



TRAFFIC

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TRAFFIC and WWF

Joint Briefing for the 54th Meeting of the CITES Standing Committee

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Please note that this briefing document does not cover all agenda items under discussion at the Standing Committee. Agenda items covered are:

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TRAFFIC and WWF regret that due to time constraints, this document is available in English only. The TRAFFIC and WWF observers at the 54th meeting of the Standing Committee look forward to working with the Parties at the meeting.

Agenda Item 6.1: Report of the Strategic Plan Working Group

TRAFFIC and WWF congratulates the CITES Strategic Plan Working Group on the progress it has achieved so far in its review of the CITES Strategic Vision and Action Plan, and the successful outcome of its meeting in Ottawa last April.

Just prior to that meeting, and on previous occasions before, TRAFFIC and WWF had highlighted, to the Conference of the Parties, the Standing Committee and the Working Group, a number of important issues for consideration, such as more effective evaluation of the Convention's performance, enhancements to capacity-building and enforcement efforts, increased private sector engagement, reviews of the structure of current CITES institutions and decision-

making, and the need for greater attention to wider conservation and development policy context, including livelihoods.

In pursuing this and other ideas for the next Strategic Plan, TRAFFIC and WWF consider it to be essential that Parties make some effort to evaluate and learn from our achievements and failures over the past years, and to take a serious approach to the monitoring and measuring of the Convention's performance.

Such an approach would examine the effectiveness of the Convention with regard to a number of issues, including:

- Capacity-building for existing and prospective Parties
- Systematic approaches for collaboration with other multilateral environmental agreements, including supporting structures and mechanisms for such cooperation
- Effective application of the precautionary approach and precautionary management measures based on the best scientific advice available
- Effective application and enforcement of compliance measures, including provision for information exchange between Parties as well as strengthening of institutional capacity to analyse compliance and enforcement information
- Regular, transparent reviews and evaluation of performance

The Convention on Biological Diversity (CBD) has adopted basic targets and indicators and allocation of resources to support on-going evaluation. TRAFFIC and WWF hopes that efforts under each Convention can be complementary and non-duplicative and, as part of the revitalised and extended co-operation between CBD and CITES, work on a common set or subset of species indicators would be valuable to both Conventions.

TRAFFIC and WWF would also encourage the Standing Committee to invite participation from relevant inter-governmental organizations, including IUCN, into any further work of the Strategic Plan Working Group to explore possible synergies with other multilateral environmental agreements and processes.

Agenda Item 10: Cooperation with the Food and Agriculture Organisation of the United Nations

TRAFFIC and WWF would like to express its appreciation to the Standing Committee, as well as the Secretariats of CITES and FAO, for the many years of hard work involved that has led to the successful completion of the Memorandum of Understanding between FAO and CITES. The increased consideration of trade-related measures regarding commercial fish species and the complementary role CITES can play in helping to regulate commercially exploited marine resources highlight the need for strengthened cooperation between CITES and FAO. Agreement on the MOU will ensure timely progress in effectively facilitating and enhancing that collaboration.

TRAFFIC and WWF notes a number of decisions from that the 22nd Meeting of the Animals Committee last July that have already proposed collaboration with the FAO on a number of issues under the MOU with FAO. These include developing and implementing a joint working programme on exploitation and international trade of shark species; follow-up actions to support, where appropriate, the FAO Workshop on Sustainable Use and Management of Sea Cucumbers fisheries in 2007; and collaboration with FAO and other appropriate regional organizations, to

initiate regional co-operation on the management of sustainable fisheries for Tridacnidae. Collaboration actively underway in so many areas of work already bodes well for effective and successful implementation of this important MOU.

Agenda Item 17: Species-specific Resolutions concerning Appendix-I species

TRAFFIC and WWF note that the document SC54 Doc. 17 invites comments on proposals to consolidate several resolutions of the Conference of the Parties. TRAFFIC and WWF oppose the recommendations of the CITES Secretariat in paragraph 8, for several reasons, as outlined below.

The document is unclear as to the reasoning behind consolidating or otherwise merging these four resolutions. TRAFFIC and WWF believe that this exercise is of no demonstrable conservation value, and no consolidation or merging should take place in the absence of any demonstrable benefit.

The document proposes to consolidate the resolutions dealing with the conservation of and trade in African and Asian rhinoceroses (Conf. 9.14 Rev. CoP13), Tibetan antelope (Conf. 11.8 Rev. CoP13), tigers and other Asian big cat species (Conf. 12.5), and great apes (Conf. 13.4). These issues affect different range states, and address different issues and threats, and in our view, would not benefit from the suggested consolidation.

Many governments — whether range States or others — have successfully used these species-specific resolutions to stimulate national legislation, and some donor governments have used them to stimulate the provision of significant funds for the conservation of these species in the wild. A consolidation, and thereby a down-playing of the importance of the actions necessary at the species-level, will threaten these, and potential for future similar conservation action.

TRAFFIC and WWF respectfully recognize that the Secretariat's resources (both human and financial) are limited. Indeed, in many of the documents prepared for this meeting, the Secretariat has stressed that it does not have the capacity to properly address high priorities such as domestic ivory markets. We recommend that the Secretariat's limited resources be directed to these high priority activities.

TRAFFIC and WWF concur that there could have been better progress on many of the recommendations in these important resolutions. However, the conservation of these endangered species and control of illegal trade in their parts and products present some of the greatest conservation challenges we face today. We must not give up, and merge these into a single resolution for the sake of simplicity. We should instead support the efforts and intentions of range states to ensure the conservation of these species. We should instead rededicate ourselves to the conservation of these species, and to reducing the threat of poaching and illegal trade. Consolidating the resolutions will not reduce that threat.

In the case of tigers and other Asian big cats, for example, Resolution Conf. 12.5 brings attention to the serious problems of illegal trade in tiger parts and products, and focuses action at the national level on several key specific problems. Work is now ongoing work to follow up on those activities. More work and attention are needed to address these serious problems—and consolidating this resolution into a larger document could run the risk of reducing attention to these serious issues.

CITES is a species-specific treaty, dealing with listed species. In the case of these Appendix I species, the resolutions are necessary to address problems unique to that species, or unique to a specific range of countries or geographic area. These issues cannot be adequately addressed by a combined resolution.

There are issues dealt with for one or more of the Appendix I species in question that are not relevant to all, and a consolidation risks losing those unique issues. For example, domestic trade is not a problem for all of these species; management and regulations of stockpiles are not a problem for some of the species (e.g., great apes), but are a serious concern for others (e.g., rhinos).

These resolutions were adopted by the Parties to enhance or stimulate national, regional, and international actions on legislation, enforcement, awareness raising, and other issues. These goals cannot be accomplished by merging the resolutions. Rather, we would prefer the Parties and the Standing Committee direct and support the Secretariat's efforts to develop a monitoring and evaluation system to assess progress on implementation of these and other resolutions, so that the Parties can know when specific targets and milestones have been met or not, and make decisions accordingly.

TRAFFIC and WWF therefore recommend that the Standing Committee instruct the Secretariat not to pursue any further work on this proposed consolidation

Agenda Item 19: Introduction from the sea

TRAFFIC and WWF would like to congratulate the Standing Committee on the successful workshop that was held in Geneva from 30 November to 2 December last year to consider implementation and technical issues related on introduction from the sea. TRAFFIC would like to thank the Standing Committee for inviting TRAFFIC to participate in the workshop. The workshop addressed a number of key critical issues on the interpretation of introduction from the sea, and TRAFFIC stands ready to provide any further input to any further discussions on these issues, should the Standing Committee so request it.

At the last Conference of the Parties, TRAFFIC and WWF recommend that Parties adopt an interpretation for CITES of what constitutes waters under national jurisdiction, based on existing interpretations of United Nations Convention on the Law of the Sea (UNCLOS) provisions. This would provide certainty for the fishing industry, as well as for national Management and Scientific Authorities, with regard to the implementation of this important aspect of CITES for marine species. TRAFFIC and WWF are therefore pleased to see that progress has been achieved on this issue with the proposed draft Resolution on the marine environment not under the jurisdiction of any State. TRAFFIC and WWF are looking forward to fruitful discussion on this Decision at the next Conference of the Parties, so a common view on marine jurisdiction can finally be adopted under CITES.

TRAFFIC also noted the serious discussion on a definition for 'transportation into a State' and welcomes the draft Decision on the way forward for this issue, particularly the establishment of a working group on Introduction from the Sea to consider this and other outstanding issues identified at the workshop. TRAFFIC has been pleased to have actively participated in the process thus far and would be happy to be contribute further as a member of this Working Group.

TRAFFIC and WWF would like to commend the Parties for the great strides forward on this issue, which further reinforce the complementary role CITES can play in helping to regulate commercially exploited marine resources.

Agenda Item 24: Great Apes

TRAFFIC and WWF thank the Secretariat for their report on the technical mission to Indonesia. Noting the decision not to make the report public, TRAFFIC and WWF would however encourage the Government of Indonesia to provide an oral update on those steps taken to address those recommendations made by the mission that can be discussed publicly.

The Secretariat also reports on the difficulties in fitting other recommended technical missions on great ape issues into its work schedule. In light of this, TRAFFIC and WWF particularly welcome the news that the CITES Great Ape Enforcement Task Force meeting will be held in Nairobi, October 31- November 2, 2006 (as noted in SC54 Doc 9.1). We look forward to hearing the outcomes of the Task Force meeting at the next Standing Committee meeting and working with participants to support the implementation of any forthcoming recommendations.

Agenda Item 25: Tiger

TRAFFIC and WWF commended the decision at the Standing Committee meeting last year to require all range States of Asian big cats to report their progress in combating illicit trade in specimens of Asian Big Cat species and their implementation of recommendations made by the CITES Tiger Missions Technical Team. We are pleased that Afghanistan, Bangladesh, China, India, Indonesia, the Republic of Korea, the Russian Federation, Thailand and Viet Nam have submitted reports and would encourage Cambodia, Lao PDR, Malaysia and Nepal to follow suit, if they have not done so already.

However, TRAFFIC and WWF are disappointed that the report of the Secretariat in Document SC54 Doc 25.1 does not really give either country-specific evaluations or a global overview of the progress made on implementing the various CITES Tiger Missions recommendations, based on the country reports submitted. Such an evaluation would have allowed the Standing Committee to deliberate on which priority countries to focus on, the key gaps or deficiencies that need to be addressed, and the elements needed for the development of an action plan or other remedial measures.

TRAFFIC and WWF share the concern of the Secretariat that conservation efforts have not thus far secured a future for tigers and agree that political will at the highest level of government is required to address this crisis. While a high level meeting could indeed stimulate increased government commitment, it will not in itself be sufficient to address this emergency and to deliver the conservation action required. Legislative gaps, implementation difficulties, illegal trade, domestic markets, enforcement weaknesses, lack of capacity and other barriers to effective tiger conservation must be adequately identified, possible solutions assessed and progress in the implementation of those solutions monitored.

TRAFFIC and WWF therefore fully support the recommendation from the United States in SC54 Doc 25.2 that parameters are established that will be used to measure range State progress in combating international trade in tiger parts. In this regard, TRAFFIC and WWF would like to draw the attention of the Standing Committee to the TRAFFIC report "Tiger Progress? The Response to CITES Resolution Conf. 9.13", which reviewed Tiger-related legislation, enforcement and conservation activities undertaken by 29 selected countries and territories since 1994 and provided an evaluation of country responses to the Resolutions (p.14), including adoption/amendment of legislation; adequate financial penalties; prohibition of domestic trade; treatment of products claiming to contain tiger as Appendix I; consolidation and control of stocks; participation in multilateral agreements; forensics; work with traditional medicine communities, promotion of substitutes; education, and others.

In 2004, prior to SC50, TRAFFIC undertook a rapid assessment on implementation of these recommendations in East and Southeast Asia that indicated that there continues to be implementation gaps and difficulties such as the establishment of specialized enforcement units, inter-agency coordination and intelligence-gathering in a number of key range States. As a follow-up to this work, TRAFFIC is currently engaged in a project assessing efforts by Tiger range States and key consuming States in implementing CITES Resolution Conf. 12.5 'Conservation of and Trade in Asian Big Cats'. The project will evaluate national responses to commitments controlling international commercial trade in specimens of tiger and other Asian big cat species, including formulating necessary national legislation to implement CITES, strengthening enforcement efforts, ensuring adequate management measures to regulate facilities breeding tigers in captivity, and enlisting support from stakeholders to conservation, among others. Work will also include a review of progress by countries visited by the CITES Tiger Missions in 1999 and 2002 in implementing the recommendations made by the Missions. We hope such an assessment would help determine the next steps needed to effectively address illicit trade in tiger parts globally and nationally, and we intend to disseminate its findings prior to the 14th Meeting of the Conference of the Parties and to the 55th Meeting of the Standing Committee.

TRAFFIC and WWF believe that efforts such as these would help support and complement efforts to measure range and consuming States' progress in combating trade in tiger parts and have the potential to make a strong contribution towards discussion on and implementation of the recommendation in SC54 Doc 25.2. TRAFFIC and WWF believe that this recommendation would allow the Standing Committee to formally and effectively evaluate progress made on addressing illegal trade in tigers parts on an ongoing basis and, where progress is insufficient, identify solutions where needed.

Finally, we draw your attention to a pivotal new study that increases the urgency of CITES-related activities with respect to the trade in tigers and tiger parts. ***Setting Priorities for the Conservation and Recover of Wild Tigers: 2005-2015*** is the most comprehensive scientific study of the status of tigers, and the habitat and landscape level requirements of the species ever conducted. It finds that tigers now occupy up to 40 percent less habitat than was estimated a decade ago and they are now restricted to only 7 percent of their historic range. We will provide Standing Committee attendees with copies of the ***User's Guide***, which summarizes the findings and policy prescriptions from the study. The full ***Technical Assessment*** is available upon request, and can also be found electronically at

http://www.panda.org/about_wwf/what_we_do/species/news/index.cfm?uNewsID=76440.

This landmark study was commissioned by the National Fish and Wildlife Foundation's Save The Tiger Fund, and authored by some of the world's leading scientists at WWF, the Wildlife Conservation Society, the Smithsonian's National Zoological Park and Save The Tiger Fund, along with the input of more than 160 tiger researchers, scientists, and field staff. The study calls for international actions to safeguard remaining tiger populations and their habitats and finds that conservation efforts must focus on conservation of prey species, conservation of tigers' natural habitat, and cessation of tiger poaching. Although this report documents a new low for tigers, it also charts a way forward to reverse the trend and save this magnificent species. Doing so will require strong ongoing commitment from national governments and international agreements such as CITES, along with effective, science-based conservation efforts to bring the species back to all parts of its biological range.

Agenda Item 26: Elephants

General background on control of trade in African Elephant ivory and the CITES action plan:

The Elephant Trade Information System (ETIS) analyses demonstrate that illegal trade in elephant ivory is most directly correlated with the presence of large-scale, poorly regulated domestic ivory markets (CoP12 Doc. 34.1; CoP13 Doc. 29.2). To address the paramount driving force behind illegal trade in ivory, at CoP13 in Bangkok (Thailand), the Parties adopted *Decision 13.26 Annex 2 Action plan for the control of trade in African elephant ivory*. This decision obligated all African Elephant range States to:

- prohibit the unregulated domestic sale of ivory in all forms, including special provisions to place the burden of proof concerning lawful possession upon any person found in possession of ivory;
- issue instructions to all law enforcement and border control agencies to enforce existing or new legislation rigorously; and
- engage in public awareness campaigns publicizing prohibitions on ivory sales.

The action plan gives the CITES Secretariat the power to suspend all commercial trade in CITES-listed species "*in cases where Parties or non-Parties are found not to implement the action plan, or where ivory is found to be illegally sold*". The Secretariat is obligated to report upon the implementation of the action plan at each meeting of the Standing Committee.

Compliance with reporting requirements of the action plan:

To assess compliance with this decision, the 37 African Elephant range States, plus Djibouti, were initially obliged to report the "*details of seizures, copies of new legislation, copies of administrative instructions or orders to enforcement agencies, and details of awareness campaigns*", as appropriate, to the Secretariat by 31 March 2005. Unfortunately, by that date, only seven countries had responded, while another five countries reportedly submitted reports by the 53rd meeting of the Standing Committee in June 2005. Deliberations on this issue at that meeting resulted in the Standing Committee instructing "*the Secretariat to report in detail at the 54th meeting of the Committee upon implementation of the action plan*".

It is of great concern that only seven more African Elephant range States had provided the required reports by the time SC54 Doc. 26.1 was issued for this meeting. TRAFFIC and WWF

are disappointed to note that, nearly two years after *Decision 13.26* was approved, 18 African countries are still identified as having completely failed to meet the basic reporting requirements. At the 53rd meeting of the Standing Committee, TRAFFIC and WWF accepted that many range States warranted additional time to meet their reporting obligations to the Secretariat, but in view of the time now past, any such reprieve is no longer justified. It is noted that SC54 Doc. 26.1 states that “*the Secretariat does not believe that the failure to submit a progress report, in itself, should be considered as a failure to implement the action plan*”. TRAFFIC and WWF consider, however, that without basic information concerning the actions of governments and the circumstances in individual countries, there is no basis upon which to conclude that a country is doing anything constructive in terms of implementation of the action plan. It is our sincere belief that unresponsive countries do need to be singled out and made accountable, and the possible imposition of sanctions should not be discounted in this regard.

It is worth noting that some countries that are failing to comply with the reporting requirements were identified as countries of concern in the first ETIS analysis presented at CoP12. With the adoption of *Decision 12.39* at that meeting, Nigeria, Djibouti and Uganda have been obligated to demonstrate compliance with the requirements for internal trade in ivory outlined in *Resolution Conf. 10.10 (Rev. CoP12) Trade in elephant specimens* since November 2002. Indeed, Nigeria’s failure to implement CITES and promulgate adequate supporting legislation led the Standing Committee to impose a total suspension of all trade in CITES-listed specimens in July 2005. TRAFFIC and WWF note that this suspension is still in effect, but nonetheless register concern that Nigeria remains totally unresponsive towards meeting its reporting obligations pursuant to *Decision 13.26*. Six of the African Elephant range States (i.e. Benin, Equatorial Guinea, Eritrea, Ghana, Guinea-Bissau and Liberia) that have still not reported to the Secretariat pursuant to implementation of the action plan are also identified in the ETIS update report to this meeting as having never reported an elephant product seizure case to ETIS since 1989.

Recommendations: In conclusion, TRAFFIC and WWF believe that the Standing Committee should determine a process whereby countries, that undermine the action plan process under *Decision 13.26* by habitually ignoring all requests for information from the Secretariat, are duly penalized. Such countries should be put on notice at this meeting of the Standing Committee and, if such a status continues in an unmitigated manner, at the 55th meeting of the CITES Standing Committee, sanctions, including the suspension of all commercial trade in CITES-listed species can, should be an option for consideration.

Ability to assess compliance with the substantive obligations of the action plan:

TRAFFIC and WWF consider the action plan of *Decision 13.26* to be the key initiative under CITES to eradicate illicit trade in ivory within Africa and other markets around the world. In this regard, each country’s compliance with the action plan’s requirements at the national level should, with the exception of sensitive law enforcement information, be generally understood through an open, accountable and transparent process in the public domain. TRAFFIC and WWF are concerned, however, by the lack of ‘detail’ and substantive information in SC54 Doc. 26.1. Judging from the content of this document, it is not apparent to an outside observer, indeed, even perhaps to the CITES Standing Committee members themselves, whether or not those countries which have submitted reports to the Secretariat are, in fact, complying with the terms of *Decision 13.26* outlined above. Countries should be assessed, and reported on, directly against the three criteria noted above, so that the Standing Committee can measure progress, or lack thereof, with more openness and oversight. The current lack of detail impedes the ability of the broader CITES community to make sensible judgements about the efficacy of the *Decision 13.26* process, or to ground truth the information contained in the reports by national authorities with the situation on

the ground. It would appear that the lack of detail in SC54 Doc. 26.1 does not satisfy the intent of the Standing Committee's instruction at its 53rd meeting for "*the Secretariat to report in detail*" on this matter at its next meeting.

Recommendations: TRAFFIC and WWF hope that the Secretariat, or the Parties concerned can, at the 54th meeting of the Standing Committee, provide an overview of actions taken so that the Standing Committee can make a more definitive assessment of progress, including instances where verification missions may be necessary to undertake, or where sanctions should be imposed. Further, in future reports, the Secretariat should present and assess the information received from individual countries against the specific criteria of the action plan (i.e. the issues of legislation, law enforcement and public awareness outlined in paragraph 1 of *Decision 13.26*). If regulated trade in ivory is allowed then compliance with the criteria for internal trade in ivory in *Resolution Conf. 10.10 (Rev. CoP12)* also needs to be demonstrated. In this regard, applying a categorization scheme similar to that used under the CITES National Legislation Project would provide a useful measure against which future actions and requirements could be calibrated (i.e. Category 1 - country is believed generally to meet the requirements; Category 2 - country is believed generally not to meet all of the requirements; Category 3 - country is believed generally not to meet the requirements). Such a system would highlight specific issues for attention by individual countries at specific points in time, allowing for progress - or the lack of - to be measured through an iterative process at each meeting of the Standing Committee.

Capacity of the Secretariat to implement the action plan:

While SC54 Doc. 26.1 lists an impressive range of activities undertaken by the Secretariat to implement the action plan since the 53rd meeting of the Standing Committee, TRAFFIC and WWF nonetheless remain concerned that the task at hand is far too great for Secretariat alone to handle. This fact is tacitly recognised by the Secretariat, who readily asserts that it "*has neither the budget nor human resources to help implement the action plan as effectively as it would wish*". Further, "*given the limited resources*", the Secretariat has commendably proceeded on the basis of prioritization. On the other hand, with on-site verification missions only possible in very few instances, even priority countries are sometimes receiving scant attention. For example, the Democratic Republic of the Congo and Mozambique are noted as nearly facing sanctions, but were given a reprieve on the basis of reported actions. These actions, however, could not be verified through on-site visits. In fact, TRAFFIC has subsequently been advised by credible sources that worked ivory products have recently been observed for sale once again in the departure lounge areas of the international airports in the capital cities of both of these countries. Whilst Mozambique, through the CITES Secretariat, did submit information on recent ivory seizures which had taken place in the country, the data did not satisfy the minimum requirements for inclusion in ETIS. Follow-up correspondence in this regard with Mozambique has gone unanswered. The Democratic Republic of Congo has not submitted any ivory seizure cases to ETIS.

Recommendations: TRAFFIC and WWF believe that more resources and time needs to be directed towards implementation of the action plan. Further, the development of a workplan could be a useful tool that not only outlines a series of tasks that need to be achieved for the action plan to be implemented, but it also might facilitate the active and collaborative engagement of other governments and the NGO community. For example, at the 53rd meeting of the Standing Committee, South Africa made an undertaking on behalf of Southern African Development Community (SADC) to assist Mozambique and Angola, a non-Party to CITES, when evidence of significant, ongoing illegal trade in ivory was brought to the attention of the last Standing Committee meeting. TRAFFIC and WWF look forward to the report on this matter from South

Africa at the Standing Committee meeting. Similarly, as noted in paragraph 19 of the SC54 Doc. 26.1, TRAFFIC has recently assisted the Secretariat in conducting a law enforcement training workshop in Sudan, as well as to hold unilaterally a similar event in Zimbabwe. Development and distribution of a workplan could enable other such initiatives which support implementation of the action plan.

Comments on ivory trade developments in countries named in Decision 12.39 and the action plan:

Thailand

Ivory trade studies in Thailand conducted in 2001 documented more worked ivory products on the internal market than any other country in the world. It is, therefore, not surprising that the subsequent results of the ETIS analyses have heavily implicated Thailand as one of the most important countries in the illicit trade in ivory. For this reason, Thailand was singled out as one of the ten target countries named in *Decision 12.39* adopted by the Parties at CoP12 in November 2002. By the same token, Thailand was also specifically noted in *Decision 13.26* at CoP13 in October 2004 as a “priority country” outside of the African Continent. It is important to recall that, at the 50th meeting of the Standing Committee, in March 2004, it was reported in SC50 Doc. 21.1 (Rev. 1) that the Secretariat had asked Thailand to provide an action plan concerning implementation of the requirements for internal trade in ivory required under *Resolution Conf. 10.10 (Rev. CoP12) Trade in elephant specimens* and that a response in that regard was awaited. Since then, it has been reported that an action plan has been developed by the Thai authorities for addressing the country’s ivory trade issues, but the details and scope of this plan have never been made public. Indeed, two and one-half years have now passed, and it is difficult to identify any tangible signs of progress. In particular, Thailand’s legislation continues to allow a major loophole whereby trade in ivory from domesticated elephants remains legal, although there is little basis to believe that the vast quantities of ivory products on the local market could possibly derive from this potential source. We understand that a process is in place to update this legislation, but details of progress on this is not publicly available.

In fact, TRAFFIC and WWF are now concerned that a resurgent trade in ivory products is currently taking place in Thailand and that the requirements of *Resolution Conf. 10.10 (Rev. CoP12) Trade in elephant specimens* for the control of internal trade in elephant ivory are not being implemented effectively. Prior to CoP13, which was hosted by the Thai Government in Bangkok, TRAFFIC and WWF conducted market surveys and spot checks concerning the availability of worked ivory products in the city’s retail markets. At that time, numerous shops indicated that they had been warned to remove ivory products from display and little ivory was actually observed for sale. Today, however, considerable volumes of ivory products are back in open view with apparent impunity from oversight law enforcement action. Between 27 January – 10 March 2006, random spot checks in Bangkok by TRAFFIC researchers found 7,230 worked ivory items for sale in 25 retail outlets, including shops in large hotels, major tourist shopping arcades, the Chatuchak weekend market and an agricultural fair near a university campus. Indeed, some shops which did not display elephant ivory products around the time of CoP13, now had many ivory products openly for sale. Most dealers stated that the ivory for their products originated in Africa. Further, many dealers expressed frank awareness concerning the illegality of taking ivory products out of Thailand, but none indicated that law enforcement was a major concern and all were quick to suggest methods for smuggling purchased items out of the country. In the north of the country, TRAFFIC also surveyed the Thailand-Myanmar border town of Mai Sai and found 446 ivory items in eight shops on the Thai side of the border. This ivory reportedly originated from Myanmar and is presumed to derive from the endangered Asian Elephant *Elephas maximus*.

In SC54 26.1 the Secretariat reports that “*relatively little progress has been made in amending Thailand’s domestic controls*” in spite of repeated attempts to engage the authorities. TRAFFIC and WWF believe that Thailand’s response to date has been inadequate and regrettably lacks transparency. Moreover, continuing market survey research demonstrates that the conditions for internal trade in ivory as stipulated in *Resolution Conf. 10.10 (Rev. CoP12)* are simply not being met.

TRAFFIC and WWF recognize that Thailand has taken the lead in the establishment of the ASEAN Wildlife Enforcement Network (ASEAN-WEN) in December last year. To support this initiative, the Thai authorities, have recently intensified their efforts against the illegal wildlife trade, resulting in several successful seizures of illegal wildlife products. With great strides now being made in wildlife law enforcement cooperation in the region, it is therefore critical that Thailand maintains this momentum and immediately implement its ivory action plan and adopt the necessary legislative reforms to demonstrate its full commitment to addressing unregulated markets and curtailing illegal ivory trade in the country.

Comments on the CITES Verification Missions on China and Japan:

Both China and Japan have requested to be designated under CITES as ‘ivory trading partners’ in relation to the annotation for trade in raw ivory accompanying the listing of the African Elephant populations of Botswana, Namibia and South Africa in Appendix II. As is well known, these three southern African countries were conditionally approved, at CoP12 in November 2002, to sell specified registered stocks of raw ivory through a one-off sale to approved ‘trading partners’, once certain conditions have been met. Towards that end, the domestic ivory trade control systems in China and Japan have been thoroughly examined by Technical Missions under the auspices of the CITES Secretariat.

China

The CITES Secretariat issued the Technical Mission Report on the situation in China in SC53 Doc. 20.1. Whilst that report was generally favourable about a newly-developed internal ivory trade control system in China, a number of suggestions for improvement and the need for continued vigilance were mentioned. In particular, the Technical Mission Report noted that illegal processing and retail level facilities continue to operate in parts of China. The report advised that “*the authorities must do everything they can to seek out such facilities and either take appropriate law enforcement action against them or bring them into compliance with the legal control system*”.

The Technical Mission Report, noting “*the rate of seizures from returning Chinese citizens and the interceptions of ivory acquired by such citizens*”, also urged China’s Ministry of Foreign Affairs to put more effort into publicity and public awareness campaigns directed at Chinese nationals living and working abroad. These remain very important considerations.

In its final conclusion, the Technical Mission Report for China stated that “*the Secretariat is of the opinion that China fulfils the requirements of the annotation and the Resolution. Having reached such a conclusion, the Secretariat remains conscious that China continues, along with many other countries, to be a destination for illicit trade in ivory. Consequently, it believes it would not be appropriate for the Standing Committee to make any final decision regarding this matter at the present meeting. Indeed, it is unnecessary for such a decision to be taken at this time, since other conditions included in the annotation have yet to be met and it is not expected that they will be completed in the immediate future. Instead the Secretariat suggests that it*

should continue to closely monitor the situation of ivory trade in China and its compliance with Resolution Conf. 10.10 (Rev. CoP12) Trade in elephant specimens.”

For the 54th meeting of the Standing Committee, SC54 Doc. 26.1 updates the situation with respect to China by stating that “*The Secretariat remains concerned that China continues to be a major destination for illicit trade in ivory. It is also concerned by evidence, and intelligence, which indicates that citizens of China based in Africa are engaged in such illicit trade. However, the Secretariat continues to be satisfied that the domestic trade control system, established by China meets the requirements of Resolution 10.10 (Rev. CoP12)*”. There is, however, no recommendation by the CITES Secretariat for the Standing Committee to designate China as an ivory trading partner at this time.

TRAFFIC and WWF welcome the efforts of China to date and believe that significant progress has been made in addressing a range of ivory trade issues, including law enforcement. It is very important that this positive momentum continues into the future, especially appropriate attention to any evidence concerning illegal ivory processing or trade in the internal market of China, as well as public awareness outreach initiatives to Chinese nationals living abroad, especially those in African Elephant range States. Paragraph 12 of SC54 Doc. 26.1 describes an ivory seizure which transpired in Zimbabwe in July 2005, which TRAFFIC knows involved two Chinese nationals. This high profile case affords China an opportunity to demonstrate co-operation and assistance to Zimbabwe in terms of international law enforcement on an ivory trade issue of mutual concern.

Recommendation: In the absence of any new recommendation by the Secretariat with respect to a final decision concerning China, WWF and TRAFFIC is satisfied that the conclusion of SC53 Doc. 20.1 remains in effect at the present time.

Japan:

The CITES Secretariat provides the Technical Mission Report on Japan in SC54 Doc. 26.1 (Rev. 1). This report has been pending since the 53rd meeting of the Standing Committee which received a full report on China, but only noted that the verification process in relation to Japan had yet to be completed. To facilitate the process, it is noted that the Japanese Government convened a national working group of key stakeholders, including TRAFFIC East Asia-Japan, to assist with the design and implementation of improvements to the country’s ivory trade control system. In the document under consideration at this meeting, the Secretariat outlines a number of improvements that Japan has taken, including amendments to its legislation, an exercise to assess the records of registered ivory manufacturers and traders, the development of new reporting forms and databases, and the use of an identifying sticker to be displayed on the premises of all registered traders. These measures are identified in the Secretariat’s report as “mandatory provisions”. The Secretariat also reports a higher level of awareness amongst law enforcement agencies, as well as the development of law enforcement new tools, such as an identification manual that helps to distinguish elephant from mammoth ivory, and the delineation of standard procedures for investigators tackling issues of non-compliance with respect to wildlife trade regulations. These elements have given the Secretariat confidence to now recommend “*that Japan should be, once again, designated as a trading partner*” under CITES.

TRAFFIC has witnessed steady improvements to Japan’s ivory trade control system and, over the years, has continued to undertake monitoring activities of the retail market to assess compliance and other developments. Whilst it is recognised that the control system has integrity and widespread support from both government and industry, it is nonetheless very complex and

involves a multitude of participants – indeed, 11,061 manufacturers, wholesalers and retailers to be exact. In dealing with so many separate entities, it is perhaps not surprising that various anomalies continue to be observed in the market place. For example, TRAFFIC has on two occasions assessed the usage and display of the new stickers (described in paragraphs 16 and 35 of SC54 Doc. 26.1 (Rev. 1)), which were first issued in October 2005 to all registered dealers. In February 2006, TRAFFIC researchers found only 8 (28%) of 29 shops surveyed displayed the sticker, while a similar survey of 28 of the same shops in September 2006 found that 18 (64%) had the sticker. Whilst this reflects significant improvement, it still needs to be acknowledged that a little over one-third of the retail establishments surveyed are not complying with this requirement. In drawing attention to this survey result, TRAFFIC recognizes that failure to display the sticker is essentially an administrative problem and does not, in itself, constitute evidence of illegal trade in ivory. It does, however, indicate that the effort to promote awareness amongst registered traders and the requirements for their compliance with the ivory trade control system needs further consideration and promotion.

Of greater concern to TRAFFIC and WWF is the discussion in paragraph 34 of the Technical Mission Report concerning the registration of whole tusks that previously had been held by private individuals for non-commercial purposes and, therefore, were not obligated to be registered under the *Law for the Conservation of Endangered Species of Wild Fauna and Flora* (June 5, 1992, Law No. 75) as part of the ivory trade control system. In this regard, the Secretariat notes that “378 tusks were added to the registration database by the end of June 2006” and that “it learned that some banks and loan companies were storing raw ivory as security against loans and mortgages”. This last comment is of concern as it indicates that some of the registered tusks derive from sources whose ownership of the raw ivory in question has been strictly commercial in nature. This calls into question whether or not Japan’s law actually complies with the requirement in *Resolution Conf. 10.10 (Rev. CoP12)* for control of internal ivory trade that stipulates “*compulsory trade controls over raw ivory*” must be in place. Further, the procedure for allowing unregistered stocks of raw ivory to become registered is not clear and needs further clarification so that there is confidence that stocks of ivory from illegal sources are not inadvertently becoming part of the legal system in Japan.

Finally, TRAFFIC has been informed that the database (described in paragraph 15 of the document) for tracking the ivory stocks and sales data contained in the ledgers submitted by the registered ivory traders from time to time is still not fully operative. Whilst it is understood that a prototype database, involving the input of 137 sample record submissions, was developed by the Japan Wildlife Research Center (JWRC) as a means to try and analyse the data received, it has not yet been fully established. In fact, the subsequent decision in April 2006 to redesign the format of the ledgers to be submitted by the registered ivory traders has necessitated a redesign of the database itself. Thus, at this point in time, it is TRAFFIC’s understanding that the database to store the information contained in the ledgers submitted by the dealers is still under development, but it is unclear as to when this important monitoring tool will be up and running. The Secretariat recognizes that this database will “*enable the authorities to monitor the flow of ivory and, importantly, detect any trade that is occurring between unregistered individuals and companies.*” As such, TRAFFIC and WWF would like to receive assurances that the database is performing this important role in the context of Japan’s ivory trade control system.

Recommendation: TRAFFIC and WWF would like to commend the efforts made by Japan to strengthen and improve domestic ivory trade controls, and welcomes the significant progress that has been achieved to date. At the same time, TRAFFIC and WWF would like to invite the Government of Japan to provide clarification concerning the three issues of concern mentioned above when the Technical Mission Report is considered at the 54th meeting of the CITES

Standing Committee. Whilst TRAFFIC and WWF remain supportive of the verification process and its recommendations, we believe that clarification of these issues is necessary before taking any final decision with respect to Japan.

Comments on the MIKE baseline information:

TRAFFIC and WWF would like to commend the MIKE Coordination Unit for preparation of SC54 Doc. 26.2 *MIKE Baseline Information* and acknowledge the progress which has been made towards delivery of the MIKE baseline as of July 2006. As it is known that significant work on this matter has continued to progress, and that a further update on progress may be tabled at the 54th meeting of the Standing Committee, TRAFFIC and WWF would like to reserve further comment until such time.

Agenda Item 30: Sturgeons and Paddlefish

TRAFFIC and WWF note that when finalizing the 2006 export quotas for sturgeon in April, the CITES Secretariat announced that it had not received the required information from the five Caspian Sea States that would have allowed it to publish quotas wild specimens of the other sturgeon species in this shared basin. TRAFFIC and WWF also noted the concern expressed by the Secretariat's early this year that quotas proposed by a number of exporting countries may not have fully reflected the reduction in stocks or made sufficient allowance for illegal fishing.

TRAFFIC and WWF believe that the Animals Committee can provide valuable scientific advice and support to the range States to ensure that their catch and export quotas do indeed reflect current population trends and are sustainable. TRAFFIC and WWF therefore supports the recommendation in SC54 Doc 30.3 Annex for the establishment of an *Acipenseriformes* Working Group intersessionally and/or at meetings of the Animals Committee. While there may be a need to prioritize the comprehensive list of suggested activities identified in the Annex and determine which are the most relevant to the work of the Animals Committee, such a Working Group can be a constructive mechanism through which the Committee can provide much-needed technical support, as well as enhancing transparency on sturgeon-related issues.

However, such a Working Group should not diminish or supplant the vital role played by the CITES Secretariat in the process, particularly with regard to the publication of catch and export quotas, as outlined in Conf. 12.7 (Rev. CoP13) 'Conservation of and trade in sturgeons and paddlefish'. This vital role was clearly demonstrated this year when the Secretariat did not publish new quotas for the year 2006 for a number of range States. In this instance, TRAFFIC and WWF shared the Secretariat's concern that sturgeon species in their shared fishing grounds are suffering serious population declines and echoed it call for countries wishing to export sturgeon products from shared stocks to demonstrate that their proposed catch and export quotas reflect current population trends and are sustainable.

TRAFFIC and WWF would like to congratulate the European Commission on the successful "International Sturgeon Enforcement Workshop to Combat Illegal Trade in Caviar" that was held in June. TRAFFIC and WWF warmly welcomes the key measures to improve the effectiveness of law enforcement actions and controls to crack down on the thriving illegal caviar trade that were agreed to at the Workshop.

TRAFFIC and WWF would also like to congratulate the European Union on its adoption in May of new regulations regarding the trade and sale of caviar, requiring that all caviar containers in the EU market are marked with a label that contains a specific set of information and that will allow retailers and consumers to identify the legal source of the product. This regulation will be an important tool to combat the illegal caviar trade and TRAFFIC and WWF hope that all EU Member States will ensure that the new regulations are fully implemented and that traders are using adequate labels. TRAFFIC and WWF also hope that other key producing and consuming States in Europe, North America and Asia follow suit and fully implement the requirements of CITES universal labelling system that all CITES Parties agreed to comply with and implement by January 2004.

Agenda Item 31.1: Bigleaf Mahogany

TRAFFIC and WWF appreciate the Secretariat's efforts to bring concerns regarding the current regulation of sustainable trade in bigleaf mahogany *Swietenia macrophylla* to the attention of the Standing Committee. These are concerns that TRAFFIC and WWF have shared for some time, and most recently, brought to the attention of the Mahogany Working Group (MWG), the sixteenth meeting of the Plants Committee (PC16) as well as directly to the government of Peru and industry stakeholders.

Our concerns specifically focused on:

- Failure to implement recommendations forthcoming from previous meetings of the Mahogany Working Group;
- Ineffective implementation of Article IV of the Convention, including the issuance of non-detriment findings in the absence of inventories of existing stocks, and without sound scientific basis;
- Lack of transparency and effective controls in the chain-of-custody of the timber, with particular reference to accompanying documentation;
- Lack of high-level political will to ensure effective implementation of the Convention, despite the efforts being made by many dedicated staff within INRENA to improve control of mahogany logging and exports.

As a result of these concerns, TRAFFIC and WWF stated that, without significant change, it would be appropriate to call for a moratorium on mahogany logging, and/or a moratorium on imports from consumer countries of all mahogany that was not strictly compliant with CITES requirements in 2007.

In addition, at PC16, TRAFFIC and WWF supported the inclusion of mahogany in the Review of Significant Trade so that, under the auspices and support of the CITES Committees and the Secretariat, implementation of Article IV in exporting countries could be reviewed, recommendations to exporting countries made and support provided to the implementation of those recommendations. TRAFFIC and WWF also supported the development of a strategic action plan which would facilitate the implementation of MWG recommendations in member countries. The Committee also agreed that such a plan should address issues concerning non-detriment findings, compliance, legal origin and enforcement issues, some of which could also be addressed through the already-established process of the Review of Significant Trade.

TRAFFIC and WWF note that since these discussions at PC16, a new Government has come into place in Peru and that this has resulted in many changes to staffing in posts relevant to this implementation of this listing. It is our understanding that the Government of Peru is currently working on the development of an Action Plan for the implementation of the Appendix II listing of mahogany, and other detailed follow-up to the recommendations forthcoming from PC 16. It is also our understanding that this Action Plan will comprise of clear objectives, deliverables and timeframes, as well as indicators against which progress can be measured on a regular basis.

TRAFFIC and WWF welcome this step by the Government of Peru and looks forward to a clear demonstration of political intent by its representatives at SC54 to ensure the full implementation of this Action Plan. ***We recommend that Peru be asked to provide this Action Plan to the Standing Committee as soon as possible, and to continue to report to future Standing Committees on its implementation, and specifically, that of the Appendix II listing.***

While we look forward to working with the new government, we would also like to acknowledge advancement with several industry leaders exporting and/or mahogany from Peru. Several companies are now either certified, committed to purchasing certified timber, or are working towards certification through WWF's Global Forest and Trade Network, operating in Peru.

These companies are required to meet strict criteria pertaining to legal, economic, social and environmental conditions which should enable them to be compliant with CITES requirements for the Appendix II listing of mahogany. Thus, TRAFFIC and WWF encourage producer and consumer countries to explore the opportunities provided by third-party certification to improve forest management practices.

For many years, problems concerning the unsustainable management and illegality of trade of mahogany have been discussed at numerous meetings, under the auspices of this Convention. Many recommendations have been made to various stakeholders- and many have either not been implemented in a timely manner, or have not been implemented at all. It is TRAFFIC and WWF's hope that the Action Plan being developed by Peru will finally mobilise the concerted action required by all stakeholders, to the highest political levels, to

- ensure the effective implementation of the Appendix II listing for bigleaf mahogany
- strengthen regulatory mechanisms throughout the forest sector.

Should the Government of Peru fail to demonstrate such will and commitment at SC54 and to reduce its 2007 mahogany quota to levels based on scientifically sound non-detriment findings and of legal origin, TRAFFIC and WWF will, as outlined in its Position Statement, urge the Standing Committee to support the recommendations put forward by the Secretariat, namely:

- ***to recommend that Parties suspend the importation of mahogany that is not in strict compliance with CITES requirements,***
- ***request that the Plants Committee reconsider their decision and include the species in the Review of Significant Trade.***

In addition, TRAFFIC and WWF call on all Parties, non-governmental organisations and industry stakeholders to help provide the necessary resources to Peru and all mahogany range States to ensure full implementation of the listing and the recommendations from PC16.

Agenda Item 31: Illegal trade in ramin

TRAFFIC and WWF notes the progress made by the governments of Indonesia, Malaysia and Singapore on the tri-national task force to address illegal ramin trade and to improve CITES implementation. WWF and TRAFFIC understand that a second meeting of the Tri-National Ramin Taskforce took place in April, and that an Action Plan to identify the most important cooperation activities between the three countries was adopted there. We welcome the progress that being made by the regional task force, as well as that by the national-level task forces that have been established.

Nevertheless, TRAFFIC and WWF shares the concerns expressed by the CITES Secretariat over the sustainability of Malaysia's harvesting programme for ramin in the state of Sarawak. TRAFFIC and WWF recognize that Malaysia has recently taken a number of stricter domestic measures with regard to ramin, including the requirement for import permits from the Malaysian Timber Industry Board for sawn timber, parts and derivatives of ramin that came into effect on 1 June 2006. However, TRAFFIC and WWF would strongly urge Malaysia to provide a detailed clarification to the Standing Committee of the scientific basis upon which it issues non-detriment findings for ramin harvested in Sarawak. If gaps and problems have been identified with regard to the making of non-detriment findings, compliance, legal origin and enforcement issues, we would encourage Malaysia to commit to an action plan to address these and report on progress at the meeting of the Standing Committee during the 14th Meeting of the Conference of the Parties. TRAFFIC and WWF would also encourage Malaysia to reduce its export quota of ramin from Sarawak to a more precautionary level and encourage the CITES Secretariat to conduct a mission to Sarawak prior to the the 14th Meeting of the Conference of the Parties in order to gauge progress and assist the relevant Sarawak Management and Scientific Authorities.