

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

Sixth Meeting of the Conference of the Parties

Ottawa (Canada), 12 to 24 July 1987

Interpretation and Implementation of the Convention

REVIEW OF ALLEGED INFRACTIONS

This document has been prepared and is submitted by the Secretariat.

INTRODUCTION

1. Article XIII of the Convention provides for the Conference of the Parties to review information relating to instances where the Secretariat is satisfied that the provisions of the Convention are not being effectively implemented. In addition, Article XII provides a broad mandate for the Secretariat to request information, collect details of such matters as alleged infractions and to report accordingly to the Conference of the Parties.
2. At its fifth meeting, the Conference of the Parties agreed that the Secretariat should submit, for consideration at the sixth (and subsequent) meeting(s), a separate report on "alleged infractions". At that time, it was recognized that the Secretariat would not be able to report on all such cases because of the sheer volume of work involved and the number of such cases. In document Doc. TEC. 2.12, the Secretariat informed the Technical Committee of the broad criteria which it anticipated using to select those cases which would be included in this report.
3. The main objectives in providing this report are:
 - a) to provide the Parties with a record of instances where it appears that significant attempts (successful or unsuccessful) have been made to violate or evade the provisions of the Convention;
 - b) to stimulate constructive discussion of such problems, identify those of major concern or those requiring special attention and seek mechanisms or solutions to reduce or eliminate them.
4. Since this is the Secretariat's first such report, and since it seems desirable to cover as broad a field as possible, the scope of the report has been made deliberately wide. However, the volume of work involved is such that only a small proportion of the total available information can be presented, and it has been necessary to impose some restrictions on the overall scope:
 - a) an alleged infraction is judged to be any violation or attempted violation of the provisions of the Convention;

- b) non-compliance with Resolutions has normally not been included except where the Secretariat believes legally interpretive recommendations to be particularly important;
 - c) the period covered is May 1985 to May 1987 (cases occurring prior to the Buenos Aires meeting have been excluded even if they became known only after that time);
 - d) cases subsequently demonstrated not to be violations are excluded.
 - e) some cases have been included as examples where several similar cases occurred but cannot all be included;
 - f) some cases have been included at least partly because they are particularly relevant to subjects under discussion elsewhere in the agenda of this meeting.
5. It should be noted that this report includes only those cases where the Secretariat has had some involvement. There are, of course, very many others which are dealt with by the Parties without the Secretariat being aware of them.
6. It is probable that some important cases have been involuntarily excluded during the hasty preparation of the report. The Secretariat apologizes for these omissions and stresses that they are not deliberate omissions and that objectivity has been paramount in selecting cases for inclusion.
7. Each case has been placed in one of eight categories:
- A. APPENDIX I SPECIES TRADED COMMERCIALY OR IN LARGE QUANTITIES OR WITHOUT VALID DOCUMENTS (ARTICLE III)
 - B. APPENDIX II SPECIES TRADED WITHOUT VALID DOCUMENTS (ARTICLE IV)
 - C. APPENDIX III SPECIES TRADED WITHOUT VALID DOCUMENTS (ARTICLE V)
 - D. CRUELTY OR INHUMANE TREATMENT DURING TRANSPORT (ARTICLES III, IV AND V)
 - E. FAILURE OF A PARTY TO TAKE ACTION AGAINST ILLEGAL TRADE [ARTICLE VIII, 1(a)], OR TO RESPOND TO THE SECRETARIAT UNDER ARTICLE XIII
 - F. USE OF FORGED OR FRAUDULENT DOCUMENTS
 - G. HIGH VOLUME TRADE WITH NON-PARTY STATES WHICH UNDERMINES CITES OBJECTIVES
 - H. REPEATED GENERAL ACTIONS OF A PARTY WHICH DIMINISH THE EFFECTIVENESS OF CITES.

It should be noted that many of the cases are eligible for inclusion in more than one category. In such instances, the Secretariat has placed them in what seems the most appropriate category.

8. Certain major problems involving specific countries which might have been included in either category E or H (or both) have been dealt with separately in document Doc. 6.20 "Implementation of the Convention in Certain Countries".

9. Furthermore, excluded from category H (and E) are a very large number of problems associated with annual reports, e.g. failure to submit reports, inadequate content of reports, etc. These problems are, to some extent, dealt with in documents Doc. 6.17 and 6.18. In addition, the following documents are also relevant to this subject, or contain further information on alleged infractions: Doc. 6.21 "Trade in Ivory from African Elephants - Secretariat Report", Doc. 6.25 "Trade in Rhinoceros Products" and Doc. 6.30 "The Biological and Trade Status of Chelonia mydas and Eretmochelys imbricata".
10. The Secretariat wishes to re-emphasize that this report has been compiled in as objective a manner as possible. Every reasonable care has been taken to try to ensure that it is accurate and unbiased. Inevitably, it will contain errors and perhaps some unintentional bias. The Secretariat requests that the Parties discuss the contents in the spirit in which the report is presented, i.e. as a means to identify problems and find ways to improve CITES implementation. Defensive reactions and "counter-accusations", both of which have occurred at previous meetings, are counter-productive and will not further the cause of the Convention and the Secretariat appeals to the Parties to avoid such reactions.

ALLEGED INFRACTIONS

- A. Appendix I species traded commercially or in large quantities or without valid documents (Article III)

A.1. Sierra Leone (SL)/Austria (AT) - Pan troglodytes

In 1986, 20 chimpanzees were imported into AT from SL by a pharmaceutical company for use in bio-medical research or testing. Prior to this, the Secretariat had advised AT that such importation would apparently violate CITES. Following extensive correspondence, the Secretariat concluded that:

- a) There is information to suggest that the export from SL was, in fact, contrary to SL Law, and, furthermore, there was no evidence of compliance with Article III, 2(a) of CITES.
- b) The export documents from SL do not meet the requirements of Articles X and VI, nor the recommendations of Resolutions Conf. 3.8 and 3.6.
- c) Importation into AT was contrary to Article III, 3(c) and Resolution Conf. 5.10. There is also some doubt as to whether Article III, 3(b), has been satisfied.

In October 1986, the Secretariat informed AT of its views and AT replied that it did not consider the importation to be for primarily commercial purposes and that it considered the SL documents to be acceptable as comparable documentation under Article X.

The Secretariat recommends that the Conference of the Parties decide specifically whether such trade should be condemned as contrary to CITES.

A.2. Cameroon (CM)/Zaire (ZR)/Taiwan (TW) - Gorilla gorilla

In December 1986, three gorillas were shipped from CM to TW via ZR. Two died en route. The export from CM was illegal, no export permit was issued. A forged CITES permit and health certificate were used,

the former bearing a CITES security stamp that had been removed from a valid CITES permit for other specimens. CM is investigating the case.

The Secretariat recommends that the Conference of the Parties discuss the continuing problem of trade in gorillas (see CONCLUSIONS section below).

A.3. Congo (CG)/United Kingdom (GB) - Gorilla gorilla

In December 1986, GB requested advice from the Secretariat regarding the proposed importation of 4 orphaned gorillas from CG. The Secretariat, and the GB Scientific Authority, advised against the transaction. In January 1987, CG asked the Secretariat if it would support the proposed exportation and the Secretariat replied that it could not, since such trade was likely to be detrimental to the survival of the species in the wild. In February 1987, GB authorized the importation, admitting that it might be detrimental to the long-term survival of the species in the wild but deciding that the survival of these (now 3) individuals was more important. The Secretariat's request to reconsider the decision was declined. It is not known whether or not the transaction has taken place yet.

The Secretariat recommends that the Conference of the Parties discuss the continuing problem of trade in gorillas (see CONCLUSIONS section below).

A.4. Nepal (NP)/France (FR) - Moschus spp.

In 1985, FR allowed the importation of three shipments of musk from NP, totalling 9.1 kg. Importation was permitted on the basis of documents claiming the musk to originate from captive-bred specimens. Acceptance of these documents was contrary to Resolution Conf. 4.15. The documents were, in addition, forgeries and NP has initiated an investigation.

In January 1987, a further shipment of 2.5 kg arrived in FR accompanied by similar, forged documents. This shipment was detained by FR Customs.

The Secretariat recommends that FR should take steps to prevent acceptance of commercial shipments of "captive-bred" Appendix I specimens unless they originate from an operation registered with the Secretariat.

A.5. Malaysia (MY)/Japan (JP) - Scleropages formosus

In December 1986, JP sought advice from the Secretariat regarding proposed importation of 650 Asian bonytongue fish from MY with CITES documents claiming that they were bred in captivity. MY investigated the case and confirmed that although the export permits were authentic they were issued (contrary to Resolution Conf. 4.15) on the basis of a fraudulent declaration by the trader. The specimens were not shipped to JP.

The Secretariat recommends that MY should take steps to prevent further such occurrences. The species should be included in the appropriate MY legislation if this is not already the case.

A.6. United Republic of Tanzania (TZ)/Burundi (BI)/Netherlands (NL)/
France (FR)/United Arab Emirates (AE) - Diceros bicornis

In September 1985, NL seized four rhino horns in transit from TZ to AE. The Secretariat informed TZ and AE of relevant details. TZ initiated an investigation, AE stated that the trader had not applied to import rhino horns.

FR informed that a shipment of 40 horns had passed in transit from BI to AE with the same AE trader involved. The Secretariat obtained information that these 40 horns were held at the traders premises in AE and asked AE to take appropriate action. AE did not reply.

Secretariat recommendation: see CONCLUSIONS section below and document Doc. 6.20.

A.7. Africa/Europe/China (CN) - Diceros bicornis

In November 1986, a shipment of 19 rhino horns falsely declared as "spare parts" was intercepted and seized in Europe in transit from Africa to CN. The Secretariat passed relevant details of the consignee to CN and requested appropriate action. No reply has been received from CN.

Secretariat recommendation: China should take appropriate action and inform the Secretariat accordingly.

A.8. South Africa (ZA)/Macau (MO) - Diceros bicornis and Ceratotherium
simum

In March 1986, MO detained ten parcels containing 89 kg rhino horns mailed from ZA under false declarations. Investigation in MO uncovered over 500 kg of rhino horn and hide imported previously by the same trader. This was seized but, for legal reasons, had to be returned at a later date. The importer, however, was fined about US\$ 15,000. Meanwhile, the ten parcels were returned to ZA where they were confiscated and the exporter was fined about US\$ 250.

The Secretariat recommends that ZA should increase the penalties imposed in such cases. MO has already enacted legislation to prevent recurrence of the problem. See also under CONCLUSIONS below.

A.9. Thailand (TH) - psittacines

In 1986, a trader in TH was offering for international trade various Appendix I and II psittacines. No legitimate imports of these species had occurred. The species of most concern were Ara macao, Amazona leucocephala, Amazona pretrei, Aratinga guarouba (all Appendix I), Anodorhynchus hyacinthinus and Probosciger aterrimus (both Appendix II but now candidates for Appendix I). TH informed the Secretariat that applications by the trader for CITES re-export documents had been refused. However, it seems that no other action was taken.

Secretariat recommendation: TH should take action to confiscate illegal specimens and to penalize the traders involved. If the TH domestic legislation is inadequate, it should be revised urgently.

A.10. Paraguay (PY)/Italy (IT) - Melanosuchus niger

In September 1985, the Secretariat informed IT that 2 shipments of crocodilian skins containing some black caiman skins might be imported into IT. Similar advice was sent to France (FR) and the Federal Republic of Germany (DE). Airwaybill numbers were identified, as was the carrier airline. IT informed the Secretariat that the shipments did not enter IT, but in November 1985, DE confirmed that they entered IT after transit through DE. In January 1986, IT informed that the shipments had been cleared on the basis of Bolivian (BO) documents for Caiman crocodilus. Inspection of the importer's premises revealed skins of M. niger, but these were then claimed to be "pre-Convention". No further action was taken.

The Secretariat recommends that IT should improve its capacity to inspect thoroughly shipments that are from sensitive areas (e.g. BO/PY) and/or of sensitive species (e.g. Caiman, Felidae, etc.).

A.11. German Democratic Republic (DD)/Viet Nam (VN) - various live specimens of Appendix I and II species

In May 1986, the Secretariat informed DD of a shipment from VN to Leipzig Zoo without CITES documents. The shipment included Elephas maximus and Helarctos malayanus (both Appendix I). The Secretariat's request for appropriate action and comments has met with no response.

Secretariat recommendation: DD should take appropriate action to confiscate illegal specimens and penalize those responsible. If such action has been taken, the Secretariat should be informed.

A.12. India (IN)/France (FR) - Saussurea lappa

In 1985, about 10 tonnes of roots of the Appendix I plant Saussurea lappa were illegally exported from IN to FR. Import into FR was also illegal since no import permit was issued. The trader claimed the specimens to be artificially propagated. IN asked FR for full details in order to be able to take legal action. The outcome of the case is unknown to the Secretariat.

Secretariat recommendation: the outcome of the case in both IN and FR should be made known.

A.13. Cuba (CU)/Fiji (FJ)/United Republic of Tanzania(TZ)/France (FR) - Eretmochelys imbricata

In 1985, FR permitted the import of a total of 170 kg of hawksbill turtle shell from CU, FJ and TZ. Importation from CU and FJ may or may not have been accompanied by valid export permits; importation from TZ was not, since TZ confirmed that no such permit had been issued. FR informed (at the 1986 TEC meeting) that such imports were to supply the spectacle-frame manufacturing industry and were allowed for medical reasons (necessary production of non-allergenic spectacles).

The Secretariat recommends that the Conference of the Parties should advise whether or not such medical reasons should be allowed to override Article III, 3(c). If so, FR should take action to ensure that such imports occur only with valid CITES documents.

A.14. France (FR)/Japan (JP)/Australia (AU) - Chelonia mydas

In 1985, FR re-exported 1,800 items (tins?) of turtle soup to JP and 2,040 to AU with country of origin declared as United Kingdom (GB). It would normally be assumed that the origin of these specimens was the Cayman Turtle Farm (CTF). However, the company that exported the shipments has confirmed that it has not handled CTF material since 1979 and that the origin of the above-mentioned re-exports was Reunion.

The Secretariat recommends that FR should investigate this misdeclaration and also take steps to tighten controls on trade in sea turtle products.

A.15. Ecuador (EC)/Mexico (MX) - Lepidochelys olivacea

In March 1987, MX informed the Secretariat that a Mexican company had imported 25,000 pairs of Lepidochelys olivacea flippers from EC. The Secretariat asked MX to provide copies of all relevant documents which were then forwarded to EC. The case is now being investigated in EC. It is suspected that the flippers were destined for re-export to Japan (JP). MX, a non-Party state, has promised to inform the Secretariat if the re-export takes place.

Secretariat recommendation: JP should not allow the importation of these sea turtle specimens if re-exported from MX.

A.16. Paraguay (PY)/Brazil (BR) - Cyanopsitta spixii

The Secretariat was informed in February 1987 that two young Spix's macaws had been illegally imported from BR to PY, from where the birds would be re-exported to Switzerland (CH) under false documentation. After well co-ordinated action undertaken by PY at the request of the Secretariat, TRAFFIC (South-America), acting on behalf of the Secretariat, was able to save the birds and arrange for their return to BR where they are now at the Sao Paulo Zoo.

Secretariat recommendation: see document Doc. 6.20 in which the situation in PY is discussed in detail.

A.17. Indonesia (ID)/Japan (JP)/Hong Kong (HK)/Singapore (SG) -
Eretmochelys imbricata and Chelonia mydas

In 1985, ID issued 15 export permits for large quantities of hawksbill turtle shell and stuffed hawksbill turtles to be exported to JP, HK and SG. Although HK does not report the importation and it is suspected that that shipment (1,000 kg shell) either did not go to HK or entered illegally, there is no reason to doubt that the other shipments, to JP (7,150 kg shell and 5,307 stuffed turtles) and SG (350 kg shell), were exported. The permits carried CITES security stamps and apparently bore the signature of the head of the Indonesian Management Authority. In addition, each bore the statement "Being treated as Appendix II species, whilst waiting for formal statement on the reservation of the species". These 15 permits were issued on 17 and 18 June 1985. Nine further export permits were issued in 1985 for about 13,000 stuffed green turtles to go to JP. In 1986, it appears that one export permit was issued for 1,000 stuffed hawksbill turtles to go to JP.

One year after the 15 export permits had been issued, ID wrote to the Secretariat (letter dated 19 June 1986) stating that it was entering reservations on hawksbill and green turtles (and Asian bonytongue fish) and that ID would treat these species as being in Appendix II. The Secretariat immediately informed ID that the provisions of the Convention did not allow for such action.

The issuance of the permits in question is recorded in the 1985 ID annual report. There seems little doubt that issuance of the permits was a deliberate violation of the Convention carried out for economic reasons and because the Indonesian Management Authority believes that the ID populations of these two sea turtle species are not endangered.

Secretariat recommendation: the Conference of the Parties should specifically ask ID to cease such actions and, if this request is refused, the Secretariat should be instructed to raise the matter at diplomatic level.

B. Appendix II species traded without valid documents (Article IV)

B.1. Paraguay (PY)/Austria (AT) - Anodorhynchus hyacinthinus

In late 1985, 49 hyacinth macaws were imported into AT from PY without valid CITES documents. The Secretariat's request for appropriate action has not been responded to, despite reminders, and it is not known whether any action was taken. In September 1986, AT sought the Secretariat's advice on more PY documents for the same species. The Secretariat confirmed that the documents were not valid but has received no response from AT for further information. In April 1987, PY confirmed all such documents/shipments to be illegal. The 49 birds imported into AT in 1985 are not included in the 1985 AT Annual Report.

The Secretariat recommends that AT should take action to confiscate such illegal shipments and penalize the trader(s) involved. Furthermore, information on the case should be provided to the Secretariat.

B.2. Singapore (SG)/various countries - psittacines

In January 1987, a shipment of birds, declared as non-CITES species arrived in Belgium (BE) from SG. 39 psittacines were discovered in hidden compartments in the crates. BE enquiries revealed that similar illegal shipments had occurred previously.

In March 1987, the Netherlands (NL) seized a shipment of 48 Ara militaris in transit from Guatemala (GT) to SG without CITES documents.

Both these cases involved the same trader in SG. On 1 April 1987, the Secretariat passed relevant information to SG with a request for appropriate action against the trader in question (see also section D.2. below).

The Secretariat recommends that SG should take action as requested and to prevent future such occurrences.

B.3. Macau (MO)/Singapore (SG)/China (CN) - Loxodonta africana

In 1986, the Secretariat received information concerning two shipments of raw ivory shipped from MO and SG to CN without CITES documents. CN confirmed that both consignments were illegally imported: in April 1986 - 50 tusks of Tanzanian (TZ) origin, weighing 505.8 kg were imported from MO; in May 1986 - 4,344 tusks of Sudanese (SD) origin, weighing 18,521 kg, were imported from SG. The two consignments were confiscated by CN Customs in July 1986 and were eventually registered in accordance with Resolution Conf. 5.12. MO informed the Secretariat that it could not take action against the exporter because the transaction occurred before full implementation of CITES was established.

Secretariat recommendation: none.

B.4. Africa/Belgium (BE) - Loxodonta africana

In January 1986, BE seized 1,889 raw ivory tusks weighing 9,577 kg in two 20-foot containers which had arrived at Antwerp by sea. The consignment had been declared as "bees-wax" and did not have CITES documents. The Secretariat inspected the ivory and determined that the tusks had originated from East Africa. Most of the tusks had been taken from elephants which were probably killed in 1985 and there seems no doubt that their acquisition in East Africa was illegal. BE informed that it was unable to take action against the traders since the shipment had been handled throughout by apparently innocent agents acting in good faith and the relevant papers did not identify those responsible. The Secretariat has not been informed of how BE will dispose of the ivory.

Secretariat recommendation: BE should dispose of the ivory in accordance with Resolution Conf. 4.18.

B.5. Somalia (SO)/United Arab Emirates (AE) - Loxodonta africana

In May 1986, 17,050 kg of raw African elephant ivory was airfreighted from Mogadishu (SO) to Abu Dhabi (AE). No CITES documents or export permits accompanied the shipment. SO confirmed that the ivory was exported illegally and that an investigation had been initiated. The results of this investigation are unknown to the Secretariat. In June 1986, the Secretariat sent full details of this case to AE with a request for appropriate action to be taken immediately. AE did not respond at all.

Secretariat recommendation: SO should inform the Secretariat of the results of its investigation. AE: see document Doc. 6.20.

C. Appendix III species traded without valid documents (Article V)

C.1. India (IN)/Indonesia (ID)/Singapore (SG)/Netherlands (NL) - *Ptyas mucosus*

In August 1985, NL drew the Secretariat's attention to a problem involving skins of *Ptyas mucosus* in two shipments (totalling 660,000 skins) from SG. The skins were bark-tanned and were accompanied by Certificates of Origin issued by the Indian Chamber of Commerce in SG, specifying the country of origin as ID. The Secretariat shared NL's suspicions about the validity of the declared

origin since it was aware of many other cases where skins of IN origin were being laundered through intermediate countries (e.g. the United Arab Emirates) and had already been in close liaison with IN enforcement agencies regarding the problem.

NL seized both shipments and obtained evidence that the skins were of IN origin. However, retrospective issuance of documentation in SG, endorsed by ID on the basis of a fraudulent declaration by the trader, resulted in NL losing both cases and being forced to return the skins.

As a result of this, and other similar problems, the Secretariat issued Notification No. 381 on 4 March 1986 advising all Parties to exert great caution in accepting SG re-export documents for reptile skins.

The Secretariat recommends that ID should exercise more care in accepting traders' declarations and should ensure that such declarations are properly verified. SG is now a Party and, therefore, the problem there should have disappeared. The Secretariat also refers the Parties to document Doc. 6.36 which is relevant.

D. Cruelty or inhumane treatment during transport (Articles III, IV and V)

D.1. Ghana (GH)/Austria (AT)/Saudi Arabia (SA) - psittacines

In 1985, a shipment of 250 Psittacus erithacus, in 4 crates, was exported from GH to SA via AT. Upon inspection in AT it was found that many of the birds were already dead as a result of overcrowding. In August 1985, GH informed the Secretariat that an enquiry had been initiated. The Secretariat has received no further communication on this case.

Secretariat recommendation: GH should take action against the exporter (and perhaps the carrier) and inform the Secretariat accordingly.

D.2. Guatemala (GT)/Mexico (MX)/Spain (ES)/India (IN)/Singapore (SG)
- psittacines

In February 1987, a shipment of 30 Ara militaris was exported from GT, with final destination SG, via MX, ES and IN. The shipment was intercepted in IN; it was not packed in accordance with IATA regulations. 11 birds were already dead, 5 escaped through damaged crates and the remainder were seized. No CITES permit accompanied the shipment. The consignee in SG was the same trader involved in the two cases in B.2 above. No further information is available yet.

Secretariat recommendation: GT should taken action against the exporter. SG should take whatever action is necessary to bring to an end the illegal activities of this particular trader.

E. Failure of a Party to take action against illegal trade
[(Article VIII, 1(a)] or to respond to the Secretariat under
Article XIII

E.1. Japan (JP) - crocodilian skin trade

During 1985, enormous quantities of crocodilian skins were imported into JP in violation of CITES. As one illustration of this problem, JP permitted the importation of over 48 tonnes of skins of Caiman crocodilus from Paraguay (PY) without CITES documents.

The problem continued throughout 1986, although the countries used by the illegal traders to bypass CITES controls and launder their skins varied. The information available is not clear enough to make definitive statements about many specific shipments. However, JP official customs statistics report imports of nearly 30 tonnes from Malaysia (MY) (28 tonnes in excess of legal exports), over 35 tonnes from El Salvador (SV) since 1985, 2.5 tonnes from Guatemala (GT) in August and September 1986, etc., etc.

In September 1986, the Secretariat expressed its concern to JP and, having received no response, sent a further urgent communication on the issue in December 1986. A further reminder was sent in January 1987 and, still receiving no response, the Secretariat then pursued the matter through the diplomatic channel. JP has still provided no answer to the Secretariat (* but see note below).

It is clear that the provisions of the Convention were not being effectively implemented in JP in 1985 and 1986 with respect to control of trade in crocodilian skins. This situation may be continuing, although the Secretariat has been informally informed that some remedial measures have been established.

The Secretariat recommends that JP should provide information with respect to remedial action (taken or proposed) and that the Conference of the Parties should request that JP exert every effort to immediately prevent further imports of crocodilian skins unless the CITES documentation is totally in accordance with all relevant requirements of the Convention and Resolutions of the Conference of the Parties. If the Conference of the Parties is not satisfied that the situation has been remedied, it should discuss any other suggestions for appropriate action.

* Note: after preparation of this document, the Secretariat received a letter from JP which informed of some remedial action (agreement to follow and act on the recommendations in Secretariat Notifications as far as possible) but left many of the Secretariat's questions incompletely answered. The Secretariat does not consider JP's response to be satisfactory.

F. Use of forged or fraudulent documents

F.1. Congo (CG)/France (FR) - Crocodylus niloticus

In March 1987, FR sought advice from the Secretariat regarding a CG permit for 150 Nile crocodile skins. In April 1987, it was confirmed that the document was a forgery. CG initiated an investigation and requested confiscation of the skins. The Secretariat informed FR accordingly. No further information is available.

Secretariat recommendation: FR should clarify if the skins arrived in FR and, if so, what action was taken.

F.2. Nigeria (NG)/Niger (NE)/Italy (IT) - various CITES species

In February 1986, IT sought advice from the Secretariat on two NG export permits for about 200 skins of Osteolaemus tetraspis, Varanus sp. and Python sp. The Secretariat confirmed the documents to be forgeries and requested appropriate action in IT and NG. IT sent a copy of a third such document (for 35 skins) but did not give any information on action taken. NG initiated an investigation and "some arrests" were made.

On 4 March 1986, the Secretariat issued Notification No. 380 which included a warning that forged NG permits were in circulation.

In October 1986, IT received an application to import 17,000 skins of Varanus niloticus supported by a CITES re-export certificate issued by NE declaring the skins to have been exported from NG with an export permit (No. 17). The Secretariat confirmed that no such NG permit had been issued and that the NE document was unacceptable. NG asked NE to investigate the case and IT informed the Secretariat that the NE document was authentic. In January 1987, the Secretariat confirmed to IT that the authenticity of the NE certificate was irrelevant since import into NE had been in violation of the Convention and the importation into IT should not be permitted. No further information has been received by the Secretariat.

In November 1986, IT informed the Secretariat of another case involving two forged NG permits bearing crudely forged CITES security stamps, covering about 60 skins and other items of CITES and non-CITES species. NG initiated an investigation. No further information is available.

The NE 1986 CITES Annual Report includes records of importation from NG of 15,000 skins of Varanus exanthematicus and 15,000 skins of Python sebae, and re-exportation of 15,000 skins of Varanus exanthematicus, 20,000 skins of Varanus niloticus and 15,000 skins of Python sebae. It seems that all these transactions represent trade in violation of the Convention.

The Secretariat recommends that importing countries take care in accepting NG documents, that NE take action to prevent any recurrence of this problem and that IT inform the Secretariat of the outcome in that country.

F.3. Lao People's Democratic Republic (LA)/Thailand (TH)/Japan (JP) - various live specimens

In September 1985, the Secretariat received copies of various export documents claimed to be issued by LA and declaring captive-bred origin for large numbers of CITES specimens including Asian elephants, gibbons, psittacines and pythons. The documents indicated export to TH and then JP. LA confirmed that no captive breeding operation exists in that country. JP confirmed that no such specimens were imported. Further LA documents appeared, again indicating export to TH. In each instance, the Secretariat asked TH to investigate and comment, but no reply has been received yet.

Secretariat recommendation: Parties should be cautious with LA documents and reject any claims of captive breeding of Appendix I species. TH should investigate the situation and take appropriate action against the TH company involved. It seems likely that there is an urgent need to tighten import controls in TH.

F.4. Madagascar (MG)/various countries - various species of Appendix II plants and animals

During 1986, several Parties expressed concern over the quantities of specimens from MG claimed to be artificially propagated or captive-bred. Expert inspection of some such plants revealed that they were not artificially propagated and it seemed likely that the MG documents were being issued on the basis of fraudulent declarations by the traders.

For example, in August 1986, the Secretariat expressed concern to the Federal Republic of Germany (DE) over the wild-dug MG cacti and succulents available in that country and the fact that DE exports to the United States of America (US) included large numbers of such species claimed to be artificially propagated. DE informed the Secretariat that the wild-dug specimens were all pre-Convention and the MG plants shipped to US were all artificially propagated in DE. However, expert examination in US revealed that this was not the case.

A further example involves the export from MG of many hundreds of "captive-bred" Phelsuma spp. However, one of the staff of one such "captive breeding operation" was caught in MG illegally collecting 300 wild Phelsuma specimens.

In late 1986 and early 1987, the Secretariat was in communication with MG on this issue. MG confirmed the artificial propagation and captive breeding claims and provided the Secretariat with a list of operations including details of stock and production. However, expert advice indicates that the traders' claims are fraudulent and that the trade involves many wild specimens.

Secretariat recommendation: MG should urgently conduct a special inspection of the operations involved, preferably with international expert assistance, to determine the extent of the fraudulent declarations. Issuance of certificates of artificial propagation and/or captive breeding should be suspended until the results of such an inspection are available.

F.5. United Republic of Tanzania (TZ)/Netherlands (NL) - Agapornis personata

In December 1986, NL detained a shipment of psittacines including 100 A. personata and asked the Secretariat for advice. The Secretariat informed NL of TZ's confirmation that the export ban on this species (Notification No. 283 of 15 March 1984) was still in force and that the document was fraudulent. No information is available on follow-up action in either TZ or NL.

Secretariat recommendation: TZ and NL should inform the Secretariat if any action was taken and, if so, the results.

F.6. Taiwan (TW)/various countries - various CITES species

During 1985 and 1986, the Secretariat was informed of an increasing number of documents issued in Taiwan for the re-export of various CITES species, including large numbers of psittacines claimed to be captive-bred and crocodilian skins originating in Paraguay (PY). Many of the psittacines were species known to be very difficult to breed in captivity and never bred in commercial quantities. Since the CITES trade statistics show importation into TW of large numbers of wild psittacines, it seems probable that large-scale laundering is occurring in TW and that the TW documents are issued on the basis of fraudulent declarations by the traders involved.

In addition, there is information to indicate that, following the introduction and/or tightening of CITES controls in other parts of Asia, the illegal trade has shifted to Taiwan, particularly with respect to ivory and reptile skins.

Secretariat recommendation: all commercial importation of CITES specimens from TW should be prohibited immediately.

F.7. Chile (CL)/France (FR) - *Phoenicopterus chilensis*

In May 1985, FR consulted the Secretariat on two CITES export permits from CL covering 250 live *Phoenicopterus chilensis* each. In June 1985, CL confirmed to the Secretariat that these documents were forgeries. FR refused to allow the imports. CL initiated an investigation, but the Secretariat has received no further information.

Secretariat recommendation: CL should inform the Secretariat of the results of the investigation.

F.8. Colombia (CO)/Panama (PA)/Spain (ES) - reptile skins

In June 1985, the Secretariat informed CO that PA had issued a re-export certificate for 30,000 *Caiman crocodilus* skins and 10,000 *Boa constrictor* skins that had been imported to PA under CO export document no. 4019 dated 30 June 1982. The destination of the shipment was ES. CO confirmed that the document was a forgery. The Secretariat informed PA accordingly and asked ES to confiscate the skins. ES, not yet a Party, informed the Secretariat that importation had been refused. The Secretariat suggested that CO contact PA directly to clarify the situation and establish permanent links to prevent similar cases in the future. No further information is available.

The Secretariat recommends that all Parties exercise caution in accepting wildlife products that are declared to originate from CO.

F.9. Brazil (BR)/Bolivia (BO) - *Caiman crocodilus*

In July 1985, BR sought advice from the Secretariat regarding a shipment of 45,000 skins of *Caiman crocodilus* from BO in transit at the seaport of Rio de Janeiro, accompanied by a copy of an altered BO CITES permit (no. 00328). The destination of the shipment was Spain (ES). The original BO permit had been sent to Italy in March 1985. As a result, BR confiscated the skins. BO was informed but with no result. The situation with respect to CITES implementation in BO is dealt with in a separate document (Doc. 6.20).

Secretariat recommendation: see document Doc. 6.20.

F.10. Chile (CL)/France (FR) - Felis geoffroyi

In December 1985, FR consulted the Secretariat regarding a CITES export document from CL covering 3,225 Felis geoffroyi skins. CL confirmed that the permit was a forgery. The Secretariat sent a copy of the document to CL for further investigation. FR refused to allow the import. The Secretariat has received no further information from CL regarding the results of the investigation.

Secretariat recommendation: CL should inform the Secretariat of the outcome of this case.

F.11. Paraguay (PY)/Federal Republic of Germany (DE) - various live CITES specimens

In April 1986, DE informed the Secretariat of the confiscation of 5 boxes coming from PY and containing live CITES animal specimens. No CITES documents covered the shipment. PY was consulted and confirmed that the shipment was illegal. The case was investigated in DE, and PY was asked by the Secretariat to take action against the exporter. No further information is available.

Secretariat recommendation: PY should inform the Secretariat what action was taken and the result.

F.12. Guyana (GY)/Dominican Republic (DO)/Thailand (TH) - live psittacines

TH consulted the Secretariat in September 1986 on the validity of a GY document covering 165 specimens of various species of parrots which had been imported into TH. The shipment had been exported from GY to DO (at that time not a CITES Party) and then re-exported to TH. GY confirmed that the document was a forgery. TH was informed accordingly but it seems that the only action that could be taken was to refuse to issue CITES re-export certificates for the specimens.

Secretariat recommendation: see A.9. above.

F.13. Guyana (GY)/Hong Kong (HK) - live psittacines

In December 1986, HK sought advice from the Secretariat on the the validity of a GY permit covering various parrot species. GY confirmed that the permit was a forgery. It is presumed that HK did not allow the import.

Because of the repeated cases of forged documents and the enormous increase in exports of Caiman crocodilus skins, mainly to countries of the EEC, the Secretariat recommended that GY stop all wildlife trade to review the whole situation. GY decided to stop all wildlife trade from 28 February 1987 and is currently reviewing the position with respect to exports and to CITES implementation in general.

F.14. Argentina (AR)/France (FR) - reptile and cat skins

In August 1986, FR sought advice from the Secretariat on the validity of AR CITES permits nos. 003097 and 006451, covering skins of 12,830 Caiman crocodilus crocodilus, 31,230 Tupinambis teguixin, 8,850 Boa constrictor constrictor and 3,275 Felis pardalis, and 6,473 Felis geoffroyi, 6,270 Felis tigrina and 2,780 Felis wiedii, respectively. AR confirmed that both documents had been altered and that the case

had been referred to the justice department. FR refused to allow the import. The Secretariat does not know the current location of the shipments.

The Secretariat recommends that AR should improve its export controls and check all wildlife shipments at the point of exportation (see also F.17. below). In addition, if information is available on the whereabouts of the two shipments in question, this should be passed to the Secretariat or to the relevant authorities in the country concerned.

F.15. Argentina (AR)/Switzerland (CH)/Belgium (BE) - Boa constrictor

In February 1987, 10,000 skins of Boa constrictor constrictor covered by AR CITES permit no. 006941 were presented for importation to CH. CH checked the shipment and discovered that many of the skins were Boa constrictor occidentalis, a subspecies that AR had banned from exportation since January 1986. CH rejected the shipment and sent a copy of the above-mentioned permit to the Secretariat. The Secretariat was able to confirm that AR CITES permit no. 006941 had been issued for a different species with the United States of America (US) as the country of destination. The document presented to CH was a very poor forgery and, therefore, confiscation by CH would have been appropriate even if the species declared thereon had been the species really exported. The Secretariat then asked all EEC countries, US and Japan (JP) to beware of any attempt to import boid skins. As expected, an attempt was made to import the skins elsewhere and when they arrived for importation into BE, the shipment was seized. The ultimate fate of the skins is not yet known.

The Secretariat recommends that BE informs of any action taken and the fate of the shipment.

F.16. Argentina (AR)/Switzerland (CH)/Spain (ES) - reptile skins

In March 1987, CH informed the Secretariat that four shipments had been refused entry into CH since they were accompanied by forged AR CITES permits: nos. 006989, 007016, 006916 and 006972, covering Tupinambis teguixin (19,300 skins) and Dracaena guianensis (9,000 skins). Confiscation was not possible because the shipments were in a CH free port. CH then informed the Secretariat that the two shipments covered by permits nos. 006916 and 006972 had been moved to ES. By telex of 24 April, the Secretariat informed ES, which replied that no such documents had been presented to them. The Secretariat requested that ES check thoroughly in all ports of entry to locate these illegal shipments. No reply has been received yet from ES.

Secretariat recommendation: CH should take action to prevent the use of free ports as a safe haven for transit of illegal CITES specimens (this might also apply to F.15. above). ES should confiscate the shipments and inform the Secretariat of the action taken.

F.17. Argentina (AR)/Denmark (DK)/Spain (ES) - felidae skins

In April 1987, AR issued export permit no. 007773 for 7,856 Felis colocolo skins. The final destination was ES, but the shipment passed in transit through DK. DK consulted the Secretariat on the validity of the permit, and the Secretariat requested that the shipment be inspected. As a result, it transpired that most of the skins were

Felis tigrina (a cat species whose importation into the EEC is currently banned). Due to the false declaration, the whole shipment was confiscated by DK. AR is investigating the case.

Secretariat recommendation: see F.14. above.

F.18. Brazil (BR)/Netherlands (NL) - cacti

In July 1985, BR issued a CITES export permit covering "artificially propagated" cacti of several species for export to NL. After reception thereof, NL informed the Secretariat that most of the specimens had been taken from the wild. The Secretariat informed BR and, after several consultations and explanations proving that the plants were taken from the wild, BR agreed to NL confiscating the shipment.

Secretariat recommendation: see F.20. below. See also under CONCLUSIONS below.

F.19. Peru (PE)/Venezuela (VE)/Netherlands (NL) - cacti

In May 1986, NL informed the Secretariat that a shipment of cacti from PE had been confiscated because the plants were taken from the wild and not artificially propagated as declared, and also because the quantities exported were higher than those specified on the export permit. PE was informed and agreed that the shipment should be confiscated. In October 1986, a botanist from NL visited PE to explain why the shipment was confiscated and demonstrate the basis for identifying the specimens as wild taken.

A similar case occurred with plants exported from VE to NL.

The Secretariat recommends that exporting countries should exercise greater care in certifying that plant specimens are artificially propagated and should, if necessary, seek expert assistance in this field. See also under CONCLUSIONS below.

F.20. United Republic of Tanzania (TZ)/various countries - Loxodonta africana and various other CITES species

At least ten TZ export permits, issued in 1985 for either small quantities of ivory or other wildlife items, were found to have been altered with respect to date or quantity or purpose or consignee, or various combinations of these items. Destinations were Belgium (BE), Japan (JP), Singapore (SG) and the United Arab Emirates (AE).

In early 1986, BE identified five of these permits with similar types of apparent alterations, all destined to enter BE via the same transit agent, and notified the Secretariat. TZ confirmed that the alterations were fraudulent. However, two of these five permits had already been declared by the Secretariat to be valid on the basis of a telex believed to have been received from TZ in response to the Secretariat's enquiry. Up to that time, TZ had routinely used a commercial telex and it was later discovered that the telex message received by the Secretariat had not been sent by TZ and was fraudulent. BE was informed that the three remaining permits were invalid and the ivory was apparently not shipped to BE.

The Secretariat was informed that the fraudulent permits were passed to the TZ police for investigation, but no information is available on the outcome. TZ has established a number of procedural changes to prevent any recurrence of the situation.

In January 1987, the Secretariat received a request for advice from a JP trade association concerning a TZ export permit for 103 ivory tusks for which there was a slight weight discrepancy and where some of the tusks were not properly marked. After comparing the permit copy and tusk data sheets received by the Secretariat from TZ with those accompanying the shipment, it was discovered that the tusk data sheet weights of several tusks - apparently the ones that were marked improperly - had been changed. TZ was informed of the problem and confirmed that there had been a fraudulent alteration. The Secretariat forwarded to JP the request from TZ that the ivory be seized and placed in the custody of the TZ Embassy in Tokyo. The case remains pending.

Secretariat recommendation: all importing Parties should examine CITES documents carefully and not accept altered documents unless the changes are confirmed by the exporting country to be valid.

G. High volume trade with non-Party states which undermines CITES objectives

G.1. Macau (MO)

During 1985, it became apparent that large quantities of illegal rhino horn and ivory were being shipped to MO. In September 1985, the Secretariat expressed its concerns on this issue to the Prime Minister of Portugal (PT), requesting urgent inclusion of MO under PT's ratification of CITES. Local press in MO started a campaign on the matter and in January 1986 MO informed the Secretariat that it would implement CITES. Existing legislation was used to immediately prevent further importations in violation of CITES and new CITES legislation was enacted in MO on 29 September 1986. Thus, this problem has been resolved.

G.2. Singapore (SG)

During 1985 and 1986, large quantities of various CITES species were exported to and imported from SG in violation of CITES. Ivory, reptile skins and live parrots were the most important categories involved. SG deposited its instrument of accession to CITES in late 1986 and, therefore, this problem has been resolved.

G.3. Burundi (BI)

For many years BI has acted as an entrepot for a large proportion of the illegal trade in ivory and rhino horn. In 1986, following an exchange of correspondence with the Secretariat, the President of BI instructed his Government to establish full and proper CITES controls on the ivory trade. The BI Government made a formal commitment, in writing, to that effect and, subsequently, the existing stock of raw ivory was registered, marked and re-exported. It was believed, therefore, that even though the rhino horn problem continued, at least a major part of the BI problem had been resolved. However, subsequent to the date from which BI established CITES controls on ivory, a shipment of about 26 tonnes was re-exported, by air, from

Bujumbura to Singapore, via Oman. The Secretariat has repeatedly attempted to communicate with BI over this case, including via diplomatic channels, in order to determine how and why this re-export occurred. No response has been received from BI. Although rumours persist about further such shipments, no evidence is available to confirm that it was not an isolated case.

Secretariat recommendation: diplomatic and other pressure should be brought to bear on BI to persuade the Government of that country to honour its commitment to implement CITES ivory trade controls and to accede to the Convention. BI should also be persuaded to inform the Secretariat of the full circumstances surrounding the re-export of 26 tonnes of ivory on 29 September 1986 without CITES documentation. The Parties should also decide what action would be appropriate if it is shown subsequently that BI is not honouring its formal commitment.

G.4. Yemen Arab Republic (YE)

The consumption of rhino horn in YE over recent years has been the largest single cause of the catastrophic decline in rhino populations in Africa. In 1982, YE responded to international pressure by establishing a prohibition on the importation of rhino horn. However, this ban was not enforced and the trade continued to take place and resulted in the population of the black rhinoceros Diceros bicornis being reduced to a minute fraction of its former size.

In late 1985, the Standing Committee discussed this problem and, as a result, the Secretariat was asked to write to all Heads of State or Heads of Government of African countries that had (or once had) rhino populations, asking them to make a direct plea to YE to enforce its prohibition. The Secretariat did this, and several Heads of State/Government informed that they had despatched the requested communication to YE.

Other efforts were made through different channels, including NGOs, and this all culminated with YE's announcement on 1 January 1987 that the relevant authorities had been instructed to enforce firmly the ban on rhino horn imports. However, it is too early to verify whether or not this had had any positive effect.

The Secretariat recommends that if the situation in YE does not improve drastically, a major publicity campaign should be initiated to condemn YE as the country mainly responsible for destroying Africa's rhino resource.

H. Repeated general actions of a Party which diminish the effectiveness of CITES

H.1. Various Parties/Japan (JP) - Chelonia mydas, Eretmochelys imbricata, Lepidochelys olivacea

(n.b. JP has a reservation on all three of these Appendix I sea turtle species. Resolution Conf. 4.25, to which JP did not object when adopted in 1983, recommends that JP should not permit imports of specimens of these species unless covered by appropriate export/re-export documents.)

During 1985 and 1986, JP allowed the importation of massive quantities of Appendix I sea turtle specimens from Party states without appropriate documentation. The export from many of these countries has been confirmed to be illegal and carried out without the issuance of export permits.

The following data provide an indication of the scale and geographic scope of the problem:

1985: May/June - JP imported 798 kg hawksbill turtle shell from the United Republic of Tanzania.

June - JP imported 90 kg hawksbill turtle shell and 1,019 kg green turtle skin from Indonesia (but see also A.17. above).

June - JP imported 26 kg hawksbill turtle shell from the Philippines.

June/August - JP imported 8,175 turtle skins (olive ridley?) from Ecuador.

1 October - the Netherlands seized 90 kg hawksbill turtle shell in transit from Panama to JP without CITES documents.

1986: JP imported the following quantities of hawksbill turtle shell:

400 kg from Kenya
133 kg from the United Republic of
Tanzania
1,740 kg from Indonesia
2,231 kg from Belize
138 kg from Madagascar
459 kg from Portugal

JP imported 33,700 kg of turtle skin from Ecuador and 2,025 kg from Indonesia.

Ecuador, Kenya and the United Republic of Tanzania already confirmed that all exports have been illegal. The Philippines reports issuing no permits in 1985 for exports of hawksbill turtle shell (but see A.17. above with respect to Indonesia).

It is certain that as long as this problem remains unresolved, the CITES Parties will be unable to prevent large-scale violation of the Convention with respect to sea turtles.

The Secretariat recommends that JP should take immediate, positive action to comply fully with Resolution Conf. 4.25.

H.2. United Arab Emirates (AE)

During 1985 and 1986, the Secretariat received much information indicating that illegal trade in specimens of CITES species was occurring freely in AE. This trade involved a wide range of species but was of particular concern with respect to elephant ivory,

rhinoceros horn and snake skins. Several major cases were brought to the attention of AE, but no action was taken by that country to remedy the situation. Most communications from the Secretariat remained unanswered. In October 1985, AE informed the Secretariat that measures to implement CITES had not been established in AE.

The matter was discussed by the Standing Committee in November 1985 and, as a result, the Secretariat issued Notification No. 366 on 28 November 1985, urging all Parties to prohibit CITES trade with AE.

Subsequently, the Secretariat made further attempts to open constructive dialogue with AE in order to assist establishment of CITES controls in that country.

In November 1986, the Secretariat sent a mission to AE, but the AE Government declined to meet with the Secretariat staff member. Whilst the mission was in AE, the Secretariat received a telex from AE informing that a decree to withdraw from the Convention had been issued by the President of AE. The Secretariat requested that the matter be discussed bilaterally before formal finalization. This request was denied and AE's withdrawal will become effective on 27 January 1988.

The Secretariat issued Notification No. 438 on 31 March 1987, informing the Parties of the situation and urging action to prohibit CITES trade with AE.

The situation in AE is discussed further in document Doc. 6.20.

H.3. Many Parties - annual reports

Many Parties continue to fail to submit annual reports, fail to submit them in a timely fashion, submit inadequate and/or incomplete reports or submit inaccurate reports. Such failures certainly diminish the effectiveness of CITES and create very serious problems for other Parties, for the Secretariat and other interested parties. Implementation of the Convention cannot be properly assessed and the impact of trade on listed species cannot be judged without timely submission of complete and accurate annual reports.

However, the volume of information on this issue is too great to be presented in this document and the problem is addressed in more detail in documents Doc. 6.17 and 6.18.

H.4. Guatemala (GT)

In July 1985, GT decided to suspend exports of Caiman crocodilus fuscus after several interventions from the Secretariat regarding the large volume of exports of that species (217,000 skins of C. c. fuscus in less than 3 months). In December 1985, two officials, who had decided in July to stop the export of C. c. fuscus, informed the Secretariat that they had issued new permits to export 16,000 skins of the same species to an EEC country. The Secretariat refused to condone this action and advised the EEC countries to reject any shipment of C. c. fuscus from GT. In April 1986, all the officials of the GT Management Authority were changed and the new authority initiated legal procedures against the former officials, who appear to have been linked with the misuse of CITES permits.

The Secretariat recommends that importing countries should be more vigilant with respect to situations where the exports of a species from a particular country are obviously far in excess of the quantities that could have originated within that country.

CONCLUSIONS

1. The above cases illustrate that implementation of the Convention is far from effective in many countries and that, although CITES has achieved much in its 12 years of operation, there is still a need for considerable improvement if it is to make noticeable progress in reducing the effects of international trade on the over-exploitation of wildlife.
2. Arising from these cases are several problems of a more general nature. For those cases where a particular country is believed to present a significant and general problem in terms of implementation of the Convention, the issue is discussed further in document Doc. 6.20 "Implementation of the Convention in Certain Countries".
3. One item of general concern is the continuing trade in rhino horn and the catastrophic decline of Africa's rhino populations. In this matter there can be no doubt or argument - CITES has, so far, failed to combat the problem with any marked success. Desperate measures are required in desperate circumstances and there is little time left at current rates of loss of rhinos. The Parties are referred to document Doc. 6.25 for further discussion of this subject.
4. There is a clear need for the Conference of the Parties to agree on policy in certain areas. In particular, the trade in young, and especially "orphaned", wild gorillas is of concern. Resolutions on such subjects are not really necessary and agreement on a general policy, or at least on a mechanism for advising Parties on this problem, would probably be adequate to reduce the problem to minimal proportions.
5. Many exporting countries seem to lack sufficient expertise to determine whether a plant is artificially propagated or taken from the wild. This has led to a series of enforcement problems that could be avoided if procedures were established to assist the countries concerned. Therefore, the Secretariat recommends that the Conference of the Parties discusses the establishment of a mechanism to prevent further such problems. Any such procedure should be based on improved liaison between the exporting and importing countries.
6. Several cases point to the desirability for Parties to be able to confiscate specimens that are in transit but are clearly being traded in violation of the Convention. The Secretariat feels that the intention of the Convention in providing for transit shipments to be exempt from CITES controls was not to allow free movement of specimens that are clearly illegal. For example, rhino horns smuggled out of a Party state passing through a second Party state in transit to a third, perhaps non-Party state, are very clearly being traded in violation of CITES. In such cases, Parties should make every possible effort to confiscate the specimens.
7. One general recommendation that the Secretariat would like to make is that the Parties should increase their efforts to communicate with the Secretariat and, particularly, to respond to Secretariat enquiries on alleged infractions.

8. The Secretariat hopes that this document will be used to formulate methods for improving CITES implementation and its recommendations under each item are made with this intent. The Parties are asked to consider each case and decide whether or not the Secretariat's advice is appropriate.
9. Finally, the Secretariat re-emphasizes its desire to see this issue discussed as objectively and in as unbiassed a manner as possible. The advice offered is intended to assist Parties in fulfilling their obligations and individual countries should not feel that they have been unfairly criticised. Equally, those that are not mentioned should not be complacent - there is a good chance that they will receive attention at the next meeting of the Conference of the Parties.

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

Sixth Meeting of the Conference of the Parties

Ottawa (Canada), 12 to 24 July 1987

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES *

The Implementation of CITES in Japan, France and Austria

ACKNOWLEDGING the extreme difficulties that the producer countries of Latin America are facing in implementing their own CITES controls, while there are still consumer countries that continue allowing illegal imports due to a lack of an adequate control of CITES;

ACKNOWLEDGING that illegal exports of specimens included in CITES originating from producing countries may cause serious damage to the valuable resources of wildlife, and reduce the effectiveness of the management programmes;

NOTING that, according to Article VIII, paragraph 1(b), Parties have the responsibility to implement the Convention, including seizure of illegally traded live animals and/or their products;

CONSIDERING documents Doc. 6.19 and Doc. 6.20, submitted by the Secretariat regarding international trade;

AWARE that the reservations made by importing countries allow loopholes through which illegally acquired specimens in the countries of origin can find legal markets without any control whatsoever;

NOTING that some importing countries that maintain reservations refuse to take into consideration the recommendations of the Conference Resolution Conf. 4.25, weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources;

CONSIDERING the serious situation that prevails in French Guiana (Department of France) according to the Secretariat's report and other sources of information, that identify it as a free port for illegal trade in wildlife coming from producing countries, allowing in that way the entry of illegal products into all of the EEC;

CONSIDERING that it is essential for the success of the Convention that all Parties implement and comply effectively with all the regulations established by the Convention;

* This document was prepared and submitted by the delegations of the Latin American and Caribbean region.

CONSIDERING that the importing countries that obtain these resources illegally are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES Japan, France and Austria to strengthen the control of shipments containing CITES-listed species originating from the producing countries as soon as possible, and to strictly verify the documents originating from them with the respective Management Authorities;

REQUESTS to the Standing Committee to evaluate the implementation of the Convention in those three countries, in relation to the imports originating from Latin-American countries; and

REQUESTS to the Secretariat to prepare a full report for the next meeting of the Conference of the Parties on the progress made in the implementation of the Convention in said countries, and particularly on imports originating in Latin America.