its proposal, Mexico announced that the zero quota was intended to apply to specimens "for commercial purposes". Nicaragua spoke on behalf of other Central American countries and the Dominican Republic, voicing concern about the proposal as the crocodile's population status in Guatemala and Belize was



uncertain, and there was potential for illegal trade in the region. China and the EU gave the proposal their support, the latter observing that there had been an increase in the population of the species in Mexico recently. Mexico asked that the meeting vote on the proposal as it pertained to the populations of Mexico and Belize only and Guatemala supported this procedure. The meeting then accepted the proposal so amended by consensus, and Mexico then withdrew the proposal in relation to the population of Guatemala.

**Prop. 9 Nile Crocodile *Crocodylus niloticus* (Egypt).  
Transfer of the Egyptian population from I to II.**

Egypt stated in the introduction to its proposal that a “zero quota for commercial purposes” would apply. China, Japan, Qatar, Saudi Arabia, the Sudan, Tunisia, Uganda and Yemen backed the proposal, in several cases citing the problems posed by rising crocodile numbers. The EU had concerns about the lack of data in the proposal and a lack of compliance capacity and, supported by Indonesia, it opposed the proposal. Given the division of opinion, there was recourse to a vote (60/38/7) and the proposal was accordingly rejected. However, in the following session of Committee I, the EU announced that it had changed its position and no longer opposed the proposal: it suggested re-opening discussion in plenary session. Egypt was subsequently able to do this unopposed and this time no Party spoke against the proposal, which was therefore accepted.

**Prop. 15 Scalloped Hammerhead Shark *Sphyrna lewini*, Great Hammerhead Shark *S. mokarran*, Smooth Hammerhead Shark *S. zygaena*, Dusky Shark *Carcharhinus obscurus* and Sandbar Shark *C. plumbeus* (Palau and USA). Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of these species in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues.”**

In introducing this proposal, the USA explained that Scalloped Hammerhead *Sphyrna lewini* satisfied the criteria for inclusion in Appendix II for conservation reasons and that the four other species in the proposal had been included for look-alike reasons, but that it was now withdrawing the two *Carcharhinus* species, in the light of comments from FAO and the Secretariat. The co-proponents emphasized the need for international co-operation to conserve diversity of ocean life and received support for their proposal from Argentina, Australia, Brazil, Colombia, Croatia, the EU, Libya, Monaco, New Zealand, Norway, Qatar and Saudi Arabia, who variously cited as reasons for their support FAO endorsement of the proposal; the need to combat IUU fishing and to co-operate with regional fisheries management organizations (RFMOs); and over-exploitation of hammerhead sharks. The United Arab Emirates, supported by Guinea Bissau and Libya, thought that a 24-month delay on the Appendix-II listing taking effect would be needed to deal with technical and administrative issues. In response, the

USA agreed to amend the proposal to incorporate this longer delay and said it would work with Parties on capacity-building to assist implementation of the proposal.

China, Guinea Bissau, Indonesia, Japan, St Lucia, Senegal and Singapore were against the proposal. Between them, they cited several objections, for example, believing that RFMOs should be the bodies responsible for managing sharks; that enforcement of the proposed listing would be problematic; that there was a lack of documented scientific evidence for the proposal; and that livelihoods issues had been ignored. Japan pointed out, for example, that hammerhead shark was eaten in many Asian and Latin American countries and added that an Appendix-II listing would deny developing States the sovereign right to use their marine resources. Cuba said that, from its perspective, the cost of CITES implementation would outweigh the cost of any conservation benefits.

ICCAT named conservation measures it had taken for sharks, but noted that there were no specific management measures for hammerhead sharks, and FAO summarized its activities with regard to *Sphyrna lewini*, referring to the Report of the Third FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species (**document CoP15 Doc. 68**).

St Lucia had called for a secret ballot and received sufficient support for this. Voting was on the proposal as amended by the suggestion from the United Arab Emirates for a 24-month delay on its coming into effect. The result being 75/45/14, the proposal was rejected by Committee I. Debate on the proposal was re-opened at the request of the USA and Libya on the final day of the meeting, but again the proposal was rejected in a secret ballot, this time with a result of 76/53/14.

**Prop. 16 Oceanic Whitetip Shark *Carcharhinus longimanus* (Palau and USA). Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of *Carcharhinus longimanus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues.”**

Mindful of discussion of the previous proposal, the USA amended this proposal in session to extend the proposed implementation delay to 24 months and reiterated a commitment to assist with relevant capacity-building activities. There was consistent support from some Parties for the shark proposals and the EU, New Zealand, Saudi Arabia and the United Arab Emirates voiced support for Proposal 16. Chile, China, Indonesia, Japan, the Republic of Korea, Venezuela and Viet Nam opposed it, China reminding the Committee that it had already rejected Proposal 15 that was similar to this one. Japan requested a secret ballot and, this being granted, the Committee proceeded to vote on the proposal, as amended by a 24-month delay in implementation, with a result of 75/51/16 and consequent rejection.

**Prop. 17** Porbeagle *Lamna nasus* (Palau and Sweden). **Inclusion in Appendix II with the following annotation:** “The entry into effect of the inclusion of *Lamna nasus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the possible designation of an additional Management Authority and adoption of Customs codes.”

The EU opened debate on this proposal, stating that it was convinced the species merited inclusion in Appendix II. Australia, Canada, Egypt, New Zealand and the USA raised similar points in support of the proposal as had been raised in discussion of the previous two proposals, notably drawing attention to the fact that FAO supported listing the Porbeagle in Appendix II, in contrast to the case at CoP14, in the face of compelling evidence from stock assessments. As with the previous two shark species, supporters of the proposal stressed that identification of parts in trade would be possible, but once again China countered this assertion, as other Parties had done in preceding discussions on shark proposals. China and Iceland questioned the value of an Appendix-II listing since the EU was the main fishing entity for this species, yet constituted a single market, but the EU clarified that there was a ban on Porbeagle fishing in its waters, hence any incoming trade would be external. The EU introduced an expert on the species, who gave his validation to several of the reasons set out for an Appendix-II listing, and the EU then called for a vote on the proposal. Grenada asked for a secret ballot and this was allowed. The result of the vote was 86/42/8 and the proposal was thus accepted. However, Singapore, backed by Iceland and Libya, succeeded in re-opening debate in the final plenary session. Japan had requested that the proposal be put immediately to a vote upon re-opening debate, and this motion was carried following a vote (70/59/10). A secret ballot then resulted in rejection of Proposal 17 with the result 84/46/10.

**Prop. 18** Spiny Dogfish *Squalus acanthias* (Palau and Sweden). **Inclusion in Appendix II with the following annotation:** “The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the development of stock assessments and collaborative management agreements for shared stocks and the possible designation of an additional Scientific or Management Authority.”

In presenting this proposal, the EU explained that it would no longer be catching this species in its own waters and it wished its imports of specimens of the species to come from sustainable sources and required a CITES-listing for this reason. It acknowledged that FAO did not concur that the species met the criteria for listing in Appendix II. Opposition to the proposal was based more on biological issues than in the case of the other shark proposals, Argentina, Canada, Chile, China, Japan, Libya, New

Zealand and Norway all querying the scientific basis for the proposal. Australia and Croatia argued that the species was judged over-exploited in some areas and Australia, echoed by Germany, reasoned that Southern Hemisphere stocks should be listed on look-alike grounds. Germany suggested a vote be taken and Morocco asked for a secret ballot, which was granted. As the result was 60/67/11, the proposal was rejected.

**Prop. 19** Atlantic Bluefin Tuna *Thunnus thynnus* (Monaco). **Inclusion in Appendix I.**

Monaco drew attention to the industrial nature of the exploitation of this species over recent decades and the judgement that, according to the International Commission for the Conservation of Atlantic Tunas (ICCAT), under whose oversight the species was managed, this had caused stocks to decline to under 15% of historical levels. It stressed that there was support for the proposal from FAO (as set out by FAO in **document CoP15 Inf. 26**) and drew attention to the mechanism to facilitate a transfer to Appendix II, as appropriate, depending on new information, that would be provided via adoption of **document CoP15 Doc. 52 (Rev. 1)**, a draft resolution to be considered by the Parties in the event of acceptance of Proposal 19.

The EU was supportive, but suggested an amendment (as explained in **document CoP15 Inf. 57**), such that the Appendix-I listing would be delayed until May 2011, to allow evaluation by CITES of the sufficiency or otherwise of the most recent measures taken by ICCAT for the Atlantic Bluefin Tuna. Kenya, Norway and the USA also supported the proposal, mentioning the declining stocks of the fish.



BRIAN J. SKERRY / NATIONAL GEOGRAPHIC STOCK / WWF



MICHEL GUNTHER / WWF-CANON

Canada rejected the proposal, on the grounds that ICCAT was the most appropriate body to manage the species, that Parties could enter reservations to avoid being bound by the conditions of an Appendix-I listing, and because the listing would be powerless to affect domestic markets for the fish. Japan was similarly committed to ICCAT's role, but did not in any case believe the species was endangered. Chile, Grenada, Indonesia, Morocco, Namibia, the Republic of Korea, Senegal, Tunisia, Turkey, the United Arab Emirates and Venezuela likewise objected to the proposal, several stating that ICCAT was the appropriate management body and several voicing concern about socio-economic impacts of acceptance of the proposal. Senegal raised the issue of negative impacts on other species of fish and Grenada, Tunisia and the United Arab Emirates thought an Appendix-I listing could negatively impact food security and thought that any CITES decision on this issue before the outcome of a scientific assessment under way within ICCAT would be premature. Libya thought the proposal contained errors and misrepresentations and also suggested that science had been sacrificed to opinion within FAO. It called for an immediate vote on the proposal and was seconded by Sudan, but opposed by the EU and Monaco, who stated they wanted to adjourn discussion. The USA raised a point of order stating they believed a motion to adjourn debate took precedence over a motion to close debate, according to Rule 18, paragraph 2, but the Chair ruled that, as the request to close the debate had been made before the request to adjourn, this request took precedence. The result of the vote on whether or not to close debate was 72/53/3 and debate was thus closed and Parties proceeded to vote on Proposal 19, firstly as amended by the EU, as this was the version that would have the least restrictive effect on trade. Iceland requested voting by secret ballot and this request received sufficient support. The proposal as amended by the EU was rejected with a result of 43/72/14 and the original proposal was then rejected by the result of the subsequent vote, 20/68/30.

**Prop. 21** Red and pink coral *Coralliidae* spp. (*Corallium* spp. and *Paracorallium* spp.) (Sweden and USA). **Inclusion of all species in the family in Appendix II with the following annotation: "The entry into effect of the inclusion of species in the family *Coralliidae* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."**

This proposal received very similar numbers of votes for and against as the USA's proposal to list *Corallium* spp. in Appendix II in 2007, which received 61 votes in favour and 55 against in the final reckoning at CoP14. During discussions at CoP15, Tunisia, supported by Libya and Morocco, expressed the view that management of corals by the General Fisheries Commission for the Mediterranean (GFCM) would be more appropriate than management by CITES. Libya cautioned consideration of the effect on livelihoods if the proposal were accepted and Morocco and Tunisia believed controls were already adequate. Japan listed several reasons to vote against the

proposal, noting in particular that no coral species was included in the IUCN Red List; that coral populations were substantial in some areas; that Japan itself had strong control of coral fishing and management; and that declines in amounts landed were not a reflection of declines in coral biomass. Iceland, Indonesia, Malaysia, Singapore and Vanuatu also opposed the proposal, and the speaker from FAO reiterated the view of its Expert Advisory Panel that the criteria for an Appendix-II listing were not met, a point additionally made by several of the Parties already mentioned. By contrast, Croatia, Iran and the United Arab Emirates recognized extreme threats to corals and Iran noted these would be more likely to affect livelihoods than an Appendix-II listing. The EU, also supportive of the proposal, referred to massive declines in landings since the 1980s and SeaWeb and the Pew Environment Group questioned the validity of FAO's conclusions on the proposal, equating coral harvesting to mining of a non-renewable resource, and drew attention to the recommendation of the International Coral Reef Initiative on international trade in corals and related issues in document CoP15 Inf. 42.

The USA committed to provide capacity-building support for exporting range countries and financial help for a workshop on identification and the making of non-detriment findings for coral and again stressed the vulnerability of corals to over-exploitation. A vote was then taken by secret ballot, Tunisia having requested this at the beginning of discussions, with a result of 64/59/10 and the proposal was thus rejected.

**Prop. 29** Brazilian Rosewood *Aniba rosaeodora* (Brazil). **Inclusion in Appendix II with the following annotation: "#11 Designates logs, sawn wood, veneer sheets, plywood and essential oil."**

Accepted by consensus, but a draft decision arose from discussions that directed "range States and Parties" to work with the Plants Committee on finding the best methods for identification of essential oil and, if required, wood, and to support identification in other ways, including via production of guides and listing of look-alike species. The decision (**Decision 15.90**) also required exploration of mechanisms for making non-detriment findings and a report on progress with specified activities to CoP16.

## CONCLUSION OF THE MEETING

### 69. Time and venue of the next regular meeting of the Conference of the Parties

The Parties accepted an offer from Thailand to host CoP16 in 2013. Exact dates are to be determined. The Secretary-General expected to be in post at the time of CoP16, Mr John Scanlon, had been introduced by the outgoing Secretary-General, Willem Wijnstekers, the previous day.

*J. Gray, Reports Editor, TRAFFIC International, and a rapporteur at CoP15.*





THE TRAFFIC BULLETIN SEIZURES AND PROSECUTIONS SECTION IS SPONSORED BY THE FORESTRY BUREAU, COUNCIL OF AGRICULTURE, TAIWAN: COMMITTED TO SUPPORTING CITES ENFORCEMENT

The cases reported below represent a selection of recent seizures and prosecutions that have taken place around the world. The sources of this information are cited at the end of each country section. The CITES Appendix-listing for each species is placed in parentheses, where appropriate.

Future issues of the *TRAFFIC Bulletin* will carry only a small selection of significant seizures and readers are asked to refer to the seizures section of the *TRAFFIC* website ([www.traffic.org](http://www.traffic.org)) for regular updates on seizures reported from around the world.

## EUROPE

### BELGIUM

INTERPOL, WCO (World Customs Organization) and CITES informed China's CITES Management Authority that during May and June 2010 Customs officials at Brussels Airport confiscated over 3000 dried sea horses *Hippocampus* (CITES II), 250 ivory items (I) and 25 crocodile (I/II) bags from the luggage of around 100 Chinese passengers who were in transit from Guinea, bound for Beijing.

As a result, Customs at Beijing Airport have enhanced controls on passengers returning from Africa and made some additional seizures of ivory. Moreover, the Chinese authorities have carried out a campaign to warn travellers not to buy endangered wildlife products and bring them back to China.

*China Green Times*, 7 July 2010: [www.forestry.gov.cn/portal/main/s/72/content\\_430369.html](http://www.forestry.gov.cn/portal/main/s/72/content_430369.html); World Customs Organization pers comm. to *TRAFFIC Europe*, 13 July 2010

### CROATIA

In late August 2010, Customs officers stopped four Italian hunters attempting to smuggle 627 dead songbirds in a van travelling from Bosnia and Herzegovina to Croatia. The birds, concealed under the driver's seat, had been shot. Among them were Tree Pipits *Anthus trivialis* and Skylarks *Alauda arvensis*, both protected species under European Community (EC) and national legislation. A quarter of the birds had already been plucked, making identification impossible.

The principal hunter received a two-year gaol sentence suspended for five years and was fined a total of HRK78 885 (EUR10 800/USD13 778). His vehicle was impounded and he was banned from re-entering Croatia for four years.

"TRAFFIC congratulates the Croatian Customs on this recent seizure and welcomes the quick application of heavy penalties by the Croatian Court," said Rob Parry-Jones, Director of TRAFFIC Europe. "This case highlights the need for better control over the activities of Italian hunters to ensure they are not acting outside the law. This should be a joint responsibility between the Italian authorities and hunting agencies."

*Croatian Nature Protection Inspection*

### CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)

establishes international controls over trade in wild plants and animals, or related products, of species that have been, or may be, threatened due to excessive commercial exploitation. Parties have their own legislative vehicle by which to meet their obligations under CITES. The species covered by CITES are listed in three Appendices, according to the degree of protection they need:

**APPENDIX I** includes species threatened with extinction which are or may be threatened by trade. Trade in specimens of these species is permitted only in exceptional circumstances. An export permit from the country of origin (or a re-export certificate from other exporting countries) and an import permit from the country of importation are required.

**APPENDIX II** includes species not necessarily yet threatened, but which could become so if trade is not strictly controlled. Species are also included in Appendix II if they are difficult to distinguish from other species in Appendix II, in order to make it more difficult for illegal trade to take place through misidentification or mislabelling. An export permit from the country of origin (or a re-export certificate from other exporting countries) is required, but not an import permit.

**APPENDIX III** includes species that any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and as needing the co-operation of other Parties in the control of trade. Imports require a certificate of origin and, if the importation is from the State that has included the species in Appendix III, an export permit is required.

All imports into the European Union of CITES Appendix II-listed species require both an export permit/re-export certificate and an import permit.

### FRANCE

On 13 July 2010, an illegal shipment of 252 kg of glass eels coming from Spain and destined for China was seized by the French authorities at Roissy Charles de Gaulle Airport. The surviving specimens have now been re-introduced into the Loire River.

[www.eldiarimontanes.es/agencias/20100723/economia/aduana-francesa-intercepta-carga-ilegal\\_201007231706.html](http://www.eldiarimontanes.es/agencias/20100723/economia/aduana-francesa-intercepta-carga-ilegal_201007231706.html); CITES Management Authority, France

### GERMANY

In September 2010, Customs officials and the German CITES Management Authorities carried out investigations in various parts of the country and seized 98 rare tortoises, all strictly protected, among them Ploughshare Tortoises *Astrochelys yniphora* (CITES I), a Madagascan species of which only about 100 specimens remain in the wild. Six people are being investigated.

Press release, CITES Management Authority, Germany, 3 October 2010

### RUSSIA

On 13 April 2010, the Border Service of the Russian Federal Security Service arrested two Chinese smugglers at the border with China who were trying to smuggle out of the country the skins of three Amur Tigers *Panthera tigris altaica* (CITES I) and Tiger bones belonging to two animals.

Customs agents at Blagoveschensk, at the border with Russia and China, recently apprehended a woman whose bulky clothing aroused suspicion. On investigation she was found to be concealing bear paws taped to her torso.

Closed for decades, the border at Blagoveschensk has reportedly been allowing more trade and travellers through in recent years which has led to animal parts being smuggled in for traditional medicine and food.

"It is very widespread just now", Alexei Vaisman of TRAFFIC Europe-Russia said of the illicit trade in animal parts in the Far East. Items reportedly smuggled daily into China include bear paws, bear gallbladders, frogs, Tiger bones, musk deer *Moschus* and the genitals of spotted deer. Bear paws are the most common commodities in this underground market, Mr Vaisman says. He estimates that thousands are smuggled each year. They are reported to be derived from the Siberian population of the Brown Bear *Ursus arctos* (CITES II), from specimens killed legally by hunters and also by poachers.

On 8 February 2010, Russian border patrol agents stopped two lorries carrying 447 bear paws (515 kg) in the village of Leninskoye, close to the Chinese border, and arrested two Russians and a Chinese national.

On 15 July 2010, Amur Customs detected an attempt to smuggle 6.7 t of furs from Russia to China by lorry. These included more than four tonnes of Muskrat *Ondatra zibethicus*; the others were from Mink *Mustela lutreola*, weasel *Mustela* and Sable *Martes zibellina*. The case is under investigation to identify the specific species and to estimate their total value.

[www.wwf.ru/resources/news/article/eng/6448](http://www.wwf.ru/resources/news/article/eng/6448); [www.nytimes.com/2010/06/30/world/asia/30animals.html](http://www.nytimes.com/2010/06/30/world/asia/30animals.html), 29 June 2010; <http://news.163.com/10/0716/23/6BOGPFUO000146BD.html>; *Global Times* (Beijing), 16 July 2010

### SERBIA

On 22 September 2010, at Belgrade International Airport, 22 toucans were discovered in a shipment of live birds during the course of a routine inspection by border veterinary inspectors and environmental officers, with co-operation from Customs officials. The CITES II-listed birds, which arrived from the United Arab Emirates, were identified by the Serbian CITES Scientific Authority as eight Black-necked Aracari *Pteroglossus aracari*, eight Channel-billed Toucans *Ramphastos vitellinus* and six Red-billed

Toucans *R. tucanus*. The specimens, which were not accompanied by CITES permits, were confiscated.

CITES Management Authority, Serbia

## UK

On 15 April 2010, at Leeds Crown Court, Norah and Graham Pitchforth of West Yorkshire were each sentenced to 44 weeks' imprisonment, suspended for 18 months, plus a total of 400 hours of unpaid community service, after being convicted of selling animal skulls on eBay and of smuggling animal skulls from Indonesia and South Africa. The specimens included a Lion *Panthera leo* cub (CITES I), flying foxes, monkeys, a sea otter, Sparrowhawks *Accipiter* (CITES II), owls, a Crocodile Monitor *Varanus salvadorii* (CITES II) and a collection of more than 60 animal skulls.

On 11 June 2010, at Norwich Crown Court, Mark Rowland of Swaffham pleaded guilty to nine offences under the *Control of Trade in Endangered Species (Enforcement) Regulations 1997* (COTES), in relation to various taxidermy specimens (Annex A), including rhinoceros horn. He was sentenced to nine months in gaol and subject to a Serious Crime Prevention Order (SCPO).

On 18 August 2010, at Warwick Crown Court, Jeffrey Lendrum, of dual Irish and Zimbabwean nationality, pleaded guilty to attempting to smuggle out of the country 14 eggs of Peregrine Falcons *Falco peregrinus* (CITES I and protected under the *Wildlife and Countryside Act 1981*). He had collected the eggs in south Wales and was to travel to South Africa, and reportedly aimed to hand over the eggs to an individual while the flight was in transit in Dubai. He was arrested at Birmingham Airport in May 2010 after a cleaner found discarded egg cartons in a bin following Lendrum's use of the shower facilities, which remained dry. The authorities were alerted and Lendrum searched; the eggs were found in socks strapped to his body. After seizing the eggs, the officers placed them on their office computers to keep warm: 11 went on to hatch and were successfully raised. Most of the birds have already been released in the wild in Scotland.

Andy McWilliam, from the National Wildlife Crime Unit, who led the investigation, said it was serious organized crime, well planned, with extremely high financial rewards. "Lendrum is the highest level of wildlife criminal," he said. "The eggs for him are a commodity. This is his profession, he knew exactly what he was doing." According to the evidence, the eggs were stolen to order.

Guy Shorrock of the Royal Society for the Protection of Birds (RSPB) said: "This is one of the biggest wildlife cases in years."

Lendrum was first convicted of offences involving the taking of birds of prey from the wild in 1984, in Zimbabwe, and again, in 2002, in Canada.

On 20 August 2010, at Coventry Crown Court, taxidermist Alan Dudley of Coventry was given a 50-week gaol term suspended for two years after admitting charges related to buying and offering for sale the skulls of protected species. He was ordered to be electronically tagged and a nightly curfew was imposed on his movements for three months. He was also fined GBP1000 (US\$1538) plus prosecution costs of GBP1500. The skulls were to be destroyed.

Dudley's home was searched by police in March 2008 where a room was found dedicated to his collection of animal skulls, on show in display cases lining the walls. The majority of the hoard was lawfully held, but an investigation found that some of the skulls had been bought without the necessary licences. The items seized included lemurs, a Goeldi's Marmoset *Callimico goeldii* (CITES I and classified by IUCN as Vulnerable), Sparrowhawks *Accipiter nisus* (CITES II), Buzzards *Buteo buteo* (CITES II), a Goshawk *Accipiter*, and owls. Dudley denied charges of keeping a Tiger in his freezer, and smuggling the skulls of a Chimpanzee *Pan troglodytes* (CITES I) and a fur seal *Arctocephalus* (CITES II). His not guilty pleas were accepted by the Crown Prosecution Service.

The court heard that Dudley had an arrangement with a number of local zoos and academic institutions to "clean up" the carcasses of dead animals and return the skeletons. He had been an avid collector of skulls for years and was licensed to dispose of animal waste, including zoo animals. He combined the two and used his access to dead zoo animals to obtain potential taxidermy specimens and skulls.

Dudley was caught after a complex investigation led by West Midlands Police, in partnership with the National Wildlife Crime Unit and UK Border Agency.

On 20 September 2010, at Aberystwyth Magistrates' Court, Jean and Alan Mumbray, the owners of a zoo in the Aberystwyth area, pleaded guilty to charges in connection with the sale and display of endangered animals.

The offences included the offering for sale of two Spur-thighed Tortoises *Testudo graeca* (CITES II) and the illegal display for commercial purposes of three Spur-thighed Tortoises and a Leopard *Panthera pardus* (I). Jean Mowbray was further charged in connection with the illegal display for commercial purposes of two Ring-tailed Lemurs *Lemur catta* (I), two Ruffed Lemurs *Varecia variegata* (I), and two Lynxes *Lynx lynx* (II). She was fined GBP937.50 (USD1482) plus GBP250 costs; Alan Mumbray was fined GBP300 plus GBP100 costs.

On 5 October 2010, Donald Allison of Preston pleaded guilty to charges of trying to smuggle two horns of a White Rhinoceros *Ceratotherium simum* (CITES I) through Manchester Airport. He was gaol for 12 months. Allison, who was en route to China, had concealed the horns in the false base of a sculpture.

Following forensic analysis, the UK Border Agency and UK National Wildlife Crime Unit traced the horns to a rhinoceros formerly kept at Colchester Zoo that had died of natural causes in 2009.

On 26 October 2010, at Carlisle Crown Court, Robert Struthers, a UK-based tortoise seller, received a 24-week suspended gaol sentence after he confessed to five charges of selling 11 tortoises without the relevant government permits (and one charge of fraud). He was also ordered to carry out 250 hours of unpaid work and fined GBP1200 (USD1900). The reptiles involved were Spur-thighed Tortoise *Testudo graeca* and Marginated Tortoise *T. marginata* (both CITES II).

Struthers admitted supplying a bogus certificate to a customer who had threatened to report the lack of proper paperwork to the authorities following her purchase of two tortoises. Later, it emerged the certificate had been issued for a separate concern in Essex.

In the UK, exemption certificates from Animal Health are necessary before certain tortoises (including these species) can be sold legally.

Although the tortoises were captive-bred and properly cared for, the failure to comply with certification processes could encourage illegal trade because the authorities would be unable to determine the origins of specimens, the court heard.

National Wildlife Crime Unit; [www.lynnnews.co.uk/news/features/swaffham\\_jail\\_for\\_selling\\_scarce\\_wildlife\\_1\\_660218](http://www.lynnnews.co.uk/news/features/swaffham_jail_for_selling_scarce_wildlife_1_660218); [www.bbc.co.uk/news/health-11182666](http://www.bbc.co.uk/news/health-11182666); West Midlands Police press releases, 23 July: [www.west-midlands.police.uk/latest-news/press-release.asp?id=1807](http://www.west-midlands.police.uk/latest-news/press-release.asp?id=1807); 23 August: [www.west-midlands.police.uk/latest-news/press-release.asp?id=1838](http://www.west-midlands.police.uk/latest-news/press-release.asp?id=1838); Coventry Telegraph (UK): [www.coventrytelegraph.net/news/coventry-news/2010/08/21/suspended-sentence-for-man-who-imported-endangered-animal-skulls-92746-27105970/](http://www.coventrytelegraph.net/news/coventry-news/2010/08/21/suspended-sentence-for-man-who-imported-endangered-animal-skulls-92746-27105970/); [www.guardian.co.uk/environment/2010/apr/15/taxidermist-endangered-species-ebay](http://www.guardian.co.uk/environment/2010/apr/15/taxidermist-endangered-species-ebay); Cornejo, F. 2008. *Callimico goeldii*. In: IUCN 2010. IUCN Red List of Threatened Species. Version 2010.3. [www.iucnredlist.org](http://www.iucnredlist.org). Downloaded on 28 September 2010; [www.dyfed-powys.police.uk/en/news/2010/9/16](http://www.dyfed-powys.police.uk/en/news/2010/9/16), 22 September 2010; [www.wvf.org.uk/wvf\\_articles.cfm?unewsid=4263](http://www.wvf.org.uk/wvf_articles.cfm?unewsid=4263); [www.traffic.org/home/2010/10/26/lack-of-paperwork-lands-tortoise-seller-24-week-suspended-se.html](http://www.traffic.org/home/2010/10/26/lack-of-paperwork-lands-tortoise-seller-24-week-suspended-se.html)

## AFRICA

### DEM. REPUBLIC OF THE CONGO

On 7 September 2010, at Lumumbashi Airport, police arrested three Chinese nationals carrying six suitcases of elephant tusks. The men claimed to have purchased the ivory from antique dealers and were intending to export the consignment to Nairobi.

In August, police seized 116 elephant tusks and arrested two Congolese men in the north-east of the country. The ivory was found inside jerry cans that had tumbled off a lorry involved in a crash near Kisangani.

[www.boston.com/news/world/africa/articles/2010/09/07/congo\\_police\\_arrest\\_3\\_men\\_carrying\\_elephant\\_ivory/](http://www.boston.com/news/world/africa/articles/2010/09/07/congo_police_arrest_3_men_carrying_elephant_ivory/) 7 September 2010; *The Canadian Press*

### KENYA

On 25 August 2010, at Makadara Law Courts, Nairobi, a Chinese national was gaol for 18 months for illegal possession of ivory. He had been arrested the previous day at Jomo Kenyatta International Airport, Nairobi, after his

hand luggage was found to contain 10 worked ivory chopsticks and two bangles. It appeared the man was taking the finished products home for his personal use.

The previous day, authorities confiscated unaccompanied cargo containing two tonnes of ivory and five rhino horns at the airport. A suspect charged in connection with the case has denied the charges and was released on bail. Kenya's Wildlife Service said that several other suspects, including the owner of the consignment, were being sought.

The cargo was falsely declared as containing avocados. Authorities believe the tusks and horns were en route to Asia and had been collected from animals that had died from natural causes over a 20-year period.

<http://edition.cnn.com/2010/WORLD/africa/08/26/kenya.ivory.smuggling/>

## SOUTH AFRICA

In early February 2010, six people illegally selling Leopard Tortoises *Stigmochelys pardalis* (CITES II) were arrested in the province of North West by police officials, with the assistance of the environmental management inspector unit (the Green Scorpions), during a crackdown on illegal traders that began in Rustenburg two weeks earlier. Eleven Leopard Tortoises were confiscated.

In March 2010, a range of animal parts was confiscated from Asian and traditional healers in Gauteng during a police operation that involved the collaboration of INTERPOL and nature conservation groups.



**AFRICAN WILD DOG** *Lycaon pictus* parts were among wild animal ingredients seized in Gauteng, South Africa, during police raids on Asian and traditional healers.

Items seized included parts belonging to Leopard *Panthera pardus* (CITES I), Lion *P. leo* (II), African Elephant *Loxodonta africana* (I), rhinoceros (I), crocodile (I/II), python (II) and African Wild Dog *Lycaon pictus*.

On 31 May 2010, at Port Shepstone Magistrates' Court, three Chinese nationals living in KwaZulu-Natal received heavy penalties after pleading guilty to removing over 5678 East Coast Brown Mussels *Perna perna* from rocks in the Shaka's Rock area of Umhlangeni on 17 April, and illegal possession of implements to remove the molluscs.

Jiankang Wang, Yingpingdi Gao and Enguang Weng all pleaded guilty to two counts under the Marine Living Resources Act and were each sentenced to a fine of R120 000 (USD16 584) or two years' imprisonment, half of which was suspended for two years on condition they do not commit a similar offence.

A recreational permit is needed to pick mussels in KwaZulu-Natal, and the bag limit is 30 specimens a day. They may not be stockpiled over several days. Mussels may be legally picked by hand or with the aid of an implement of which the blade or flat edge does not exceed 12 mm in width.

On 30 June 2010, at Kempton Park Magistrates' Court, Xuan Hoang of Viet Nam was convicted on seven counts of illegal possession of rhinoceros horn and sentenced to 10 years' imprisonment with no option of a fine despite his pleas for mercy and a fine in place of a gaol sentence. This follows the defendant's arrest at O.R. Tambo International Airport on 29 March in possession of seven rhinoceros horns (16 kg), representing four poached animals.

Magistrate Manyathi said that he wanted to send a strong message to Viet Nam with this sentence, as fines did not seem to be a deterrent. He also stressed the fact that Xuan Hoang had travelled to South Africa specifically to commit a crime with self-enrichment as motivation, without taking the effect of the damage into consideration.

On 21 September 2010, a man appeared at Strand Magistrates' Court, Cape Town, after more than 444 abalones *Haliotis midae* were found at his home following information passed to the police from a member of the public.

On 22 September 2010, at Musina Magistrates' Court, 11 people, including two veterinarians, were released on bail following their arrest for alleged involvement in a rhinoceros poaching syndicate operating in the Limpopo province. The case was postponed to 11 April 2011.

An undisclosed number of rhinoceros horns were seized during a raid in Musina, on the border with Zimbabwe, where the group was operating.

The accused are reportedly linked to "hundreds of other incidents" (see also page 3).

[www.thestar.co.za/index.php?ArticleId=5355017](http://www.thestar.co.za/index.php?ArticleId=5355017), 17 February 2010; [www.pretorianews.co.za/index.php?from=rss](http://www.pretorianews.co.za/index.php?from=rss)

[Pretoria%20News&fArticleId=5379247](http://Pretoria%20News&fArticleId=5379247), 5 March 2010; Ezemvelo KwaZulu-Natal Wildlife news item, 1 June 2010; [www.eyewitnessnews.co.za/articleprog.aspx?id=49026](http://www.eyewitnessnews.co.za/articleprog.aspx?id=49026), 21 September 2010; Endangered Wildlife Trust media release, 2 July 2010; [www.bbc.co.uk/news/world-africa-11381686](http://www.bbc.co.uk/news/world-africa-11381686); [www.news24.com/SouthAfrica/News/Rhino-poaching-vets-arrested-20100920](http://www.news24.com/SouthAfrica/News/Rhino-poaching-vets-arrested-20100920)

## SWAZILAND

On 15 June 2010, a court in Nhlengano ordered two women each to pay fines of SZL4000 (USD557) after they were arrested in a crackdown on traditional healers whose medicines depend on parts from protected animals.

Nomsa Nhlabatsi and Thuli Irene Mdluli pleaded guilty and asked for leniency, saying that they were caring for husbands and children. The pair was found with crocodile (CITES I/II) heads and skins of Lion *Panthera leo* (II) and python (II) during a raid a month earlier as part of Operation Tilwane (Operation Animals).

[www.iol.co.za/index.php?from=rss\\_Africa&set\\_id=1&click\\_id=68&art\\_id=nw20100615203647887C349918](http://www.iol.co.za/index.php?from=rss_Africa&set_id=1&click_id=68&art_id=nw20100615203647887C349918)

## TANZANIA

Between January and June 2010 there were 16 cases reported by the Wildlife Division involving the seizure of elephant tusks, both raw and worked ivory. Twenty-two suspects were arrested in possession of 291 raw pieces of tusks (1266 kg) and two other pieces of worked ivory (1.2 kg).

In another development, on 11 October 2010, police impounded 154 pieces of elephant tusks (weight not indicated) and eight skins of Leopard *Panthera pardus* (CITES I); three people were arrested.

TRAFFIC East/Southern Africa; [www.dailynews.co.tz/home/?n=13726&cat=home](http://www.dailynews.co.tz/home/?n=13726&cat=home)

## ZIMBABWE

Three members of the Zimbabwe Republic Police have been charged with stealing elephant tusks (59 kg) and selling them in Botswana. They were to appear in court on 1 November 2010 after they appeared before Harare Magistrates' Court on charges of possession and sale of ivory without a permit.

The three were stationed at Kazungula police station in Matabeleland North province and, it is alleged, in October 2008, two of the suspects went to Matetsi Unit 6 safari area where they found six pieces of elephant tusks. The pair did not report their finding to the authorities but, together with the assistance of the third officer, transferred the tusks to the no-man's land between Zimbabwe and Botswana. It is also alleged that they made arrangements to sell the tusks to a Tswana national.

News Day (Zimbabwe), 16 September 2010; [www.dailynews.co.zw/news/34-news/690-two-police-men-arrested-for-smuggling-ivory.html](http://www.dailynews.co.zw/news/34-news/690-two-police-men-arrested-for-smuggling-ivory.html), 15 September 2010



## ASIA

EAST ASIA  
CHINA

On 7 March 2010, two herders in Manas county, Xinjiang province, were sentenced to between eight and 10 years' imprisonment for killing a Snow Leopard *Uncia uncia* (listed under national first-class protection/CITES I). The animal was caught in a trap the pair had set to catch predators that had been attacking their livestock. They killed the trapped cat with stones and distributed the body parts and skin to others.

Other sentences relating to the poaching of Snow Leopards include the arrest by Luntai police, in January 2010, of five suspects who poached two specimens. In November 2008, at Yining People's Court, three people were sentenced to 12 years' imprisonment for killing four Snow Leopards.

On 8 March 2010, Guangzhou forest police reported on the Internet sale of Slow Lorises *Nycticebus coucang* (CITES I). Eight live Slow Lorises contained in two cartons had been seized at Guangzhou Baiyun Airport on 30 January 2010; they were bound for Shanghai and Harbin. In connection with this, on 31 January, a suspect apprehended near Fangcun Flower and Bird Market confessed to purchasing the Slow Lorises online from Yunnan province, and transporting them to Guangzhou on 29 January. He found buyers online and by phone. Another suspect arrested soon afterwards was found to have been sending Slow Lorises and snakes to the primary suspect, for sale, since June 2009.

On 14 March 2010, at Nenjiang railway station, Heilongjiang province, police officers foiled an attempt by local people to carry four frozen bear paws to Beijing. Two of the paws were identified by the Wildlife Identification Center of the State Forestry Administration as deriving from Asiatic Black Bear *Ursus thibetanus* (CITES I) and the others from Brown Bear *Ursus arctos* (CITES I/II).

On 15 March 2010, at Lvshunkou People's Court, Liaoning province, a man was sentenced to three years in goal, suspended for three years, and fined CNY5000 (USD738) for poaching four Scops Owls *Otus scops* (CITES II) in Laotieshan Snake Island National Nature Reserve in September 2009. He confessed to profiting from the poaching of birds.

On 10 April 2010, Customs officials at Horgos Port, Xinjiang province, seized a parcel containing 68 horns of Saiga Antelopes *Saiga tatarica* (CITES II). The two female smugglers travelled by coach from Alma Ata, Kazakhstan, to Urumchi, where they tried to evade X-ray examination at immigration.

On 14 April 2010, frontier soldiers of Dehong State, Yunnan province, seized skins and skeletons of two Leopards *Panthera pardus*

(CITES I) during a routine check of a taxi travelling from Ruili to Yingjiang. Two Burmese men were arrested. The case has been transferred to the Longchuan forest police, Yunnan province.

On 5 May 2010, at a hearing in Kunming Environment Crime Court, Yunnan province, two suspects were charged with involvement in illegal trade following the seizure in 2009 of 10 slices of Javan Rhinoceros *Rhinoceros sondaicus* (CITES I) horn, and antlers from Eld's Deer *Cervus eldii hainanus* (CITES I). The items, which were identified by the Kunming Institute of Zoology, Chinese Academy of Sciences, were found in a car at Nabang Port checkpoint, Yingjiang city (on the border with Myanmar). The court said that the pair would be sentenced to more than 15 years in gaol.

On 1 June 2010, two Russian train drivers were arrested at Manzhouli Customs, Inner Mongolia, for smuggling 15 Brown Bear *Ursus arctos* (CITES I/II) paws which they had concealed under the floor of the train. They were discovered by Customs officials as they arrived at Manzhouli station.

On 18 July 2010, Customs officials at Beijing Airport seized 131.7 kg of freeze-dried seahorses *Hippocampus* (CITES II). The specimens had been smuggled from Cairo, Egypt, by two Chinese passengers.

On 29 July 2010, Changlizi Branch of Hunchun Customs found 46 pieces of animal bone in luggage during X-ray examination. The Russian suspect admitted that they were Tiger bones, a fact later confirmed by the national Wildlife Detection Center.

In early August 2010, Gengma forest police, Lincang City, Yunnan province, detected 73.4 kg of tortoises along the border with Myanmar, including 46 Elongated Tortoises *Indotestudo elongata* (CITES II) and 21 Wattle-necked Soft shelled Turtles *Palea steindachneri* (national second class protected species). One suspect was arrested. The reptiles had been purchased in Myanmar.

On 24 August 2010, at Jiangnan District Court, Nanning City, Guangxi province, a person was charged with the illegal transportation of two rhinoceros horns. The defendant was accused of purchasing the horns from a Vietnamese national in Pingxiang City, at the border with Viet Nam, on 30 December 2009. From there, he took a taxi to Nanning City where he was arrested by police as he passed through Wu Yu toll station of Nanyou highway.

The defendant has been sentenced to 12 years' imprisonment for the offence and fined RMB30 000 (USD4500).

[http://news.xinhuanet.com/legal/2010-03/07/content\\_13117074.htm](http://news.xinhuanet.com/legal/2010-03/07/content_13117074.htm); [www.gd.xinhuanet.com/newscenter/2010-03/09/content19194059.htm](http://www.gd.xinhuanet.com/newscenter/2010-03/09/content19194059.htm); [http://news.xinhuanet.com/legal/201003130c\\_127418.htm](http://news.xinhuanet.com/legal/201003130c_127418.htm); [http://news.xinhuanet.com/legal/2010-04/24/content\\_1173220.htm](http://news.xinhuanet.com/legal/2010-04/24/content_1173220.htm); [www.nihaotw.com/xw/xwfl/dl/201004/t20100420\\_559272.htm](http://www.nihaotw.com/xw/xwfl/dl/201004/t20100420_559272.htm); <http://news.163.com/10/0416/16/64DHBGP1000146BC.html>; [http://society.yunnan.cn/html/2010-05/06/content\\_1169753.htm](http://society.yunnan.cn/html/2010-05/06/content_1169753.htm); [http://news.china.com.cn/rollnews/201008/22/content\\_3920066.htm](http://news.china.com.cn/rollnews/201008/22/content_3920066.htm), 22 August 2010; [http://english.ndtv.com/ntdtv\\_en/ns\\_china/2010-07-19/299928944385.html](http://english.ndtv.com/ntdtv_en/ns_china/2010-07-19/299928944385.html); <http://video.sina.com.cn/p/news/clv/2010%2007%2019/1142861065401.html#31187308>; [www.infohc.com/News/HcLaw/201008/24417.html](http://www.infohc.com/News/HcLaw/201008/24417.html), 23 August 2010; [www.yn.xinhuanet.com/newscenter/201008/09/content\\_20567496.htm](http://www.yn.xinhuanet.com/newscenter/201008/09/content_20567496.htm); <http://news.gxnews.com.cn/staticpages/20100826/newgx4c759a6c3213787.shtml>; [www.gxnews.com.cn/staticpages/20101009/newgx4cfa1e73313337.shtml](http://www.gxnews.com.cn/staticpages/20101009/newgx4cfa1e73313337.shtml)

<http://news.163.com/10/0416/16/64DHBGP1000146BC.html>; [http://society.yunnan.cn/html/2010-05/06/content\\_1169753.htm](http://society.yunnan.cn/html/2010-05/06/content_1169753.htm); [http://news.china.com.cn/rollnews/201008/22/content\\_3920066.htm](http://news.china.com.cn/rollnews/201008/22/content_3920066.htm), 22 August 2010; [http://english.ndtv.com/ntdtv\\_en/ns\\_china/2010-07-19/299928944385.html](http://english.ndtv.com/ntdtv_en/ns_china/2010-07-19/299928944385.html); <http://video.sina.com.cn/p/news/clv/2010%2007%2019/1142861065401.html#31187308>; [www.infohc.com/News/HcLaw/201008/24417.html](http://www.infohc.com/News/HcLaw/201008/24417.html), 23 August 2010; [http://www.yn.xinhuanet.com/newscenter/201008/09/content\\_20567496.htm](http://www.yn.xinhuanet.com/newscenter/201008/09/content_20567496.htm); <http://news.gxnews.com.cn/staticpages/20100826/newgx4c759a6c3213787.shtml>; [www.gxnews.com.cn/staticpages/20101009/newgx4cfa1e73313337.shtml](http://www.gxnews.com.cn/staticpages/20101009/newgx4cfa1e73313337.shtml)

Seizures in China including pangolins  
*Manis* (CITES II)

On 27 February 2010, Haikou forest police in Hainan province seized three frozen pangolins and 3.2 kg of pangolin scales from an apartment. A suspect claimed that the animals had been purchased in Guangxi province and shipped to Xingang dock, Haikou. On 27 March 2010, four people were arrested.

On 26 March 2010, the local anti-drugs police and traffic police seized 13 pangolins from a minibus in Longling County, Baoshan City, Yunnan province. Two specimens were dead.

On 30 April 2010, in Fangchenggang City, Guangxi province, traffic police seized 76 dead pangolins (average weight: seven kilogrammes) and seven paws of Asiatic Black Bear *Ursus thibetanus* (CITES I and listed nationally as second-class protected species) (average weight: three kilogrammes) from a coach travelling from Dongxin (Guangxi) to Xiamen (Fujian). Neither the driver nor the passengers admitted to owning the specimens, which had been packed in 10 boxes; they were subsequently transferred to the local wildlife conservation department.

In May 2010, Zhengxiang People's Court in Hengyang city, Hunan province, sentenced three suspects, respectively, to 10, five and three years' imprisonment and fines of CNY100 000 (USD15 000), CNY60 000 and CNY60 000, for their involvement in the illegal purchase, transport and sale of 24 pangolins. They were arrested by Hengyang forest police in October 2009. The pangolins had originally been purchased between March and June 2009 by a fourth person (who has evaded capture) in Guangxi province.

On 6 June 2010, Customs officers in Guangdong province seized more than 7.8 t of frozen pangolins and nearly two tonnes of pangolin scales from a fishing vessel after it was stopped for inspection at Zhuhai's Gaolan Island, having been sighted by a Guangdong Jiangmen Customs patrol boat in the Chuandao Sea. Some 2090 frozen pangolins—each weighing between one and 10 kg—and 92 cases of pangolin scales were found.

The crew of five Chinese and a Malaysian claimed they had been hired to sail the vessel from Xiangzhou Port, Zhuhai, to South-east Asia

to pick up the cargo. The Malaysian was said to have received instructions by satellite phone on where to pick up the contraband at sea. They were intercepted before they could transfer the cargo to another vessel.

"The use of satellite phones and trans-shipment of cargo at sea are indicative of the increasingly sophisticated methods being used by the organized criminal gangs involved in wildlife crime," said James Compton, TRAFFIC's Asia Pacific Co-ordinator.

The Chinese authorities have shared intelligence on the seizures with enforcement agencies operating in the region, including INTERPOL, the World Customs Organization (WCO) and ASEAN-Wildlife Enforcement Network, plus CITES officials, and are seeking co-operation with Malaysia's Ministry of Natural Resources and Environment on a joint investigation.

On 6 September 2010, officials at Kunming Airport, Yunnan province, found three frozen bear paws and three frozen pangolins in a passenger's luggage following an X-ray scan. The passenger was about to travel to Hangzhou, Zhejiang province. The suspect and the specimens were transferred to the Kunming Airport Security Police for further investigation.

<http://news.163.com/10/0401/05/635N14MV000146BB.html>; [http://news.jcrb.com/jxsw/201003/t20100330\\_338174.html](http://news.jcrb.com/jxsw/201003/t20100330_338174.html); [www.cwca.org.cn/Article/ShowArticle.asp?ArticleID=19365](http://www.cwca.org.cn/Article/ShowArticle.asp?ArticleID=19365); [http://news.changsha.cn/hn/21\\_200910/t20091021\\_1021265.htm](http://news.changsha.cn/hn/21_200910/t20091021_1021265.htm); [www.cwca.org.cn/Article/ShowArticle.asp?ArticleID=19443](http://www.cwca.org.cn/Article/ShowArticle.asp?ArticleID=19443); [www.traffic.org](http://www.traffic.org), 13 July 2010; [www.jisi.gov.cn/Article/szsm/gd/201007/20100714162812\\_4013.html](http://www.jisi.gov.cn/Article/szsm/gd/201007/20100714162812_4013.html); [http://news.ifeng.com/society/11/detail\\_2010\\_08/08/1908305\\_0.shtml](http://news.ifeng.com/society/11/detail_2010_08/08/1908305_0.shtml); [www.jisi.gov.cn/Article/szsm/gd/201008/20100817113055\\_4143.html](http://www.jisi.gov.cn/Article/szsm/gd/201008/20100817113055_4143.html); <http://news.carnoc.com/list/169/169980.html>

On 18 March 2010, a Customs official at Taiping International Airport in Harbin, Heilongjiang province, found 78 ivory items (3.8 kg) in the hand luggage of a Chinese passenger during an X-ray examination. The suspect claimed that a friend in South Africa had asked him to bring the ivory back with him. The man was to be charged under Article 151 of China's *Criminal Law*.

On 16 April 2010, Customs officers at Wenzhou post office, Zhejiang province, confiscated three ivory sculptures (1300 g) contained in a postal express parcel arriving from Portugal. The case is under investigation by the anti-smuggling department of Wenzhou Customs.

On 19 June 2010, Dalian forest police seized suspected ivory and rhinoceros horn items from a stall at the International Jewellery Exhibition in Xinghai Conference and Exhibition Center. Two people were detained. The forensics centre of the National Forest Police Bureau subsequently confirmed the identity of the products, which included six elephant tusks and a further 71 ivory items (9.152 kg), and five rhinoceros horn items (0.35 kg).

On 2 July, in collaboration with Shanghai security police, Dalian forest police apprehended the boss of the company in Shanghai that owns the stall (another suspect evaded capture); she was sent to Dalian where she was detained. On 23 July, authorities in Dalian granted approval for the three suspects to be arrested.

On 9 July 2010, Customs officers at Changsha Huanghua Airport, in Changsha, Hunan province, uncovered 10 ivory items (0.15 kg) from a passenger returning from the World Cup in South Africa. A few days later, another four passengers arriving from South Africa via Hong Kong following the World Cup were found to be carrying 21 ivory items (1.56 kg).

## “ THE USE OF SATELLITE PHONES AND TRANS-SHIPMENT OF CARGO AT SEA ARE INDICATIVE OF THE INCREASINGLY SOPHISTICATED METHODS BEING USED BY THE ORGANIZED CRIMINAL GANGS INVOLVED IN WILDLIFE CRIME ”

"Guangdong Customs are to be congratulated on this important action against wildlife smugglers operating between South-east Asia and China," said Professor Xu Hongfa, Director of TRAFFIC's China Programme. "TRAFFIC stands ready to support international co-operation between enforcement agencies that will ensure those who organize and mastermind such wildlife crimes, as well as those who carry them out, are made to face the consequences of their actions," added Compton.

On 12 July 2010, Guangzhou Customs officials seized a consignment of 136.38 kg of pangolin scales at Guangzhou Customs Post Office that had arrived from Malaysia. Packed in 10 sacks and declared as food (black fungus), they were bound for the local seafood market and TCM wholesale market in Guangzhou. The case was referred to the anti-smuggling bureau of Guangzhou Customs for investigation.

On 5 August 2010, frontier soldiers of Guangzhou security police boarded a ship in Hongqilishui Dao, Nansha district and found that 37 boxes contained live pythons and King Cobras *Ophiophagus hannah* and 11 held frozen pangolins (all CITES II). The case is under investigation.

On 12 August 2010, Shenzhen Luohu Customs of Guangdong province seized 14.5 kg of pangolin scales following X-ray examination of a passenger's luggage on his arrival from Hong Kong. The case is under investigation.

### Seizures and prosecutions in China involving ivory

On 17 January 2010, a suspect allegedly involved in smuggling 480 kg of ivory [origin not disclosed] to Beijing went into exile after a search warrant was issued for his arrest through the police network by Beijing Customs anti-smuggling bureau. He was eventually arrested on 29 March.

On 18 January 2010, Customs officials in Fujian province seized 61 ivory items (chopsticks, cigarette holders and bangles totalling 1.45 kg) on three occasions over the previous six days. All suspects were returning from Africa via Hong Kong.

On 3 February 2010, Customs officers at Harbin post office in Heilongjiang province confiscated 194 items of ivory (989.6 g) in a postal express parcel arriving from Kenya, declared as nuts. The case is under investigation.

On 4 February 2010, Fangchenggang forest police of Guangxi province foiled an attempt by two suspects disguised as policemen to transport three elephant tusks from Dongxing city, Guangxi province, to Yiwu city, Zhejiang province. They were travelling in a jeep with fake number plates. The pair later confessed to using the same method to transport another three elephant tusks from Dongxing to Yiwu some weeks earlier.



**GREEN AVADAVATS** *Amandava formosa*, endemic to central India and becoming scarce, were among a shipment of birds seized in Bangladesh in July 2010.

ABRAR AHMED



A MALE TIBETAN ANTELOPE *PANTHOLOPS HODGSONII* GUARDING HIS FEMALE HAREM DURING THE RUTTING SEASON. CHANGTANG NATURE RESERVE, CENTRAL TIBET. A MAN HAS BEEN SENTENCED IN TIBET AUTONOMOUS REGION TO 13 YEARS' IMPRISONMENT FOR ILLEGAL TRADE IN TIBETAN ANTELOPE WOOL (KNOWN AS 'SHAHTOOSH'), AND IN INDIA A COMPANY WAS FINED FOR ILLEGALLY EXPORTING SHAHTOOSH SHAWLS.



NATUREPL.COM / GEORGE CHAN / WWF

On 12 July 2010 it was reported that Shanghai Hongkou Court had sentenced a person to 11 years' imprisonment and fined him CNY50 000 (USD7387) for his involvement in the illegal sale of four elephant tusks. The suspect was apprehended on 3 March as he carried the tusks and electronic scales to the buyer's flat for trade. The Shanghai Wildlife Identification Center identified the tusks as coming from African Elephant *Loxodonta africana* (CITES I).

On 21 July 2010, Kunming security police of Yunnan province found a pair of elephant tusks (1 m x 10 cm diameter) during a routine check on a car on Raocheng Highway. The case was transferred to Yunnan forestry police bureau. The tusks were believed to be from an adult Asian Elephant *Elephas maximus* (CITES I). A suspect was detained.

On 9 August 2010, in a coach travelling from Hong Kong, Shenzhen Bay Customs officials of Guangdong province found a passenger carrying 12 ivory products (2.52 kg) and two rhinoceros horn products (0.18 kg). The suspect had purchased the products at a second-hand market and did not know that they could not be carried across the border.

[www.chinanews.com.cn/sh/news/2010/0120/2080867.shtml](http://www.chinanews.com.cn/sh/news/2010/0120/2080867.shtml); [www.hljtv.com/weishil/b/20100304\\_0003.htm](http://www.hljtv.com/weishil/b/20100304_0003.htm); [www.chinanews.com.cn/sh/news/2010/0209/2117819.shtml](http://www.chinanews.com.cn/sh/news/2010/0209/2117819.shtml); [http://cbu.cnr.cn/syxx/201003/20100325\\_506201676.html](http://cbu.cnr.cn/syxx/201003/20100325_506201676.html); [www.jisi.gov.cn/%e7%a5%9e%e5%b7%9e%e6%89%ab%e6%8f%8ftabid/66/ctl/Detail/mid/437/ld/3735/Default.aspx](http://www.jisi.gov.cn/%e7%a5%9e%e5%b7%9e%e6%89%ab%e6%8f%8ftabid/66/ctl/Detail/mid/437/ld/3735/Default.aspx); [www.jisi.gov.cn/%e7%a5%9e%e5%b7%9e%e6%89%ab%e6%8f%8ftabid/66/ctl/Detail/mid/437/ld/3736/Default.aspx](http://www.jisi.gov.cn/%e7%a5%9e%e5%b7%9e%e6%89%ab%e6%8f%8ftabid/66/ctl/Detail/mid/437/ld/3736/Default.aspx); [www.lyj.dl.gov.cn/news/shownews.asp?id=5271&filename=20100730160146http://travel.hscn/system/2010/07/21/050572214.shtml](http://www.lyj.dl.gov.cn/news/shownews.asp?id=5271&filename=20100730160146http://travel.hscn/system/2010/07/21/050572214.shtml); <http://xmwb.eastday.com/xl/20100712/ul1a772193.html>; Xinmin Evening News, 12 July 2010; Yunnan Information News paper, [http://news.yninfo.com/yn/shxw/201007/t20100722\\_1568742.htm](http://news.yninfo.com/yn/shxw/201007/t20100722_1568742.htm); [http://gzdaily.dayoo.com/html/201008/11/content\\_1058711.htm](http://gzdaily.dayoo.com/html/201008/11/content_1058711.htm)

In March 2010, at Lhasa Middle People's Court, Tibet Autonomous Region, a Mr Yi was sentenced to 13 years in gaol and fined CNY30 000 (USD4400) for illegally purchasing and transporting 101.15 kg of wool of Tibetan Antelope *Pantholops hodgsonii* (CITES I). The aim had been to smuggle the wool out of China from Ngari, west Tibet, via the border with China and India.

<http://news.sohu.com/20100310/n270720292.shtml>

## HONG KONG

On 11 February 2010, marine police foiled an attempt to smuggle over 1000 freshwater turtles to mainland China. Acting on information, police laid an ambush on Lantau Island resulting in confiscation of the consignment believed to have originated in Indonesia. The boxes containing the reptiles were being moved from lorries onto speedboats which were to take them to the coast of mainland China. Six species were identified, including Asian Leaf Turtle *Cycllemys dentata* and the following CITES II-listed species: Black Marsh Turtle *Siebenrockiella crassicolis*, Yellow-headed Temple Turtle *Hieremys annandalii*, Malaysian Box Turtle *Cuora amboinensis*, Giant Asian Pond Turtle *Heosemys grandis* and Malayan Flat-shelled Turtle *Notochelys platynota*. Part of the consignment was receiving temporary care at the Wild Animals Rescue Centre at Kadoorie Farm & Botanic Garden while placement options were explored.

On 2/3 September 2010, officers from Hong Kong and Guangdong Customs, together with marine police, conducted a joint operation codenamed "Minesweeper" against cross-boundary smuggling activity by speedboats. Among a range of items seized were 288 live monitor lizards *Varanus* (I/II) contained in the cargo compartment of a light goods vehicle

parked near a pier in Tuen Mun. Three men from Hong Kong were arrested.

On 5 September 2010, Customs officers seized 384 elephant (CITES I) tusks packed in two shipping containers that had arrived from Tanzania, via Malaysia, in packages declared as "dried anchovies". Two men who went to collect the consignment at the Tsing Yi container terminal were arrested.

Kadoorie Farm & Botanic Garden, 11 February 2010, [www.turtlesurvival.org/storage/documents/confiscation\\_press\\_release\\_kfbg.pdf](http://www.turtlesurvival.org/storage/documents/confiscation_press_release_kfbg.pdf); Hong Kong Customs and Excise Department: [www.customs.gov.hk/en/publication\\_press/press/index\\_id\\_743.html](http://www.customs.gov.hk/en/publication_press/press/index_id_743.html), 4 September 2010; [www.businessweek.com/news/2010-09-10/hong-kong-seizes-384-ivory-tusks-shipped-from-africa.html](http://www.businessweek.com/news/2010-09-10/hong-kong-seizes-384-ivory-tusks-shipped-from-africa.html), 10 September 2010; Radio Television Hong Kong, 10 September 2010

## JAPAN

On 8 September 2010, Aichi Prefectural Police Department arrested a man for allegedly smuggling feathers of Scarlet Macaw *Ara macao* (CITES I) in violation of the *Foreign Exchange and Foreign Trade Law*.

The suspect is reported to have confessed to importing seven Scarlet Macaw feathers via an Internet auction in December 2009 without the requisite approval of Japan's Ministry of Economy, Trade and Industry. The man, who sells articles for outdoor activities via the Internet, was selling the feathers for fishing bait.

In June 2010, Customs officials at Kansai International Airport, Osaka, discovered a person attempting to import a Slow Loris *Nycticebus coucang* (CITES I) and five wild cats from Indonesia. Three of the cats were dead.

[http://mytown.asahi.com/aichi/news.php?k\\_id=24000001009090002](http://mytown.asahi.com/aichi/news.php?k_id=24000001009090002); [www.yomiuri.co.jp/national/news/20100908-OYT1T00644.htm](http://www.yomiuri.co.jp/national/news/20100908-OYT1T00644.htm); TRAFFIC East Asia



## TAIWAN

On 17 April 2010, the following CITES Appendix I species were seized by the coastal guard in Taipei county: one Rhinoceros Iguana *Cyclura cornuta*, four Radiated Tortoises *Astrochelys radiata*, and two Black Pond Turtles *Geoclemys hamiltonii*. The animals were found in a cage on the roof of an apartment.

On 27 May 2010, police confiscated a Radiated Tortoise *Astrochelys radiata* (CITES I) and a Leopard Tortoise *Stigmochelys pardalis* (II) from a person selling tortoises on the Internet. The animals were sent to the wildlife rescue centre at Taipei Zoo.

In a separate incident, on 26 April 2010, a tortoise seller, Mr Huang, was sentenced to 10 months' imprisonment after he was found to have purchased a total of 70 Radiated Tortoises and Leopard Tortoises over the Internet, nine of which he sold online. The individual already had a criminal record for selling protected species.

[www.libertytimes.com.tw/2010/new/apr/17/today/taipei12.htm](http://www.libertytimes.com.tw/2010/new/apr/17/today/taipei12.htm); <http://tw.nextmedia.com/news/article/ArtlD/70387/IssueID/20100427/SecID/102>; [www.libertytimes.com.tw/2010/new/may/27/today/life4.htm](http://www.libertytimes.com.tw/2010/new/may/27/today/life4.htm); TRAFFIC East Asia

SOUTH ASIA  
BANGLADESH

According to a report in February 2010, the forest department with the help of CARINAM, a research centre, recently seized seven Olive Ridley Turtles *Lepidochelys olivacea* (CITES I) from poachers in Rupsha, Khulna, and released them in the sea. The turtles had been poached for human consumption.

On 24 May 2010, Immigration officials at Hazrat Shahjalal International Airport, Dhaka, seized a consignment of 480 Indian Star Tortoises *Geochelone elegans* (CITES II) and arrested a Malaysia-bound Indian national. The reptiles were later handed over to the Dhaka Forest office at Agargaon.

On 2 July 2010, Customs officials at Hazrat Shahjalal International Airport, Dhaka, seized from a Pakistani national travelling to Pakistan around 1000 birds, including Hill Mynahs *Gracula religiosa* (CITES II), Tricoloured Munias *Lonchura malacca* and Chestnut Munias *L. atricapilla*. News of the seizure and a photograph of the seized specimens was circulated which, upon examination by TRAFFIC India, was noted to include Green Avadavats *Amandava formosa* (CITES II), a species endemic to central India and listed as Vulnerable (IUCN, 2010). TRAFFIC India immediately alerted the authorities and requested that the birds be returned to India for release. The Bangladeshi authorities acknowledged that 35 Green Avadavats were included in the consignment and reported that 20 had died. All the surviving specimens were moved to a rescue centre in Bangladesh.

[www.thedailystar.net/newDesign/news-details.php?nid=127387](http://www.thedailystar.net/newDesign/news-details.php?nid=127387); [www.thedailystar.net/newDesign/latest\\_news.php?nid=23879](http://www.thedailystar.net/newDesign/latest_news.php?nid=23879); Tehelka Magazine 7(34), 28 August 2010; [www.tehelka.com/story\\_main46.asp?filename=hub](http://www.tehelka.com/story_main46.asp?filename=hub)

280810Afourletter.asp; Pioneer (India), 18 July 2010: [www.dailypioneer.com/269976/Mynahs-stranded-at-Dhaka-airport.html](http://www.dailypioneer.com/269976/Mynahs-stranded-at-Dhaka-airport.html); Ministry of Environment & Forests (Wildlife division), Government of India; Abrar Ahmed, Consultant Bird Trade Project, TRAFFIC India; Ahmed, A. (2008) Green Avadavat—A silent victim of illegal bird trade. TRAFFIC Post, Issue 5, November 2008. TRAFFIC India: [www.wwf-india.org/about\\_wwf/enablers/traffic/newsletter/](http://www.wwf-india.org/about_wwf/enablers/traffic/newsletter/)

## INDIA

On 7 February 2010, 11 Myanmar and three Thai nationals were held by coast guards near Bompaka in the Andaman and Nicobar Islands; their boat containing 700 kg of ornamental fish was seized, as well as diving gear and other equipment.

On 5 April 2010, Bishan Singh was sentenced in Delhi to imprisonment for one year and fined INR 10 000 (USD 218) for his involvement in illegal wildlife trade, almost 13 years after he was arrested in Delhi, in March 1997, for illegal trade in articles relating to Fishing Cat *Prionailurus viverrinus* (CITES II) and Wild Cat *Felis silvestris*.

On 12 April 2010, Additional Commissioner, Customs, Delhi, passed an order against a multinational—Cottage Industries Exposition—following the attempt by the company to export shahtoosh shawls (made from wool of the Tibetan Antelope *Pantholops hodgsonii* (CITES I)). A fine of INR 1 lakh (USD 2208), plus INR 1 lakh redemption fine was imposed.

On 2 May 2010, Delhi police arrested two people for illegally supplying seashells at Sadar Bazar; 1150 shells were recovered from a shop and 7800 shells from a factory. The pair was taken to Tihar gaol. Their construction business at Bari market in Sadar Bazar was found to be a front for their illegal activity, aimed principally at foreign customers. The specimens included Green Snail Turbo *marmoratus*, Glory of India *Conus milneedwardsi* and Triton's Trumpet *Charonia tritonis*.

Officers, who had been tracking the pair, acted as decoy customers who handed over an advance for the shells. In order to obtain more money, the suspects revealed details of their factory, which they were using to store shells.

On 9 June 2010, officials of the Directorate of Revenue Intelligence (DRI) arrested five persons for smuggling 388 kg of sea cucumbers to Sri Lanka; the ringleaders in the gang were being sought. The officials were acting on information that sea cucumbers were being caught illegally, processed and smuggled out of India by a gang in Tuticorin. The officials maintained a watch on the shore near Arumuganeri and intercepted a jeep; a search led to the seizure of 12 plastic cans containing boiled sea cucumbers. Sea cucumbers are listed under Schedule I of the Wildlife (Protection) Act, 1972.

On 17 June 2010, Andaman and Nicobar Islands police officials seized 80 kg of top shells *Trochus* from three poachers from North Andaman's Diglipur Island. The suspects confessed that they had supplied *Trochus* shells to Myanmar

poachers several times; police were to check their contact details in an attempt to identify these links. All three were handed over to the authorities; five other poachers were apprehended earlier in the month for similar offences. The case is under investigation.

On 25 September 2010, it was reported that, in just 20 days, the Andaman and Nicobar region coast guard had apprehended 88 Myanmar poachers, along with seven boats loaded with diving equipment. The increased apprehension of poachers is a result of heightened surveillance.

On 31 July 2010, police officials arrested seven people in Kamalapur, Bellary district, on a charge of poaching pangolins *Manis* (CITES II and listed in Schedule I of the Indian Wildlife (Protection) Act, 1972); 2.5 kg of scales were seized. The accused had placed snares around the animals' burrows to catch them and used dogs to trace their scent. The police suspect that the group was part of a large network with links in several places, including Bangalore, New Delhi and Anantpur in Andhra Pradesh.

It was reported in August 2010 that around 1000 pangolins had been hunted in the region during the previous two months; poachers are reported to get circa two kilogrammes of scales from each animal. The pangolins are sold to traders in Bengaluru, Delhi and Anantapur in Andhra Pradesh who in turn sell to buyers in the international market, it is alleged. Some 2000 kg of scales were reportedly sold to traders overseas, in particular in China and South Korea during this period.

[www.andamansheekha.com/](http://www.andamansheekha.com/), 23 June 2010; [www.ptinews.com/news/505547\\_Myanmar-and-Thai-poachers-held-in-Andamans](http://www.ptinews.com/news/505547_Myanmar-and-Thai-poachers-held-in-Andamans); <http://timesofindia.indiatimes.com/home/environment/flora-fauna/Court-complaint-against-multi-national-for-trading-in-Shahtoosh/articleshow/5890811.cms>; [www.mid-day.com/news/2010/apr/050410-Delhi-sea-shells-trafficker-raid.htm](http://www.mid-day.com/news/2010/apr/050410-Delhi-sea-shells-trafficker-raid.htm), 4 May 2010; [www.thehindu.com/2010/06/11/stories/2010061152900400.htm](http://www.thehindu.com/2010/06/11/stories/2010061152900400.htm), 11 June 2010; The Daily Telegraphs, 26 September 2010; The Hindu, 2 August 2010: [www.thehindu.com/2010/08/02/stories/2010080255320300.htm](http://www.thehindu.com/2010/08/02/stories/2010080255320300.htm); Deccan Chronicle, 15 August 2010: [www.deccanchronicle.com/bengaluru/1000-pangolins-hunted-2-months-020](http://www.deccanchronicle.com/bengaluru/1000-pangolins-hunted-2-months-020); Akhilesh Kumar, TRAFFIC India

## Seizures in India including Tiger parts

On 9 February 2010, forest officials seized 53 Tiger *Panthera tigris* (CITES I) bones weighing 4.1 kg and arrested a man in Kanha Tiger Reserve, Madhya Pradesh.

On 25 May 2010, in a landmark judgement, 12 people were convicted of Tiger poaching at Allahabad Court, Uttar Pradesh. The defendants were sentenced to three years' rigorous imprisonment and fined Rs 10 000 (USD 218). Ten of the twelve convicted were women.

These persons had been arrested in Allahabad in December 2007 when three Tiger skins and 75 kg of Tiger bones were seized. A further four people also arrested at the time are being tried in a separate case; one of these individuals is the principal suspect in four other wildlife cases, one of which involved a seizure, in January 2000, of skins of four Tigers, 70 Leopards *Panthera pardus* (CITES I) and 18 000 Leopard claws.

On 24/25 June 2010, the pelt of a Tiger *Panthera tigris* (CITES I) and a pair of ivory (I) tusks (11.5 kg) were seized on two separate operations in Kollegal taluk, Chamaraajanagar district, by staff of the CID forest cell. The ivory was seized near Dinnahalli in Ramapura police limits; three persons were arrested. The Tiger pelt—from a specimen killed six months earlier—was seized in Palar forests near Gopinatham on the Tamil Nadu border; one person was arrested.

Over four days in June 2010, officials at Guwahati Airport, Assam, seized packages containing two Bengal Tiger skeletons *Panthera tigris tigris* (CITES I), and 600 kg of pangolin *Manis* (II) scales. The Tiger parts had arrived via the railway mail service from Dimapur (Nagaland) leading authorities to suspect that the specimens had been poached in Kaziranga National Park, which has amongst the highest density of Tigers in India. Some of the pangolin scales were from Dimapur and Berhampur in Orissa. The items were reportedly on their way to China, via Imphal, Moreh and Myanmar.

On 29 July 2010, in Sihora, Jabalpur district, Madhya Pradesh, Dariya, a Tiger poacher well-known to the authorities was convicted, along with his wife Bhagwati, under the *Wildlife (Protection) Act, 1972*. Dariya was sentenced to three years of rigorous imprisonment and fined INR10 000 (USD218); his wife was sentenced to the same punishment, with one and a half years' probation. The trial of this case has been pending for more than 21 years and has been declared a major victory for Tiger conservation in India.

The case dates back to 1988 when the pair, along with seven accomplices, were arrested in Bahoriband range of the then Jabalpur Territorial Division in Madhya Pradesh in possession of one Tiger *Panthera tigris* (CITES I) skin, Tiger bones, four Tiger paws, three cans of Tiger fat, one hyaena skin and eight spring traps. All the accused were granted bail and subsequently absconded.

Dariya was arrested again on 28 April 2008 at Corbett Tiger Reserve with two Tiger traps and other poaching equipment, but was once again granted bail after a few months. On 27 March 2009, officers of the Katni Forest Division arrested Dariya and his wife in Ramnagar, Uttarakhand, as they posed as beggars in a market in Ramnagar.

On 17 September 2010, Customs officers at Chennai airport seized a Tiger *Panthera tigris* (CITES I) skin that had been sent from London as a parcel, addressed to a person in Chennai. The Wildlife Crime Control Bureau has confirmed that the skin and skull belonged to an Indian Tiger. The case is under investigation.

[http://tigernet.nic.in/Alluser/Statistics.aspx?OYear=2010&MorS=5&Animal\\_name=tiger](http://tigernet.nic.in/Alluser/Statistics.aspx?OYear=2010&MorS=5&Animal_name=tiger); Press Trust of India: [www.ptinews.com/news/596836\\_Court-sentences-man-for-illegal-trade-in-wildlife](http://www.ptinews.com/news/596836_Court-sentences-man-for-illegal-trade-in-wildlife); <http://timesofindia.indiatimes.com/india/12-poachers-get-3-years-RI/articleshow/5975055.cms>; The Hindu, 26 June 2010; [www.ndtv.com/news/india/assam-tiger-skull-pangolin-scales-seized-from-airport-32803.php?u=1234&cp](http://www.ndtv.com/news/india/assam-tiger-skull-pangolin-scales-seized-from-airport-32803.php?u=1234&cp), 20 June 2010; [www.bombaynews.net/story/650041](http://www.bombaynews.net/story/650041), 21 June 2010; <http://epaper.dailypioneer.com/The>

[Pioneer/Pioneer/2010/07/29/ArticleHtm/29\\_07\\_2010\\_005\\_011.shtml](http://Pioneer/Pioneer/2010/07/29/ArticleHtm/29_07_2010_005_011.shtml); <http://timesofindia.indiatimes.com/city/chennai/Tiger-skin-seized-from-post-parcel-at-airport/articleshow/6581763.cms>, 19 September 2010; Akhilesh Kumar, TRAFFIC India

### Seizures and prosecutions in India relating to Leopard *Panthera pardus* (Schedule I of the Indian Wildlife Protection Act/CITES I)

On 26 February 2010, police seized skins of four adult Leopards and arrested four people in Solan town, Himachal Pradesh.

On 18 March 2010, two Nepali men and a person from Uttar Pradesh were arrested in Basti, UP, with three Leopard skins. They confessed that they had been involved in the illegal trade for five years.

On 28 June 2010, Vadodara forest officials of the Ratanmahal Sanctuary in Devgadhi Baria Taluka, Dahod district, arrested two persons after four Leopard skins and nails were recovered from them. The items were reportedly bound for Bhopal, Madhya Pradesh.

On 26 August 2010, at Delhi Tis Hazari court, Sansar Chand was sentenced to six years in gaol in a case relating to the seizure of the skin of a Leopard in New Delhi in 1995. He was also fined INR50 000 (USD1070). The gaol term was the maximum term prescribed under the *Wildlife Protection Act*.

Chand, who has been in gaol in Jaipur since 2005 for a separate offence, has been sought by police in India for many alleged wildlife offences since the 1970s. However, he has only spent brief periods in custody and, in at least four cases in Delhi, tried on the basis of confessional statements of various accused traders but discharged owing to lack of direct recovery of contraband from his possession (see also *TRAFFIC Bulletin* 14(2):42; 15(3):102; 20(2):85 and 20(3):116).

Chand sought acquittal in a case involving trade of animal parts which he claimed he was not involved in. On 4 October 2010, the Supreme Court rejected this plea.

On 15 September 2010, the anti-poaching cell of Uttarakhand forest department seized two Leopard skins from Chakrata, Dehradun district.

[www.littleabout.com/news/74807,four-leopard-skins-seized-himachal.html](http://www.littleabout.com/news/74807,four-leopard-skins-seized-himachal.html), 26 February 2010; <http://in.news.yahoo.com/43/20100318/12/tln-three-arrested-with-leopard-skins-in.html>, 18 March 2010; *Express News Service*, 30 June 2010; [www.expressindia.com/latest-news/four-leopard-skins-seized-two-arrested-in-dahod/640354/](http://www.expressindia.com/latest-news/four-leopard-skins-seized-two-arrested-in-dahod/640354/); [www.dnaindia.com/india/report\\_even-human-skin-will-be-traded-some-day-supreme-court\\_1447730-all](http://www.dnaindia.com/india/report_even-human-skin-will-be-traded-some-day-supreme-court_1447730-all); <http://in.news.yahoo.com/20/20100822/1416/tln-notorious-poacher-convicted-15-yrs-a.html>, 22 August 2010; [www.thehindu.com/2010/08/26/stories/2010082659530400.htm](http://www.thehindu.com/2010/08/26/stories/2010082659530400.htm), 26 August 2010; <http://timesofindia.indiatimes.com/home/environment/flora-fauna/Over-130-leopards-killed-this-year-Report/articleshow/6576183.cms>, 18 September 2010; [www.wpsi-india.org/wpsi/index.php](http://www.wpsi-india.org/wpsi/index.php); Akhilesh Kumar, TRAFFIC India

### Seizures in India involving Red Sandalwood *Pterocarpus santalinus* (CITES II/prohibited from export from India)

Red Sandalwood (or Red Sanders) is endemic to the southern parts of India's Eastern Ghats, mainly in Andhra Pradesh (mostly in Chittoor, Kadapa, Nellore and Kurnool districts). The tree is commercially valuable for its timber and for the extraction of dye, for medicine and in cosmetics and has been overexploited in the past (IUCN, 2010). It is reported to be in huge demand in China and Japan for making musical instruments, furniture and toys and recent reports suggest it is also in demand for the manufacture of aphrodisiac pills.

"We are seeing several changes to the nature and scale of the illicit trade in the prized wood. For example, logs are being transported via different routes overland and are being shipped to the Middle East," says Samir Sinha, head of the TRAFFIC office in India. "It is evident from the spate of seizures that Red Sanders smugglers are operating on a massive scale backed by a highly organized international racket," he adds.

Details relating to a selection of major seizures of Red Sandalwood that have recently taken place in India follow:

On 23 February 2010, authorities intercepted a lorry near Alamkhanpalle near Kadapa, Andhra Pradesh, and seized 4.50 t of Red Sandalwood logs. The wood, felled at Jandlavaram in Mydukur forest range, Kadapa, was bound for Madanapalle in the Chittoor district of Andhra Pradesh.

On 25 February 2010, forest officials seized Red Sandalwood logs on Bengaluru–Chennai highway from a lorry following a chase which resulted in the lorry overturning. The driver and an associate escaped from the scene. The vehicle was found to contain over 100 Red Sandalwood logs.

On 3 March 2010, Khajipet police and forest officials arrested 10 men and seized 220 Red Sandalwood logs at two separate places in Khajipet mandal of Kadapa, Andhra Pradesh. Officials seized 80 Red Sandalwood logs from Lankamala forest and arrested four persons. A further 140 logs were seized from Kannelavagu in Khajipet mandal and six persons were arrested.

On 16 March 2010, approximately 11 t of Red Sandalwood was seized by DRI officials just prior to its shipment at Kochi port, Kerala. The container had arrived from Madurai in a lorry two days earlier and, according to records, was booked by a private shipping agent to be sent to Dubai. The container was later taken to a freight station at Kalamassery. The shipping agent was being sought.



SAMIR SINHA

**Red Sandalwood logs.** Judging from the volume of wood being seized, it is evident that Red Sandalwood smugglers are operating on a massive scale backed by a highly organized international racket.

On 16 March 2010, officials from the anti-smuggling unit of Guwahati Customs division seized 1016 kg of logs at Lokapriya Gopinath Bordoloi International Airport, Guwahati. The consignment, from Andhra Pradesh, was believed to have been bound for China or Japan through the Moreh border via Myanmar. The logs were packed in 26 gunny bags and seized from the cargo of a private domestic airline. The case is being investigated.

On 24 March 2010, police officials arrested eight persons allegedly involved in the smuggling of Red Sandalwood; 274 logs were seized from Mydukur, Kadapa, Andhra Pradesh.

The police intercepted a car near Mudireddi palle on Mydukur-Porumamilla road and seized nine logs.

Following the confession of those in custody, 56 logs kept near a temple in Mudiredipalle were seized and two persons arrested.

Six men were arrested for allegedly trading in a Japan-bound consignment of Red Sandalwood coming from Kadapa, Andhra Pradesh, and intercepted in Chhattisgarh. Two trucks laden with sandalwood were seized from the Hirapur area of the capital.

On 16 April 2010, DRI officers seized an export container at N.S. Dock, Kolkata, bound for Dubai, following the discovery of wood thought to be Red Sandalwood (9210 kg) concealed under bags of mica powder.

On 26 April 2010, DRI officers seized 8688.90 kg Red Sandalwood from a lorry at Changsari, Assam. The items were believed to be bound for Myanmar. Two people were arrested.

In April 2010, a container which sailed to Dubai with 12.5 t of Red Sandalwood logs was recalled from Colombo, where it was in transit, by DRI officials at Tuticorin Port, Chennai. Preliminary investigations revealed that the Import Export Code of the original exporter was misused for this purpose and the smugglers also forged the stamp and signature of the officers.

During the follow-up investigation, a lorry laden with 5.2 t of Red Sandalwood was intercepted at Tada Integrated checkpoint on the Andhra Pradesh–Tamil Nadu border. The driver evaded capture.

On 8 June 2010, DRI officials in Chennai seized Red Sandalwood logs following information received that they were being transported from Andhra Pradesh to Chennai and then smuggled out through various ports. Officers of the DRI launched a search for two containers which had already set sail for Malaysia which were subsequently returned to Chennai Port. Preliminary investigation of the documents revealed that the exporter was a handicrafts company in Jodhpur, Rajasthan; the consignee was based in Kota Kinabalu, Malaysia. Further investigation of the company's premises resulted in the seizure of a further 40 t of Red Sandalwood.

It was reported on 17 June 2010 by the Minister of State for Environment and Forest (Independent Charge) in Tirupati, Jairam Ramesh, that 6000 t of seized Red Sandalwood would be auctioned through the global tender process.

"According to the State government, about 6000 t of Red Sandalwood has been seized and is lying in different godowns. The request was made by the Chief Minister of Andhra Pradesh that we should give the State government permission to dispose of this wood," said Ramesh. "It's a one-time permission to dispose of 6000 t by global auction."

On 19 June 2010, 10 people were arrested and 34 Red Sandalwood logs were seized by forest officials of Tirupati Division, Andhra Pradesh, during two raids.

Three more smugglers were arrested in the Narabail area and three Red Sandalwood logs and a vehicle were seized.

Officials arrested six members of a gang and seized six logs at Bakarapet.

On 28 June 2010, DRI officers intercepted a lorry near Chennai port and seized 10.78 t of

Red Sandalwood logs allegedly being smuggled to Malaysia; one person was arrested. Preliminary investigations revealed the details of exporters and the consignee were fake. A person was later arrested and held in custody.

On 27 July 2010, DRI officials seized 6.3 t of Red Sandalwood in Pallavaram from a Chennai-bound lorry travelling from Andhra Pradesh; the timber had been destined for illegal export to China. The driver was arrested but the lorry owner absconded. After interrogating the driver, DRI officials raided a locked godown at Thirumudivakkam and seized 538 Red Sandalwood logs. The owner of the godown said it was rented to a person involved in exporting furniture to China, who, together with the lorry owner, was subsequently apprehended by DRI officials on 5 August 2010.

On 23 August 2010, two trucks transporting 12 t of Red Sandalwood were seized at Kaurik and the drivers arrested. Both had in their possession valid permits issued by the Indo-Tibetan Border Police (ITBP) that authorized them to move close to the border. A senior police official investigating the case said the wood had reached Kaza town in Spiti district, Himachal Pradesh, in May, and that the stocks were illegally kept in some houses.

Two ITBP officials were arrested in September 2010 accused of having issued permits to carry Red Sandalwood closer to the India-China border in Lahaul and Spiti district. On 21 September 2010, police recovered money that one of the officers allegedly received to help in the smuggling of Red Sandalwood to China from Shimla. Both officers have been suspended.

Himachal Pradesh shares a porous border with China and the police say smuggling of rare species of fauna and other items across the border is quite frequent.

In September 2010, the Central Intelligence Unit of the Jawaharlal Nehru Custom house, at the port of Nhava Sheva, near Mumbai, seized two containers holding 18.8 t of Red Sandalwood. The shipment had been brought from Karnataka to Mumbai, and was being exported, with five other containers of electronics, to Dubai. Documents for the containers were falsely labelled as containing aluminium alloy conductors. The case is under investigation. It is reportedly the 14th seizure at the port this year bringing the total amount of Red Sandalwood seized there to 230 t.

[www.deccanchronicle.com/international/chinese-use-red-sanders-enhance-their-sex-life-699](http://www.deccanchronicle.com/international/chinese-use-red-sanders-enhance-their-sex-life-699); Press Trust of India, 13 July 2010; CAMP Workshops on Medicinal Plants, India 1998. *Pterocarpus santalinus*. In: IUCN 2010. IUCN Red List of Threatened Species. Version 2010.3. [www.iucnredlist.org](http://www.iucnredlist.org). Downloaded on 27 September 2010. [www.deccanchronicle.com/chennai/red-sanders-impounded-cops-413](http://www.deccanchronicle.com/chennai/red-sanders-impounded-cops-413); <http://hindu.com/2010/02/24/stories/2010022453750300.htm>; [www.thehindu.com/2010/03/04/stories/2010030453700300.htm](http://www.thehindu.com/2010/03/04/stories/2010030453700300.htm); <http://expressbuzz.com/States/Kerala/red-sanders-worth-rs-1-cr-seized-at-kochi-port/156972.html>; The Telegraph (India), 18 March 2010; [www.thehindu.com/2010/03/25/stories/2010032552290300.htm](http://www.thehindu.com/2010/03/25/stories/2010032552290300.htm); [www.dnaindia.com/india/report\\_japan-bound-sandalwood-worth-rs2-crore-seized-in-chhattisgarh\\_1367492-all](http://www.dnaindia.com/india/report_japan-bound-sandalwood-worth-rs2-crore-seized-in-chhattisgarh_1367492-all);



Press Releases, 23 April/5 May 2010 Directorate of Revenue Intelligence, Government of India, Kolkata Zonal Unit; The Hindu (India), 29 April 2010; <http://expressbuzz.com/cities/chennai/red-sanders-worth-rs-468-cr-seized/180068.html>; <http://news.chennaionline.com/national/Over-40-000-kg-of-red-sanders-wood-seized/f2d32025-0a33-4436-9fd6-f2f79de06291.col>; <http://breakingnews.gaeatimes.com/2010/06/18/jairam-ramesh-announces-global-auction-of-seized-red-sanders-34724/>, 18 June 2010; <http://news.webindia123.com/news/articles/India/20100619/1530306.html>; [www.ptinews.com/news/751507\\_Red-sander-logs-seized-from-container](http://www.ptinews.com/news/751507_Red-sander-logs-seized-from-container); [www.newkerala.com/news2/fullnews-10221.html](http://www.newkerala.com/news2/fullnews-10221.html); [www.newkerala.com/news2/fullnews-14282.html](http://www.newkerala.com/news2/fullnews-14282.html); <http://sify.com/news/police-seize-bribe-money-in-rare-wood-smuggling-case-news-national-kjwaEdibeaq.html>, 22 September 2010; Akhilesh Kumar, TRAFFIC India

## NEPAL

On 16 June 2010, the District Forest Office (DFO) in Sindhupalchowk filed a case against two Chinese nationals for allegedly poaching pangolins *Manis* (listed in Nepal's *National Parks and Wildlife Conservation Act 1973/CITES II*).

Police had arrested the pair on 22 May as they were trying to cross by car into Chinese territory at Barhabese checkpoint in Sindhupalchowk district, allegedly in possession of 46 kg of pangolin scales. Officials suspect that the parts had been smuggled from India and were to be used in traditional Chinese medicines.

Two Indians and a Nepali who were also arrested and later released owing to insufficient evidence of their involvement, were rearrested for further investigation.

On 28 July 2010, police seized the skin of a Tiger *Panthera tigris* (CITES I) in Bhaktapur and arrested three individuals. The investigation team involved in the seizure was led by Wildlife Conservation Nepal (WCN) and supported by Bhaktapur district police. WCN said the arrests were made while the three were trying to sell the skin. The case is under investigation.

On 3 August 2010, two people were arrested for possessing a Tiger skin and 1.7 kg of bones. They were handed over to Bardiya Forest Office.

On 8 August 2010, police arrested two members of a smuggling racket and seized one rhinoceros horn (1.278 kg) and two bear gall bladders (total 396 g) in Nilopul district, Kathmandu; the items are believed to have been destined for use in traditional medicines in China. The policemen, acting on information, had assumed the identities of prospective buyers of animal organs. One of the suspects was reported to have been a member of a poaching syndicate involved in killing rhinoceroses and bears in wildlife sanctuaries, removing the organs, and smuggling the parts to China and other South Asian countries.

[www.myrepublica.com](http://www.myrepublica.com), 17 June 2010; [www.myrepublica.com/portall/index.php?action=news\\_details&news\\_id=19990#](http://www.myrepublica.com/portall/index.php?action=news_details&news_id=19990#); [www.myrepublica.com/portall/index.php?action=news\\_details&news\\_id=18948](http://www.myrepublica.com/portall/index.php?action=news_details&news_id=18948); [www.myrepublica.com/portall/index.php?action=news\\_details&news\\_id=21542#](http://www.myrepublica.com/portall/index.php?action=news_details&news_id=21542#); [www.wcn.org.np/wcn/news.php?cat=&page=1](http://www.wcn.org.np/wcn/news.php?cat=&page=1), 4 August 2010; [www.ekantipur.com/2010/08/10/capital/two-caught-with-rhino-horn-bear-gall-bladders/320148/](http://www.ekantipur.com/2010/08/10/capital/two-caught-with-rhino-horn-bear-gall-bladders/320148/)

## SOUTH-EAST ASIA INDONESIA

On 18 July 2010, police in eastern Sumatra foiled an attempt to smuggle body parts of Sumatran Tiger *Panthera tigris sumatrae* (CITES I) out of Riau province; two men transporting three cartons were arrested after the packages were found to contain bones and skins from six Tigers. The pair confessed to smuggling Tiger parts and skins up to four times in a week, but it was not clear how long the men had been involved in the trade.

On 9 August 2010, forestry officers on patrol confiscated 27 Chattering Lories *Lorius garrulus* (CITES II) from a dealer in Tobelo, North Halmahera, Maluku Island; the parrots were about to be smuggled from the island. After a medical check-up, the birds were released in Halmahera forest in north Maluku.

<http://sify.com/news/police-arrests-smugglers-of-rare-sumatran-tiger-body-parts-news-international-khttEffihij.html>, 20 July 2010; ProFauna, 25 August 2010: [www.profauna.org/content/en/news/2010/forestry\\_officers\\_supported\\_by\\_profauna\\_indonesia\\_confiscated\\_and\\_released\\_27\\_parrots\\_in\\_maluku.html](http://www.profauna.org/content/en/news/2010/forestry_officers_supported_by_profauna_indonesia_confiscated_and_released_27_parrots_in_maluku.html)

## MALAYSIA

It was reported in February 2010 that a week-long surveillance by authorities off the coastal waters of Ujong Pasir for possible illegal wildlife trade resulted in the seizure of 35 pangolins *Manis* (CITES II) by marine police; the live animals had been caught by poachers in Sumatra and were about to be smuggled into the country for sale to restaurants in Malacca and the Klang Valley. Two men evaded capture.

In March 2010, the Department of Wildlife and National Parks Department (Perhilitan) confiscated over 26 000 pieces of python (CITES II) gall bladders, 35 000 pieces of python skins, and three pangolins *Manis* (II) in two operations in Kedah and Perak.

On 24 April 2010, Perhilitan officials in Penang seized 67 pangolins *Manis* (CITES II) in a raid on a house at Jalan Raja Uda, Butterworth. Two people were arrested. The animals were believed to be destined for export for the purposes of food or medicine.

Four Ploughshare Tortoises *Astrochelys yniphora* (CITES I) and classified by IUCN as Critically Endangered) have been returned to Madagascar following the seizure of an illegal shipment of animals by authorities at Kuala Lumpur International Airport. Repatriations are rare and this is an important achievement for the conservation of the species, reports the Durrell Wildlife Conservation Trust.

Four hundred Radiated Tortoises *Astrochelys radiata* (CITES I), 11 Spider Tortoises *Pyxis arachnoides* (I) and four Ploughshare Tortoises were seized in May and July 2010. Two women travelling with the suitcases containing the animals were arrested and have since been sentenced to a year in gaol under

the *International Trade in Endangered Species Act 2008*. They were the first to be prosecuted under the Act, which came into force on 28 June 2010 and which imposes stricter penalties for wildlife trade violations.

The four Ploughshares were to be given to Durrell Wildlife Conservation Trust's Madagascar Programme and the Radiated and Spider Tortoises were to be taken to SOPTOM (Station d'Observation et de Protection des Tortues et de leurs Milieux) facility in Madagascar. Once the animals have been given a health check and have spent time in quarantine they will join Durrell's captive breeding programme.

In May 2009, four Ploughshares were stolen from a Durrell's release programme for the species. One was found in a shipment of tortoises seized at Antananarivo Airport later that year and a second was seen for sale on a Malaysian website. However on 11 October 2010, two suitcases were seized at Bangkok's Suvarnabhumi Airport and found to contain 217 Radiated Tortoises and one Ploughshare. The Durrell Wildlife Conservation Trust is working with local authorities to determine whether this is one of the stolen animals (see also Thailand).

Other seizures undertaken by Perhilitan's Wildlife Crime Unit (WCU) during July include, on 11 July, the seizure from the premises of a flea market trader in the State of Selangor of five Tiger *Panthera tigris* (CITES I) claws, the casks and beaks of two Rhinoceros Hornbills *Buceros rhinoceros* (CITES II), antlers from Sambar *Cervus unicolor* and Barking Deer *Muntiacus muntjac*, bags and shoes made of python (II) and cobra (II) skins and 96 items made of elephant (I) ivory. On 13 July, the WCU and Malaysian police raided a car workshop in Kuala Lumpur and discovered over 600 birds, many of them protected under local legislation and/or CITES, including three Straw-headed Bulbuls *Pycnonotus zeylanicus* (CITES II), a Blue-and-yellow Macaw *Ara ararauna* (II) nine Greater Sulphur-crested Cockatoos *Cacatua galerita* (II) three Palm Cockatoos *Probosciger aterrimus* (I) and a pair of Twelve-wired Birds-of-paradise *Seleucidis melanoleuca* (II). Two men linked to this case are still at large.

In early August 2010, a newly created anti-poaching task force seized two tonnes of Agarwood *Aquilaria* (CITES II) from a jetty on Banding Island, located near Belum-Temengor Forest Complex in the north of Peninsular Malaysia, as well as 31 Mahseer *Tor putitora*, a freshwater edible game fish protected under State law but highly sought after by poachers.

The task force brings together Perak State and federal agencies including the Anti-Smuggling Unit, the Royal Malaysian Police, the Perak State Parks Corporation, the Department of Wildlife and National Parks, the Fisheries Department and the Perak State Forestry Department. Individually, these agencies are often hampered by a lack of funds and manpower necessary to mount large-scale operations against well-networked poachers and wildlife traffickers. Traditionally, they have also tended to focus on issues relating directly to their own departments.

On 21 September 2010, Perhilitan officers in Kampung Gajah, Kluang, seized a shipment of 422 Clouded Monitors *Varanus nebulosus* (CITES I) from a lorry; two men were detained. The lizards, classified in Malaysia as Totally Protected under the *Protection of Wildlife Act 1972*, were wrapped in nets and placed in fruit crates. It is believed they were being transported to neighbouring countries. The specimens were to be returned to their natural habitat.

On 4 November 2010, Anson Wong, sentenced to six months in gaol in September, had his sentence increased to five years. The change followed an appeal by the Attorney-General's Chambers over the earlier sentence. In his judgement, Justice Mohtarudin Baki of the Shah Alam High Court said that the Sessions Court judge, who initially sentenced Wong, had not taken into account in his ruling the large number of snakes in Wong's possession. Had the snakes escaped, the safety of the airport staff and passengers would have been in jeopardy, he said. He added that the accused was motivated by profit and was willing to smuggle with no concern for the safety of those around him and had no regard for the law. The earlier sentence of six-months' imprisonment and RM190 000 (USD61 500) fine was overruled and the longer prison sentence and a fine of RM190 000 imposed. Wong's defence counsel Datuk Seri Muhammad Shafee Abdullah immediately announced his intention to appeal the sentence.

"The message to wildlife smugglers in Malaysia is loud and clear: carry on as you are and you will be spending years of your life behind bars," said TRAFFIC Southeast Asia senior programme officer Kanitha Krishnasamy.

TRAFFIC Southeast Asia Regional Director, William Schaedla also expressed optimism over the sentence. "This is a great start. We hope Malaysia's new 'get-tough' stance will continue with investigations and convictions of other large-scale wildlife smugglers still operating in

the country. We also hope other nations in South-east Asia take notice of today's watershed ruling. For far too long, countries in this region have allowed their reputations to be tarnished and their natural treasures to be taken by thieves. This bold sentence shows they can address wildlife crime when the will is there."

In the 1990s, Wong was arrested for smuggling following a five-year undercover operation by the US Fish and Wildlife Service, for which he served more than five years in gaol (see *TRAFFIC Bulletin* 17(3):122; 19(1):48; 20(2):88).

[www.thesundaily.com/article.cfm?id=45963](http://www.thesundaily.com/article.cfm?id=45963); <http://thestar.com.my/news/story.asp?file=/2010/2/20/nation/5713733&sec=nation>, 20 February 2010; [www.thesundaily.com/article.cfm?id=45963](http://www.thesundaily.com/article.cfm?id=45963); <http://thestar.com.my/news/story.asp?file=/2010/2/20/nation/5713733&sec=nation>, 20 February 2010; *The Star (Malaysia)*, 17 March 2010; <http://thestar.com.my/news/story.asp?file=/2010/3/17/nation/5876902&sec=nation>; [www.traffic.org](http://www.traffic.org), 16 July 2010; *Education for Nature-Vietnam (ENV)*; [www.asianturtle.org/library/ATCN\\_news/2010\\_articles/Hundreds\\_of\\_Malagasy\\_tortoises\\_seized\\_in\\_Malaysia.html](http://www.asianturtle.org/library/ATCN_news/2010_articles/Hundreds_of_Malagasy_tortoises_seized_in_Malaysia.html); <http://www.durrell.org/Latest/News/Critically-endangered-ploughshare-tortoises-returned-to-Madagascar/>, 21 October 2010; *TRAFFIC International*, 10 August 2010; [www.mmail.com.my/content/47864-no-perhilitan-protection-lizard-king](http://www.mmail.com.my/content/47864-no-perhilitan-protection-lizard-king), 30 August 2010; [www.traffic.org](http://www.traffic.org); <http://thestar.com.my/news/story.asp?file=/2010/10/3/nation/7151408&sec=nation>; <http://thestar.com.my/news/story.asp?file=/2010/9/22/nation/7078061&sec=nation>, 22 September 2010; <http://www.traffic.org/home/2010/11/4/wongs-sentence-increased-to-five-years.html>

## MYANMAR

Between May and August 2010, the Forest Department, Department of Border Trade, Myanmar Police Force and the Army, together seized more than 1100 live turtles, tortoises and wildlife products including pangolin *Manis* (CITES II) scales, ivory (I) tusks, wild cat skins and Sambar *Cervus unicolor* antlers. The majority of seizures took place at checkpoints on the borders with China and Thailand.

On 16 July 2010, authorities seized 35 Big-headed Turtles *Platysternon megacephalum* (CITES II and protected in Myanmar; and classified by IUCN as Endangered) at Lashio, Northern Shan State. The reptiles were subsequently cared for at the Yadanabon Zoological Garden in Mandalay before being released into their natural habitat in Kyauk Hti Yo Wildlife Sanctuary in Mon State.

ASEAN-Wildlife Enforcement Network (ASEAN-WEN), 13 September 2010

## PHILIPPINES

In August 2010, 13 Vietnamese poachers were convicted some two years after they were caught with Hawksbill Turtles *Eretmochelys imbricata* (CITES I and protected under Philippine law) on a vessel near Caalan Island, El Nido (see *TRAFFIC Bulletin* 22(1):38). As the individuals had been in detention in Puerto Princesa since September 2008 and the longest gaol-term imposed had been 18 months, the court ruled that only fines, which in some cases were as much as USD98 800, remained to be paid.

The Vietnamese vessel was stopped by the members of the Joint Task Force Malampaya (JTFM) in August 2008. The 13-man crew attempted to scuttle the craft by flooding the holds, which led to the death of the turtles from drowning.

[www.wildlifeextra.com/go/news/poaching-turtle.html](http://www.wildlifeextra.com/go/news/poaching-turtle.html), 12 August 2010

## THAILAND

On 18 August 2010, officials arrested two men at a checkpoint in Muang district, Nakhon Ratchasima province, after 105 pangolins *Manis* (CITES II) were found in the back of their lorry. The men were being paid to take the animals from a petrol station in Ayutthaya to a client in Nong Khai, from where they were to be smuggled across the border to Lao PDR and on to China. The specimens had been smuggled in from Malaysia.

On 28 September 2010, at Suvarnabhumi Airport, Bangkok, police arrested a man arriving from Bangladesh with four suitcases containing 1140 live Indian Star Tortoises *Geochelone elegans* (CITES II). The small reptiles are popular in the exotic pet trade and were understood to have been destined for Bangkok's Chatuchak weekend market.

On 11 October 2010, two suitcases seized at Suvarnabhumi Airport were found to contain 217 Radiated Tortoises *Astrochelys radiata* and one Ploughshare Tortoise *A. yniphora* (both CITES I) (see also under Malaysia).

*Bangkok Post (Thailand)*, 19 August 2010; [www.google.com/hostednews/afp/article/ALeqM5hd2CEzD9WmpgaZOX-OUXOCCh9CuLA?docId=CNG.e55d9835e2250788596c5b66d59298d4.31](http://www.google.com/hostednews/afp/article/ALeqM5hd2CEzD9WmpgaZOX-OUXOCCh9CuLA?docId=CNG.e55d9835e2250788596c5b66d59298d4.31); [www.earthtimes.org/articles/news/346308\\_smuggling-1000-live-tortoises.html](http://www.earthtimes.org/articles/news/346308_smuggling-1000-live-tortoises.html), 29 September 2010; [www.durrell.org/Latest/News/Critically-endangered-ploughshare-tortoises-returned-to-Madagascar/](http://www.durrell.org/Latest/News/Critically-endangered-ploughshare-tortoises-returned-to-Madagascar/), 21 October 2010



CUT IVORY TUSKS FOUND IN LUGGAGE ARRIVING IN BANGKOK FROM ADDIS ABABA, ETHIOPIA, AUGUST 2010.

## Ivory seizures in Thailand

On 17 April 2010, Customs officers at Suvarnabhumi Airport, Bangkok, seized 296 tusks of African Elephants *Loxodonta africana* (CITES I) (circa 1.4 t) contained in three crates on board a flight from Qatar; the consignment, most likely originally from southern Africa, was labelled as "printing metal" and addressed to a Thai company in Bangkok. No arrests have been made and the case is under investigation.

On 14 July 2010, 117 elephant tusks and nine ivory pieces (765 kg) were seized at the airport following their arrival on a flight from Kenya. The consignment was labelled as furniture and plastic folders. To date, no arrests have been made.

On 28 August 2010, 16 pieces (90 kg) of cut ivory were seized from four suitcases belonging to a Malaysian national arriving at the airport from Addis Ababa, Ethiopia. Although Ethiopia has made strides in addressing illegal trade in ivory in recent years, Addis Ababa airport remains a major transport hub through which contraband ivory continues to move. China, for example, made 139 ivory seizures in 2009 alone from Chinese nationals coming from Addis Ababa.

"The Customs officers responsible for these ivory seizures in Thailand are to be commended, although the fact this trade continues illustrates that Thailand's domestic ivory market remains a serious issue," said Chris R. Shepherd, Deputy Regional Director of TRAFFIC's office in South-east Asia. "Unless Thailand starts making ivory seizures in the marketplace, we fear its ivory trade will continue. Airlines also need to be increasingly aware and vigilant in order to ensure they are not used and therefore implicated in the global ivory trade," he added.

Thailand, together with Nigeria and the Democratic Republic of Congo, were identified as the three countries most heavily implicated in the global illicit ivory trade in the most recent analysis of the Elephant Trade Information System (ETIS), the world's largest database of elephant product seizure records which is managed by TRAFFIC on behalf of CITES Parties.

[www.straitstimes.com/BreakingNews/SEAsia/Story/ST1Story\\_517331.html](http://www.straitstimes.com/BreakingNews/SEAsia/Story/ST1Story_517331.html); [www.google.com/hostednews/afp/article/ALeqM5hazVlgOj2PVGM\\_u0Qu3sJfcm2GA](http://www.google.com/hostednews/afp/article/ALeqM5hazVlgOj2PVGM_u0Qu3sJfcm2GA), 16 July 2010; [www.telegraph.co.uk/news/worldnews/asia/thailand/7895175/1600-pounds-of-ivory-seized-in-Thailand.html](http://www.telegraph.co.uk/news/worldnews/asia/thailand/7895175/1600-pounds-of-ivory-seized-in-Thailand.html), 16 July 2010; TRAFFIC International

On 26 August 2010, nearly 100 forest rangers and experts from the US-based Wildlife Conservation Society recovered some 312 kg of wild animals from 12 restaurants in Da Lat. Tran Thanh Binh, Chief Forest Ranger for Lam Dong province, said the raids resulted in the most successful operation in the province's history. One restaurant was found to be in possession of a range of banned meats, including two bear paws, three pangolins *Manis*, musk deer *Moschus*, and porcupine. Most of the animal parts were found soaking in formaldehyde.

A team at another restaurant seized 27 snakes weighing a total of 14 kg. The owner failed to demonstrate any proof of his claim that he had bred the reptiles.

Some restaurants did not have any illicit meat in stock but their menus suggested that they served dishes derived from wild animals.

On 15 September 2010, Hanoi Environmental Police, in conjunction with relevant authorities, uncovered a wildlife bone trade network operated by a couple at their home in Ha Noi's Hoang Mai district. In total, 900 kg of animal bones from four different locations were seized and included six complete Tiger skeletons and six skulls, 32 kg of additional Tiger bones, two elephant tusks, three skulls and one skeleton of Clouded Leopard *Neofelis nebulosa* (CITES I), six bear skulls and one stuffed bear head. In addition, about 730 kg of Serow *Naemorhedus sumatraensis* (CITES I), deer, turtle shell, horns of Gaur *Bos gaurus* (CITES I), bone glue, dried bile, and dried porcupine stomachs were seized. The couple were transporting two sacks of animal bones when their car was stopped by authorities.

A further three locations in Me Linh, Cau Giay and Hai Ba Trung districts were raided, where some 100 animal bones and other products were seized. These locations are believed to be part of the same network, which had been under investigation for several months. Six people were arrested in connection with the case, which remains under investigation.

[www.earthtimes.org/articles/show/315179,anteaters-on-a-plane-vietnam-man-tries-to-check-33-pangolins.html](http://www.earthtimes.org/articles/show/315179,anteaters-on-a-plane-vietnam-man-tries-to-check-33-pangolins.html); [www.thanhniennews.com/2010/Pages/20100826211841.aspx](http://www.thanhniennews.com/2010/Pages/20100826211841.aspx), 26 August 2010; [www.traffic.org/Education for Nature -Vietnam](http://www.traffic.org/Education%20for%20Nature-Vietnam) (ENV)

Customs and Border Protection officers stopped Gledhill at Perth Airport in September 2009 on his arrival from Bali. During a baggage examination, officers became suspicious that he was concealing prohibited items under his clothing. He was searched and found to be carrying 37 parrot eggs in a specially made vest.

During March 2010, fisheries officers seized 337 abalones *Haliotis* during compliance operations on the New South Wales south coast and arrested several men. Three men, believed to be part of a syndicate operating at South Durras, were allegedly caught with 99 abalones at Richmond Beach in the Murrumbidgee National Park. Another three were apprehended for allegedly possessing 90 abalones after being observed diving around the northern headland of Cudmirrah Beach at Sussex Inlet. Further down the coast, two men allegedly in possession of 144 abalones were apprehended south of Bermagui. The possession limit in waters open to the taking of abalone in NSW is two per person.

On 27 July 2010, at Esperance Magistrates' court, Western Australia, Koon Ping Ho and Poh Mun Mok of Mount Pleasant, Perth, pleaded guilty to charges of being in possession of more than the permitted quantity of abalone and possessing totally protected fish. They were fined a total of AUD25 000 (USD23 500) (AUD600 on three charges, related to the excess possession of various abalone species and totally protected fish, and each ordered to pay related mandatory additional penalties of AUD10 683, plus court costs of AUD119); their diving gear was also forfeited.

The men were discovered by fisheries officers in Esperance on 12 December 2009 with 125 Green Lip Abalones *Haliotis laevis*, two Brown Lip Abalones *H. conicopora* and 161 Roes Abalones *H. roei*. Sixty abalones were under-sized. Both men had fishing licences and said they had intended to take the abalones back to Perth for their personal use. Although fishing in season, they broke sustainability rules in the State that limits possession to 20 Roes, 10 Green Lip or Brown Lip Abalones (combined), unless a person is fishing in their permanent place of residence, when the maximum number is 20 Roes and 80 Green Lips.

According to defence counsel, both men felt humiliated about their offences and had suffered significant loss of face in their community.

[www.customs.gov.au/site/100322mediarelease.asp](http://www.customs.gov.au/site/100322mediarelease.asp), 22 March 2010; <http://ifis.com/fis/worldnews/worldnews.asp?l=e&id=36284>, 21 April 2010; *Esperance Express News*, 30 July/5 August 2010

## OCEANIA

### AUSTRALIA

In early March 2010, at Perth District Court, Kevin Gledhill of Western Australia pleaded guilty and was convicted of importing parrot eggs contrary to Regulation 303CD of the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. He was sentenced to 16 months' imprisonment with a minimum of eight months to serve.

### NEW ZEALAND

On 4 March 2010, at Auckland District Court, Tong de Tang Trade and Tina Xu were sentenced for the attempted importation of traditional Asian medicines containing wildlife products (see *TRAFFIC Bulletin* 22(3):140).

## VIET NAM

On 20 March 2010, a man was detained at Ho Chi Minh City Airport while trying to check 11 boxes containing 33 live pangolins *Manis* onto a flight to Hanoi. The animals (CITES II and protected in Viet Nam) had been discovered concealed beneath a layer of live common turtles during X-ray scans. There were no papers authorizing transport of the animals, which were subsequently sent to a wild animal rescue centre in Ho Chi Minh City. The suspect said a neighbour had bought the pangolins in Cambodia and had hired him to transport them to China.





One of 16 South Island Tree Geckos *Naultinus gemmeus* that were illegally collected in the Otago Peninsula, New Zealand, and destined for illegal export; plastic tubing in which each specimen had been concealed is visible above.

Tina Xu, who had earlier pleaded guilty to 12 charges pursuant to the *Trade in Endangered Species Act*, was sentenced to five months' community detention and ordered to pay reparation to the Department of Conservation of NZD10 000 (USD7300).

Xu's company, Tong de Tang Trade 2005 (NZ) Ltd, was fined a total of NZD22 250 (NZD11 250 on a charge relating to trading in a CITES Appendix I species (Hawksbill Turtle *Eretmochelys imbricata*) and NZD1000 on each of 11 charges relating to trading in and possession of CITES Appendix II species).

On 29 March 2010, at Christchurch District Court, Thomas Benjamin Price, a US national resident in Switzerland, and Gustavo Eduardo Toledo Albarran, a Mexican national resident in Spain, were each sentenced to 18 weeks' imprisonment for their roles in the poaching and attempted export of 16 South Island Tree Geckos *Naultinus gemmeus* (CITES III). The geckos have been returned to the wild.

In early February 2010, the pair and another person, Manfred Walter Bachmann, embarked on a gecko-collecting expedition on the Otago Peninsula, the purpose of which was to obtain geckos for illegal export. Two of the group caught 16 South Island Tree Geckos. Of these, 11 were females (nine gravid). The specimens had been packed into individual lengths of plastic tubing and handed to Bachmann who was to act as courier. The group was apprehended in Christchurch on 14 February 2010.

Bachmann, a German national resident in Uganda, was charged with possession of totally protected wildlife. He pleaded guilty and was sentenced to 15 weeks' imprisonment.

On 8 May 2010, at Auckland Airport, a Cambodian woman arriving from Singapore was found smuggling what was suspected to be the penis and gallbladder of a Tiger *Panthera tigris* (CITES I). The items, which had been concealed in a stocking tied around the passenger's waist and in a plastic bag around her leg, were found by a MAF Biosecurity New Zealand (MAFBNZ) detector dog.

MAFBNZ Detector Dog Programme Manager, Craig Hughes said "This find highlights the important role the detector dog teams play at the border and sends a strong signal to those thinking about smuggling illegal goods into New Zealand". "The Detector Dog Programme is an important part of MAFBNZ operations. Our dogs consistently find items that would otherwise prove difficult for our inspectors to locate" said Hughes.

The case will be considered for prosecution under the *Trade in Endangered Species Act*.

New Zealand Wildlife Enforcement Group (WEG), Department of Conservation; <http://tvnz.co.nz/national-news/tiger-penis-seized-auckland-airport-3540100>

## AMERICAS

### BRAZIL

On 20 April 2010, one tonne of frozen shark fins destined for the Japanese market were seized by prosecutors from IBAMA's Fish and Wildlife Division. The owner of the export company was fined BRL52 000 (USD29 700) and the boats responsible for catching the sharks were also expected to be subject to legal action; the fins were to be destroyed.

[www.nst.com.my/articles/20100421103142/Article/index.html](http://www.nst.com.my/articles/20100421103142/Article/index.html), 21 April 2010

### CANADA

On 14 May 2010, Canada Border Services at Edmonton International Airport were alerted by the handlers of a detector dog to some luggage on a carousel in the international arrivals area. The bags were removed for closer inspection and found to contain three Spur-thighed Tortoises *Testudo graeca* (CITES II), along with prohibited plant material and food. The reptiles were seized and handed over to Environment Canada for care while the investigation continues.

[www.inews880.com/Channels/Reg/LocalNews/story.aspx?ID=1232573](http://www.inews880.com/Channels/Reg/LocalNews/story.aspx?ID=1232573), 21 May 2010

### MEXICO

On 6 July 2010, more than 190 birds and turtles were seized in Mexico City. The species included Yellow-headed Parrots *Amazona ochrocephala oratrix* (CITES I), a Cooper's Hawk *Accipiter cooperii* (II), Blue Jays *Cyanocitta cristata*, sparrows, and owls. The species are protected under Mexican law. One person was arrested.

On 20 July 2010, enforcement officers at Mexico City's International Airport stopped a man who was acting nervously as he arrived on a flight from Lima, Peru. Upon inspection, they found 18 monkeys placed in a girdle around his waist. These were later identified as 15 Pygmy Marmosets *Callithrix pygmaea* (CITES II), two Black Mantle Tamarins *Saguinus nigricollis* (II) and a Goeldi's Marmoset *Callimico goeldii*, the latter classified as Vulnerable by IUCN/CITES I). Two

specimens had died. The animals had initially been transported in socks in the suspect's luggage but later transferred to the girdle to protect them from X-rays.

The seizure came just days after TRAFFIC and Mexico's environmental protection agency (PROFEPA) had signed an agreement to combat illicit wildlife trafficking in Mexico (see page 12).

<http://news-views.in/over-190-endangered-animals-seized-in-mexico/>, 7 July 2010; TRAFFIC International, 20 July 2010

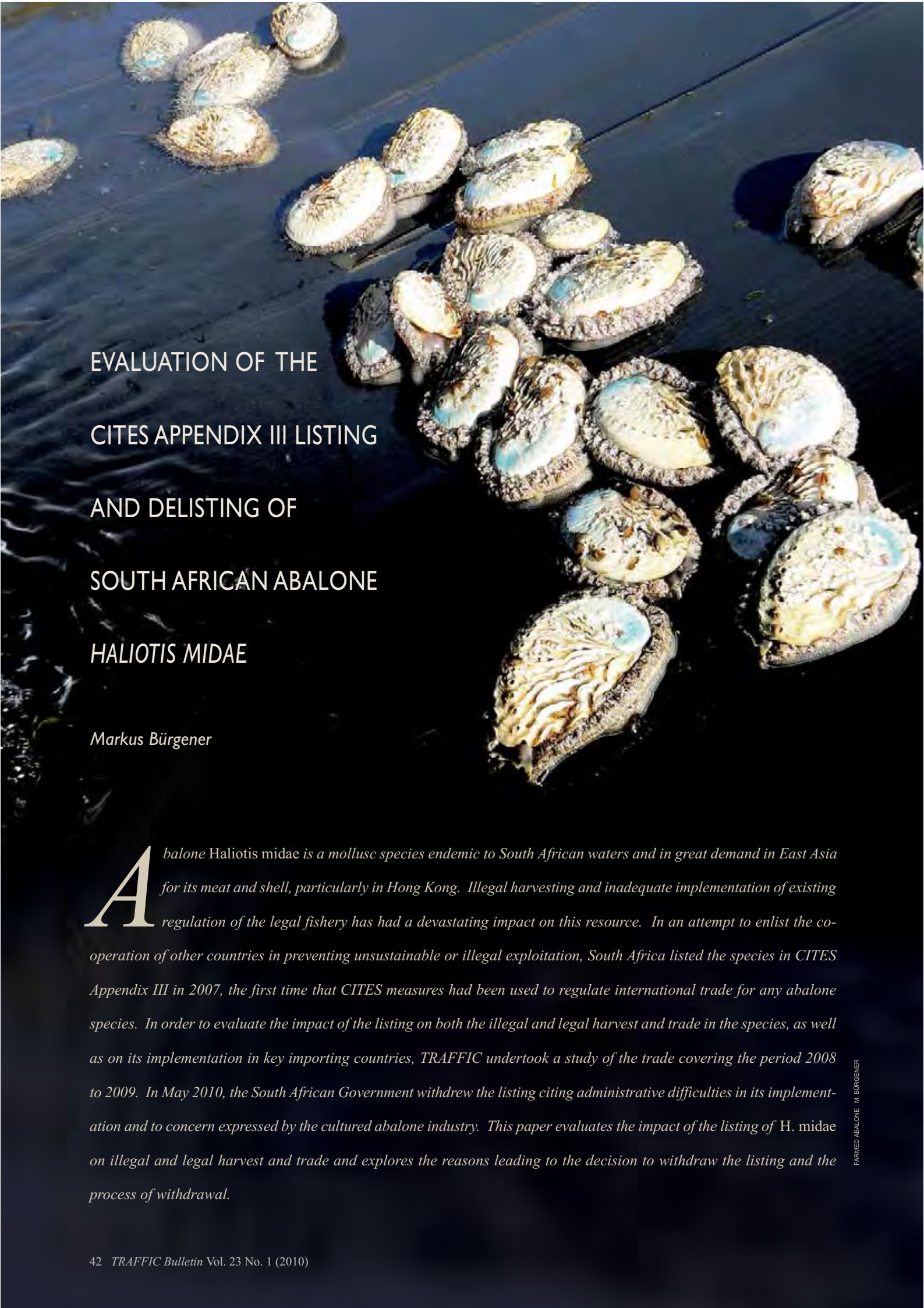
### USA

On 23 June 2010, in the federal court in the US Virgin Islands, two Taiwanese nationals were sentenced to gaol for conspiracy to ship black coral *Antipatharia* (CITES II) into the USA. Ivan Chu of Taipei was sentenced to 30 months' imprisonment and fined USD12 500; Gloria Chu, also of Taipei, was sentenced to 20 months' imprisonment and fined USD12 500. The pair has also been prohibited from shipping coral and other wildlife products to the USA for a three-year period following their release from prison. These are the longest gaol sentences to date for illegal trade in coral.

The pair pleaded guilty on 11 March 2010 to nine counts including conspiracy, false statements, and violations of both the *Endangered Species Act* and the *Lacey Act*. They admitted to running a business named Peng Chia Enterprise Co. Ltd, which supplied materials including black coral to customers outside Taiwan for jewellery design and manufacture. At times prior to 2007, they had been issued with CITES export permits by the Taiwanese authorities in order to ship black coral overseas. Since 2007, however, they had been unable to obtain permits because they were not able to produce a legitimate certificate of origin.

They admitted that, in order to supply a company based in the Virgin Islands with black coral, they would falsely label shipments in order to conceal the coral from US Customs and Border Protection officers. The conspiracy included travel to a warehouse in mainland China to choose coral from a Chinese supplier and the use of an intermediary to ship the coral from Hong Kong to a company in St Thomas. The scheme took place for at least two years prior to the Customs seizure in August 2009 of a shipment destined for the company. This comprised 10 boxes of black coral labelled "plastic of craft work." Suspicious of the consignment, a US Customs' Contraband Enforcement Team contacted the US Fish and Wildlife Service (USFWS). As a result, a joint investigation "Operation Black Gold" was opened by USFWS, National Oceanic and Atmospheric Administration and Immigration and Customs Enforcement, that led to the arrest of the Chus in January 2010. Analysis by the USFWS's National Forensics Laboratory revealed that the shipment contained black coral. The Chus admitted that from 2007 to 2009, they sent black coral to the company in St Thomas.

Department of Justice media release, 23 June 2010, [www.justice.gov/opal/pr/2010/June/10-enrd-733.html](http://www.justice.gov/opal/pr/2010/June/10-enrd-733.html)



# EVALUATION OF THE CITES APPENDIX III LISTING AND DELISTING OF SOUTH AFRICAN ABALONE *HALIOTIS MIDAE*

Markus Bürgener

**A**balone *Haliotis midae* is a mollusc species endemic to South African waters and in great demand in East Asia for its meat and shell, particularly in Hong Kong. Illegal harvesting and inadequate implementation of existing regulation of the legal fishery has had a devastating impact on this resource. In an attempt to enlist the co-operation of other countries in preventing unsustainable or illegal exploitation, South Africa listed the species in CITES Appendix III in 2007, the first time that CITES measures had been used to regulate international trade for any abalone species. In order to evaluate the impact of the listing on both the illegal and legal harvest and trade in the species, as well as on its implementation in key importing countries, TRAFFIC undertook a study of the trade covering the period 2008 to 2009. In May 2010, the South African Government withdrew the listing citing administrative difficulties in its implementation and to concern expressed by the cultured abalone industry. This paper evaluates the impact of the listing of *H. midae* on illegal and legal harvest and trade and explores the reasons leading to the decision to withdraw the listing and the process of withdrawal.



## INTRODUCTION

**ABALONE** is the common name given to large marine snails of the genus *Haliotis* which have supported lucrative fisheries in several countries. In recent years, most commercial abalone fisheries have either declined or been closed due to the vulnerability of abalones to overfishing and a growing demand in Asia (Gordon and Cook, 2004). South Africa has five endemic species of abalone but only one species, *Haliotis midae*—locally known as perlemoen—is commercially harvested. Abalone for meat consumption is traded in live, frozen, canned and dried form but the flesh is also sold as an aphrodisiac and its shell is sought after for use as ashtrays, soap holders and food platters. There is comparatively little domestic consumption of abalone in South Africa and over 95% of the legal and illegal catch is exported to Hong Kong, Mainland China, Japan, Malaysia, the Republic of Korea, the Philippines, Singapore and Taiwan (DEAT, 2007).

## BACKGROUND

Trade opportunities grew following the end of apartheid in South Africa in 1994, and this, combined with demand for abalone in East Asia, witnessed an increase in exports of abalone from South Africa to that region. International abalone prices had been relatively stable for many years, but increased sharply from USD10 to USD32 per kg whole mass (whole abalone still in shell) in the early 1990s. This price increase coincided with a weakening of the South African Rand, which translated into an approximate 12-fold increase in the South African Rand price (Raemakers *et al.*, in prep.)

Driven by these and other factors, a highly organized illegal fishery evolved which was facilitated by Asian crime syndicates exporting the product illegally to East Asia, with the bulk of poached abalone going to Hong Kong (Gastrow, 1998; Hauck and Sweijd, 1999). The increase in prices for abalone not only saw an increase in abalone harvesting but also served to stimulate the growth of abalone farms in South Africa. There are currently 15 abalone farms in the country, cumulatively producing approximately 1000 t of abalone a year since 2007 (Beleman Semoli, Deputy Director Aquaculture, Department of Agriculture, Forestry and Fisheries pers. comm. to the author, October 2010).

The commercial abalone fishery dates back to the mid-1900s, with peak catches of nearly 3000 t in 1965. Due to the decline in wild stocks, largely as a result of illegal harvesting, the total allowable catch (TAC) for abalone has been reduced annually from 615 t in 1995 to 125 t for the 2006/7 season and 75 t for the shortened 2007/8 season (Burgener, 2008). In February 2008, the fishery was closed to commercial harvesting and only re-opened in July 2010 with a TAC of 150 t.

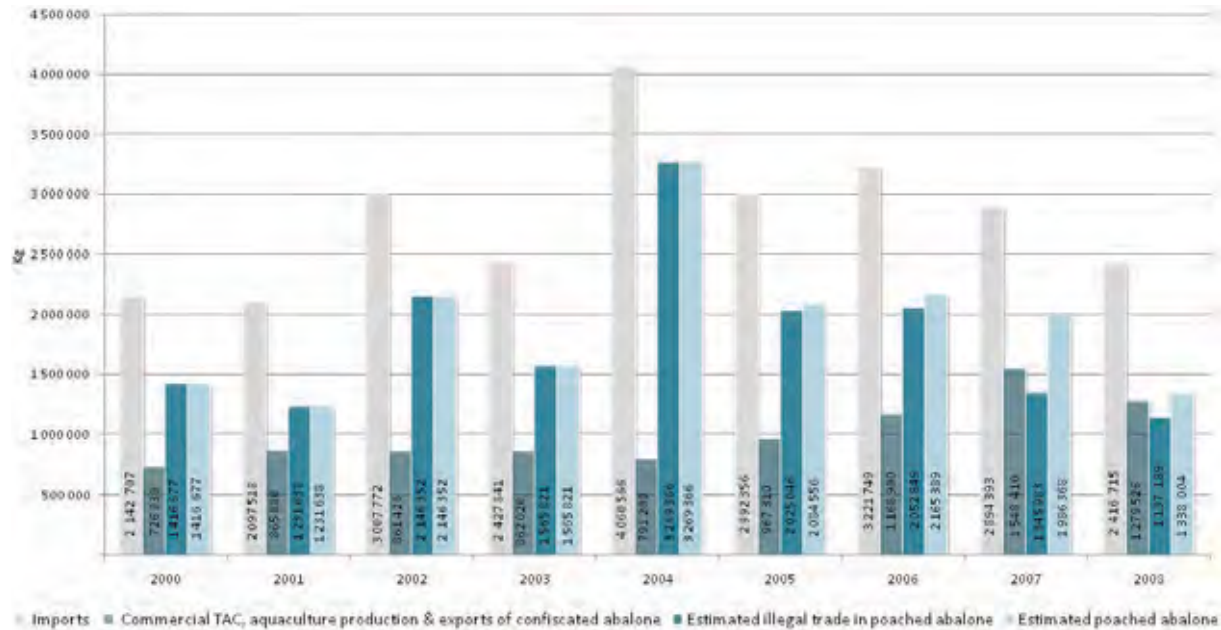
The decline in abalone stocks has been occurring since the mid-1990s although predation by West Coast Rock Lobster *Jasus lalandii* on sea urchins in certain areas has also had a detrimental impact on the resource (Burgener, 2006). The sea urchins provide an important shelter for

juvenile abalones which are otherwise exposed to predators. This decline has stimulated efforts to control illegal fishing and trade in abalone, including an increase in law enforcement personnel focusing on abalone poaching, co-operative policing operations, the deployment of high-speed patrol vessels, navy divers, abalone sniffer dogs, unmanned aerial vehicles, helicopters and fixed-wing aircraft (Hauck, 2009; Raemaekers and Britz, 2009). It was recognized that these efforts were inadequate to tackle illegal trade activities related to abalone beyond South Africa's borders and that international trade regulatory measures were needed to achieve this.

As an attempt to control the trade in illegally harvested abalone, the South African species was listed in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) with effect from 3 May 2007. Appendix III comprises species that a CITES Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and as needing the co-operation of other Parties in the control of trade. Imports require a certificate of origin and, if the importation is from the State that has included the species in Appendix III, an export permit is required. This measure was taken by South Africa both to enlist the assistance of other countries in tracking South African abalone in international trade and to strengthen regulatory controls in key importing countries such as Hong Kong, China, Taiwan and Japan. The CITES listing also allowed neighbouring southern African States such as Mozambique, Zimbabwe and Swaziland—countries through which abalone is smuggled—to assist in regulating the international trade (Burgener, 2008). As this was the first time that CITES measures had been used to regulate international trade for any abalone species, and due to industry concerns that the listing could impact negatively on legal trade, a need was identified by TRAFFIC, abalone experts and DEAT to evaluate the impact of the listing and provide feedback to industry, government and other stakeholders.

TRAFFIC East/Southern Africa therefore undertook an evaluation in 2008 and 2009, with the support and collaboration of the South African Government, to determine the impact of the CITES listing of abalone on the illegal harvesting of and trade in the species, and the impact of the listing on the legal abalone harvesting and export sector. An evaluation was also conducted on the implementation of the listing primarily in South Africa, but also in Hong Kong, Japan and Taiwan, three key abalone importers. Assessment of implementation in the importing countries was not as rigorous as that carried out for South Africa. Feedback on the evaluation was provided to industry and government stakeholders between October 2008 and June 2009 through a series of workshops and meetings. Despite this process, South Africa unilaterally took the decision to withdraw the CITES Appendix III listing for *Haliotis midae* in May 2010. This paper describes the evaluation of the impact of the listing of *H. midae* on illegal harvest and legal and





**Fig. 1. Imports of abalone from South Africa, Mozambique, Namibia, Kenya, Swaziland and Zimbabwe to Taiwan, China, Hong Kong, Japan and Singapore, 2000–2008.** Estimated legal exports of abalone from South Africa based on Commercial TAC, abalone aquaculture production and exports of confiscated abalone; Estimated illegal trade in abalone; Estimated poached abalone.

illegal trade and explores the reasons leading to the decision to withdraw the listing and the process of withdrawal.

## METHODS

Both quantitative and qualitative evaluation methods were employed in appraising the listing. For the quantitative analysis, the following data were analysed: CITES trade data for South Africa, Hong Kong, Japan and Taiwan; Customs trade data for Hong Kong, Japan, Taiwan, China and Singapore; fisheries independent abalone survey data; and records of abalone confiscations. For data other than those associated with CITES permits, attempts were made to secure figures and information for a period of seven years prior to the CITES listing in order to establish a pre-listing baseline against which to evaluate the impact of the listing (i.e. for the period 2000 to 2007). Evaluating the impacts of the listing was constrained in a number of instances by either a lack of data, poor quality data, or both.

The quantitative evaluation involved interviews as well as telephone discussion and written correspondence with South African Government officials from the then Department of Environmental Affairs and Tourism (DEAT): Branch Marine and Coastal Management (MCM), as well as the South African Revenue Services: Branch Customs and Excise (SARS Customs), South African Police Services Organised Crime Unit, DEAT CITES Management Authority, and the Table Mountain National Park Marine Unit. Others consulted included representatives of the South African Abalone Farmers Association, wild capture commercial fishery permit holders, abalone exporters and a representative of coastal

fishing communities. In importing countries, feedback on the evaluation was obtained from Customs agencies and CITES Management Authorities in Hong Kong, Japan, and Taiwan. The interviews were based on standardized questionnaires adapted and tailored, as required, for the various implementing agencies and industry groups.

### Data Sourcing and Analysis

CITES permit information was sourced for South Africa, Hong Kong, and Taiwan following requests for this information to the CITES Management Authorities of these countries. CITES trade records for these and other countries trading in *H. midae* were also sourced from the CITES trade database, however this data did not form part of the initial analysis as it only became available in mid-2009. Analysis of CITES permit data provided very little insight into the impact of the listing due to the many data gaps and in particular due to CITES permit data management in South Africa. In South Africa, MCM processed all applications for CITES permits for abalone through the aquaculture unit for farmed abalone, and through the inshore resource management unit for wild harvested abalone. The latter unit also processed CITES permits for the export of confiscated poached abalone that had been sold through legal tender to South African-based processors and exporters. Reconciliations of issued permits and related data against the actual permits used was not carried out until April 2009 and therefore CITES permit data for the period prior to this date does not reflect actual trade for *H. midae* from South Africa.

CITES permit data for Hong Kong, the major importer of South African abalone, was unfortunately of

no use for the evaluation as legislation bringing into effect the listing in Hong Kong was only enacted in February 2009, almost two years after the listing came into place, and there was accordingly no legal requirement for importers of *H. midae* to produce CITES documentation over the period of this study. From the time the listing came into effect, until early 2009, the Hong Kong CITES Management Authority requested importers to provide CITES documentation for *H. midae* imports voluntarily. Based on such data, the volume of abalone imported into Hong Kong from South Africa for the period May to August 2007, for example, was 77 630 kg. It is not known what traded forms this figure comprises (live, dried, canned, frozen), nor the number of consignments on which the total figure is based. Hong Kong Customs import figures for the same period for imports from South Africa for abalone in all forms was more than double at 178 906 kg.

Analysis of records provided by the Taiwan CITES Management Authority revealed that CITES permits were only issued for the importation of live abalone from South Africa during the period May 2007 to July 2008. However, Taiwan Customs records for the same period show that 3265 kg of frozen abalone and 8878 kg of dried abalone were imported into Taiwan from South Africa. Confusingly, the CITES trade database shows import records for Taiwan of 14 300 kg under the term 'bodies' for 2007 and 58 000 kg under the term 'meat' in 2008. It is not known whether these terms refer to dried, frozen or canned abalone.

Import data for all traded forms of abalone (live, frozen, dried and canned) were sourced from the Customs and/or statistics departments of China, Hong Kong, Japan, Singapore and Taiwan for the period 2000 to 2008. Abalone import figures from South Africa and other African countries (Kenya, Mozambique, Namibia, Swaziland and Zimbabwe) were analysed: all were considered to be *H. midae* owing to the fact that *H. midae* is endemic to South Africa, commercially traded abalone species are not found in any other eastern or southern African countries<sup>1</sup>, and legally traded *H. midae* is not processed in or transshipped through any East or southern African countries. Conversion of abalone in dried, frozen and canned forms to whole mass was based on conversion factors provided by MCM.

South African Customs categories do not distinguish trade in *H. midae* (or even trade in abalone), and analysis of the broad categories of molluscs captured in trade statistics was not carried out due to the inability to determine what percentage of this trade included consignments of *H. midae*. In the absence of local Customs export data for abalone, an estimate of legal exports was determined by combining annual abalone aquaculture figures, annual exports of confiscated abalone and the commercial total allowable catch (TAC).

Estimates of illegal trade in abalone were determined by subtracting the estimated legal exports from total imports for each calendar year. Estimates of poached abalone were calculated by subtracting aquaculture production and TAC figures from total imports for each calendar year (Fig. 1).

Data on all abalone confiscated in South Africa (recorded in number of animals rather than by weight) are collected by MCM. Analysis of these data revealed that abalone confiscations during the four months following the listing amounted to 114 243 animals. This is less than half the number of abalones seized during the same period in 2006 but is very similar to the number of abalones confiscated in 2004 and 2005 (114 291 and 107 483 respectively). Interpretation of these data, and all the quantitative data, for the purposes of determining the impact of the CITES listing, was affected by the closure of the legal commercial wild capture fishery in February 2008, nine months after the CITES listing came into effect. This management measure along with a number of other factors all had the potential to impact on abalone poaching and trade, the effects of which could not be distinguished from those resulting from a CITES listing.

<sup>1</sup>There is a single abalone farm in Namibia which currently produces approximately 20 t of *Haliotis midae* a year. This is the only known *H. midae* aquaculture operation outside South Africa. In 2008, this farm did not export any abalone. Imports of abalone have not been excluded from the estimated illegal trade as the trade in dried abalone from Namibia is believed to be poached abalone (the farm does not currently produce any dried abalone) and canned abalone imports from Namibia constitute approximately 1.5% or less of total trade each year.

WILD-HARVESTED  
ABALONES



ABALONE FARM,  
DANGER POINT,  
WESTERN CAPE  
PROVINCE



ABALONES AT  
ABALONE FARM,  
DANGER POINT,  
WESTERN CAPE  
PROVINCE



FROZEN BLOCKS  
OF CONFISCATED,  
POACHED  
ABALONES BEING  
SEPARATED AND  
COUNTED,  
CAPE TOWN



CONFISCATED  
ABALONES IN  
BAGS



PHOTOGRAPHS: M. BÜRGENER





SHUCKING, OR  
REMOVING SHELLS  
FROM FARMED  
ABALONES  
PRIOR TO  
CANNING.  
A FACILITY IN  
HERMANUS,  
WESTERN CAPE



SHUCKED  
ABALONES  
READY TO BE  
CANNED



SHUCKED  
ABALONES



FARMED  
ABALONES BEING  
DRIED AT A  
FACILITY IN  
HERMANUS



WORKERS AT THE  
DRYING FACILITY  
IN HERMANUS  
SHAPING  
ABALONES  
DURING THE  
DRYING PROCESS

PHOTOGRAPHS: M. BÜRGENER

## IMPACT ON ILLEGAL HARVEST AND TRADE

Analysis of CITES, Customs, confiscation and FIAS (Fisheries independent abalone surveys) data provided little to no insight as to whether the CITES listing of abalone was having an impact on illegal harvest and trade in the species. While the Customs trade data reflect an apparent decrease in the illegal trade in abalone (and in estimated poached abalone) for the period 2004 to 2008, it is not possible to determine whether this is due to a reduction in the volume (tonnes) of illegal harvest and trade in *H. midae* or to an increase in misdeclarations of *H. midae* in international trade. It can also not be determined from the data analysis whether the CITES listing in any way influenced the trend in trade during the period of this study.

The many gaps in CITES permit data for abalone rendered effective analysis almost useless for the purposes of this evaluation and abalone confiscation and FIAS data did not provide the necessary insight, although this was not due to data quality but rather an intrinsic inability to distinguish trends which could be directly correlated to the CITES listing. Evaluation of the CITES listing was thus primarily reliant on information from interviews with government and industry stakeholders. Based on their feedback, the CITES Appendix III listing appeared only to have had an impact on the illegal harvest and trade for a period of between two and four months. No specific evidence was provided to support this perception, yet it was described by almost all of the South African stakeholders consulted. It is possible that illegal harvesters and traders, having initially scaled back their operations in order to assess the new compliance tool, felt that the CITES listing did not pose a serious constraint to their operations or they changed their trade practices to circumvent CITES controls. These are hypotheses and no information was obtained as to why the impact was so short-lived, or whether illegal traders were required to change their operations, and if so, what these changes were. It was noted by a number of compliance officials and industry representatives that this pattern of short-term impact has been evident in other abalone compliance initiatives in South Africa (K. Thompson, Special Investigation Unit, MCM; P. Goosen, Deputy Director, Compliance, MCM; S. Russel, abalone quota holder and exporter, pers. comm. to the author, 2009).

## IMPACT ON LEGAL ABALONE SECTOR

The impact of the CITES listing on the legal sector was primarily determined by examining documentation from two companies handling the majority of abalone exports. Overall, the processing of applications for CITES permits was dealt with adequately by MCM, however, occasional delays in the issuing of permits resulted in additional costs to businesses. On three occasions CITES documentation was lost during the transport of consignments of live abalone (two to Japan and one to Taiwan). In all three instances Customs officials in the importing countries refused to release the consignments until original CITES documentation was provided with the result that all the abalone in these consignments died and were subsequently frozen. The total financial loss for all three incidents was approximately USD12 000.

There appeared to be a varied response from the market to the listing, with one exporter noting that prior to the listing, importers would ask for a sample of abalone and then place an order for a full consignment once satisfied with the quality of the sample. After the listing, these same importing companies would ask for as much abalone as possible and specifically requested abalone with CITES documentation. Conversely, another large importer, who was described as a 'big buyer', offered much lower prices after the listing came into effect. One exporter's view was that the listing had had a negative impact on the market due to the fact that there was more risk that abalone consignments could be delayed, or even held back at the port of entry. This exporter was of the opinion that this may encourage importers to import non-CITES listed products, where they are guaranteed not to encounter CITES-associated logistical problems at the port of entry.



## IMPLEMENTATION OF CITES APPENDIX III LISTING IN SOUTH AFRICA

While a number of problems were experienced by abalone exporters in the processing of their applications for CITES permits, it was found that DEAT had generally collaborated well with the abalone exporters to ensure efficient processing of permit applications and the issuing of permits for the export of farmed abalone, and that the system, although not flawless, improved with time. CITES permits for farmed abalone were processed by the aquaculture unit within MCM and a system was developed whereby the vast majority of permits were issued twice a year, with each permit being valid for a period of six months from the date of issue. Exporters then used these permits as necessary for the export of abalone consignments. CITES permits for wild-caught abalone were processed on an application-by-application basis.

The major shortcoming in implementation of the listing in South Africa was the failure to endorse CITES abalone export permits at ports of exit, a situation that persisted for the period that *H. midae* was listed in CITES Appendix III. This certainly appeared to be the single biggest limiting factor on the effectiveness of the listing and may even have facilitated illegal trade.

The situation appears to have arisen due to misunderstandings and assumptions around the role of various government agencies in CITES permit endorsement. Customs officials of the South African Revenue Services (SARS) are legally mandated to endorse CITES permits but indicated that they were not prepared to take on the responsibility of endorsing CITES abalone permits as they did not have the capacity to do this for all consignments. SARS noted that their capacity to endorse depends on the frequency, volume and timing profile of exports and that their anti-smuggling personnel are focused on detection, whereas clearance processing is focused on documentary processes. MCM fisheries control officers are also mandated to endorse CITES permits, yet MCM noted in a number of meetings on this issue that they also lacked the capacity to endorse and were under the impression that this was the role of SARS. This impasse remained as the status quo and resulted in DEAT writing to all importing countries requesting them to accept consignments of *H. midae* accompanied by non-endorsed CITES permits.

A number of industry stakeholders reported hearing rumours that non-endorsed CITES permits issued originally for trade in consignments of farmed abalone (having a validity period of six months) were being re-used for trade in consignments of poached abalone and in this manner 'laundering' an illegally sourced product. No evidence could be provided to substantiate these claims yet the risk of this occurring is considered high in light of the well-financed and organized nature of the illegal abalone trade networks.

## IMPLEMENTATION BY IMPORTERS

Implementation in Japan, Hong Kong and Taiwan was difficult to evaluate as feedback from authorities in those States and territories was not consistently detailed for all questions posed. In Hong Kong, implementation of the listing was compromised in that legislation bringing into effect the listing was only enacted in early 2009. All of the Customs agencies and CITES Management Authorities in Japan, Hong Kong and Taiwan were aware of the listing through the notification issued by the CITES Secretariat, but had received no further information from the South African Government. All three noted a need for comparative identification materials to assist in distinguishing *H. midae* from other species in international trade.

## WITHDRAWAL OF THE LISTING

South Africa withdrew the CITES listing on 25 May 2010 (CITES, 2010), effective 30 days later. The South African Department of Water and Environment Affairs gave as their main reason for this decision the fact that recent changes to South Africa's CITES implementing legislation made it 'administratively difficult to comply with the [the] requirement for permit endorsement' (B. Sonjica, Minister of Water and Environmental Affairs, *in litt.* to G. Morgan MP, 17 June 2010). In a letter to the CITES Secretariat requesting notification of the withdrawal of the listing, the Department noted that South Africa was experiencing a challenge in dealing with permit administration and compliance for cultured abalone and that the abalone mariculture industry was of the view that they were being negatively affected by the listing (N. Ngcaba, Director General of South African Department of Water and Environment, *in litt.* to Secretary-General J. Scanlon, CITES Secretariat, 7 May 2010). A number of government officials involved in abalone research, compliance and management, as well as many industry representatives and other stakeholders were unaware of the intention to delist until the CITES notification was issued. This lack of internal and external consultation is very troubling.

## CONCLUSION

The withdrawal of *Haliotis midae* from CITES Appendix III is disappointing and of concern as the decision appears to be based on institutional constraints, rather than a fundamental flaw in the CITES instrument and process. While it seems clear that the listing only had a temporary impact on illegal harvest and trade in the species, it was never properly implemented in South Africa and its potential as a regulatory and monitoring tool was therefore never properly tested.

Based on feedback from abalone exporters, Customs officials in Hong Kong, Japan and Taiwan are rigorous in their regulation of consignments of CITES species. This perception is borne out by the instances where abalone consignments lacking CITES documentation were not released by Customs officials in Japan and Taiwan until original CITES certificates were produced. Given this level of engagement in CITES permit regulation by the key importers, it is far more likely that the CITES listing would have had the desired effect on illegal harvest and trade in the species had South Africa implemented an effective CITES permit endorsement system for abalone and proactively engaged with Customs agencies in neighbouring and key importing States and territories.

It is unclear how the poaching and illegal international trade in *Haliotis midae* can be effectively addressed in the absence of international trade controls such as those provided by CITES

Despite awareness for more than 18 months of the failure to endorse CITES permits for abalone exports and the extent to which this weakened CITES as a regulatory tool for international trade in *H. midae*, the South African Government was unable to resolve the challenges of inter- and intra-departmental bureaucracy, overlapping mandates and capacity constraints which appeared to be preventing effective implementation. The need for a sound endorsement system for abalone was made more urgent with the development of domestic CITES regulations, which placed an onus on exporters to ensure endorsement of CITES documents. It is of concern that the South African Government chose to withdraw the CITES listing rather than resolve the problems it was experiencing in endorsing CITES permits for abalone. Equally troubling is the process followed for withdrawing the listing, where little attempt appears to have been made to consult with the many stakeholders that should have assisted in arriving at a well informed decision on this important wildlife trade issue.

There is nothing to indicate that the levels of abalone poaching and illegal trade prior to the CITES listing have decreased and it is unclear how the illegal international trade in the species can be effectively addressed in the absence of international trade controls such as those provided by CITES. South Africa is therefore encouraged to explore the listing of *Haliotis midae* in Appendix II as well as other abalone species that closely resemble *Haliotis midae* in traded forms and where identification by Customs to species level is difficult. Abalone is often traded in high volumes and in a processed state, making distinction between some species difficult. This is certainly the case for abalone specimens in international trade where specimens of canned, dried, live and frozen abalone species—often very similar in appearance—are imported from many different countries into the key

market States. Making use of the “look-alike” provision under CITES Appendix II by South Africa, or another country, would involve the listing of many, though not all, of the other abalone species in international commercial trade. It would also be good for South Africa to engage with other countries experiencing poaching of abalone species and related trade problems. Almost all abalone range States experience illegal harvest and a CITES listing could assist compliance efforts for species found in these countries.

## ACKNOWLEDGEMENTS

The author would like to acknowledge the kind support of the UK Department for Environment, Food and Rural Affairs (Defra) for funding the research for this study. Peter Britz, Serge Raemaekers and Glenn Sant are thanked for their helpful comments in the review of the manuscript.

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ALAIN COMPOST / WWF-CANON

## The Poaching and Trade of Malayan Sun Bears in Peninsular Malaysia

### *New legislation to provide stronger deterrents*

Chris R. Shepherd and Loretta Ann Shepherd

#### INTRODUCTION

The Malayan Sun Bear *Helarctos malayanus* is threatened by hunting throughout its range for the illegal domestic and international trade in live specimens, their body parts and derivatives. In Peninsular Malaysia there is little information regarding the status of the species in the wild, however trade is known to be a threat. Authorities have made a number of seizures of bear parts and related arrests. Penalties, however, are small and seemingly not a deterrent. Newly drafted legislation promises to provide a better set of tools for authorities to use in combating this illegal trade.

The purpose of this paper is to highlight recent cases of illegal hunting and trade in Malayan Sun Bears in Peninsular Malaysia, as exemplified by seizures, and to call for specific attention to these illegal activities. The trade of Malayan Sun Bears for the Malaysian States of Sabah and Sarawak (Malaysian Borneo) is not discussed here.

#### BACKGROUND

The Malayan Sun Bear is the smallest of the eight extant bear species. Malayan Sun Bears range throughout much of South-east Asia, and as far west as Bangladesh and northeastern India (Chauhan, 2006), as far north as southern Yunnan province in China, and south through South-east Asia and east as far as Sumatra and Borneo. The species occurs very patchily through much of its former range, and has been extirpated from many areas, especially in mainland South-east Asia. It is now extinct

in Singapore (Fredriksson *et al.*, 2008). Malayan Sun Bears on Borneo are recognized as a subspecies *Helarctos malayanus euryspilus* and are substantially smaller than their mainland counterpart (Horsfield, 1825; Meijaard, 2004). The Malayan Sun Bear is listed as 'Vulnerable' by the *IUCN Red List of Threatened Species* and is threatened largely by habitat loss and commercial hunting (Fredriksson *et al.*, 2008). In Malaysia, the Malayan Sun Bear's habitat is threatened by logging and conversion of forests to plantations, largely oil palm (Wong *et al.*, 2002; Wong, 2006; Fredriksson *et al.*, 2008). Fires, often caused by humans—both deliberately and accidentally—also pose a major threat (Fredriksson *et al.*, 2007). While the negative effects of habitat loss on wild populations are becoming increasingly apparent, the levels and impacts of illegal trade are less known.

Confiscations made by the authorities highlight the potential threat Malayan Sun Bears face from poaching and trade in Peninsular Malaysia. Malayan Sun Bears are totally protected in Peninsular Malaysia under the *Protection of Wild Life Act 1972* (PWA), which means that they may not be killed, taken or be held in possession by anyone. Anyone found guilty of unlawfully shooting, killing or taking any totally protected species contravenes Section 64 of the Act, which provides for a maximum fine of MYR5000 (USD1538) or a gaol term not exceeding three years, or both. Further, Section 64(2) provides for a fine of up to MYR3000 (USD923) and/or imprisonment of up to two years for those found guilty of being in possession of or carrying on the business of a dealer or taxidermist of totally protected species. Penalties are higher if the offence involves females and juveniles than



if it involves only adult males. Unlawfully shooting, killing or taking of juveniles provides for a maximum fine of MYR6000 (USD1845) or to a gaol term not exceeding six years, or both, under Section 65. Section 66 covers unlawful shooting, killing or taking of females animals, providing for a maximum fine of MYR10 000 (USD3076) or for a gaol term not exceeding 10 years, or both.

The Malayan Sun Bear has been listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 1979, to which Malaysia has been party since 1978. Despite these conventions and national laws, reports from the field and confiscations of Malayan Sun Bear parts indicate that the illegal trade continues.

## METHODS

Records of seizures involving Malayan Sun Bears for the years 2005 to 2009 were collected and compiled from a number of sources, mainly from the annual reports of the Department of Wildlife and National Parks Peninsular Malaysia (DWNP, 2005–2008) and from tabulated records provided by DWNP. To a lesser extent, media articles were examined. For each seizure, the total number of bear parts was counted and the absolute minimum number of bears that these parts could represent is reported here, using the same methods followed by Shepherd and Nijman (2007). Records in this paper of bears seized by the authorities do not include bears killed or removed by the authorities due to human-bear conflict.

## RESULTS

Between January 2005 and September 2009 (inclusive), 11 seizures involving bear parts were made across Peninsular Malaysia (Table 1). There did not appear to be any particular State where more seizures were made than others. Some of the seizures included quantities of other protected species as well, so penalties meted out were often cumulative in nature and therefore not only for the bear-related offences.

Combining total parts for each seizure separately, the absolute minimum number of bears these parts represent is 33. The majority of the seizures were made by the DWNP, as the lead agency for wildlife protection, but the Marine Police also seized bear parts during this period.

All bear parts seized were of Malayan Sun Bears and were unprocessed or 'raw' parts, not processed derivatives claiming to contain bear bile, despite Malaysia being known as a market for these products (WSPA, 2002). The fact that no products containing bear derivatives were seized was due to a gap in the PWA which does not clearly cover medicinal products claiming to contain derivatives of protected species (WSPA, 2002; Ng and Burgess, 2004).

This scenario however will change with the new CITES-enabling *International Trade in Endangered Species Act 2008* (INTESA) which came into force in June 2010, and the revised PWA which was passed in

August 2010, and is now known as the *Wildlife Conservation Act 2010* (WCA). Both these laws will plug this gap and effectively prohibit the sale of products containing derivatives of protected species.

## DISCUSSION

The primary reason for the poaching of Malayan Sun Bears is to supply the demand for parts used in traditional medicines and as a delicacy in some restaurants. The most sought-after bear part for use medicinally is the gall bladder, from which bile is extracted; the paws are the part of the animal most often used in the restaurant trade. Other parts, such as claws and canines, are sold as talismans or souvenirs. Malayan Sun Bears are sometimes captured for sale as pets or to supply private collections and zoos. During this period, however, only one live bear was seized.

Penalties for wildlife crimes are generally low. In this study's timeframe, the largest fine handed down was USD1692 and no gaol terms were meted out in cases brought to court during this five-year period. Gaol terms were only required in the case of failure to pay a fine. However, many court cases have not yet been concluded and in several cases, investigations are still continuing.

High demand for bear parts in international wildlife trade, combined with a low risk of prosecution, are most likely the principal reasons behind the continuing illegal hunting and trade of Malayan Sun Bears in Peninsular Malaysia.



Department of Wildlife and National Parks officer holding bear parts seized in Peninsular Malaysia.

C.R. SHEPHERD / TRAFFIC

Date	Location	Items seized	Seizing agency	Prosecution	Source
May 2005	Bentong, Pahang	5 paws, 32.2 kg meat (2)	DWNP	Fined MYR5500 (USD1692)	DWNP Annual Report, 2005
2006	Negeri Sembilan	12 kg meat, 17 claws (1)	DWNP	Fined MYR2800 (USD861)	DWNP Annual Report, 2006
2007	Pahang	5 paws (2)	DWNP	Court date pending	DWNP
August 2008	Kedah	8 claws (1)	DWNP	Fined MYR2000 (USD615) or 2 months gaol for failure to pay fine	DWNP
November 2008	Muar, Johor	Partial jaw with teeth, 9.6 kg of paws (1)	DWNP	Court date pending	DWNP
19 December 2008	Jinjang Selatan, Selangor	1 claw (1)	DWNP	Court date pending	Bernama, (national news agency)
25 December 2008	Ipoh, Perak	One entire bear cut into pieces (1)	DWNP	Court date pending	The Star (national newspaper)
11 January 2009	Kuantan, Pahang	25 hind legs and 22 paws (13)	DWNP	3 arrested and released after statements taken, court date pending	DWNP
11 August 2009	Kemaman, Terengganu	4 paws (1)	DWNP	Investigations ongoing	DWNP
13 September 2009	Rompin, Johor	33 paws (9)	Marine police	Case brought to court, 2 men pleaded not guilty—court date pending	DWNP
7 December 2009	Desa Pandan, K. Lumpur	1 live cub (1)	DWNP	Two individuals under investigation	The Star (national newspaper)

**Table 1. Seizures of Malayan Sun Bears and their parts in Peninsular Malaysia between 2005 and 2009.**

The number in ( ) = absolute minimum number of bears represented by parts in the seizure

The Malaysian Government, however, in particular DWNP and its parent ministry, the Natural Resources and Environment Ministry, have taken a significant step towards addressing the issue of inadequate legislative protection with two new pieces of legislation—the INTESA, which will cover the importation and export of endangered species, and the WCA, which increases protection of species at a national level.

Passed in August 2010 and taking effect by the end of the same year, the WCA promises a significant increase in the severity of monetary penalties. For illegal hunting or keeping of a Malayan Sun Bear or its derivatives, offenders are liable to a fine of up to MYR100 000 (USD30 755) or a gaol term of up to three years or both. While the gaol term is the same as decreed in the existing law, the monetary fine is twenty times higher. For offences involving juvenile animals, the Act increases the penalties to up to MYR200 000 (USD61 510) or to imprisonment for a term up to 10 years or both. For offences relating to female specimens, the gaol term is the same, but the fine could go up to MYR300 000 (USD92 265). Further, the new Act includes the imposition of a minimum fine of MYR 30 000 (USD9227) with a ceiling of MYR100 000 (USD30 755) for those found guilty of illegally importing, exporting and re-exporting totally protected wildlife, including derivatives, as well as a mandatory gaol term not exceeding three years.

Under the INTESA, anyone guilty of importing or exporting Malayan Sun Bears risks a maximum fine of MYR100 000 (USD30 755) per animal up to an aggregate of MYR1 000 000 (USD307 550), or up to seven years imprisonment, or both. The Act clearly covers the animal, readily recognizable part or derivative of the animal.

Further, if the guilty party is a corporate body, the maximum fine is MYR200 000 (USD307 550) each, up to an aggregate of MYR2 000 000 (USD615 100).

These legislative developments are positive, for it will allow both the enforcement and judicial authorities far greater power to address the problem of the poaching of Malayan Sun Bears and other protected species.

## CONCLUSION AND RECOMMENDATIONS

The new legislation will allow for significantly stricter penalties, and hence potentially better protection for Malayan Sun Bears. Also, in terms of trade in bear products for the traditional medicine market and other derivatives containing bear parts, these new laws will provide a stronger baseline for prosecution of violations.

These new laws will sufficiently arm wildlife authorities with the means to apprehend all criminals involved in Malayan Sun Bear poaching and trade, and, most importantly, vest in the judiciary the power to impose stricter penalties which will have a strong deterrent value.

While some of the bear parts seized appeared to be destined for local consumption, there is an international demand for bear parts, especially in some East Asian countries, such as China. Levels of seizures do not necessarily indicate the true scale of the trade in bears in Peninsular Malaysia. Poaching for commercial trade in Malaysia is considered to be an increasing threat to wildlife, and the seizures of bear parts should be considered as a warning indicator of a potentially serious threat to bears.

While the authorities are to be applauded for taking action against the illegal trade in Malayan Sun Bears, the number of incidents of illegal hunting and trade of this species that go undetected may be higher than presented here due to the very nature of poaching and illegal trade.

Surveys are urgently required to measure the true scale of the hunting and trade in Malayan Sun Bears in Peninsular Malaysia and a much greater intensity of enforcement effort to safeguard this species is needed.

Restaurants and known wildlife dealers should be carefully monitored and those found violating laws protecting Malayan Sun Bears should be prosecuted to the full extent of the law; any existing trading licences held by restaurants and other businesses selling bear parts should be revoked. Action taken against those found violating laws protecting this species should be highlighted in the media to serve as a deterrent to others and to raise awareness of the need to protect the Malayan Sun Bear.

## ACKNOWLEDGEMENTS

The authors thank the Department of Wildlife and National Parks Peninsular Malaysia for providing information on seizures. Gabriella Fredriksson, Wong Siew Te and Elizabeth John are also thanked for their valuable input on an earlier draft of this report.

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