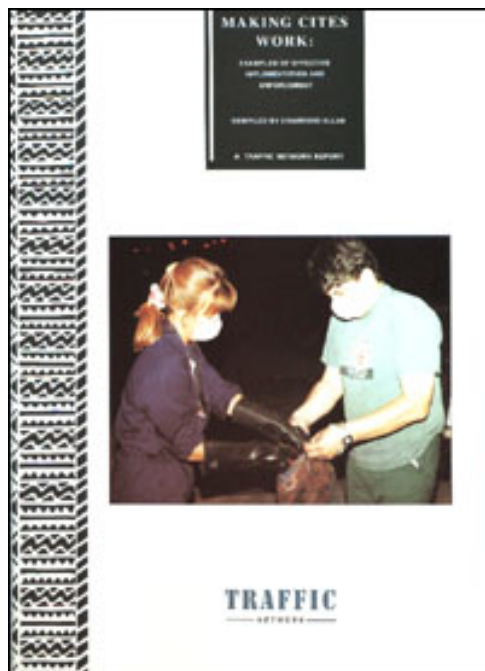




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MAKING CITES WORK:

INTRODUCTION

This report presents examples of the positive moves that have been made to improve implementation and enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and associated national laws and regulations. A review of initiatives that have proven beneficial to helping make CITES work better aims to provide an information base of "seed" concepts. These concepts illustrate that with a degree of good will, resource allocation, collaboration and enthusiasm a little creativity can go a long way towards making the demanding task of CITES implementation and enforcement possible and more effective. The essence of the report is to encourage action in others to take these positive initiatives and adapt them to their own circumstances by building upon the seed concepts to allow the growth of strong national, regional or issue-specific activities or processes.

Effective implementation and enforcement can be a resource intensive and complex goal to achieve and as such daunting to many of the Parties and agencies closely involved in the process. Criticism of the Convention and its Parties in the past has often done little to improve the situation: a negative attack has often been countered with a hostile and defensive response. These tactics will not develop a trusting and objective dialogue between those sanctioned to implement and enforce CITES. Many of the past concerns of lack of political will or mistakes, whilst they should not be overlooked, should be examined in a constructive manner. Today, not one of the 136 Parties to CITES has a perfect implementation record but most are trying to improve. What is vital is a positive approach to the Convention, looking to the future and the development of unilateral and collaborative efforts, which are at the very least an attempt to reduce the worst problems. While some may fail, many will succeed. Cynics may scorn enthusiasm and small attempts at change, but small changes on a global scale could collectively, little by little, improve the effectiveness of CITES. The examples documented in this report illustrate that improvements can be made and productive collaborations formed. If others follow by example, CITES will be made to work.

Initially it was thought that these examples of positive initiatives would simply comprise country studies but thinking has evolved along thematic lines in order to avoid the possible problems associated with an approach which in effect lists a league table of countries better at making CITES work than others. No country is truly competent in this role but some have developed elements that have been successful. The report focuses on these elements, stressing that any countries mentioned are not necessarily the best at making CITES work but merely the ones for which TRAFFIC was able to document a specific initiative for illustrative purposes. In addition, the examples were specifically chosen to provide a broad geographic and thematic spread, where possible.



The examples recognise the political and economic issues and constraints upon particular Parties, which have been overcome, where relevant. Using the thematic approach, eight themes have been developed:

1. partnerships and co-operation;
2. administrative systems;
3. legislative development/enhancement;
4. anti-smuggling initiatives;
5. forensics/identification/markings;
6. training initiatives;
7. commercial sector action; and
8. public awareness/education.

These are separate sections in the main body of the text that introduce the examples under each theme. There are certainly many other examples of effective CITES implementation and enforcement not mentioned in this report. Any information on such examples would be welcomed by TRAFFIC.

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MAKING CITES WORK:

BACKGROUND

In 1994, TRAFFIC prepared the WWF report *Making CITES Work* (Nash, 1994) for the ninth meeting of the Conference of the Parties to CITES. The report outlined problems of implementation and enforcement of the Convention's provisions and made recommendations for improvement. The following were among the many recommendations:

- each Party should ensure it is legally equipped to enforce the provisions of CITES. This step should include adopting national legislation which incorporates a number of basic elements such as designation of enforcement agencies and officers, setting of meaningful penalties, and application of the law to all species listed in the CITES Appendices;
- Parties should improve the procedures and controls through which permits and certificates are issued and inspected. This step should include providing suitable training for officers and inspectors, improving communications between agencies and governments, and establishing national CITES committees which would meet on a regular basis to exchange information;
- Parties must ensure that the quality of CITES trade data provided to the Secretariat meets the required standards;
- Parties must produce the biennial report on legislative, regulatory and administrative measures taken to enforce the Convention, and provide regular updates on legislative and other measures to the Secretariat;
- Parties should seriously examine the draft resolutions on enforcement networks submitted for consideration at the ninth meeting of the Conference of the Parties to CITES and use these as a basis for adopting a Resolution of the Conference of the Parties on Enforcement;
- Parties should endorse significant increases in the budget allocation to the Secretariat for matters relating to enforcement; and
- the role of the Standing Committee in monitoring, reviewing and making recommendations on enforcement of the Convention should be recognised, maintained and further strengthened.

At the 1994 Conference, the Parties adopted Resolution Conf. 9.16 on enforcement calling for a range of elements to be developed and improved in the field of CITES enforcement, including greater inter-agency co-operation and information exchange; promotion of incentives to secure the support of local and rural communities in managing wild resources and combating illegal trade; the creation of specialised national CITES enforcement teams; and increased/improved training for enforcement personnel

This report is a result of the follow-up to the 1994 WWF report and was prepared for the tenth meeting of the Conference of the Parties to CITES. Whilst a

substantive review of progress made since the adoption of Resolution Conf. 9.16 would have been desirable, it was felt that it was premature at the present time. Therefore, this brief, case-specific report was produced in the interim to review particular examples as well as to encourage further activities in a similar vein.

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MAKING CITES WORK:

METHODOLOGY

The case examples summarised below under each theme are only illustrative and by no means comprehensive. The summaries are brief to provide a taste of the types of initiatives that have been successful or appear as if they will be productive if all goes according to their planned strategies.

Each case study may comprise some of the following information when available as a basic guide:

- a summary of the current situation - defining the successful initiative;
- a general description of the problems and the history;
- an explanation of the significance of the initiatives at the global or regional levels;
- recommendations on how these initiatives could be applied elsewhere;
- recommendations for promotional activities to encourage others to follow by example where relevant; and
- estimated costs over time of development and application of the initiative.

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MAKING CITES WORK:

Partnerships and Co-operation

This theme includes the building of links and joining together of groups to look at problems, share information, investigate issues and implement changes. These groups may be governmental, non-governmental or commercial, or a combination of these.

- [UK Partnership for Action Against Wildlife Crime](#)
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MAKING CITES WORK:

Partnerships and Co-operation

UK Partnership for Action Against Wildlife Crime

In 1994, the UK government commissioned a Wildlife Law Enforcement Steering Group to undertake a review of legislation and procedures covering all aspects of wildlife law policy and enforcement. The legislative review was finalised in 1995 and made a series of recommendations on how to improve wildlife laws and controls. The recommendations included the creation of a permanent national committee composed of the CITES Management Authority, the Home Office, the UK Police Forces, H.M. Customs and Excise, non-governmental organisations (NGOs) involved in wildlife law enforcement, and other official bodies with some relevance to this subject area.

In November 1995, the Partnership for Action Against Wildlife Crime (PAW) was launched to co-ordinate the legislative changes set down in the initial review and to provide a forum for discussion and evolution of practical enforcement initiatives. PAW meets bi-annually in general and is closely involved in the review, co-ordination and collaboration of CITES-related issues.

PAW formed a series of working groups to take forward particular issues and provide a sounding board for development of initiatives. The working groups include subject areas such as data management; legislation and policy; DNA and forensic analysis; media; and the Police Wildlife Liaison Officer Conference. A great deal of proactive materials and activities has been undertaken. For example, a *Guide for Wildlife Law Enforcement in the UK* was published, setting out all information pertinent to every aspect of the law, policy, practical advice, contacts, resources and many other issues. A kit for sampling blood and materials for DNA analysis from live birds and derivatives was developed with instructions for use by enforcement officers. Revised domestic legislation to implement a new EU regulation on wildlife trade also took place under the auspices of the group.

PAW has created a forum and mechanism that allows a comprehensive, structured and co-ordinated approach to improving wildlife laws and enforcement in the UK. To date, the results have not just included useful products for law enforcement personnel or changes in legislation, but there have also been a number of targeted enforcement activities resulting in significant prosecutions.

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MAKING CITES WORK:

Partnerships and Co-operation

Wildlife Task Force in Los Angeles, California, USA

The Wildlife Task Force is a multi-agency effort to interdict illegal wildlife imports and exports. The Task Force, which consists of inspectors and agents from US Customs, the US Fish and Wildlife Service, Food and Drug Administration and the US Department of Agriculture, was developed by a team of US Customs import specialists to address illegal wildlife trade in general, and the illegal importation of traditional Chinese medicines (TCM) specifically. The focus on TCM occurred largely because the Los Angeles area has been one of the most significant consumers of illegally imported endangered species medicinals, and each agency had seen little success in its individual interdiction efforts.

The Task Force meets regularly to discuss the successes and failures of past efforts and how to improve future interdiction plans, which primarily involve concerted law enforcement initiatives (called blitzes) targeted at routes where illegal wildlife trade is most likely. Among the projects the Task Force has undertaken are: blitzes on the international mail division where every parcel from specified target countries is opened and inspected; blitzes on international cargo presented to US Customs as informal (non-commercial or low value) entries and; blitzes on passenger flights from target countries so that each passenger's luggage can be opened and examined.

One successful blitz conducted by the Task Force was an inspection of a China Eastern Airlines passenger flight. The various agencies involved inspected 223 passengers and found 45 violations, including 18 agriculture violations, 12 fish and wildlife violations, and 15 food and drug violations. Violations ranged from personal shipments of Tiger *Panthera tigris* bone plasters and musk deer *Moschus* spp. medicines to a commercial shipment of herbal medicines.

The Wildlife Task Force is successful because it brings a number of agencies together to work for a common goal. With regard to TCM, each agency in the task force has a slightly different interest. When working alone, each agency focuses only on its own priorities. When working together, each agency is attuned to the priorities of its partners. Further, the interest generated in these efforts continues beyond the individual project, develops contacts and improves communication dissemination among agencies, and makes each agency more effective in its illegal wildlife trade interdiction efforts.

Clearly, the Task Force could be applied as a model to a number of other countries that have multiple government agencies involved in regulating wildlife trade and enforcing the requirements of CITES.





MAKING CITES WORK:

Partnerships and Co-operation

National Coordination Committee (NCC) of India

The Ministry of Environment and Forest (MOEF) of India established the National Coordination Committee (NCC) by governmental order on 28 August 1995. The NCC consists of representatives of 10 different enforcement agencies and an NGO, TRAFFIC India. The objective of the NCC is to promote effective inter-departmental co-ordination for the control of illegal trade in wildlife and wildlife products in the country. The Director of Wildlife Preservation of the Government of India serves as the chair. The NCC aims to meet biannually.

To date, several initiatives have been developed at the initiative of the NCC. Inter-departmental co-operation has been continually discussed and improved liaison initiated. For example, co-operative activities and improved liaison between the Indo-Tibetan Border Police and neighbouring agencies to combat illegal wildlife trade were instigated. The Indo-Tibetan Border Police have a vital presence in remote corners of the Indo-Tibetan border. The Forest Police in the states of Madhya Pradesh and West Bengal were encouraged to work closely together to control wildlife crime. The Central Bureau of Investigation was brought on-board to investigate major wildlife offenders.

The Wildlife Institute of India conducted regular training workshops for the members of the various enforcement organisations in wildlife trade control issues. Other initiatives such as identification manuals for wildlife in trade are under development. Particular trade issues are reviewed and policy is developed accordingly. A regular reporting system for wildlife offences was identified as a priority and MOEF provided a standard format for the system. MOEF also developed initiatives aimed at awareness for enforcement agencies of wildlife crime. Awareness initiatives regarding illegal wildlife trade in India were launched to deter tourists visiting India from purchasing illegal items.

While the NCC has been operational for less than two years, it has been successful in bringing together the pertinent bodies responsible for wildlife law enforcement and policy development in India. Several products and schemes for improving effectiveness have shown promise, and indicate that this Committee will continue to be a valuable engine for powering the control of trade in CITES-listed species in India. The key elements of open dialogue, shared commitments and proactive development of tools compliment each other to the benefit of wildlife law enforcement.

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MAKING CITES WORK:

Partnerships and Co-operation

EU Enforcement Working Group

An European-wide Enforcement Working Group (EWG), composed of Customs and wildlife trade enforcement authorities from the EU member states and chaired by a representative of the European Commission, has been established at EU level to exchange information on wildlife trade enforcement issues. The Group was formed to help ameliorate a major problem identified in the EU of lack of co-ordination and information exchange on enforcement issues among wildlife trade enforcement authorities in the EU member states and the Commission. This Group met informally once in 1996, and has since been officially institutionalised in new EU wildlife trade legislation adopted on 9 December 1996.

The EWG met again in April 1997, to undertake its remit of improving co-operation; enforcement of the new EU Regulation; and reviewing enforcement policy and practice, treatment of CITES specimens at import and export, and training issues. The last-mentioned included demonstrations of computer systems, which are in development to aid enforcement agencies with identification of plants and animals and their derivatives. From somewhat slow beginnings, the EWG has evolved into a productive mechanism to improve enforcement in member states, and facilitate that most essential requirement: collaboration.

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MAKING CITES WORK:

Partnerships and Co-operation

Covenant in the Netherlands

The Dutch Covenant was created in response to a recommendation of a report on wildlife crime in the Netherlands in 1994. This inter-ministerial body, comprised of representatives of the Ministry of Justice, Ministry of Internal Affairs (Police), AID- Ministry of Agriculture and Customs, meets with NGOs to discuss wildlife crime and enforcement. The group was established to rectify a problem within the Netherlands in which the various agencies had competed with one another rather than working together on wildlife trade enforcement issues. Since its formation, the Covenant has co-operated on a number of investigations that have led to significant seizures and prosecutions. The Covenant is simply a mechanism to facilitate co-operation, mutual understanding, sharing of intelligence information and concerted targeting of problem areas in wildlife trade and CITES.

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MAKING CITES WORK:

Administrative Systems

This theme includes the enhancement, development or initiation of considered and effective systems to assist enforcement and implementation through efficient administration.

- [Italian Permit System](#)
- [US User Fee Program](#)

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MAKING CITES WORK:

Administrative Systems

Italian Permit System

The Information System for the issuance of CITES certificates and monitoring of import/re-export activity on CITES-listed species in Italy started in 1995 and is directly related to the organisation of the CITES Service of the Ministry of Agricultural, Food and Forestry Resources. The Service is responsible for the issuing of certificates and for the technical/specialised control of trade in CITES-listed species.

The system consists of the following elements:

- I. a "central core", the Coordination Centre, responsible for the organisation and operation of the CITES Service, and also for monitoring the overall trade situation in Italy. The Centre supervises the Service activity and the management of information resources;
- II. in some "peripheral branches", operational units to identify the identity of specimens and to check authenticity of their documents at Customs and the Ministry of Foreign Trade, for automatic issue of authorisation and support to the control of documents through data updating and querying. The Ministry issues import licenses for non-EU countries.

The system provides for the systematic identification of the issued certificates, with checks on the accuracy of the input data. During data acquisition, the system also automatically displays any directives and observations issued by the Coordination Centre concerning the species and the country from which the specimen originates, or the country of destination.

The system allows an immediate exchange of instructions between the Operational Units of the CITES Service and rapid implementation. The information on the licences and certificates is issued to a single centralised database, which is considered essential to allow prompt access to constantly updated information on the basis of defined criteria. This enables faster document verification as well as identification of possible fraud.

In order to make fraud detection easier, there is also an automatic function for checking the remaining amount of each import transaction. In particular the system checks whether, for the import of raw materials, no corresponding re-export certificates were issued for an excessively large amount of finished products with respect to production capacity. The following databases for information resources have been created under the system:

- non-EU import licences issued by the Ministry of Foreign Trade;
- non-EU import certificates;
- re-export certificates to EU and non-EU countries issued by the CITES Service;
- births in captivity and holding of protected species;
- protected species (the species archives of the EU have been used as starting point);
- lists of firms working in the import/re-export field (supplemented by the Tax Authorities database);
- the association between species and areas of origin;
- species protection status corresponding to country of origin; and
- reporting and directives (thousands of items to support the issuance of certificates with information received from national and international organisations).

The Italian permit system has proven to be an invaluable and powerful tool for implementation of CITES. To date, the system has been so effective that it is also being applied by several other CITES Parties.

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MAKING CITES WORK:

Administrative Systems

US User Fee Program

The US Fish and Wildlife Service has oversight responsibilities under statutory and regulatory authority to regulate the import, export, and transportation of wildlife. Consistent with this authority, the Service established an inspection programme to oversee these activities via the physical inspection and identification of wildlife shipments and examination of all associated wildlife shipment documentation. The inspection programme is the primary front-line entity enforcing the provisions of CITES.

To support the programme and allay some or all of its costs, the Service established uniform import/export user fees because recent studies indicated it was only recouping approximately US\$2 million annually of the total wildlife inspection budget of US\$4.35 million. The Service's user fee schedule was amended in June 1996, so the full cost of the import/export inspection program would be captured.

Because of the nature of inspections and the administrative support required, a direct correlation between the value of wildlife shipments and the operating costs incurred by the Service in inspection of wildlife cannot be made. Therefore, the Service has historically assessed user fees according to standardised schedules and has avoided as impractical the levying of fees based solely upon the value of wildlife shipped.

Though the new user fee schedule has only been in place a short time, the Service believes that it will recover all of the costs of the inspection programme. If so, it would be one of the few examples of an inspection programme that effectively generates revenues to fully allay its costs and could serve as a model for other wildlife inspection programmes around the world.

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MAKING CITES WORK:

Legislative Development/Enhancement

This theme includes the review and development of existing legislation with improved and effective results, either through modification of current legislation or implementation of new legislation.

- [New Wildlife Trade Legislation in the European Union](#)

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MAKING CITES WORK:

Legislative Development/Enhancement

New Wildlife Trade Legislation in the European Union

The EU plays a significant role in the international trade in wildlife and improved legislation to govern such trade in the region has been a conservation priority for some time. Considerable effort has been spent in developing and refining comprehensive new draft legislation. On 9 December 1996, the EU adopted *Council Regulation (EC) No. 338/97 on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein*. The new regulation became effective on 1 June 1997.

In 1991, the European Commission tabled a proposal to replace the existing wildlife trade legislation, *Council Regulation (EC) No. 3626/82*, which had become outdated since its entry into force in 1984. More than five years of work followed, incorporating contributions from the Commission, the Parliament, the Council, member states and a number of NGOs to develop the new legislation. It aims to address the many irregularities and weaknesses of the earlier legislation, which had become increasingly apparent, especially since the creation of a Single Market in 1993, which allowed free movement of trade across EU internal borders.

Salient improvements of the new legislation include:

- clarification of procedures to be followed by personnel involved in its application;
- application of stricter and stronger controls at the EU's external borders, with all designated ports to be provided with sufficient and adequately trained staff;
- provisions to prevent applicants turning to other EU member states to obtain Community CITES documentation after having been refused such documentation in another member state;
- a requirement for member states to set penalties for specific infractions;
- live, listed specimens arriving in Community ports of entry without valid documentation must be seized and may be confiscated, including from shipments in transit;
- improved flexibility to respond to changes in conservation status of species, by adding to, or removing from, the list of species governed by the Regulation;
- non-CITES species that meet specific criteria have been added;
- a requirement for import documentation to be checked at the first point of entry;
- the ability of member states to control internal trade in species to be extended to include "purchase, offer to purchase, acquisition for commercial

- purposes and use for commercial gain";
- member states may also prohibit the possession of certain specimens; and
- member states must inform citizens and enforcement agencies of the requirements of the new legislation.

The new regulation is one of the most sophisticated and comprehensive pieces of wildlife trade legislation in the world. It was drafted to reflect the lessons of 10 years of implementing the previous wildlife trade legislation. It is a precise legal instrument that clearly prescribes procedures, specifies definitions, assigns responsibilities, and outlines stringent measures and restrictions. At the same time, it is designed to be able to respond to changes, such as the necessity to adapt Community enforcement procedures, and to incorporate new scientific information that may necessitate modification of the Regulation in the future. The legislation is a response from one of the world's main wildlife consuming regions to enable the smooth operation of CITES within the complex legislative structure of the European Union.

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MAKING CITES WORK:

Anti-smuggling Initiatives

This theme includes methods employed and systems engaged that are devised to reduce smuggling in CITES specimens through detection, dissuasion and prevention.

- [Zambia Anti-Corruption Commission](#)
- [UK H.M. Customs and Excise CITES Enforcement Team](#)

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MAKING CITES WORK:

Anti-smuggling Initiatives

Zambia Anti-Corruption Commission

The Zambia Anti-Corruption Commission (ACC) created a Species Protection Department (SPD). Zambia is one of the few countries in the Southern African Development Community (SADC) that has developed such a law enforcement body with the specific mandate to address illegal trade in wildlife, which is independent of the official wildlife department. Since its creation, the SPD has established an impressive record, particularly with respect to curtailing illegal trade in ivory, rhinoceros horn and other protected wildlife in Zambia. Successful investigation and prosecution of illegal wildlife traffickers is often contingent upon the timely access of intelligence information gathered during the course of past and ongoing operations.

The SPD relies heavily on a computerised system increasingly being used in the tracking of CITES permit data and also to generate reports on trade in CITES-listed species, such as crocodiles and leopards. The system has been developed by TRAFFIC East/Southern Africa, with the agreement of the CITES Secretariat. The system is also being utilised for the Networking and Capacity Building (NETCAB) process in the SADC region.

One of the primary objectives of the TRAFFIC Intelligence Information System (TIIS) is to assist national governments in their enforcement efforts by employing capacity and institutional building mechanisms. The TIIS project was launched in February 1994. The pilot phase of the project through to 1995 was funded by the US Fish and Wildlife Service as part of a grant to TRAFFIC East/Southern Africa under the US Elephant Conservation Act. With only US\$2000, software was developed that is now being used to store, review and retrieve intelligence information. The software has also been modified and is now used to track the issuance of wildlife permits and assist national wildlife authorities in the production of CITES annual reports. Malawi and Zimbabwe have also installed the system to log permit data and, in the case of Zimbabwe, to produce CITES annual reports.

The facilitation of intelligence analysis systems and permit data holdings has helped improve anti-smuggling operations through a solid base of data with which to analyse and target trade and traders. In countries where resources and systems to deter smuggling are limited, a simple and cost-effective system for intelligence data analysis such as this one could prove to be invaluable.

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MAKING CITES WORK:

Anti-smuggling Initiatives

UK H.M. Customs and Excise CITES Enforcement Team

Her Majesty's Customs and Excise (HMCE) in the UK is the enforcement agency responsible for enforcing CITES. The need for a co-ordinated, dedicated centre of expertise at Heathrow Airport, London was identified in the early 1990s as Heathrow became one of the world's main airports, a major centre for imports and exports of wildlife in the UK and a global trans-shipment point. The HMCE CITES Enforcement Team was formed in December 1992, initially to monitor wildlife shipments and detect illegal consignments. The Team began with three officers and as a result of successful detections, proactive control and a dedicated staff, the compliment of staff now stands at eight officers.

The original remit of the Team was to examine shipments at London's four airports. The Team has since been expanded to assist other Customs officers nationally with guidance on all aspect of CITES controls and intelligence exchange. The HMCE National Investigation Service is supported by the Team and they have acted jointly on a number of serious and large-scale investigations. It has established close links with Police Wildlife Liaison Officers, and assisted in Police cases. The Team has been established as the national centre of expertise and formal point of contact for all informants and NGOs.

Outside of the UK, working relationships have been developed on a case-by-case basis with enforcement agencies in a number of countries where international smuggling links with the UK flourish. Cases to date have resulted in significant seizures and have involved custodial sentences for the perpetrators.

The Team is involved in proactive intelligence analysis to identify trade trends, problem areas, illegal traders, couriers and smuggling routes. Targeting of shipments is also a priority and frequently results in seizures. The expertise of the Team in identification is impressive and each member specialises in different taxonomic or trade types. A substantial investment has been made in developing a computerised identification database called "green parrot", which includes visual keys for identification; colour images of CITES and non-CITES species; an analytical system that assesses the identification characteristics entered to provide the species of best fit; CITES-listing information; source country; and information and notes. The system is developed so far to cover nearly all parrots, the majority of raptors, many reptiles and amphibians, a large selection of butterflies, corals, traditional Chinese medicines and derivatives. The process of adding data and images is ongoing. The resulting database will be made available online for all HMCE CITES officers nationally and may be offered to Customs in other countries. Products such as identification manuals based upon the database are in



preparation.

The Team is also involved in training, providing presentations and materials to other officers in the UK and abroad. The development of public awareness programmes is also a function of the Team, including public speaking, media interviews and provision of information and advice.

The Team has increased the effectiveness of CITES implementation and enforcement in the UK almost single-handedly. The co-ordination of activities, proactive investigation and maintenance of the profile of CITES amongst enforcement agencies, government and the media is combined in a powerful tool to enable CITES to work better in the UK.

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MAKING CITES WORK:

Forensics/Identification/Marking

This theme includes innovative processes developed to aid the identification of species, the detection of criminal activity and the application of marking systems to deter fraud.

- [Taiwan Forensic Analysis Initiatives: Bear Bile](#)
- [Legal Determination of Coral and Marine Organism Identification in the Netherlands](#)

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MAKING CITES WORK:

Forensics/Identification/Marking

Taiwan Forensic Analysis Initiatives: Bear Bile

Increasingly, there has been a need to identify in detail bear gall bladders, bile and bear bile medicines to verify the species from which they originate. The trade in bear gall and bile is relatively large and by the nature of the listing of bears in different CITES Appendices, identification of the species of origin is sometimes necessary, but can be problematic. There are also fraudulent bear products in trade, which are difficult to distinguish.

Taiwan has attempted to regulate the trade effectively through use of forensic techniques to determine the species of bear from gallbladder products. Determination of species is important for legal trade in Appendix II bear gall bladder products and restricted trade in Appendix I bear products, at both the international and domestic trade levels.

Three forensic techniques have been applied in combination to provide a definitive result. The techniques are high performance liquid chromatography (HPLC), thin layer chromatography (HPTLC) and Fourier transform infrared spectroscopy (FT-IR). The techniques have been enhanced and the results have been documented to further the procedures for other nations, which may similarly wish to regulate the trade, supported by forensic analysis. The findings from the Taiwanese work has verified, for example, that the gall bladder of Asiatic Black Bear *Ursus thibetanus*, listed in Appendix I, can be differentiated from that of the North American Black Bear *Ursus americanus* and Polar Bear *Ursus maritimus*, both of which are listed in Appendix II.

Tests were performed on 183 suspected bear gallbladders, bile and medicinal products collected in Taiwan. The results showed that 2.2% was from Asiatic Black Bear, while 1.6% was from Asiatic Black Bear bile mixed with pig bile. The majority (64%) were bile salts or gallbladders of domestic pig. The remainder was from goat and Indian Water Buffalo *Bubalus bubalis*. The Investigation Bureau Forensic Laboratory tested a further 202 gallbladders as part of prosecution cases. The Asiatic Black Bear component made up 18% of all gallbladders claimed to be bear. The majority (68%) was again from pig.

This practical research has established proof of species origins for court cases; determined that bear bile from farmed bears cannot be distinguished from wild bears; provided an invaluable methodology which has been tested and could easily be applied elsewhere; and taken the initiative to combat a trade that is difficult to control.





MAKING CITES WORK:

Forensics/Identification/Marking

Legal Determination of Coral and Marine Organism Identification in the Netherlands

Coral reef organisms are subjected to an increasing international trade. Harbours and airports in the Netherlands are frequently used as ports of entry of these imported tropical marine organisms. Many shipments are in transit to other European countries. Live and dead marine organisms are used for multiple purposes such as aquaria, swimming pools, decoration, souvenirs, jewellery and precious stones.

Identification of these organisms in consignments is necessary to confirm if they match the accompanying CITES documentation, or whether they require CITES documentation. Because of identification problems for enforcement officers, it was decided in 1989 to include all Scleractinia and other hard corals belonging to the Anthipatharia, Milleporidae, Stylasteridae, Coenothecalia and Tubiporidae families and orders in Appendix II of CITES. The listing covers all live and dead colonies, not "fossil" material.

The trade in corals and other marine organisms is increasing and there have been many instances where CITES-listed corals have been shipped without the necessary permits, or with incorrect permits, often resulting in sizeable confiscations. There are also many cases of incorrect identification and misinterpretation of the controls. A number of very large and problematic shipments of coral or what was claimed by the traders to be "living rock" entering the Netherlands in the early 1990s led to development of a system to conclusively differentiate between living rock and marine organisms such as corals.

The issue of what is to be regarded as living, dead or "fossil" coral could only be answered by specialists. The need for clear definitions and criteria was necessary. The specialists determining the criteria identified that living rock is often composed of dead Scleractinian coral colonies, covered in encrusting organisms such as calcareous algae, sponges, bryozoa and molluscs.

A series of systematic definitions for legal purposes were established to produce a clear understanding of the terms "hard coral" and "living rock" in tandem with recommendations. The recommendations set a basis for collaboration between national scientific institutions, CITES Management Authorities and Customs officers in producing and consuming nations. The clear definitions prevented further confusion for identification of corals, fossil corals and living rock.





MAKING CITES WORK:

Training Initiatives

This theme includes the development and application of programmes to train those who implement and enforce CITES and people who are part of the process, such as those involved in transport systems.

- [Orchid Identification Guide, Thailand](#)
- [Taiwan's Training Initiatives](#)
- [Capacity Building for CITES Implementation in SADC countries](#)
- [German Customs Training Courses](#)

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MAKING CITES WORK:

Training Initiatives

Orchid Identification Guide, Thailand

An international co-operative effort was undertaken to combat the problem of trade in orchid specimens which may falsely be claimed to be artificially propagated or of a different species than that specified on CITES permits. The Thai authorities had realised a problem of identification of such specimens upon export and import from and to Thailand. At the request of the Thai Management Authority and in co-operation with the CITES Secretariat, an orchid expert from Thailand worked at the Royal Botanical Gardens, Kew, UK (the UK CITES Scientific Authority for plants) for six months to develop a training initiative and provide research material for an identification guide for the Thai authorities. The research period involved training in CITES matters and identification of CITES-listed plant species. The main area of work was to develop a manual which could be used by enforcement authorities to determine the validity of specimens with CITES permits. The training period was a two-way process, with much being learned by both partners in a productive sharing of expertise and experience. The final product was an effective illustrated manual in the Thai language, which focused on *Paphiopedilum* and *Vanda* species of orchids. The manual formed the basis of any training for enforcement officers in Thailand on orchid trade control. The manual itself was not as important as the process which was initiated, whereby two CITES Parties closely co-operated and worked together for mutual benefit in ensuring that they were better equipped to meet a specific CITES problem. The expertise shared will be utilised by both partners in training initiatives for enforcement authorities. Similar training exchanges could be developed by other CITES Parties where a mutual need is identified, most likely based upon a particular issue of CITES implementation or enforcement.

In the next phase of the co-operative agreement, two trainees from Thailand will be attending the Conservation Techniques course at Kew, which includes a module on CITES and identification issues. It is also noteworthy that Thailand and the UK are now co-operating on CITES Significant Trade Projects.

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MAKING CITES WORK:

Training Initiatives

Taiwan's Training Initiatives

Taiwan, because of its unusual political status and lack of UN recognition, is not able to become a party to CITES or to formally participate in the CITES process. However, CITES resolutions require non-Parties to meet the terms of the Convention when trading with Parties by providing equivalent documentation and by identifying authorities capable of functioning as management and scientific authorities. In the Taiwan context, the Board of Foreign Trade (BOFT) functions as a *de facto* Management Authority and the Council of Agriculture (COA) currently fulfils the role of Scientific Authority. The COA is the principal authority responsible for Taiwan's *Wildlife Conservation Law* (WCL) which contains articles to regulate international and domestic trade in wildlife species. The COA also chairs an inter-ministerial conservation task force. In its various capacities, the COA has been responsible for undertaking and co-ordinating a number of initiatives to improve control of wildlife trade.

Many of the COA's initiatives taken in 1995-1996 focused on training and the production of reference materials for government officers from various agencies including Customs, the police, and local government units responsible for implementing the WCL. CITES-related training formed a significant component of these efforts:

- a *Workshop on CITES Implementation* was held in co-operation with TRAFFIC in September of 1995. This workshop focused on the mechanics of implementing the Convention, including permit issuance and annual reporting;
- a *Workshop on CITES Enforcement* conducted by the US Fish and Wildlife Service took place in December of 1995 and focused on fraud detection, shipment inspection, forensics, and other enforcement-related activities; and
- a *Workshop on CITES Implementation in Asia*, organised by TRAFFIC, was held in December of 1996. This workshop examined the formal roles of the Management Authority and Scientific Authority (with particular emphasis on the latter) and the different models for these authorities adopted by CITES parties, particularly in Asia. The workshop concluded that organisers of CITES-related training seminars should seek to involve all relevant government agencies as well as qualified academic institutions and non-governmental organisations; examine key issues which hinder effective implementation of the Convention domestically and elsewhere; give equal emphasis to the roles of the Management and Scientific Authorities; examine the systems adopted by other countries to carry out these roles; and explore means to improve communication channels between authorities,

both domestically and internationally.

In addition to the briefing materials prepared for the workshops, Taiwan has produced a number of Chinese-language references for use by enforcement officers including a *Wildlife Trade Enforcement Guide* and *CITES Identification Guide--Birds*. Production of other materials is under consideration.

Implementation problems, whether of a technical or organisational nature, are not limited to non-parties. The COA has managed to access considerable CITES expertise through co-operative efforts with non-governmental organisations and through bilateral contacts with various Parties. While Taiwan's political situation may be unique, its approach to improving implementation of CITES is worthy of consideration by other non-Parties considering joining the Convention, new Parties, and even some long-time members.

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MAKING CITES WORK:

Training Initiatives

Capacity Building for CITES Implementation in SADC countries

In 1995, TRAFFIC was supported by IUCN through a grant from USAID, for networking and capacity-building activities in the SADC region over a 33-month period. Under the NETCAB programme mentioned earlier, TRAFFIC initiated the process in October 1995. The broad objective was to improve wildlife trade management and implementation of CITES in the SADC region through the provision of equipment and training, and to enhance wildlife trade monitoring through the development of a network of contacts. It was recognised that assisting national governments in SADC to fulfil their obligations under CITES was important. The provision of training in CITES implementation and assisting wildlife authorities to better manage their wildlife resources was a crucial element.

To date, TRAFFIC has undertaken three CITES training workshops at a minimum cost of US\$1500. In collaboration with the Zimbabwe Department of National Parks and Wildlife Management (DNPWLM) a two-day CITES training workshop (based upon the formal CITES Secretariat training programme) was held in November 1996. A total of 23 participants, namely personnel of the DNPWLM, attended this first training workshop. A second workshop was attended by 28 participants. In the latter workshop there was representation from Customs and Excise and Zimbabwe Police. Both workshops had an experienced facilitator who had previously undertaken these workshops in other countries. The subject matter for the workshops was chosen from the standard CITES training course given by staff of the CITES Secretariat and from various published sources.

The increasing demand to hold similar CITES training workshops in the region is testimony to how national governments are increasingly beginning to allocate greater importance to meeting their obligations under the Convention. In view of the limited resources at the disposal of the CITES Secretariat to undertake CITES training workshops, NETCAB funding has provided an opportunity to assist not only CITES Parties but also helped ease the burden from the Secretariat in holding these training workshops.

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MAKING CITES WORK:

Training Initiatives

German Customs Training Courses

The German government operates a comprehensive CITES training programme for its Customs officers. There are two levels of training: a one-week training course and a two-week advanced level course. The training system is comprehensive and provides a solid base knowledge in all aspects of enforcement of CITES. The positive effects include enabling officers to perform more efficiently, and raising awareness of CITES and wildlife trade, as well as ensuring that Customs officers take enforcement of CITES as an essential part of their many tasks.

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MAKING CITES WORK:

Commercial sector action

This theme includes efforts of commercial businesses and trade organisations to assist in some aspect of improved implementation of CITES.

- [Cathay Pacific Wildlife Awareness Initiative](#)

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MAKING CITES WORK:

Commercial sector action

Cathay Pacific Wildlife Awareness Initiative

Cathay Pacific is a large, international airline based in Hong Kong, which has a substantial fleet of aircraft that regularly flies passengers and cargo to and from a multitude of destinations in the world. The company has developed its own environmental policy to improve all aspects of resource use, pollution reduction, environmentally sound purchasing, and now transport codes for wildlife. In 1996, it was recognised that the airline had a role in the international transport of live wildlife and derivatives, both at the freight level and at the passenger level. The management decided to implement a system of staff and passenger awareness about wildlife trade and the legal requirements of CITES.

A complete review of all procedures was commissioned and practical methods of raising awareness and reducing unwitting complicity in the illegal trade in CITES specimens is now being developed for the company. Staff training and awareness materials are being developed and will be incorporated into training schemes at all levels. Monitoring and checking of freight with a purview of looking for wildlife and derivatives is being established. Educational materials for passengers are being developed to inform them of the issues of transporting CITES specimens. The procedures will also include liaison and co-operation with local enforcement agencies.

The company is allocating substantial funds and resources into ensuring that its staff are aware of the trade in CITES specimens and aims to prevent illegal trade wherever possible within the remit of an airline's control. If such a system were to be undertaken by other airlines there would be a greater understanding of, and reduction in, the illegal trade in wildlife transported by air.

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MAKING CITES WORK:

Public Awareness/Education

This theme includes activities to inform the public, governments, official bodies and traders of particular elements which may improve effectiveness of the implementation or enforcement of CITES.

- [EU CITES Information Campaign](#)
- [Protect Endangered Species Campaign, Hong Kong](#)

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MAKING CITES WORK:

Public Awareness/Education

EU CITES Information Campaign

On 9 December 1996, the European Union adopted one of the most comprehensive and sophisticated laws implementing and enforcing CITES in all 15 countries. On 1 June 1997, the European law entered into force in all member states. To address the need for information about the Regulation in the EU, TRAFFIC Europe and WWF have joined forces with the European Commission to carry out a pan-European information campaign targeting travellers, professional wildlife traders and enforcement authorities. The campaign was launched in May 1997.

Lack of information about the provisions of the previous legislation was considered a major impediment to its proper enforcement. The campaign attempts to ensure a smooth transition to the new Regulation, increase awareness of the problems of illegal trade and provide information on the effects of unsustainable trade. Large amounts of money are spent on enforcing CITES for tourist souvenirs which could be avoided with greater awareness, allowing the resources to be allocated to combating more significant large-scale illegal commercial trade.

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MAKING CITES WORK:

Public Awareness/Education

Protect Endangered Species Campaign, Hong Kong

In 1996 the Agriculture and Fisheries Department (AFD) in Hong Kong initiated a three-pronged approach to increasing public awareness about trading in endangered species. The first element focused upon traditional Chinese medicines and aimed to encourage the public to refrain from purchasing Tiger and rhinoceros parts and medicines, which claimed to contain them. The second element requested that the public inform the authorities of any illegal activities relating to trading in endangered species in general, in addition to traditional Chinese medicines. These two elements were supported by a leaflet, which outlined the regulations, which refer to the import and export of wildlife and lists the species which are covered by these regulations. The information leaflet for the campaign was produced in Chinese and English and was distributed to traders, relevant authorities and schools. The third prong of the approach was awareness for new recruits involved in the control of trade, including Customs and Excise officers and airport workers. This did have a training element but mainly was to make them aware of the issues involved.

The AFD also went to lengths to publicise the campaign and the messages as much as possible. In particular, this took the form of press statements following major prosecutions of illegal traders in wildlife. For example, in April 1996 the campaign was launched to synchronise with the prosecution of two traders in Tiger and rhinoceros medicines, who were fined HK\$250,000 and HK\$150,000 respectively. In June 1996, a trader was jailed for 15 months for illegal sale of wildlife at a traditional medicine store. The combination of communicating the law together with a tough stance towards those who contravene it, has raised the awareness of the public, wildlife traders and law enforcers.



Sample pages of the leaflet distributed in Hong Kong

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MAKING CITES WORK:

CONCLUSION

From the examples provided it is evident there are numerous initiatives in place that are effective in improving implementation and enforcement of CITES. From the detailed science of forensics to the future investment of public awareness campaigns, these cases hopefully will act as stimuli to others to take on the task more wholeheartedly. Looking at the resources available and the resources needed is a starting point, from there projects can be formed, perhaps along the lines outlined here, or perhaps applying original and innovative methods. Whatever steps can be taken must be well planned and have suitable resources.

In addition, it is frequently evident that co-operation and co-ordination are key elements to any success story. Another way in which the aims of CITES can be better achieved that has not been mentioned here is global membership of all nations to CITES. Greater participation will hopefully mean more effective management of natural resources, and a broader scope for monitoring of wildlife trade. Encouraging non-Parties to join CITES should be an aim of those Parties that have close links with or border non-Party States, as well as the CITES Secretariat and other agencies. This issue may not seem pertinent to the remit of this document, however many of the initiatives outlined here have the scope to include non-Parties in the process and activities. Encouraging non-Party participation could increase awareness of CITES and the importance of membership. As all CITES Parties are involved in trade with non-Party states, bringing such states on-board with some initiatives could also aid understanding and co-operation and therefore the conservation of threatened species in trade.

It is hoped that in the future the Parties can look beyond identifying and debating difficulties of CITES implementation and enforcement to focus on solutions. Positive and practical action is the answer to overcoming many of the difficulties that have doggedly been associated with making CITES work.

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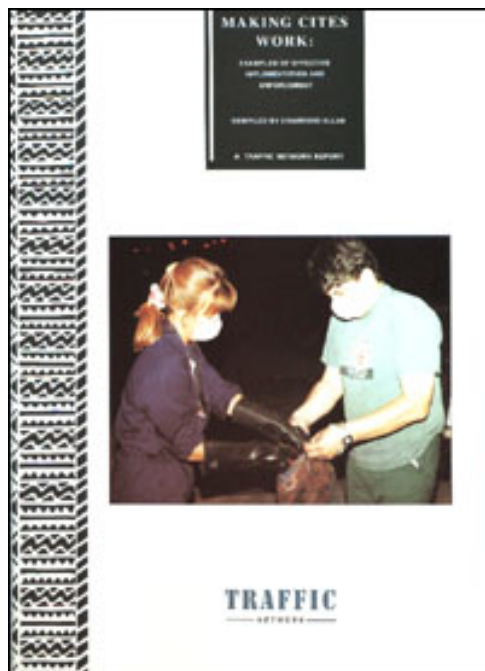
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