Effectiveness of past EC stricter measures on wildlife imports
A preparatory methodological study on the assessment of EC import bans

produced for the

European Commission
Directorate-General Environment
Directorate A - General and International Affairs
ENV.A.4 - Development and environment

by the

United Nations Environment Programme-
World Conservation Monitoring Centre
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Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) came into force in 1975. Based on a system of permits and certificates, the Convention provides a legal framework for the regulation of international trade in species threatened or potentially threatened by such trade.

CITES regulates international trade in wild animal and plant species, involving Parties to the Convention, chiefly through its three appendices. Species placed in the appendices are subject to differing degrees of regulation:

Appendix I – These species are currently threatened with extinction and are in international trade. Trade in Appendix I listed species is strictly controlled and only authorised in exceptional circumstances.

Appendix II – These species are believed likely to become threatened if international trade is not regulated. Also included are species, or their derivatives, that are similar in appearance to Appendix I or other Appendix II species.

World-wide, the European Community constitutes one of the largest markets for international trade in wildlife. Consequently, the regulation of this trade has been a concern of the Community for many years. While the Community as such is not yet a Party to CITES in its own right, most of its current Member States have been Parties to it since the early years of the Convention. Currently, fourteen Member States of the European Union are Parties to the Convention (Ireland is expected to become a Party to the Convention soon).

European Community Legislation

Council Regulation (EC) No. 3626/82 became effective on 1 January 1984. Its aim was to ensure uniform compliance with CITES throughout the European Community. The regulation included stricter measures than those provided for in the text of the Convention (as permitted under Article XIV). This included the obligation for EC Member States to issue import permits for species listed in Appendices II of the Convention, as well as those listed in Appendix I.

Council Regulation (EC) No. 3418/83 set out in more detail the procedures required for implementation of the measures in Regulation No. 3626/82.

Under these regulations, species were assigned to different annexes according to their threat status. Species placed in Annex C2 could be subject to temporary measures imposed on their import into the European Community. The majority of these measures were implemented as a result of decisions taken by the EC CITES Committee and the EC CITES Scientific Working Group. Four kinds of decision were taken that banned trade, relating to the four indents in Article 10.1 (b) of Regulation No. 3626/82

1. Import ban under Article 10.1 (b) 1st indent – the import of a species from one or more range States is banned. This can also be uniformly applied to all range States.

2. Import ban under Article 10.1 (b) 2nd indent – the import of specimens of a particular species is banned from specified countries that are not countries of origin of the specimens.

3. Import ban under Article 10.1 (b) 3rd indent – the import of live specimens of a particular species is banned.

4. Import ban under Article 10.1 (b) 4th indent – the import of specimens of wild and/or captive-bred/ranched origin of a particular species from a particular range State is banned.

Most bans were applied under the 1st, 3rd and 4th indents, with the 2nd indent rarely used.
Alongside these bans were import restrictions, usually in the form of quotas, the majority of which followed CITES export recommendations.

Around 700 taxa were listed in Annex C2, the majority of which had a ban or import restriction imposed between 1984 and 1996. Import ban Article 10.1 (b) 1st indent ban was the most used, in 1996 affecting 279 taxa at individual range State level and 57 taxa for all range States. Import bans relating to the 2nd indent were rarely used with only 3 taxa affected over the whole time period. 3rd indent import bans were in place on 136 taxa in 1996, 126 of which were on mammal species. 4th indent bans covered 126 taxa over the whole period, 85 of which were placed on Indonesian species between September 1991 and March 1995.

The flexible nature of the import bans is demonstrated by 170 incidences of implementation followed by a later removal of 1st indent import bans. The majority of these decisions were placed on Bolivian and Guyanan imports; however, other range States such as Malaysia, Cuba and Australia were also affected. There were 4 incidences of placement, re-evaluation and removal of a 1st indent ban for all range States. All other types of ban remained untouched following implementation.

Following the creation of the single market within the EC in 1993, these regulations were revised in 1997 under Council Regulation (EC) No. 338/97. Under the new regulations temporary measures can be placed on species included in any annex and also on species posing a threat to biosecurity, increasing the necessity for evaluation.

The new EC Regulation No. 338/97 imposed bans on 427 taxa through the most recent amendment of import ban decisions (EC Regulation No. 1968/99). In 1996 there were 384 taxa affected by import bans, 274 of which continue to have decisions imposed. 153 of the 427 taxa listed on EC Regulation No. 1968/99 have been added since 1996, many of which are plants and invertebrates. Import bans on 110 taxa were dropped between 1996 and 1999 showing evidence of some reassessment. The methodology detailed in the report can serve equally as an aid in monitoring those species not yet reviewed, an added dimension to complement techniques already employed for evaluation, and when more data become available, assessing the newly placed import bans.

**Methodological remarks**

The selection of case studies discussed in the report excluded cases in which the Community or other international organisations have supported conservation activities related to the species in question. This approach was followed since the opposite would more likely address the effectiveness of the supporting activities, rather than the effectiveness of the EU legislation as such.

This report uses the case studies to characterise the effect of trade restrictions, and to identify aspects in which the potential effect of the legislation could be hindered by inadequate implementation. In order to draw more general lessons, the incidence and implications of some of the issues identified from the case studies is explored in a wider set of cases.

The question of the effectiveness of the legislation is valid and of considerable importance in the development of appropriate measures to maintain the Community’s participation in the global market in wildlife within sustainable levels. However, this market is generally subject to an indefinite number of variables that can affect the patterns of exploitation of a species. Thus it is important to note that, in a strict sense, it is methodologically impracticable to establish a cause-effect relationship between legislation and levels of trade to the exclusion of other factors affecting the market, such as changes in fashion, natural population trends of a species, etc.

**Aim**

For the bans under the EC Regulations to have their desired conservation impact, it is important that they are adequately implemented. This report examines how trade data supplied by Parties to CITES in their annual reports may be used to assess the adequacy of
implementation of bans, specifically under the Regulation 3626/82. However, the findings are also relevant to the revised Council Regulation (EC 338/97).

**Trade data**
Data used for this analysis originate from the UNEP-WCMC/CITES Trade Database managed by the UNEP World Conservation Monitoring Centre (UNEP-WCMC), which contains computerised trade records submitted to the CITES Secretariat in annual reports by Parties to the Convention. The Parties are obliged to submit these reports under Article VIII, paragraph 7 (a) of the Convention.

**Comparative Tabulations**
Comparative tabulations include data on the source and purpose of trade transactions. They allow for detailed analysis of trade and are particularly useful for assessing accuracy of reporting. Transactions are pooled where species, countries of import, export and origin, unit, source and purpose are the same. Whilst time-consuming and often somewhat complicated to analyse they allow more flexible data analysis and have therefore been used throughout the current report.

**Gross and net trade**
These outputs provide simplified summaries of net and gross trade volumes and are useful for analysis of overall trends in trade in particular taxa and for estimating overall trade volume of particular Parties to CITES.

Gross trade data are calculated by the summation of all trade in a particular taxon. This generally overestimates the number of individuals in trade, as re-exports are double-counted. For example, if country A exports 500 skins of *Python reticulatus* to country B, and country B exports 200 of these to country C, the gross trade would be calculated at 700 skins whereas the net trade would be shown to be 500 skins (a subtraction of the (re) export figure from the gross figure).

Net trade is calculated by subtracting (re) exports from the gross data set. This generally provides a more accurate indication of the numbers of individuals in trade but obscures any trade through entrepôts.

Net trade tables have been used in the current analysis to gain an overview of the general pattern of trade for each case study species prior to detailed analysis using comparative tabulations.

**Import and export data**
Annual reports are recorded in such a way that either the import or the export records can be used to show trends in trade data. Export data are likely to show a fuller picture in many cases, as Parties to CITES are obliged to issue permits for every export of a CITES-listed species. Parties in general are not required by CITES to issue import permits on the same basis. However, where import permits are issued they are likely to provide a more accurate picture of the actual transactions taking place, particularly where the exporter reports on the basis of permits issued rather than those actually used.

Both import and export records were used for the analysis. To reduce the likelihood of double counting of the export and import permit of the same transaction, the database programmes match import and export records that agree on certain variables:

- Gross/net outputs use term, year, export and import countries to match records.
- Comparative tabulations use source and purpose codes in addition to term, year, export and import countries to match records.
This reduces the incidence of double-counted trade, but does not eliminate all errors. For example, because under the Convention, CITES export permits are valid for six months, a permit may be granted in one year, but the trade may not take place until the next. Import and export may therefore be recorded in different years. The programme cannot currently match such records owing to differences between Parties in the permit numbering systems employed.

Often, exporting countries submit annual reports detailing the number and year of issue of permits rather than the recording the date and number of actual exports. Importing countries, in contrast, will generally report the date and number of actual imports.

**Products and measurements**

Generally, analysis has concentrated on the most important product for the taxon concerned (eg. skins for *Caiman crocodilus*, live specimens for *Poicephalus senegalus*). Many wildlife products in trade are recorded using a variety of different units. This applies particularly to animal skins such as reptile leather, which may for example be recorded by whole skins, sides, number of pieces, weight, linear metres or square metres. In some cases the same shipment may be recorded in different ways by the importing and exporting country. Often, there are no established standard conversion factors for relating different units, or for relating products to numbers of individuals of the species concerned, making quantitative analysis problematic. Where conversion factors have been established (e.g. as in Groombridge and Luxmoore, 1991, Luxmoore and Groombridge, 1990 and Jenkins and Broad 1994), these have been used.

The situation with manufactured products is considerably more difficult. Because of their enormous variety, and the lack of standardisation even within particular products, it is almost always impossible to use them meaningfully in quantitative analysis of trade. In addition, re-export data for manufactured goods are not maintained in the UNEP-CITES/WCMC database.

**Individual indents**

Not all kinds of trade are relevant to each of the indents. For example, bans under article 10.1 (b) 3rd indent are applicable only to live specimens. These specifications are detailed in the relevant sections.

**Limitations of the data**

The data can reflect trade volume and trends but should not be interpreted as an exact record owing to the limitations of the information obtained, as detailed below. The data must always be interpreted with caution.

**Annual Reports**

Parties are required to submit annual reports by October 31st of the year following that in which the trade took place. However, Parties are often late in submitting reports, or may not submit them at all: seventeen of the 144 Parties to CITES in 1998 had never submitted an annual report and only 22 have submitted annual reports for all applicable years (WCMC, 2000). If Parties are significant traders of particular taxa, then trade volumes of those taxa may be under-estimated.

Many Parties submit annual reports based on permits issued. The Convention allows for annual reports to be submitted on this basis; however, CITES Notification No. 788 states that “as far as possible, the data in the report should record the actual trade that took place”. In 1996, 40 Parties from whom an annual report was received did not state the basis on which trade was recorded (COP 11; Doc. 11.19). This may lead to a discrepancy between trading partners in the quantity for the same transaction.
Even where annual reports are submitted in a timely fashion there is a considerable lag, of up to two years, between the trade taking place and the data becoming available for analysis. This limits the applicability of annual report data in any kind of “early warning” system.

**Blank Cells**

Although CITES has recently provided a model example of a permit form (Doc. SC.42.14), to date there is no official form which Parties are obliged to use. This can lead to failure to record data such as the source, purpose and country of origin. In addition, information on the source for transactions was rarely reported prior to 1990.

**Illegal Trade**

By its nature, information on illegal shipments is difficult to obtain. Though information on confiscated items is required as part of the annual report, such seizures made by enforcement authorities are generally poorly reported, if it all.

**Errors from input**

As is always the case with computer entered data there will be errors resulting from data input, though these are kept to a minimum through a system of repeated checks and the electronic transfer of data wherever possible.

Despite these drawbacks, the data from annual reports provide baseline figures from which it is possible to draw basic conclusions. They are therefore extremely useful for assessing and monitoring trade and the effect of trade restrictions.
Import ban article 10.1(b) 1st Indent

Case #.1: Ban on specified range States
Example: Poicephalus senegalus

Context

The Senegal parrot Poicephalus senegalus, is one of the most heavily traded of the parrot family (WCMC et al., 1993). It has long been involved in international trade and, during the first part of the twentieth century it had already built a reputation as a ‘pet par excellence’ (Low, 1986). The species is widespread throughout Sub-Saharan and West Africa. It is known to occur in Benin, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Nigeria, Senegal, Togo, Liberia and Sierra Leone.

In the 1980s (see Table 1) the population status of the species was unknown for Benin, Guinea-Bissau, Liberia and Mauritania (Inskipp et al., 1988). It was deemed to be rare in Burkina Faso (Bannerman, 1931; Holyoak and Seddon, 1989), Chad (Malbrant, 1952; Salvan, 1968; Forshaw and Cooper, 1989) and Togo (Millet-Horsin, 1923; Cheke and Walsh, 1980). In all other countries for which status assessments existed it was regarded as common (Mackworth-Praed and Grant, 1970) or fairly common (Serle and Morel, 1977). Poicephalus senegalus is not listed in the IUCN Red List, and is included in Appendix II of CITES under the general listing for Psitacciformes.

The impact of the increasing levels of trade on the conservation status of the species was also insufficiently known. At the time when the EC import bans were established the level of trade was still deemed unlikely to affect the species overall. However, the large off-takes experienced by individual populations were considered alarming, with possible severe effects on local populations (Mundy, 1991).

Table 1. Population status of Poicephalus senegalus around the time of placement of the import suspensions by the EU under regulation 3626/82, art. 10.1. (b).

<table>
<thead>
<tr>
<th>Country</th>
<th>Population status</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>Status unknown</td>
<td>Inskipp et al., 1988</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>Only discrete sightings reported</td>
<td>Bannerman, 1931; Holyoak and Seddon, 1989.</td>
</tr>
<tr>
<td>Cameroon</td>
<td>Not known with accuracy, but regarded as not threatened</td>
<td>Cameroon CITES MA, 1987</td>
</tr>
<tr>
<td>Chad</td>
<td>Rare</td>
<td>Malbrant, 1952; Salvan, 1968; Forshaw and Cooper, 1989</td>
</tr>
<tr>
<td>Ghana</td>
<td>Common</td>
<td>Ussher, 1874; Alexander, 1902; Bannerman, 1931; Greig-Smith, 1976, Grimes, 1987; Fry et al., 1988</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>Unknown</td>
<td>Inskipp et al., 1988</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>Common</td>
<td>Thiollay, 1985</td>
</tr>
<tr>
<td>Liberia</td>
<td>Unknown</td>
<td>Inskipp et al., 1988</td>
</tr>
<tr>
<td>Mali</td>
<td>Common in the south</td>
<td>Bates, 1934; Lamarche, 1980; Fry et al., 1988</td>
</tr>
<tr>
<td>Mauritania</td>
<td>Unknown</td>
<td>Inskipp et al., 1988</td>
</tr>
<tr>
<td>Country</td>
<td>Status</td>
<td>Reference</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Niger</td>
<td>Common in some areas</td>
<td>Niger CITES MA, 1986</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Frequent to common</td>
<td>Elgood, 1982; Sharland and Wilkinson, 1981</td>
</tr>
<tr>
<td>Senegal</td>
<td>Common to very common</td>
<td>Bannerman, 1931; Morel and Morel, 1962, 1990; Descarpentries and Villiers, 1969; Dupuy, 1976; Smet and van Gompel, 1980</td>
</tr>
<tr>
<td>Togo</td>
<td>Rare</td>
<td>Millet-Horsin, 1923; Cheke and Walsh, 1980</td>
</tr>
</tbody>
</table>

Source: WCMC et al., 1993 and Inskipp et al., 1988

**Analysis**

As with many other species, there is a large discrepancy in the volume of trade reported by the importing and exporting countries. For example, the imports reported by the United States for the period between 1982 and 1996 (81,513 birds) are more than double the amount reported by the exporting countries for the same period (35,230). In this case the reports of the two principal importers, the European Community and the United States, have been taken to give a better representation of the actual level of trade.

The USA imported 37% of world net imports between 1982 and 1992 but ceased commercial trade in this species following the entry into force of the Wild Bird Conservation Act in 1992 which enforces stricter measures on imports of live wild birds into the USA.

Germany, France and Great Britain accounted for nearly 70% of total European Community imports of *P. senegalus* between 1982 and 1996. Imports by Portugal, Belgium and Spain increased in the second half of this period, such that by the end of 1996, these six countries shared nearly 94% of EC imports.

Up to 1987 about ninety seven per cent of the birds imported by the European Community were exports from Senegal. The remaining three percent came mostly from Mali, with a few specimens from Liberia and Ghana.

In November 1986 the EU CITES Committee placed an import ban under article 10.1 (b) 1st indent on Chad and Mali; in January 1987 the ban was extended to Burkina Faso, Mauritania and Niger and in December 1989 to Sierra Leone and Liberia.

The first indent of Article 10.1(b), indicates that specimens should not be imported unless "it is clear, or where the applicant presents trustworthy evidence, that the capture or collection of the specimen in the wild will not have a harmful effect on the conservation of species or on the extent of the territory occupied by the populations in question of the species". The indent is thus directed at protecting range State populations threatened by exploitation.

In most cases this ban was only a precautionary measure, to prevent trade with countries where the species was considered rare or where the status of the population was unclear. Chad and Mauritania did not export this species between 1982 and 1996. Up to 1987 no import into the EU had been registered from Niger, and only one specimen had been imported from Burkina Faso and one from Sierra Leone.

A number of transgressions occurred after the various bans on *P. senegalus* had been imposed. France imported two commercial shipments, each of 300 birds, from Mali in 1987 and 1988 respectively. A shipment of 250 birds into the Netherlands in 1995, also for commercial purposes, is the only other apparently significant transgression registered. Two important shipments were also imported from Mali by France in 1995 (1900 specimens) and 1996 (1200 specimens); however, these were declared to be of Senegalese origin.

Various members of the Community imported a total of seven specimens whose declared origin was a banned country. The numbers involved are negligible, and all the specimens were imported for personal purposes and are therefore not subject to the normal import regulations for Annex B specimens.
Following the exclusion of Mali as a supplier of *P. senegalus* to the European Community, the trade between Guinea and the EC gained considerably in importance. From 1987 to 1996, ninety seven percent of the exports entering the European Community were shared between Guinea, who exported a total of 13% of the birds in that period, and Senegal, who continued to be the major supplier, with 85% of the exports into the EC (Figure 1).

*P. senegalus* is common in Koundara and Gaoual departments in the north-west of Guinea, bordering Senegal and Guinea-Bissau (Morel and Morel, 1988). Since the species is widespread and common in southern Mali, which borders Senegal and northern Guinea, and is suspected to be migratory in this region (Fry *et al.*, 1988) it would appear that the three countries support a single large population or a metapopulation with fairly frequent mixing. Off-take from each country may therefore have an impact on populations in all three. The shift in off-take from Mali to Guinea following the import restriction may therefore effectively mean that the restriction has had little effect on the population status of *P. senegalus* in Mali.

Trade may also be re-routed via the export of specimens of wild or undeclared extraction from non-range States where the country of origin is not declared; however, there is little evidence that such trade has occurred in *P. senegalus*. Mali reported exporting 1600 birds to South Africa in 1996; however, South Africa has a significant market for live birds and is also a major exporter of captive-bred birds. Only a small number of live *P. senegalus* have been exported to the European Community between 1996 and 1998 and none was of wild or undeclared source.

**Recent trade**

Trade in *P. senegalus* from Guinea grew rapidly in 1997 and 1998 (Figure 1). Guinea has not submitted an annual report since 1994; however, reported imports have grown from 5322 birds in 1996 to 11,406 in 1997 and 27,897 in 1998. The majority of this trade, 86% in 1997 and 95% in 1998, was reported by the European Community. Reported imports from Senegal have remained steady at just under 12,000 birds a year.

It should also be noted that trade with Mali increased to over 5% of reported EC imports for 1997-98. The majority of these birds are reported as originating in Guinea or Senegal (Figure 2). Mali's annual reports for 1997 and 1998 do not report any imports (Note. The issue of permits is not a requirement under CITES for Appendix II species); however, they do give countries of origin for some, but not all, of the re-exports reported by importers. The country of origin reported by Mali does not always match that reported by the European Community and Mali has also reported significant exports to Guinea in both 1996 and 1998. The lack of annual reports for Guinea and Senegal mean that the source of these shipments cannot be fully verified. There remains therefore a significant possibility that transactions such as these may be exploited to export birds originating in Mali.

**References**


Figure 1. European Community reported imports of live *Poicephalus senegalus* originating from Guinea and Senegal between 1982 and 1998

Figure 2. European Community reported imports of live *Poicephalus senegalus* from Mali (originating in Guinea, Senegal and Mali) between 1982 and 1998
Import ban article 10.1(b) 1st Indent

Case #.2: Ban on all range States

Example: *Manouria emys*

**Context**

The Asian or Burmese brown tortoise *Manouria emys* is a forest species widely distributed in Southeast Asia, with populations recorded in Bangladesh, Brunei, Indonesia, Myanmar, Malaysia, and Thailand, and possibly also in India (Table 2). The species is included in CITES Appendix II. IUCN red-listed this species as "insufficiently known" and therefore suspected to be threatened in 1990, then classed it as "vulnerable" in both the 1994 and 1996 Red Lists.

The overall impact of trade on this species remains difficult to determine and largely unknown. Howes (1991) suggested that the levels of international trade observed up to 1990 were probably not a threat to the survival of the taxon on a global basis. However, Moll (1989) reported local exploitation and habitat destruction as the chief threats to the species through most of its range. He indicated that the species had been heavily exploited throughout its range and was rare as a result. The species is exploited as a source of food, medicinal derivatives and as a pet (Moll, 1976; Bain & Humphrey, 1980; Das, 1988; Moll, 1989). Trade for food and medicine is largely confined to eastern Asia and much of it is believed to be unreported (Jenkins, 1995).

In Malaysia, the species is rare in most forested areas in Peninsular Malaysia, but apparently still locally common in parts of Sabah, such as the Danum Valley Conservation Area (Lambert and Howes, 1994). In 1970 Taylor had reported that in Thailand the species was rare except in the more uninhabited areas at higher elevations. By 1992, Thirakhupt and van Dijk had reported that *M. emys* was restricted to a few areas where it was rare. Thirakhupt et al. (1992) believed that the population density was far below the carrying capacity, and classified the species as ‘endangered’, and Thirakhupt and van Dijk (1992) considered that the species was under severe and unsustainable pressure from human collection and habitat degradation. Little information has been available about the species in Indonesia.

**Table 2. Population reports for Manouria emys known around the time of placement of the import suspensions by the EU under regulation 3626/82, art. 10.1. (b).**

<table>
<thead>
<tr>
<th>Country</th>
<th>Population status</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Known to occur in some areas</td>
<td>Khan, 1982; Das, 1991</td>
</tr>
<tr>
<td>Brunei</td>
<td>No specific records, but presumed to occur</td>
<td>WCMC et al., 1993</td>
</tr>
<tr>
<td>India</td>
<td>Known to occur in some areas</td>
<td>Moll, 1989; Das, 1991</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Known to occur in Sumatra, Java and Kalimantan</td>
<td>WCMC et al., 1993</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Known to occur in Peninsular Malaysia, Sabah and Sarawak</td>
<td>WCMC et al., 1993</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Reported to occur in Tenasserim and Arakan Hills</td>
<td>Blyth, 1853; Günther, 1864</td>
</tr>
<tr>
<td>Thailand</td>
<td>Known to occur in northern, western and peninsular Thailand</td>
<td>WCMC et al., 1993</td>
</tr>
</tbody>
</table>

Source: WCMC et al., 1993
Analysis
The international market for *Manouria emys* is relatively small, ranging between 100 and 1000 individuals a year. Reported exports, almost exclusively from Indonesia and Malaysia, are double the import figures reported by the principal importers (Figures 3a-b and 4a-b). Between 1982 and 1989 the European Community reported 42% of global imports, Japan, 25% and United States, 25%. European imports during this period were exported chiefly from Malaysia with just a few exported by Indonesia.

In July 1989 imports of *Manouria emys* from all range states were banned by the EC CITES Committee under article 10.1(b) 1st indent of Council Regulation (EC) No. 3626/82. The application of this ban led initially to a restriction in the international trade for this species, and is likely to have been at least a contributory factor in a marked and continuing reduction in the number of individuals exported by Malaysia. Trade with Thailand, which had begun to increase in 1987, also ceased and no further trade in specimens from Thailand has been reported since 1989. From 1993, however, the global market returned to roughly pre-ban size, through expansion of the markets in Japan and the United States and a growth in exports from Indonesia. Prior to 1989 no trade was reported with Indonesia.

Between 1990 and 1996 a total of 149 *M. emys* were reported as exports to the European Community; only 10 of these, however, were reported by the importer and the remainder may therefore have been refused import permits by the EC. Of the 149 potential imports, Malaysia reported 79, all in the two years following the imposition of the ban, and Indonesia the remaining 70, mostly in 1996.

Recent trade

Indonesia reported exporting a total of 168 *M. emys* to the European Community in 1997 and 34 in 1998; Malaysia reported 25 in 1997. Of these potential imports, 78 were reported by EC importers, almost exclusively France.

References


Figure 3a. Exports of live *Manouria emys* between 1982 and 1998; compiled using reported global imports (largest three exporters shown)

Figure 3b. Exports of live *Manouria emys* between 1982 and 1998; compiled using reported global exports (largest three exporters shown)
**Figure 4a.** Imports of live *Manouria emys* between 1982 and 1998; compiled using reported global imports (largest three importers shown)

**Figure 4b.** Imports of live *Manouria emys* between 1982 and 1998; compiled using reported global exports (largest three importers shown)
Import ban article 10.1(b) 2nd Indent

Example: *Caiman crocodilus crocodilus*, *C. c. fuscus* and *C. yacare*

**Context**

In November 1990 the EC CITES Committee placed an import ban under article 10.1 (b) 2nd indent on re-exports of three subspecies of *Caiman crocodilus; C. c. crocodilus, C. c. fuscus* and *C. c. yacare* from Singapore, Republic of Korea, Taiwan and Thailand. After 1990 *C. crocodilus yacare* was split into a separate species to be listed as *Caiman yacare*. For the purposes of the current report *Caiman crocodilus* is used to refer to all the three sub-species mentioned above, however, *C. c. yacare* will be referred to as *C. yacare*. Trade in *C. c. aportiensis* and *C. c. chiapensis* has not been included in the analysis.

The spectacled caiman *Caiman crocodilus*, is now the most commonly exported species of reptile. While usually considered of inferior quality to classic crocodile skin, their popularity increased as processing techniques improved and supplies of the more valuable crocodilians became depleted (Luxmoore et al., 1988).

*Caiman crocodilus* is widely distributed throughout Latin America from Mexico to Paraguay. *C. c. crocodilus* is found in northern South America, east of the Andes; the range of *C. c. fuscus* covers Central America, north-west Venezuela and the Pacific slopes of Colombia and Ecuador; *C. yacare* is found in central-southern South America from the southern tributaries of the Amazon down to northern Argentina (Luxmoore et al., 1988). The species is abundant in many aquatic habitats; however, populations in areas easily accessible to hunters tend to be depleted (Thobjarnarson, 1991).

The global trade in *C. crocodilus* is extremely large and at the time the EC imposed the 2nd indent import restriction much of it was illegal. Hemley (1990), for instance reported extensive illegal trade in caiman skins to Singapore and Thailand, with at least 750,000 skins imported into Thailand in 1988. Most of these skins were thought to have been shipped from Brazil and Paraguay. Hemley and Caldwell (1986) estimated that over one million skins were harvested in Bolivia, southern Brazil and Paraguay each year. Legislative measures in place within the range States in 1988 meant that skin exports were only permitted from El Salvador, Guyana, Venezuela, Bolivia and Suriname (Luxmoore et al., 1988). See table 3 for a summary of legislative measures in place during the period for which the 2nd indent ban was imposed.

While improved enforcement and CITES implementation, as well as reduced demand during 1990-1994, appears to have reduced the flow of illegal skins, significant illegal shipments continued to be reported (Espinosa, 1998). Collins (1995) estimated that the yearly legal production of caiman skins by the early 1990s was around half a million hides per year.

<table>
<thead>
<tr>
<th>Country</th>
<th>Legislation in effect, 1990-1996</th>
</tr>
</thead>
</table>
| Argentina | Argentina: ban on commercial hunting  
Argentina: ban on exports of products and subproducts from 29/02/88 
EC: import ban (1st indent) from 10/07/91 |
| Belize | EC: import ban (1st indent) from 10/07/91 |
| Bolivia | Bolivia: ban on commercial export of live animals and non-manufactured products 
EC: import ban (1st indent) from 14/12/89 (*C. c. crocodilus*) 
EC: import ban (1st indent) from 10/07/91 to 19/09/99 (*C. yacare*) |
<p>| Brazil | Brazil: export of wild fauna prohibited |
| Colombia | Colombia: ban on commercial hunting of wild specimens |</p>
<table>
<thead>
<tr>
<th>Country</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costa Rica</td>
<td>Costa Rica: ban on commercial trade in live specimens and products</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Ecuador: ban on commercial exports</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>El Salvador</td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>French Guiana</td>
<td>French Guiana: ban on use, taxidermy, purchase and trade</td>
</tr>
<tr>
<td>Guatemala</td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Guyana</td>
<td>Guyana: Export quota of 12,500 (1992); 30,000 (1995) and (1996)</td>
</tr>
<tr>
<td>Honduras</td>
<td>Honduras: Export quota of 6000 (1992)</td>
</tr>
<tr>
<td>Mexico</td>
<td>Mexico: ban on exports since 1982</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Panama</td>
<td>Panama: ban on capture, hunting, national trade and exports</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Paraguay: ban on exports</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 14/05/92</td>
</tr>
<tr>
<td>Peru</td>
<td>Peru: Protected species</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Trinidad &amp; Tobago</td>
<td>Trinidad &amp; Tobago: Ban on trade</td>
</tr>
<tr>
<td></td>
<td>EC: import ban (1st indent) from 10/07/91</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Venezuela: export quota set</td>
</tr>
</tbody>
</table>

Sources: European Commission, 1996 and WCMC et al., 1993

**Analysis**

Various reports (e.g., Hemley and Caldwell, 1986, Luxmoore et al., 1988) on the international trade of caiman skins, have found it impossible to reach an accurate conclusion due to the large variety of reporting methods. This variety of methods available for reporting crocodile skins, combined with the confused taxonomy within the group mean that some level of double-counting due to trading partners reporting the same trade using different methods is extremely difficult to avoid. This case illustrates the difficulty of assessing the effect of trade restrictions in taxa subject to taxonomic and managerial complexities. However, it is still possible to gain an impression of the volume of trade from the data.

The initial point to make is that no legal trade in skins was reported as entering the European Community via the States subject to the 2nd indent ban prior to its imposition. From 1993 onwards reported imports to the EC via Singapore became more common; these skins were exclusively from captive-bred animals, originating in Colombia (Figure 5). There continued to be no reported trade with Thailand or the Republic of Korea and only a small number of skins, again from captive-bred specimens of Colombian origin were routed via Taiwan.

It is unclear whether it was intended for captive-bred skins to fall under the ban. European Commission (1996) refers to “no imports of re-exported skins” clearly indicating therefore that they should. However, article 10.1 (b) 2nd indent of Regulation No. 3626/82 itself refers to “proof…..that the specimen has been obtained in accordance with the legislation on protection of the species”. This would suggest that, where the captive-breeding scheme has been set up under the remit of the competent authorities, such trade should be perfectly acceptable under the conditions of a 2nd indent import ban.
Production of *Caiman* skins during the early 1990s underwent a major change, as the export of skins from captive-bred animals in Colombia increased dramatically, from under 20,000 skins in 1990 to just under 1,000,000 in 1995. A corresponding drop in reported exports from other range States occurred, with only Venezuela continuing to export over 50,000 wild-collected skins a year. *C. c. fuscus* and *C. c. crocodilus* both occur in Colombia and Venezuela; however, Colombia exports almost exclusively the former and Venezuela the latter (Figure 6a-c).

The increase in supply of captive-bred skins is also likely to have had an effect on the illegal collection of skins as demand is met to a greater extent by the legal trade. Such an industry, based on captive-breeding of caiman should also, at least in theory, be more easily regulated, again discouraging the illegal collection of skins.

**Recent trade**

The 2nd indent import ban on re-exports from Republic of Korea, Singapore, Taiwan and Thailand was not carried over with the change of legislation in 1997. Indeed, the specific provision provided by the 2nd indent of Article 10.1 (b) of EC Regulation No. 3626/82 for the imposition of bans on non-range States has not been included in EC Regulation No. 338/97.

Relatively minor quantities of skins from captive-bred animals, originating in Colombia, continued to be imported via Singapore, and a small number of wild-collected skins from Venezuela also reached the EC via this route. There continued to be no imports of caiman skins via Republic of Korea, Taiwan and Thailand.

**References**


European Commission, 1996. Complete list of all C2 species, their countries of origin and decisions concerning their import into the EU. European Commission, Brussels, Belgium.


Figure 5. European Community reported imports of *Caiman crocodilus* skins re-exported by Singapore and of Colombian origin between 1982 and 1998

Figure 6a. Global exports of *Caiman crocodilus crocodilus* skins between 1982 and 1998; compiled using global reported imports
**Figure 6b.** Global exports of *Caiman crocodilus fuscus* skins between 1982 and 1998; compiled using global reported imports

**Figure 6c.** Global exports of *Caiman yacare* skins between 1982 and 1998; compiled using global reported imports
Import ban article 10.1(b) 3rd Indent

Example: *Macaca fascicularis*

**Context**

The crab-eating macaque *Macaca fascicularis*, is the most abundant species of macaque in Southeast Asia. While some populations may be declining as a consequence of habitat destruction and changes in land use, the species is generally widespread (Table 4) and is particularly successful in disturbed habitats and on forest margins, where it comes into conflict with agricultural interests (Broad *et al.*, 1988). The total population almost certainly numbers millions and, in some countries, such as Mauritius, where the species is introduced, *M. fascicularis* thrive to the point of being considered an agricultural pest (WCMC *et al.*, 1993).

The species has been listed on Appendix II of CITES since 04/02/1977 under the general listing for Primates spp. and is categorised as “Lower risk - near threatened” in the 1996 IUCN Red List.

International trade consists mostly of wild-caught, live, animals to supply the biomedical-research industry, mainly in Europe, North America and Japan. Historically, the principal exporters have been Indonesia and the Philippines, while exports from Mauritius increased in the late 1980s (WCMC *et al.*, 1993)

At the time the European Community ban on imports was imposed, levels of trade were not considered likely to be adversely affecting the population status of *M. fascicularis*, except on a localised scale. However, there is some evidence from the Philippines that the trapping of individuals for the trade has been detrimental to wild populations on at least a local scale (WCMC *et al.*, 1993). The decline in exports from the Philippines during the early 1990s is probably mainly due to the introduction of a quota system regulating the trade in 1989; however, an alternative explanation may be that the species is declining due to the harvest quota being too high (WCMC *et al.*, 1993). The impact of harvesting is exacerbated because 1-3 individuals may die for each one exported (Heaney and Utzurrum, 1991). In July 1991, the EC CITES Committee placed an import ban under article 10.1 (b) 3rd indent on live *Macaca fascicularis*.

Article 10.1(b) 3rd indent states that trade should not be permitted for the species concerned unless “in the case of the importation of a live animal, the applicant provides evidence that the intended recipient possesses adequate facilities suitable for accommodating the species and suited to its behaviour and that the animal will be properly cared for.” Since it is directed at species that do not fare well in captivity or during transportation this article is primarily concerned with animal welfare.

**Table 4. Population status of *Macaca fascicularis* around the time of placement of the import suspensions by the EU under regulation 3626/82, art. 10.1. (b).**

<table>
<thead>
<tr>
<th>Country</th>
<th>Population status</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Very rare, with a localised distribution</td>
<td>Khan and Ahsan, 1987</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Rare and declining</td>
<td>Southwick and Manry, 1987</td>
</tr>
<tr>
<td>India</td>
<td>Rare and declining due to habitat destruction</td>
<td>Devaraj, 1983; Tikader, 1983</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Common to very common</td>
<td>MacKinnon, 1987</td>
</tr>
<tr>
<td>Lao P.D.R.</td>
<td>Unknown but considered to be quite rare</td>
<td>Broad <em>et al.</em>, 1988</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Extremely common in the lowlands. In some places an agricultural pest</td>
<td>Bennett, 1991</td>
</tr>
</tbody>
</table>
Effectiveness of EC stricter measures

UNEP - WCMC

Philippines Unknown. Long-term trapping may have had detrimental effects on at least a local level. Rubio *et al.*, #1990

Singapore Small troops scattered throughout area studied. Harrison, 1974

Thailand Possibly threatened by trade up to the early 1980s, but protected by national legislation afterwards. Bain and Humphrey, 1982

Viet Nam Common. Nash, 1992

Source: WCMC *et al.*, 1993 and Broad *et al.*, 1988

**Analysis**

Assessment of the impact of this 3rd indent ban is complicated by a variety of other legislative restrictions placed on the trade in *M. fascicularis* by both the European Community and the range States during the period between 1991 and 1996 when the ban was in effect. See Table 5 for a summary of these legislative measures.

Whilst the ban clearly applies only to live macaques there is a certain lack of clarity concerning the extent of the 3rd indent bans implications in relation to the purpose and source of trade. For this analysis it has been assumed that all trade identified as for medical or scientific purposes was exempted from the ban due to the institutions involved demonstrating the ability to adequately ship and house live macaques. However, the ban has been taken to apply to captive-bred individuals traded for commercial purposes since there is no indication that these animals fair better during shipment than wild-caught animals or that they will be properly housed following sale in the destination country.

Furthermore, prior to 1990 no source was given for the majority of transactions and it is therefore not possible to determine from the CITES data whether there was a shift from wild-collected exports in the 1980s towards trade in captive-bred animals in the 1990s.

**Table 5.** Additional legislative restrictions placed on trade in *Macaca fascicularis* during the period in which the 3rd indent import restriction was in effect.

<table>
<thead>
<tr>
<th>Range State</th>
<th>Legislation in effect, 1991-1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Bangladesh: protected species, killing and capture prohibited. EC: import ban (1st indent) from 05/05/88</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Hong Kong: protected species, hunting, trapping and possession prohibited</td>
</tr>
<tr>
<td>India</td>
<td>India: export ban (Nicobar islands), including parts and products. EC: import ban (1st indent) from 05/05/88</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Indonesia: export quota: 13,000 (1990); 15,000 (1991); 10,000 (1992). EC: import ban (4th indent) from 24/09/91 to 09/03/95. EC: no commercial exports allowed from 09/03/95</td>
</tr>
<tr>
<td>Lao P.D.R.</td>
<td>Lao P.D.R.: trade in all species banned since 1986. EC: import ban (1st indent) from 14/12/89 to 19/09/99</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Peninsular Malaysia: ban on export since 15/06/84</td>
</tr>
<tr>
<td>Philippines</td>
<td>Philippines: no export permits issued for wild specimens from 16/08/94</td>
</tr>
<tr>
<td>Singapore</td>
<td>EC: import ban (1st indent) from 05/05/88 to 19/09/99</td>
</tr>
<tr>
<td>Thailand</td>
<td>Thailand: annual hunting and trade quotas. EC: import ban (4th indent) from 16/04/91 to 02/04/92</td>
</tr>
</tbody>
</table>

Source: European Commission, 1996
Between 1992 and 1996 the European Community reported importing a total of 1232 live *M. fascicularis* for commercial purposes; a further 16,500 were reported as imports for medical or scientific use. Of the 1232 reported commercial imports, 1197 were captive-bred, 32 of the remaining 35 were wild-caught animals and the final three were seizures made by Spain.

From 1994 onwards, all of the trade was between China and the Netherlands (240 animals) and Mauritius and Italy (480 animals); in the latter case Mauritius reported all of the trade as for medical purposes suggesting that the Italian purpose code may be misleading. China reported exporting 230 animals for commercial trade in 1996; the Netherlands reported 110 of these as commercial and 120 as scientific. China reported the 130 macaques exported to the Netherlands in 1995 as personal items.

In 1993, the European Community imported live *M. fascicularis* from the Philippines (213 animals) and Switzerland (CH) (110 animals); the latter is likely to be a typographical error, the exporter actually being China (CN). Trade with the Philippines was reported as commercial by all Parties involved. In 1992, the EC reported importing 104 animals from China, 50 from the Russian Federation and 32 wild-caught animals from Mauritius. Mauritius and the Russian Federation both reported their exports as for medical purposes, China reported its exports as commercial.

Despite differences in the purpose reported for a number of transactions, it appears clear that the 3rd indent ban did not completely halt commercial imports of live *M. fascicularis*. Some reduction in trade volume did occur, however, roughly 775 live macaques a year having been imported between 1989 and 1991 (Figure 7).

### Recent trade

The 3rd indent ban was not transferred following the change in legislation in 1997, despite provision for such a ban being retained in Article 4(6) (c) of EC Regulation No. 338/97. Reported imports for commercial purposes have decreased, however, falling to 181 animals in 1997 and none at all in 1998.

### References


European Commission, 1996. Complete list of all C2 species, their countries of origin and decisions concerning their import into the EU. European Commission, Brussels, Belgium.


Figure 7. European Community commercial imports of live *Macaca fascicularis* between 1982 and 1998; compiled using EC reported imports.
Import ban article 10.1(b) 4th Indent

Example: *Python reticulatus*

Context

The reticulated python or Java rock python, *Python reticulatus*, one of the largest snakes in the world, is widespread in South East Asia. It occurs in Bangladesh, Brunei, Cambodia, India, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

The species was generally regarded as common, or even very common, around the turn of the century (Luxmoore et al., 1988). However information available around the time of the placement of the import suspension by the European Community indicated declining numbers (Table 6). However, the species was still reportedly common in some parts of its range (e.g. Malaysia, Thailand, Viet Nam).

The reticulated python is the most heavily traded of the Asian pythons. The majority of trade is in skins, although there is a smaller market for live specimens. *Python reticulatus* is also widely used by local communities for food and medicinal purposes, particularly by tribal and Chinese-speaking communities (Luxmoore et al., 1988). The species was included in CITES Appendix II under the general listing of Boidae spp.; following changes in the taxonomy agreed by the parties it is now under the listing for Pythonidae spp.

In the absence of significant population data it was not possible to assess reliably the sustainability of the international trade; however, levels of trade at the time were considered to be excessive and the trend towards increased trade volume particularly worrying (Luxmoore, et al., 1988).

In September 1991, the EC CITES Committee placed an import ban under article 10.1 (b) 4th indent on specimens of *Python reticulatus* imported from Indonesia. The ban ran until February 1995.

Article 10.1(b) 4th indent states that permits should only be issued provided "there are no other requirements relating to conservation of the species which (sic) militate against issue."

This article provides for those species with conservation problems not specified in other indents. For example, this includes CITES Parties that do not comply with Article IV of the Convention concerning the production of import and export permits. On occasion bans under this indent have been placed simultaneously on many species from the same country.

Table 6. Population status of *Python reticulatus* around the time of placement of the import suspensions by the EU under regulation 3626/82, art. 10.1. (b).

<table>
<thead>
<tr>
<th>Country</th>
<th>Population status</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Confined to rainforests in east and southeast. Populations were reduced and fragmented due to habitat destruction. Otherwise reportedly common within its restricted range</td>
<td>Khan, 1982; Luxmoore et al., 1988</td>
</tr>
<tr>
<td>Brunei</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>India</td>
<td>Restricted distribution. Abundance unknown. Officially considered threatened</td>
<td>Whitaker and Whitaker, 1990; Tikader, 1983</td>
</tr>
<tr>
<td>Lao P.D.R.</td>
<td>In rapid decline due to local use and international trade</td>
<td>Luxmoore et al., 1988</td>
</tr>
</tbody>
</table>
### Effectiveness of EC stricter measures

<table>
<thead>
<tr>
<th>Country</th>
<th>Description</th>
<th>Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malaysia</td>
<td>Common but possibly in decline</td>
<td>Lim, 1981; Luxmoore <em>et al.</em>, 1988</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Reportedly widespread and common but declining</td>
<td>Salter, 1983</td>
</tr>
<tr>
<td>Philippines</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>Singapore</td>
<td>Apparently common, but precise data unavailable</td>
<td>Harman, 1961; Luxmoore <em>et al.</em>, 1988</td>
</tr>
<tr>
<td>Thailand</td>
<td>Common</td>
<td>Soderberg, 1965; Frith, 1977</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>Common</td>
<td>Campden-Main, 1970</td>
</tr>
</tbody>
</table>

Source: Groombridge and Luxmoore, 1991

### Analysis

Trade in *P. reticulatus* between the European Community and Indonesia was extensive prior to the placement of the 4th indent ban. Between 1989 and 1991, the EC reported importing 14,500 skins a year direct from Indonesia and 75,500 skins a year from Singapore, of Indonesian origin.

During the period between 1992 and 1994, when the ban was in place, only one reported import of 1000 skins direct from Indonesia occurred. However, trade via Singapore was unaffected by the ban, with an average of 45,500 skins of Indonesian origin imported each year (Figure 8). Although this appears to be a reduction from 75,500 skins, it should be noted that the volume of trade between Singapore and the EC decreased through the 1989 to 1991 period, such that the EC imported only 48,500 Indonesian skins via this route in 1991.

This general trend towards decreased trade with Singapore continued following the lifting of the 4th indent ban in 1995, with the EC importing 42,500 Indonesian skins a year via Singapore in 1995 and 1996. Indonesia's direct exports to the EC in 1995-96 exceeded those in 1989-91, however, with 21,500 skins a year reported as imports by the EC.

It is clear from the trade data that, whilst trade directly with Indonesia was effectively halted by the 4th indent ban, trade in skins from Singapore but sourced in Indonesia did not stop (Figure 8). No indication is given in European Commission (1996) of the intended scope of the ban and it is therefore possible that it was open to interpretation by the individual Management Authorities.

It is possible that all of the Indonesian origin *P. reticulatus* skins imported from Singapore during this period were documented as having been collected and exported to Singapore prior to September 1991; however, even if this was the case, there would remain significant potential for circumvention of the ban.

A change in the principal European Community importers occurred in the late 1980s and early 1990s as French and UK imports decreased and Spanish and Italian imports increased. Although some of this change took place across the period during which the ban was in effect, there is no clear indication that the ban, or the interpretation placed on it by individual Management Authorities, was a causative factor in this shift. Of the four major importers, France and Italy imported reduced numbers of Indonesian skins from Singapore in 1992; however, French imports had been falling significantly for two years prior to the ban and total Italian imports continued to increase from 1991 through to 1996, despite the reduction in imports from this specific source.

### Recent trade

Reported European Community imports direct from Indonesia fell through 1997 and 1998 from 30,000 in 1996 to 12,500 in 1998, largely due to reduced trade with Italy. The number
of Indonesian skins imported by the EC via Singapore also declined to fewer than 10,000 skins in 1998.

References


Figure 8. European Community imports of *Python reticulatus* skins originating in Indonesia between 1982 and 1998; compiled using EC reported imports.
Conclusions

Whilst import restrictions enforced by the European Community cannot be expected to control global trade, there is every indication from the preceding case studies that, as a major market, the EC can influence trends in trade volume and source country, at least in the short term. It is therefore essential that the process of selection and enforcement for these restrictions continues to improve.

Analysis of data in CITES annual reports indicates that in none of the cases studied was the import ban fully implemented. It is possible that the records of trade in some cases are in error. This is most likely where trade has been recorded only by the exporting country on the basis of permits issued rather than actual transactions. However, the case studies carried out here are based primarily on imports reported by the EC Member States.

An assessment of the effectiveness of this legislation needs to address three main questions:

Are the bans enforced within the EC?

Are the bans successful in controlling the trade they intend to control?

Do the bans have the desired effect on the conservation status of the species or population concerned, i.e. is it still needed?

Analysis of EC and global trade data from the UNEP-WCMC/CITES trade database can begin to answer the first two of these questions and, in conjunction with published research material, may also indicate areas where additional research is required in relation to illegal trade and conservation status.

General issues

Are the bans enforced within the EC?

In addressing the first question of enforcement within the EC, the ill-defined scope of 2nd, 3rd and 4th indent bans may be implicated, where there is a continuation of trade in species nominally under import ban (see relevant cases). It should be noted that, under the new legislation, there is far greater clarity with regard to the import of specimens from particular sources and intermediate countries.

The majority of bans, however were imposed under the 1st indent, and are now imposed under paragraph (b) of Article 4 (6) of EC Regulation No. 338/97, which amalgamates the 1st and 4th indents of Article 10.1 (b). From the two case studies dealing with the 1st indent in this review, and through reference to the EC annual reports for 1997 and 1998 it is clear that some trade in banned species still occurs, even where the extent of the ban is clearly defined.

Analysis of a comparative tabulation of all European Community trade in 1998 reveals 45 records that appear to transgress Article 4 (6) (b) import bans under both applicable lists of restrictions (EC Regulation Nos. 2551/97 and 2473/98). Of these EC importers reported 21, furthermore two of the EC reported imports involve species where the ban extends across all range States.

Recommendations

An annual assessment of reported transgressions is already included in the confidential analysis of the European Community’s annual report to CITES.

In addition to this, it is recommended that a web-based system be set up for the real-time Community-wide exchange of information concerning permit applications rejected on the grounds that they violate an import restriction. Such a system would draw attention to those species for which permits for export to the European Community are still being issued by range States, despite the imposition of an EC restriction.
Are the bans successful in controlling the trade they intend to control?

With regard to the second question, the issue of successfully controlling trade, the current analysis of a small selection of species points to a number of potential areas of concern. It should be noted here that there is no reason to believe that the examples selected are not representative. The areas of concern include:

- Trade with countries neighbouring those under restriction where the species population is continuous across national boundaries.
- Trade with countries under import restriction in specimens declared as originating in range State countries not under restriction.
- Trade with non-range State re-exporters, particularly in specimens of undeclared source or country of origin.

Examples of trade transactions relating to the first two areas of concern are discussed in the case study of *Poicephalus senegalus*. No evidence of trade involving the third area was found in the 1st indent case studies here. However, the case study of the 4th indent ban on Indonesian *Python reticulatus* showed that extensive trade in skins of Indonesian origin exported through Singapore continued during the period the ban was in force. In addition, the 1998 EC annual report shows evidence of trade in three parrot species from the Solomon Islands to Greece via Malaysia, where much of the trade has been reported by Greece as originating in Malaysia, a non-range State.

It is possible that, in order to adequately protect the species and populations that are the subject of import restrictions, the Commission in conjunction with the SRG, may need to add further weight to the issues discussed above when deciding upon the extent of newly imposed or reviewed import restrictions.

The efficacy of the EC legislation could also be improved by increasing efficiency. Each ban places an additional administrative burden on the CITES Management and Scientific Authorities of the member States of the EC and therefore entails real costs. While it is important that the bans are implemented within the EC, it is also important that they serve, and can be seen to serve, a useful purpose. It is likely that a number of those currently in force may no longer be required.

**Recommendations**

It is recommended that a phased review of the current trade bans be carried out, using in the first instance analysis of the UNEP-WCMC/CITES trade database. Preliminary analysis should identify those species or populations for which no international trade or virtually no international trade has been recorded in the past ten years. These should be considered for deletion from the list, in a manner analogous to the ten year reviews of the CITES appendices undertaken by the CITES Animals and Plants Committees.

A second phase would review recent trade in those species currently under import restriction from specified range States, to determine where significant trade is occurring via the routes discussed above. Such a review would highlight specific areas and species where further consultation is required to determine whether there is evidence for illicit trade or continued pressure on threatened populations.

A final phase would identify species for which the EC accounts for a significant proportion of world trade and for which there is evidence that the bans are not fully implemented. These species should be reviewed further, using literature review and, if necessary, fieldwork to determine whether non-compliance is a significant conservation problem. The data should also be used to assess patterns of non-compliance amongst the EC member States. This should enable focused recommendations to be formulated, concerning ways to improve enforcement of the bans, and CITES-related legislation in general, in individual EC member States.