

# CITES URGES STRICTER MEASURES ON COUNTRIES FLOUTING WILDLIFE TRADE BANS

*There are now 178 governments that are signatories to the Convention on International Trade in Endangered Species (CITES). The Convention was set up in 1975 for governments to share much needed legislation on international trade in wildlife. Every three years government representatives from the member States (called Parties) convene at a huge gathering called the Conference of Parties, also attended by inter-governmental organizations, Non-Governmental Organisations (NGOs), the press and visitors. We were recently at the 16th Meeting of the Conference of the Parties (CoP 16) held in Bangkok from 3 to 14 March 2013. Here is our report.*



Committee 2 receiving the MIKE report on elephant poaching.

**ESMOND MARTIN**



is a geographer and has been monitoring the trade in rhino horn and elephant ivory since the late 1970s. His work in 2012 focused on those strategies that have been

effective in reducing rhino poaching in West Bengal (India) and in Nepal. With his colleague, Lucy Vigne, Dr Martin recently exposed one of the largest illegal ivory markets in the world which is in Lagos with the hope that the Nigerian government will close it down.

**LUCY VIGNE**



has been studying the trade in ivory and rhino horn world-wide since the mid-1980s; she was in Yemen in late 2012 to learn that the trade in rhino horn has been

much reduced. She has recently been working in Laos which is a major entrepot for African rhino horn. In her spare time, she is an active Board member of Friends of Nairobi National Park (FoNNaP) helping to spread wildlife conservation awareness.

In the formal sessions each day, the Parties discussed proposals on trade issues for numerous plant and animal species, proposals that certain governments submitted to the Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora Secretariat several months in advance (as is the requirement), either to request species be put on Appendix I for a complete international trade ban or Appendix II which can allow trade in a species with strict regulations or Appendix III for species that are protected at the national level requiring Parties to control the trade. Only the Parties are allowed to vote on these proposals, but hundreds of participants lobby government officials throughout the day. There are over 32,000 species listed on the appendices making it impossible for the Parties and other participants to have up-to-date information on all species and their trade. The most worrying issues, however, are discussed, sometimes in

great detail, in two large committee conference rooms.

NGOs can influence decisions by holding events during lunch breaks and early evenings. Each day several films and lectures were given encouraging lively discussions. Ivory and rhino horn trade were prominent subjects. The South African government hosted several events to discuss the possibility for Parties to consider the re-opening of international trade in rhino horn as a solution to the poaching problem. Press briefings were given daily, and some journalists tried to push officials for their viewpoints on controversial trade issues, notably the Vietnamese delegates regarding their weak trade controls on rhino horn.

From 1989 to 2010, the ivory trade dominated the formal sessions at the CoP meetings taking up a huge amount of time. This was always extremely political, involving many proposals and heated discussions. These divided the African continent into two camps: the southern African countries in general supporting a legal regulated ivory trade, and many countries in other parts of Africa opposing it. Since CoP 15 three years ago all international trade in ivory has been banned by Parties;

four southern African countries whose elephant populations are on Appendix II were not allowed to apply for an ivory sale before 2017. At CoP 16 only one proposal on the ivory trade was put forward and this was submitted by Kenya and Burkina Faso. This proposal was to prevent any country in Africa from applying to downlist their elephants from Appendix I to II in order to try to sell their ivory before 2017. Kenya and Burkina Faso, however, withdrew their proposal before voting.

African elephants were discussed in the formal sessions on several days, and an important CITES Resolution (numbered Conf. Res. 10:10) was strengthened. This Resolution encourages governments to 'take urgent and concerted efforts to combat' the illegal trade in elephant products and live elephants by improving law enforcement. Many member States, as well as having a ban on imports and exports of ivory, possess laws prohibiting their internal ivory trade, but some countries have very weak enforcement in practice. The Resolution also directed the Parties to report on their ivory stockpiles and recommended them to submit samples from large-scale (500 kg) ivory seizures for forensic

PHOTOS BY: DAN STILES



The Kenya CITES delegation called a press conference to report on successes that they had achieved at CoP16.



A press conference for the launch of the United Nations Environment Programme (UNEP) report 'Elephants in the Dust', which reviewed the current elephant poaching crisis.

analysis to determine where the elephants were poached.

Countries in Africa of particular concern regarding ivory have been the Democratic Republic of Congo (DRC) and Nigeria. The DRC has a large open market of illegal ivory items, especially in Kinshasa. Traders also export large quantities of raw tusks and most officials ignore the ban. Lack of law enforcement in central Africa has had a devastating effect on elephant populations. According to a report that was released in March and was available at the conference, the number of elephants in the forests of central Africa declined by about 62% from 2002 to 2011 due to intense poaching. One DRC delegate admitted in a formal session that the government would like to have a special unit to deal with elephant poaching and requested assistance.

We surveyed Nigeria's retail ivory outlets in Lagos in September 2012 and found the city has one of the largest amounts of new illegal ivory items for sale in Africa – as several earlier surveys

also documented. Despite a total ban on ivory items for display and for sale, the trade is openly conducted, mostly to meet Chinese demand. In order to highlight this problem, after our survey we approached the BBC to film the main market in Lagos on the Lekki peninsula. On 15 January 2013 the BBC released a radio and television news item showing raw tusks and worked ivory for sale in the Lekki market and the bulletin was repeated throughout the day. It produced immediate results. Nigerian authorities raided the Lekki market. They arrested only one vendor with five ivory bangles as the officials said there had been a tip off. Soon afterwards, a Chinese person was arrested trying to leave the country from the main Lagos airport with ivory - one carving of a rhino - at least it was a start, but little more has happened since. The international media is a powerful tool not only to alert an offending country to deal with a problem, but when results are poor or need pushing further, media attention encourages the international

community to get countries to take more action. At CoP 16, in order to maintain the momentum against the illegal ivory trade in Nigeria, the CITES Secretariat had a meeting with the Nigerian delegates who promised to improve law enforcement at the Lekki market. However we have not heard of any significant improvements in curtailing Nigeria's overall ivory trade.

Regarding rhino horn, there has been no legal trade between CITES member states for many years, but limited sport hunting of white and black rhinos is allowed in certain southern African countries with trophies taken home by the trophy hunter on condition they are kept and not sold. There is also limited international trade in live white rhinos; this occurs mostly from South Africa to China. For CoP 16 only one proposal on rhinos had been put forward which was submitted by Kenya. The proposal requested that white rhino trophies from animals sport hunted in South Africa and Swaziland would not be allowed to be exported (there would

be a 'zero quota') until at least CoP 18. Kenya withdrew this proposal during a formal session. Some southern African countries had complained that if this were passed fewer sport hunters would hunt white rhinos especially in South Africa, depriving state and private enterprises of much needed funds and thus discouraging private owners from breeding white rhinos and allocating land for them.

As well as the CITES ban on international trade in rhino products, most countries also have a domestic ban. Effective law enforcement has been often lacking, and many criminals have become increasingly involved in the trade and are getting away with their crimes. Penalties are often too weak and an inadequate deterrent. Some governments have done little to keep up the pressure to fight the trade in rhino products. Three countries presently stand out that need to make a far greater effort on law enforcement regarding both their international and internal trade bans: Mozambique, Lao

People's Democratic Republic (PDR) (presently the largest two entrepots for rhino horn) and Vietnam (the biggest consumer of rhino horn today).

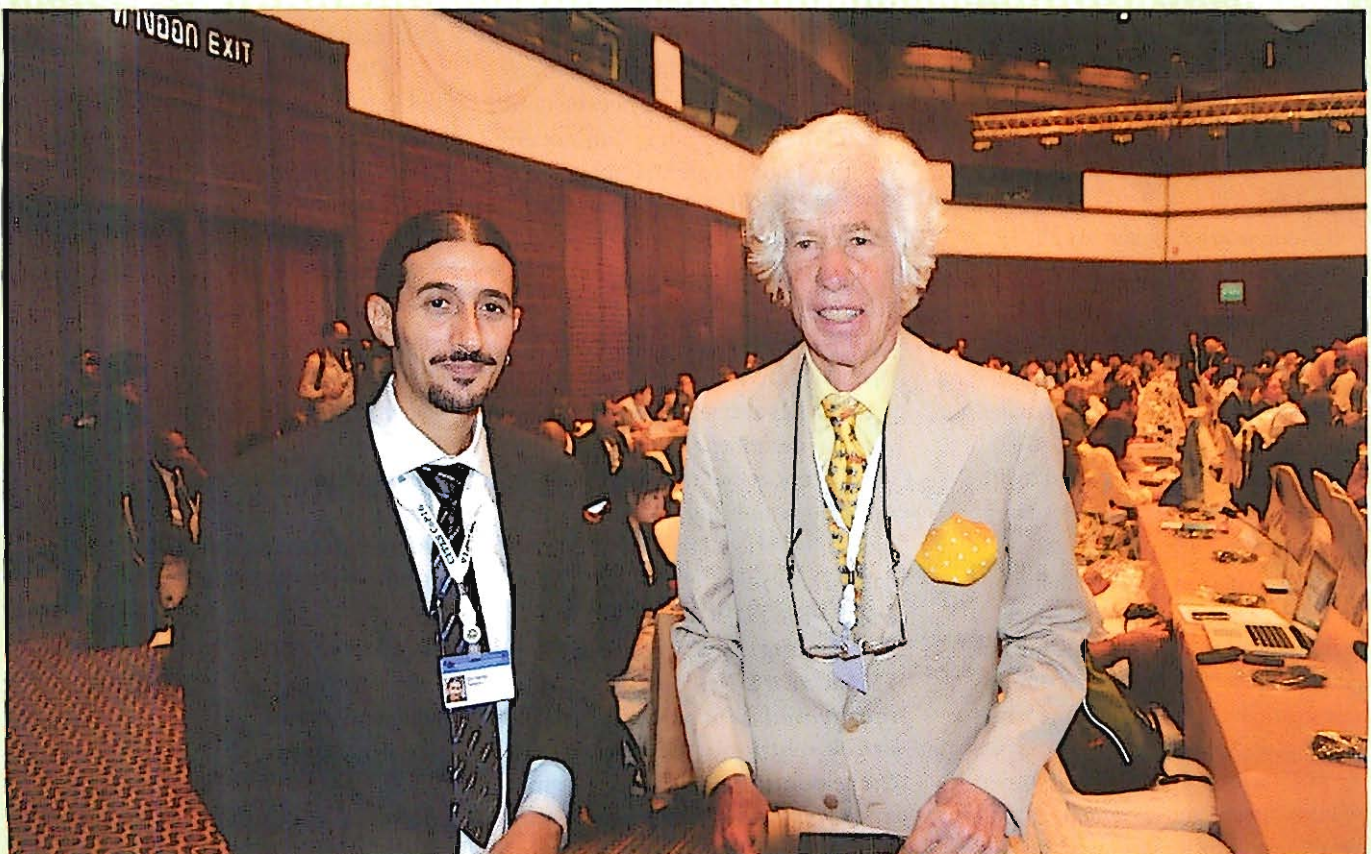
Mozambique poachers continue to cross their border into Kruger National Park in South Africa to kill rhinos. As Kruger shares a very long boundary with Mozambique, it is easy for these poachers to escape from South African officials back into their country where they are almost never arrested. Maputo is now a major route off the continent not only for South African rhino horns but also for those from Zimbabwe. Mozambique's elephants are also being heavily poached and ivory from Mozambique and also from southern Tanzania is being smuggled out of the country with little hindrance. At CoP 16 this problem was discussed and Mozambique was asked to tighten up its controls for both rhino horn and ivory.

Lao PDR has been a major transit country for African rhino horn; one of the traders who handles the largest amount of rhino horn illegally in the

world is a Lao citizen living in this country. Although he has been involved in this illegal trade for the last few years, especially for rhino horn from South Africa via Laos to Vietnam, no officials in Laos have apprehended him. This individual is highly connected and appears to be untouchable by the authorities! At the conference, Laos was criticized for allowing this dealer to continue his blatant rhino horn trade.

Since about 2007, Vietnam has become the world's biggest importer of rhino horn, the majority originating in South Africa, and most of it is traded illegally in Vietnam for an array of dubious uses from cancer to hangover cures. These uses have been only recently created for the growing numbers of newly rich people in Vietnam. The country was heavily criticized at CoP 16 and its officials were urged to take more action to stop this atrocious crime.

CITES Parties have the power to impose a trade sanction against any Party that is not adequately



The author on the right with Ofir Drori, director of the Last Great Ape Organization, on the left.



Karl Ammann at CoP 16 demonstrates a Vietnamese grinding machine that makes rhino horn powder, here using a fake rhino horn.

PHOTO BY: LUCY VIGNE

*Instead, governments, NGOs and the press need to pressurize them, through publicity and high level delegations as soon as possible, giving warnings of bilateral government trade sanctions. The criminals involved must be dealt with. Their illegal trade in ivory as well as rhino horn must be strongly curtailed, and the countries' domestic markets and international trade must be regularly scrutinized.*

Due to the present unstoppable criminal trade in ivory and rhino horn, economic sanctions are believed by many to be the best way forward to get countries that are largely ignoring their bans to implement them. Both WWF and TRAFFIC stressed this in their press report before CoP 16 urging the Parties 'to begin a formal procedure that would lead to strict trade restrictions against the worst offenders in the illicit ivory trade'. Likewise the Environmental Investigation Agency produced a report in February 2013 condemning Vietnam's key role in the illegal trade of rhino horn and concluded, 'the US should consider trade sanctions against Vietnam for ongoing failures'.

At the 16th Meeting of the Conference of Parties, ivory and rhino horn were both discussed at length, and Parties for the first time all agreed that stricter measures were needed to stop the crisis in the trade in ivory and rhino horn. The strictest measure of all that Parties can implement against countries abusing their wildlife trade laws - economic trade sanctions - were not pushed strongly enough by the Parties. Therefore, there is urgent need instead for bilateral government discussions to consider economic sanctions on the biggest rhino horn and ivory offenders, who we believe most notably are the DRC, Lao PDR, Mozambique, Nigeria and Vietnam. ***There is not enough time for endless reports while elephants and rhinos continue to be poached unsustainably and in large numbers to meet the growing Asian consumer demand for their products.*** ●

implementing the Convention's regulations. If this occurs, the Parties will not buy from or sell to the sanctioned country any wild animals or plants listed on the appendices of CITES. When countries are sanctioned they usually respond quickly in complying with CITES regulations to regain credibility and to stop losing a lot of money.

Sanctions are rare and are the strictest penalty that CITES Parties can impose on one another for misconduct. Nigeria had been sanctioned for ivory crimes, but in 2011 the Parties attending the CITES Standing Committee (the name for a smaller CITES meeting held between the CoPs), voted to lift Nigeria's sanction as the government at that stage had demonstrated to the CITES Secretariat improvements in their law enforcement. At the last Standing Committee meeting held in Bangkok just prior to CoP 16 Guinea was sanctioned for flouting the ban on ivory and live chimpanzee exports and for incorrect permitting of other wildlife species and products. No more sanctions occurred, however, during CoP 16.

Instead, the Parties chose to draw up a list of eight countries which were not implementing CITES regulations effectively enough, specifically on the ivory trade. The Parties asked them to produce reports by May 2013 stating what they planned to do between CoP 16 and the next Standing Committee meeting in mid-2014 to implement CITES better. If the eight countries did not curtail their illegal ivory trade, sanctions would be considered. These countries were China, Kenya, Malaysia, Philippines, Tanzania, Thailand, Uganda and Vietnam.

In the meantime, the five countries we have described in this article must take urgent action regarding both rhino horn and ivory to stop flouting their international and internal trade bans: ***Democratic Republic of the Congo (DRC), Lao PDR, Mozambique, Nigeria and Vietnam. These countries are also implicated in other wildlife trade misdemeanors. We believe that these countries' wildlife crimes are too severe to wait until the next Standing Committee meeting in mid-2014 to be discussed.***

JULY-SEPTEMBER 2013

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FOR CONSERVATION?

**MANGROVES**  
THE VITAL ROOTS

**CITES: WHAT IT  
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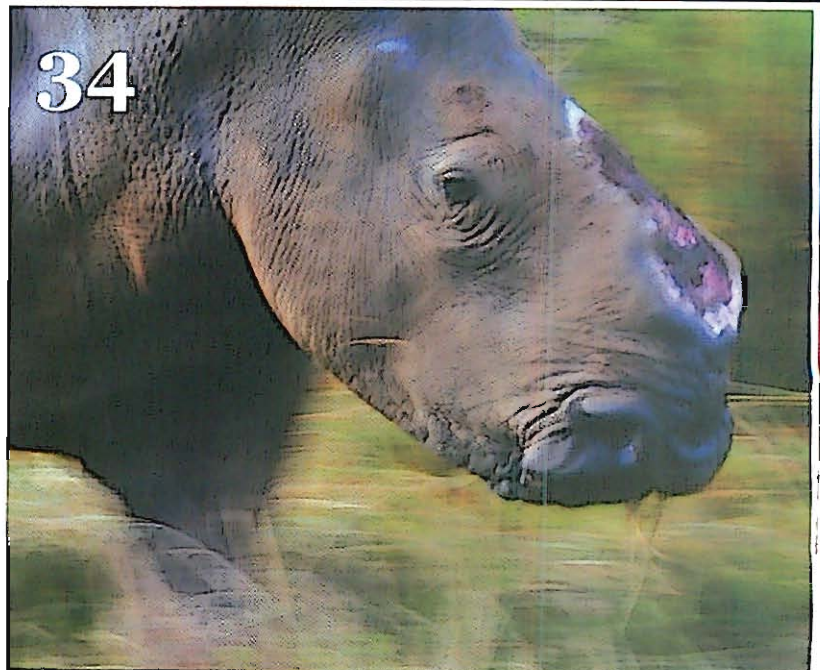
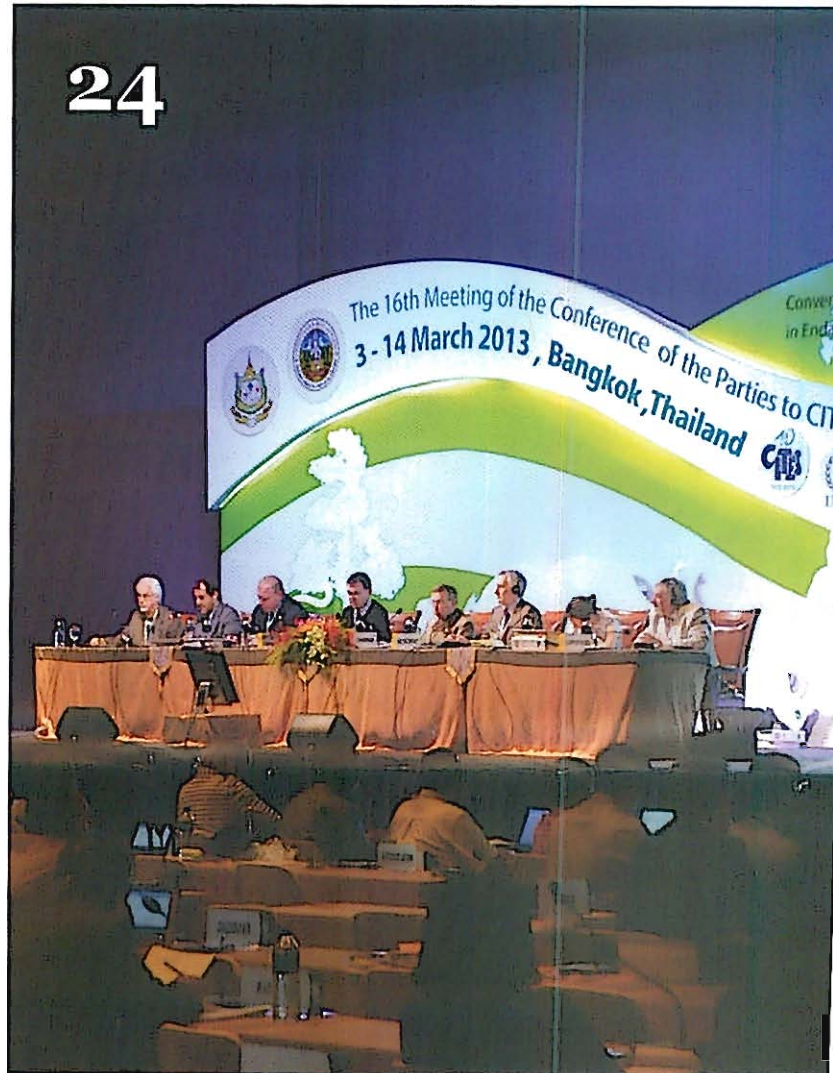
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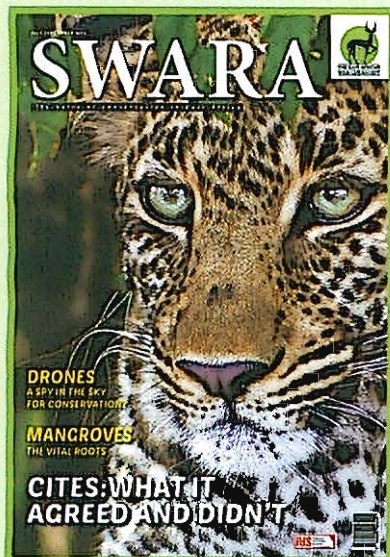
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SWARA is the Swahili word for antelope.

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