

THE CONAKRY CONNECTION

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in April and June 2013

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*“A lie can travel halfway round the world
while the truth is putting on its shoes.”*

Mark Twain

*« ...CITES, c'est la plus sale des conventions en ce qui concerne la falsification et la fraude. »**

M. A. Doumbouya,
Head of the CITES Management Authority
Guinea-Conakry

* “...CITES is the dirtiest of conventions when it comes to falsification and fraud.”
Source: Email by M.A. Doumbouya to Karl Ammann on February 19th, 2013.

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Abbreviations

♀	Female / female
♂	Male / male
AE	United Arab Emirates
C	CITES permit declaration for captive borne species
CCC	Centre pour Conservation des Chimpanzés
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CM	Cameroon
CN	China
CoP	Conference of the Parties
CZ	Czech Republic
DNA	Deoxyribonucleic acid
DRC	Democratic Republic of the Congo
ENB	Earth Negotiations Bulletin
EU	European Union
FOB	Free on Board
GALF	Guinea Application of the Wildlife Act
GM	Gambia
GN	Guinea
GNF	Guinean franc
GRASP	Great Apes Survival Partnership
HPAI	Highly Pathogenic Avian Influenza
ID	Indonesia
INECE	International Conference for Environmental Compliance and Enforcement
IISD	International Institute for Sustainable Development
IPPL	International Primate Protection League
JGI	Jane Goodall Institute
JS	John Scanlon
KA	Karl Ammann
LAGA	The Last Great Ape Organization Cameroon
MA	CITES Management Authority
NGO	Non-governmental Organization
NLP	National Legislation Project
OECD	Organisation for Economic Co-operation and Development
PAC	Political Action Committee
PALF	Projet d'appui à l'Application de la Loi sur la Faune sauvage
PASA	Pan African Sanctuary Alliance
Resolution Conf.	Resolution of the Conference of the Parties
RG	République de Guinée / Guinea Republic
RSA	Republic of South Africa
SC	Steering Committee
SE	South East
TI	Transparency International
UAE	United Arab Emirates
UN	United Nations
UNEP	United Nations Environment Programme
USAID	United States Agency for International Development
WSPA	World Society for the Protection of Animals
W	CITES permit declaration for wild borne species
WCMC	World Conservation Monitoring Centre
WWF	World Wide Fund For Nature
ZDF	Zweites Deutsches Fernsehen



Executive Summary

Guinea-Conakry has a two-decade track record of exporting chimpanzees and other CITES I-listed specimens based on the use of fraudulent permits. More recently such exports took place using the 'C' (captive-bred) classification while in reality those animals had been taken from the wild. In some cases the apes in question did not even originate from Guinea. The demand is predominantly for baby chimpanzees, which can be easily handled, shipped and trained for performance purposes. Considering the large number of adults, which need to be killed to obtain a live baby chimpanzee, such illegal capture methods are detrimental to the survival of the species in the wild. During the last decade this trade has reached alarming proportions. From 2009 to 2012 alone more than 130 young chimpanzees and 10 Gorillas have been illegally exported from Guinea-Conakry, West Africa to China, most of which are listed in the official CITES trade statistics.

While formerly the Middle East was the major destination for such shipments; today China is the main if not only importer. One of the reasons for this new demand picture for exotic mammals from West and Central Africa appears to be the request from newly created and expanded entertainment facilities such as drive-through safari parks and zoos. This increased demand has coincided with the import ban for wild-caught birds from countries into the European Union, which came in effect in 2005 in the wake of the 'bird flu' crisis. Until then, Guinea-Conakry had been one of the main exporters of wild birds into the European Union. This resulted in large numbers of bird dealers now having to find other sources of employment for their capture teams.

With China as an expanding new market those dealers simply switched from birds to catching mammals, which are in demand for private collections in the Middle East and the above mentioned zoos and safari parks. In China entertainment shows involving young chimpanzees seem to be a key attraction at a range of these establishments.

All the ape imports were classified as 'C' or 'captive-bred' giving the transactions a semblance of legality as far as the importing authority was concerned. There are however no breeding centres for chimpanzees let alone gorillas in Guinea-Conakry and according to the

CITES definition 'C' permits can only be issued for second-generation bred CITES I-species. Nevertheless the Guinean Government confirmed the validity of many of these permits issued on request from China.

Various animal dealers in Conakry assured us that getting such CITES 'C' permits from the Guinea-Conakry CITES Management Authority was essentially just a question of the relevant financial incentive (bribe).

This situation changed after a CITES enforcement mission to Guinea-Conakry in September 2011. During this mission copies of all export permits were collected by the team from the Secretariat, meaning the Secretariat should now be in possession of detailed information on the identity of all exporters and importers involved.

After the mission of the Secretariat the Guinea CITES Management Authority would no longer issue fraudulent 'C' permits for chimpanzees. However, the animal dealers we contacted as part of a documentary on illegal animal trade for German television (ZDF) as well as with the help of private investigators, all stated that they could easily export chimpanzees declared as monkeys and include them with such primate shipments.

This system is obviously based on a sophisticated culture of corruption and bribery, and includes everybody from CITES officials to airport personnel and veterinarians in Guinea-Conakry. Furthermore, the dealers in Guinea also informed us that some of the chimpanzees are shipped from neighbouring countries such as Mali and Sierra Leone. The CITES trade statistics for 2011 then also show that the same pattern of exporting chimpanzees to China has partly been moved from Guinea to Sierra Leone with five chimpanzees exported and to Syria with four such exports. Four of the Sierra Leone chimpanzees were classified as 'W' (wild caught), while all chimpanzees from Syria were classified as re-exports for the purpose 'S' (scientific) also with source code 'W'. In terms of import into China this would make it an even more severe CITES infraction. Ethiopian Airlines and Egypt Air were named by the dealers as 'reliable' freight carriers for such illegal endeavours.

As mentioned above, even ten gorillas, not native to Guinea, were exported to China in 2010, but we have been unable to trace their whereabouts. The Secretariat, supposedly being in possession of all Guinean export permits, could help identify the exporters and importers involved to determine the whereabouts of these gorillas and if they still exist or perished, as is often the case with gorilla babies.

Our investigations in China also led to question marks as to the extent the same pattern of corruption as is the case in Guinea might be in place as far as the importing dealers are concerned, which appear to be behind most of these transactions.

In their new home in China the chimpanzees and gorillas are exhibited in zoo settings. They are also made to perform in shows to attract more visitors and income and as such were imported primarily for commercial purposes. Such imports are illegal under CITES regulations for Appendix-I species.

This report outlines in detail the illegal ape trafficking out of Guinea-Conakry into China, based on official and under-cover investigations, and relates those findings to the official CITES regulations on the trade of Appendix-I specimens, their breeding in captivity and their present use for primarily commercial purposes. It also raises the question of repatriating illegally-traded Appendix-I-specimens like chimpanzees to their countries of origin or at least to a species appropriate environment in Africa.

From the results presented in this report the following questions arise:

1. Why did/does the Secretariat not make public its 2011 mission report to Guinea-Conakry and distribute it to all Parties of the Convention (most seem unaware as to the level of infraction, which occurred)?
2. Why did/does the Secretariat not disclose all exporters and importers from the export permits based on the copies it obtained during the 2011 mission to enable tracing the whereabouts of all apes illegally traded?
3. Why did the Secretariat not intervene when the official chimpanzee export trade data for Guinea-Conakry started to increase drastically from 2007 to 2008 and 2009?
4. Since Guinea-Conakry has been suspended from all trade with CITES-listed species with immediate effect at the 63rd SC meeting in Bangkok, will there be any sanctions on China as well?
5. Will China comply with Article VIII of the Convention and confiscate the illegally imported apes?
6. Will Guinea-Conakry ask for the repatriation of those illegally exported apes or at least for DNA testing so it can be established which of the range countries most likely lost these assets?
7. Will there be efforts to find an agreement on third-party auditing in countries with poor governance quality (e.g.: the countries in the bottom third of the Transparency International corruption listing) – as a way to guarantee an objective evaluation of the degree of compliance with the regulations of the Convention ?

The Guinea Ape Saga

BACKGROUND

While investigating the Cairo Connection documentary¹ we came across a CITES notice, number 50893, indicating that in December of 1992, and then again in August 1993, chimpanzees were to have been air freighted from Guinea-Conakry via Kano in Nigeria to Cairo in Egypt (CITES 1994 – Page 524+525 – Reference: 50893, Ammann & Pax Animalis 2011). The CITES notice was based on forged export permits issued by the Guinea-Conakry CITES Authority. The main dealer identified at the time was operating out of Kano, Nigeria and sending out an estimated average of forty chimpanzees and eight gorillas a year (Pugh 1997). There was little doubt at the time that this was an attempt to clear some of these chimpanzees through the CITES system with falsified Guinean export permits (Pugh 1997).

INTRODUCTION

Today, 20 years later, Guinea-Conakry (Annex I) is in the news again as a key exporter of protected species such as chimpanzees and gorillas (Johnson 2012). All indications are that this trafficking is again being conducted with fraudulent/stolen permits and that this practice continued unabated through 2011 and as of 2012 other methods were used to export chimpanzees illegally from Guinea (For ease of use ‘Guinea-Conakry’ will from here onwards simply be named as ‘Guinea’ throughout this report).

The use of stolen and fraudulent permits has been augmented with the use of ‘real’ CITES import and export permits being issued for chimpanzees and gorillas stating that they are captive-born apes (C) (CITES 2012c-e, 2013b, UNEP-WCMC 2013). As such these exports are now actually showing up in the CITES trade statistics. The numbers are staggering (CITES 2012c-e, 2013b, Johnson 2012), especially when viewed in the context of the number of adults which need to be killed to produce these numbers of orphans (USAID 2007). In 2007, two chimpanzees went from Guinea to China. That figure increased to eight in 2008, twenty-nine² in 2009 and to sixty-one in 2010, when ten gorillas were added as well (CITES 2012c-e, 2013b+c).

In 2012 Interpol stated (quoted in The Guardian by Johnson 2012) that at least 130 chimpanzees were exported in total in the last three years. There is evidence that the trade

¹ Source: <http://youtube.com/watch?v=Qh95JUgTS-4>.

² Depending on which query we asked the CITES Trade Database, we received varying results for this year, namely twenty-nine, thirty-four and thirty-five specimens exported by Guinea, or imported by China, respectively. As stated by UNEP-WCMC (2013) this seems to be depending on the respective numbers reported by the importing and exporting country and the kind of data requested. We are therefore aware that export figures as cited in the text and in table 2 may not always match.

continued into 2011, and the authors are in possession of some of the relevant permits issued by the relevant authorities in Guinea (See: Annex III). The latest CITES trade statistics (January 2013) do not yet reflect these exports and imports (CITES 2013b+c). The reason for this is – as stated by UNEP-WCMC (2013 – page 4).

“as a result of these reporting problems, the most recent year for which comprehensive trade statistics are available is normally two years prior to the current year”.

Additional exports might have taken place without any of these falsified and stolen permits having been used. It seems that this was especially the case in 2012. Based on interviews with traders the authors were informed that apes were now being disguised as part of other primate shipments for which they stated permits were still being issued. (See: Annex VII). Alternatively, the original method (issuing ‘C’ permits) still appears to be used but via neighbouring countries, particularly Bamako in Mali. (See: Annex VII). The report in The Guardian, quoting information provided by Interpol, also lists sixty-nine chimpanzees as having been exported illegally to China in 2010 alone while the CITES trade statistics only list sixty-one (CITES 2013b, Johnson 2012).

LATEST DEVELOPMENTS (2010 – 2012)

In early 2011 we were approached by a well-known animal dealer in South Africa who visited Guinea regularly to buy birds. He informed us that increasing numbers of chimpanzees were being offered for sale by a handful of key wildlife dealers in Guinea. The South African sent us photographs of chimpanzees he had been offered together with a price list (figure 1 & table 1a).

We then received a report from a second dealer who had been offered chimpanzees, gorillas and other wildlife – ex Guinea – via a trading company (Asian Dragon) based in several countries in South East Asia (figure 2 & table 1b).

The authors of this report at the time questioned conservation activists operating in the region about this state of affairs. We were assured by all persons interviewed that they knew about the problem, were talking to the authorities and had it under control. (Among those contacted were the Pan African Sanctuary Alliance (PASA) in Guinea and The Last Great Ape Organization Cameroon (LAGA).)



Figure 1: Baby chimpanzees and monkeys for sale by an animal dealer in Guinea (early 2011 – for a price list see table 1a).



Figure 2: The trading company Asian Dragon is offering wildlife species in several countries of South East Asia (for a price list see table 1b). In 2012 they also offered a wide range of primates (mostly from the DRC) with captive borne ‘C’ permits – ex Syria.

www.asiandragonintl.com/intro/index.html

Species	Price / animal [US \$]	Number available
a) Pricelist for wildlife species from animal dealers in Guinea		
Chimpanzee (<i>Pan troglodytes</i>)	7,500 (15,000 for a pair of ♀+♂)	12 (5♀ + 7♂)
Blue duiker (<i>Cephalophus monticola</i>)	1,500	5
Abbotts Duiker (<i>Cephalophus spadix</i>)	2,500	2
b) Pricelist for wildlife species (ex Guinea) from Asian Dragon*		
Chimpanzee (<i>Pan troglodytes</i>)	20,500	-
Gorilla (<i>Gorilla gorilla beringei</i>)	37,000	-
Colobus [? Authors] (<i>Colobus balobus badius powelli</i>)	9,500	-
Western Pied Colobus (<i>Colobus polykomos</i>)	9,500	-
Bongo (<i>Tragelaphus euryceros</i>)	37,000	-
* Prices are FOB Guinea		

Table 1: Pricelist for wildlife species ex Guinea with a) prices from dealers in Guinea and b) prices from Asian Dragon

CITES' reaction to the latest development

The official trade statistics as presented in table 2 also rang alarm bells in some ape conservation quarters (IPPL 2010) causing the CITES Secretariat to comment on the issue under *Enforcement Matters* during the 61st Standing Committee (SC) Meeting in Geneva, Switzerland, from August 15th – 19th, 2011 (CITES 2011a – Page 5+6 – Nr. 41+42). While Guinea was identified as the exporter, China (Annex II) – as the primary importer – was not named. Instead the following terminology was used:

“The Secretariat knows of one country of destination for such trade... It seems likely that national legislation in several countries may also have been contravened.” (CITES 2011a – Page 4+5).

While the report on the CITES mission to Guinea in September 2011 states:

“In late 2010, the Secretariat’s attention was drawn to what appeared to be regular trade in chimpanzees from Guinea. At that stage, the trade appeared to be restricted to China as the country of destination.” (CITES 2011b – Page 4).

In addition to China as a country of destination some of the species traded from Guinea ended up going to the United Arab Emirates (UAE) (table 2), which for decades has been another hotspot for the illegal trade in apes and other CITES-listed wildlife (Amman & Pax Animalis 2012).

Following this official statement the Secretariat solicited, and received, an invitation from the authorities in Guinea to conduct an inspection. (Since the CITES Secretariat has no investigative function it cannot make enforcement visits uninvited or unannounced – CITES 2004a – Page 2, and personal comment by John Seller, former Chief of Law Enforcement Unit, CITES.) The subsequent CITES enforcement mission resulted in a confidential report covering the visit of September 12th – 14th, 2011 (CITES 2011b).

It states that in late 2010 the Secretariat's attention was drawn to what appeared to be an irregular trade in chimpanzees (CITES 2011b). (The question arises why the official export data for 2007/2008/2009 would not have been considered alarming enough to get the Secretariat's attention). It confirms that

“Guinea has a long track record of illicit trade of CITES-listed species and often exports animals which are not native to Guinea and are classified as ‘C’ (captive born - as were all the above listed chimpanzees and gorillas. For an overview of the various captive borne criteria as defined by CITES. See: Annex XI) (CITES 2011b).

The report indicates non-compliance on a wide range of CITES Convention rules by Guinea and proposes a list of actions to be taken to try to control the illegal trade. Despite a twenty year record of non-compliance (Pugh 1997) the Secretariat did not recommend to the Standing Committee the suspension of Guinea from the Convention. Instead, the country was asked to provide an action plan indicating steps it would take to remedy the situation by the end of 2012 (CITES 2011b).

The reaction of the Guinea CITES authorities is contained in an undated letter by the head of their Management Authority which points out that:

“J’ai rencontrés également les responsables CITES Chinois face à face lors de la CoP15 à Doha en présence d’un membre du Secrétariat Général pour les questions de fraude et le trafic des grands singes; la bas nous avons adoptés certaines mesures de contrôle des documents entre Guinée et la chine”³. (Translation: “I have met in person with the Chinese delegation in the presence of a CITES secretariat official to discuss fraud and the trafficking of great apes. We then adopted certain measures to control the documentation between Guinea and China.”³)

The CoP15 took place in Doha, Qatar, from March 13th – 25th, 2010.

³ Letter by Ansoumane Doumbouya, Focal point, CITES Management Authority, Guinea, to John E. Scanlon, CITES Secretary-General; in copy to Jonathan Barzdo, CITES Head of Governing Bodies and Meeting Services; Stephen Nash, CITES Head Capacity Building Unit; and David Morgan, CITES Head Scientific Services, in reply to the reception of the CITES mission report to Guinea by the National CITES Authority on October 19th, 2011.

CITES Trade Database – Comparative Tabulation Report							
Year	Appendix	Taxon	Importer	Exporter	Imported Quantity	Import term	Import source
1991	I	Pan troglodytes	ID	GN			
1998	I	Pan troglodytes	GM	GN	1	live	
1998	I	Pan troglodytes	GM	GN			
1999	I	Pan troglodytes	CZ	GN	1	live	C
2000	I	Pan troglodytes	GM	GN	1	live	
2000	I	Pan troglodytes	GM	GN			
2007	I	Pan troglodytes	CN	GN	2	live	C
2008	I	Pan troglodytes	CN	GN	8	live	C
2009	I	Pan troglodytes	AE	GN	4	live	C
2009	I	Pan troglodytes	CM	GN	1	live	W
2010	I	Pan troglodytes	CN	GN	29	live	C
2010	I	Pan troglodytes	CN	GN	61	live	C
2010	I	Gorilla gorilla	CN	GN	10	live	C

AE = United Arab Emirates; C = captive borne; CM = Cameroon; CN = China; CZ = Czech Republic; GM = Gambia; GN = Guinea; ID = Indonesia; W = wild borne

Table 2: Excerpts of CITES export trade statistics for Guinea-Conakry 1990 – 2010 (Ammann & Pax Animalis 2012, CITES 2013b+c, UNEP-WCMC 2013)

2011 CITES mission report to Guinea

A copy of a CITES export permit for eight chimpanzees, issued in early January 2011 and after the above Doha meeting, and a letter from the CITES Management Authority in Guinea confirming the authenticity of this permit, are included in Annex III. They state that the

animals are all 'C' status or captive-born. However the relevant authority in Guinea pointed out that none of these confirmations had come from him, that the signature on the document was not his and that the Chinese CITES authorities regularly requested another party in the ministry, his predecessor Namory Keita, to confirm the authenticity of permits.

As such it is clear that the CITES Secretariat was already aware of these exports in early 2010, and not only later in the year as stated in their mission report of 2011 (CITES 2011b – Page 4). Despite this no enforcement actions were taken at the time.

The mission report also mentions existing enforcement tools such as confiscations and repatriation. Nevertheless, the Secretariat appears not to be considering these steps at the same time sending a message to the importing countries and what are now the 'end consumers' benefiting from this illegal trade. Trade to China clearly continued into 2011 with falsified and stolen export permits (CITES 2011b). It would appear that, despite this, no questions have been asked of the Chinese authorities concerning their basic understanding of chimpanzee reproductive rates, the commerciality of these transactions or the verification of dubious export permits. It would appear that no specific action has been taken to prevent future imports based on fraudulent or falsified permits of hard to obtain CITES I-listed species from other range states. (See: New Home – China).

CITES' view on repatriating illegally traded great apes

In this context the Secretariat's report states:

"The team is also conscious that there is another issue with regard to the illegal trade in chimpanzees that will require to be addressed before long. This relates to what should be done with those animals of illegal origin that are now spread throughout a variety of zoos and other institutions in China and elsewhere. **The team confidently predicts that there will be calls, from the NGO community and others, for the confiscation of these chimpanzees and their return to their country of origin** (acknowledging that this may not necessarily be Guinea for each and every chimpanzee). However a significant number will presumably have been taken from the wild in Guinea. The team is of the view that Guinea is currently unprepared with regard to the funds that will be required, the necessary human resources, to care for these animals in suitable facilities to house and care for chimpanzees, to organise or cope with the return of such a number of chimpanzees. It is surely unlikely that the existing chimpanzee rescue centres and sanctuaries throughout the continent of Africa could cope either...

The team has not considered this aspect in detail and currently offers no suggestions regarding it. It believes that this will require to be considered by the

management team of the CITES Secretariat, since guidance may be sought from the Secretariat from importing countries, but it raises it now, so that Guinea's officials can reflect upon how they might handle this matter. Past experience, again, prompts the team to think that extensive lobbying campaigns may well arise surrounding this subject.” (CITES 2011B – page 11, bold letters are ours).

Third party lobbying to increase the chances of Article VIII of the Convention being enforced appears to be the norm (Ammann & Pax Animalis 2001, 2012) to get the Secretariat to look into opinions of repatriating illegally exported apes as provided for in Article VIII of the Convention (CITES 2013a). In addition, it talks only about the chimpanzees and not the gorillas, which certainly were not from Guinea.

There appears to be little political will to start an enforcement chain which could start with a proposal for DNA testing of all the apes which were imported into China (and the UAE) to determine their likely place of origin. It could then be suggested to the other range states concerned that they have a problem with the illegal export of apes. A way forward could then be found to curtail demand by introducing the possibility of importers holding illegally imported apes losing them as a result of confiscations.

While many countries could not accommodate large numbers of apes in captive settings there are indeed sanctuaries in Africa, which are able and willing to take a large number of these chimpanzees and gorillas. For example Sweetwaters chimpanzee sanctuary located in Kenya and accredited by PASA (PASA 2013) has just completed new enclosures and has written to the Secretariat suggesting that it would be happy to accept such repatriated chimpanzees⁴.

The countries of origin could, in turn, request that the apes be returned to Africa and taken to a sanctuary willing to accept them such as Sweetwaters, if the countries in question have no capacity to take them. They would remain the property of the country of origin and be returned should the corresponding facilities become available.

However the response from the CITES Secretary-General is very representative, as outlined earlier, of not wanting to invest any time in advocating confiscation and repatriation as an enforcement tool. In his reply letter to Sweetwaters of May 29th, 2012, John Scanlon points out that:

“As you are probably aware, The CITES Secretariat does not have any mandate to deal with animal welfare, other than in the context of the transport of live specimen. The designation of institutions to look after the welfare of live specimens, particularly those that have been confiscated, is a matter for the CITES Management Authorities of the

⁴ Letter of March 9th, 2012, by Richard Vigne to John E. Scanlon, CITES Secretary-General.

Parties to the Convention. In fulfilling their duties, these authorities may consult the Secretariat, in accordance with Article VIII, paragraphs 4 and 5, of the Convention, as indicated below:

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

(a) ...

(b) The Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention,...”⁵.

The letter of the Secretary-General furthermore quotes Resolution Conf. 9.10 (Rev. CoP15) and 10.7 (Rev. CoP15), which provides additional guidance on the disposal of specimens (CITES 2010a+b). Resolution Conf. 10.7 states explicitly:

“Confiscated animals are already in captivity; ... placement may be in the country of origin, the country of export (if different), the country of confiscation, or **a country with adequate and/or specialised facilities for the species in question**. If animals are maintained in captivity, in preference to either being returned to the wild or destroyed, they must be afforded humane conditions and ensured proper care for their natural lives.” (CITES 2010b – Page 3 – bold letters are ours).

But the key principle, namely that illegally imported CITES Appendix I animals should be confiscated as stated in Paragraph 1 of Article VIII of the Convention, is not ---- quoted in the letter:

“The Parties shall take appropriate measures to enforce the provision of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

a) To penalize trade in, or possession of, such specimens, or both; and

b) **To provide for the confiscation or return to the State of export of such specimens.**” (CITES 2013a – bold letters are ours).

The letter from the Secretary-General concludes:

“Taking the above into consideration, should the Secretariat become aware of any incident where the services provided by your sanctuary might be relevant to any CITES authorities, we will be glad to provide them with your contact details to enable them to liaise directly with your sanctuary for assistance.” (See: Annex IV).

⁵ Letter of May 29th, 2012, by John E. Scanlon to Richard Vigne, Chief Executive Officer, OI Pejeta Conservancy. CITES reference: GEN 01/04/12/LGF. See: Annex IV.

Questions and suggestions to the CITES Secretariat

When analyzing this reply it seems clear that the CITES Secretariat is at this time not ready to pursue a policy of advocating arrests, confiscations and repatriation as outlined in Article VIII of the convention in the context of illegal exports such as the ones from Guinea to China. The authors of this report would therefore like to suggest that the following actions be taken in this matter by the CITES Secretariat / The Standing Committee:

1. Ask China to DNA-test these apes to determine the country of origin.
2. Suggest to the MAs of the countries concerned that the exporters and importers involved in these illegal transactions be prosecuted.
3. Suggest that apes in question be confiscated by the responsible authorities in China and the UAE in line with the Convention stipulations
4. Suggest to Guinea (and neighbouring countries) that they might want to ask for their apes to be repatriated and decide where they should end up.
5. Provide details of NGOs, which might be willing to assist with the financing of such returns if Guinea does not have the financial resources.
6. Offer Guinea the option to designate Sweetwater's as a facility, which could provide adequate lifetime care for these apes.

There is an apparent lack of commitment in actively assisting parties to the Convention to enforce stipulations, which could result in a potential deterrent to further such illegal trade. This often results in the parties involved in the decision making process on enforcement issues not being fully aware of options which might be available. The end result is that illegal importers find it easy to abuse the system.

Since there obviously are no repercussions, there are no reasons why new and existing safari parks, zoos and private collection owners should not exploit any future opportunity to illegally acquire high profile species which offer considerable potential for commercial exploitation and as such have a high reward potential and no risk. Clearly the new demand characteristics in China are a major factor in this context. In the earlier mentioned press statement of March 2012, Interpol demands a crackdown on serious organised Eco Crimes (Johnson 2012). It specifically mentions:

“Significant losses are occurring among the chimpanzee populations of Guinea, with 69 chimpanzees illegally exported to China in 2010 alone, and at least 130 in the past three years.” (Johnson 2012).

Ironically, two months later the Secretary-General of CITES is in China, honouring the Chinese authorities with a CITES commendation in recognition for successfully fighting

wildlife trafficking (CITES 2012a; Figure 3)⁶. This at the same time as the website of the Forum on China-Africa Cooperation⁷ shows some of the baby chimpanzees in their new home in China⁸ (Figures 4+5).



Figure 3: Mr John E. Scanlon, the Secretary-General of CITES, awards a certificate of commendation to the Chinese.

⁶ Source: <http://wildlifeneews.co.uk/2012/china-receives-cites-commendation-for-wildlife-trade-actions/>.

⁷ Source: <http://www.focac.org>.

⁸ Source: <http://www.focac.org/eng/mlsj/t719854.htm>.



Figure 4: The website of the Forum on China-Africa Cooperation.

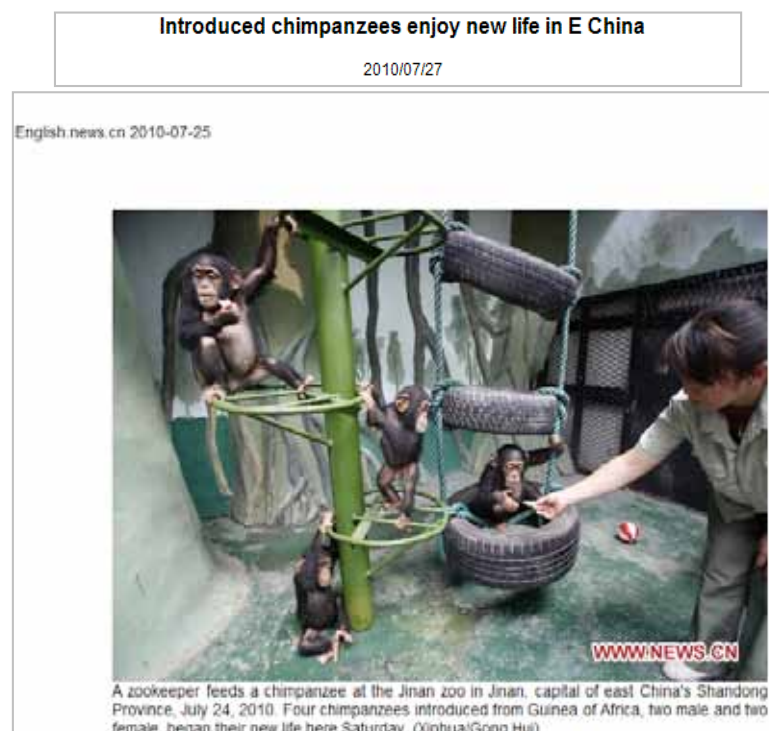


Figure 5: China proudly presents its new acquisitions from Guinea.

ZDF DOCUMENTARY ON THE ILLEGAL TRADE IN GREAT APES

At the CITES Steering Committee meeting in Geneva 2012

In early 2012 the German Public Broadcaster Zweites Deutsches Fernsehen (ZDF) gave the go ahead for the production of a documentary featuring the illegal trade in apes. As a first step the producer and two authors of this report requested accreditation as journalists to attend the CITES Standing Committee (SC) meeting in Geneva, Switzerland, from July 23rd – 27th, 2012.

The accreditation process was laborious and drawn out⁹. The restrictions presented with regards to filming in the venue were extreme (the ZDF team and that of National Geographic Television, which attended as well, were shadowed by two uniformed security guards throughout most of the meeting. The instructions were that no filming could take place if there might be a delegate in the picture who had not given up front approval to be filmed! In addition no filming within the building around the session halls was allowed which only left the option to arrange all interviews in the press room or outside.

In the past, enforcement officials at the Secretariat were the main parties giving interviews on issues of compliance and action taken by the Secretariat. This now seems to have changed under the new CITES Secretary-General and he agreed to a half an hour interview based on questions submitted in advance. Most of these questions were based on none compliance with the Convention in the context of the Guinea/China traffic and the action the Secretariat was planning to take and had taken to counteract it. Below are some transcript extracts illustrating that there was no change of heart as far as the Secretariat seeing Article VIII of the Convention (CITES 2013a) being a crucial stipulation which deserves more attention in enforcement terms:

Extracts of the interview between John E. Scanlon and Karl Ammann for ZDF¹⁰

Karl Ammann (KA): “OK, now that we heard the case of Guinea, ape trading is another one of the areas we want to investigate and look into. This Guinea case is as flagrant a contravention of the Convention as any case I have ever heard of. I’ve spoken yesterday to somebody who met with the Minister in Guinea, who told us that the Minister thinks that CITES is an NGO. They have no concept of what CITES is all about, but they are still members, supposedly still exporting under export permits signed by the same gentleman

⁹ Source: Email correspondence between Klaus Sparwasser, Karl Ammann and the CITES Secretariat between June 27th – July 9th, 2012.

¹⁰ This interview took place on July 25th, 2012, at the International Conference Centre Geneva during the 62nd CITES SC meeting in Geneva, Switzerland.

who has signed all these fake or fabricated or falsified permits. When does the time come to suspend countries like that?”

John Scanlon (JS): “The issue of Guinea is of great concern to the Secretariat and also of the Standing Committee. We became aware of certain exports of animals from Guinea to Asia where they had claimed to be captive bred, but we had some concerns regarding that and undertook a mission to Guinea. Following that we made a number of recommendations with respect to all aspects of management of the Convention relating to compliance, enforcement, legislation and science... The Secretariat has not been satisfied with the level of progress that has been made against those recommendations and this morning we made a recommendation to the Standing Committee that they issue a warning to Guinea and they advised them to provide us with a report by the end of December. Subject to the contents of that report, when the Standing Committee next meets in March 2013, the Standing Committee may consider taking the last resort action, which is recommendation to suspend all trade against Guinea...”

KA: “You mentioned that most of these apes were exported from Guinea to Asia, but we know that the importer is essentially China. A few went to UAE, but all the rest went to China. Some reports indicate 130. The export statistics say 100. Ten gorillas involved as well. At what stage has the incoming country to accept responsibility for what’s going on? You can’t say after 10, 20, 30, 40, 50, 60 import permits that you still consider these are legally captive bred chimps which are imported.”

JS: “So we deal with both, destination, transit and range states and with this particular issue. We are in discussions with those states that were the source states or the range states, being Guinea, and also with destination states, including China, because we need to find out how these infractions occurred and how we can make sure we avoid them in the future. But certainly we enter into a dialogue with everybody along the supply chain.” ...

KA: “So, if a DNA lab could be found who said ‘we will analyze all the ape samples which might come from China to determine where these chimps and gorillas came from’, would the Secretariat then encourage China to provide these samples?”

JS: “Well, that would be a matter for China as the importing state, as certainly we have had discussion with respect to Guinea and our concerns with respect to Guinea and whether or not these species were actually being sourced as captive bred. There’s been no trade since that time. [This is not correct, as the ZDF team illustrated during a follow up visit to Guinea in December 2012.] So, yes, I’d say we’re in dialogue with all of our states not just China, of how we make better use of DNA, and we’d be looking at something actually more generic, that is how can we build in better access to DNA labs and access to modern forensics more generally in relation to a large number of species that are in trade either

legally or illegally, because we do think the use of modern forensics would be to the advantage of the Convention...”

KA: “But looking once more at some more specifics, as I say, if there was a way to establish where these chimps and gorillas come from, under the Convention it is stipulated that these should be repatriated or should at least be confiscated. I think it said either confiscated or repatriated, it doesn’t say one and the other but still, as long as all these private zoos get away with high profile species, like gorillas and chimps, having been illegally imported or under falsified permits, and nothing happens to them – no repatriation is being attempted, no confiscation takes place – isn’t that encouraging this kind of trading going on in future? If I was a zoo owner and I could get a bunch of chimps and gorillas, what do I want next under someone who’s willing to issue a corrupt permit?”

JS: “So I suppose there’s a distinction between something that is clearly on the face of it an illegal trade and we’ve had a number of discussions about illegal trade and we have great concerns about the extent of illegal trade right across the board. With respect to trade that is on the face of it legal it’s slightly different. So, here we have a circumstance where trade on the face of it was legal trade. We have taken some measures to enquire and undertake some fact finding_ missions and it came to our attention that claiming certain things as captive bred was not accurate. So we helped bringing an end to that trade, which was our primary objective. But on the face of it, this trade has occurred legally. [This statement contradicts the CITES (2011 – Page 4) mission report, which states: “Also in 2010, the Secretariat was advised by a non-governmental organization that its staff had contacted Mr Doumbouya to express concern about such trade in chimpanzees and had been told by him that he believed the trade was taking place using permits removed illicitly from his office.”] But we can work with destination and range states to work out what is an appropriate way forward.”

KA: “At this stage it would have been nice to look at the corresponding permit which I have, for eight chimpanzees last year exported from Guinea to China by an outfit called ‘Bird Breeding Farm’; no address, no nothing, just the name. ‘Bird Breeding Farm’ is actually in Kinshasa, so the chance is very high that these apes were actually smuggled from Congo to Guinea and then re-exported from there. If I look at this permit it doesn’t have a stamp at the bottom, it has the Management Authority signature or whatever. But I’m the CITES authority of China and this permit lies in front of me, I’d say ‘come on, there’s so many things wrong with this document, how can I pretend that only the ‘C’ of captive borne is the issue here’?”

JS: "Sorry, I haven't seen that permit, so I won't offer any comment." [During our subsequent visit to the country the MA of Guinea stated that the team from the Secretariat had taken away all their original and copies of these permits.]

KA: "I can get it for you, if you want."

JS: "That's alright; you've had plenty of time to present me with documents before this interview. So, if you'd like to present it to us, we'd be happy to look at it when we've got time to do that. But now is not the time. What I would say from a Secretariat point of view is that **our primary objective is to stop** if we are talking about **great apes or other species getting across the border in the first place**. I mean, so with our limited enforcement capacity, our primary objective is to stop animals getting into international trade. Because, once they're on international trade, they've crossed international borders, the whole issue of how you then appropriately deal with the situation, becomes very difficult; and in most cases or in a large number of cases it becomes impossible to return them to the wild. Now, **our Convention is primarily concerned with the conservation of species in the wild and to ensure that trade**, and in many cases that trade is prohibited and in some cases it is regulated. But to ensure that trade **doesn't endanger their survival in the wild**. So, **for us the main thing is, how do we stop these animals entering trade in the first place, where they should not be entering trade? So, when we see a situation like Guinea we put our primary effort into saying 'we need to stop any additional animals going out of the country'. That's the primary objective and that objective has been achieved and then we can go and look at other measures that can be taken in the future.**" (Bold letters are ours.)

Since the Secretary-General states here that the primary objective, namely

"to stop any additional animals going out of the country"

has been achieved in the case of Guinea, the logical consequence should now be, as stated by John Scanlon,

"to go and look at other measures that can be taken in the future".

It will be interesting to see what these "other measures" announced by the Secretariat will be in the case of Guinea and if they might entail the confiscation and / or repatriation of these illegally traded chimpanzees and gorillas from China and the UAE back to Africa. As John Scanlon stated in the closing remark of his letter to Richard Vigne, Chief Executive Officer, Ol Pejeta Conservancy,

"should the Secretariat become aware of any incident where the services provided by your sanctuary [Sweetwaters] might be relevant to any CITES authorities, we will be glad to provide them with your contact details to enable them to liaise directly with your sanctuary for assistance." (See: Annex IV).

What better opportunity could there be than in the case of Guinea?

Enforcement matters related to Guinea at the 62nd SC meeting

When the issue of ape trafficking was discussed at the SC meeting (CITES 2012a), it became clear that most of the representatives had little understanding of what this was all about and the size of the trade.

The above mentioned CITES Mission Report had been classified as confidential, allowing 'Restricted Circulation – for Government and Law Enforcement Purposes Only' (CITES 2011b). Therefore it was not made available to all the Parties attending the 62nd SC meeting. (This lack of transparency ties in with the Secretariat several years earlier having unilaterally abolished the Infraction Reports (CITES 2004b – p. 3 No. 13-15).)

As such the discussion centred on Guinea being given another deadline until December 2012 to come up with an action plan to rectify the situation (2012b – p. 3 No. 29). This despite the fact that all indications on the ground are that little has changed and that an action plan is a long way from the successful implementation of concrete steps to prevent the trade having been taken.

The only other intervention came from China – noting that Guinea had made some progress with enforcement – and as such should be given time to get its house in order. It appeared their argument was based on an earlier enforcement mission that had been mounted by a regional enforcement NGO (LAGA) and which resulted in the confiscation of ivory items and cat skins in various handicraft markets and the arrest of some of the related traders (CITES 2012a, IISD 2012, LAGA 2012b).

The delegate from the DRC in an additional intervention proposed granting Guinea a grace period. During a conversation one of the authors of this report had with this DRC delegate, it was established that he was very familiar with some of the key dealers from Guinea, and that he did not exclude the possibility of ten gorillas having been exported from the DRC to Guinea and then re-exported by Guinea-based dealers as captive-born in Guinea (table 2).

These apes have not yet been traced and neither the authorities in Guinea nor the Secretariat are willing to provide copies of the relevant import and export permit which would give the name and address of the importer and exporter. In addition the delegate from the DRC, M. Muamba Kanda, during his intervention mixed up the numbers and the countries (referring to Equatorial Guinea and not Guinea Conakry and mentioning forty gorillas). This made it clear that few of the parties being briefed had a clear understanding of what had been going on, or how much non-compliance had taken place not just with domestic regulations but also CITES legislation (IISD 2012).

DEALING WITH THE DEALERS

At about this time, in early summer 2012, a conservation activist in South-East (SE) Asia agreed to set up an internet-based trading company in Indonesia which then became the vehicle to negotiate with a range of the dealers who had been identified in Guinea. He also negotiated with the representatives of Asian Dragon, which had been offering chimpanzees and gorillas to collectors and zoos.

(As mentioned earlier, this company also offered a wide range of CITES II-listed primates clearly originating from the DRC via Syria¹¹). We have already documented illegal primate exports and fabricated permits coming out of Syria in the Cairo Report II; including the reproduction of permits for the export of chimpanzees, which were manipulated or outright fakes. That case also involved the export of chimpanzees, which we were told originated in Egypt but would be sent via Syria and using Syrian export permits (Karl Ammann & Pax Animalis 2011).

After setting up the internet-based Indonesian trading company hundreds of email exchanges took place, with the dealers in Guinea being very happy to discuss specifics of how to handle transactions. The key points, which were clarified in emails and later in personal meetings with some of these dealers were:

- Most dealers still seem to be involved in the bird trade, which is largely based on wild caught birds.
- There used to be some 20 traders dealing mostly in birds until the European Market closed due to outbreaks of Highly Pathogenic Avian Influenza (HPAI – EU 2005a-c).
- There appear to now be about a dozen full time dealers left in Guinea.
- With the EU having shut down all major imports of birds in 2005 the teams, which were trained to collect the birds with nets were reassigned to catch other wildlife.
- As of 2007 the exports of a wide range of mammals started in earnest and increased in the following years (2012c).
- It was made clear that it was 'too expensive' to keep some protected species in stock in Conakry and that in many cases the collectors would only be sent out after the payment of some 30-60% of the purchase price as an advance (chimpanzees generally being quoted in the region of US\$ 15,000 for a pair of a male and female – table 1).

¹¹ Source: Email correspondence between Asian Dragon and the internet-based Indonesian trading company throughout the second half of 2012.

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- Where importing countries insisted on having proper export documentation the dealers had no problem to buy the corresponding permits from the CITES Management Authority. This was until very recently. (See: Annex VII).
 - Several dealers were aware that new CITES permits were being produced and once they arrived they would expect to be able to continue as before. In the meantime they offered to smuggle baby chimpanzees without any kind of permits or to go via other range states where they would have no problems getting 'C' permits (the DRC and Mali were mentioned several times); or alternatively to export chimpanzees with other, CITES II-listed primates, without identifying them as chimpanzees; which according to them, was easy as long as the importing side was ready to deal with any problems at the other end. (See: Annex VII).
 - Traders all confirmed in the email correspondence and later in personal meetings, that getting the export permits would cost from US\$ 600 to US\$ 5,000 per permit. This clearly did not involve the official fee associated with administering the permit system but was for the relevant bribes.
 - They outlined trade routes mostly suggesting, once again, Cairo as a possible transit point (Ammann & Pax Animalis 2011, 2012). Ethiopian Airlines was also regularly mentioned as the best airline to use for exports going east and starting at Bamako (Mali).
 - They explained that systems are in place to guarantee live delivery and photographic evidence being needed of any animal perishing in transit for refunds to become applicable.
 - One dealer was quite keen on accompanying any shipment to ensure proper delivery.
 - In one case a dealer asked for delivery of a tranquilizing drug, which would be needed to subdue any gorillas in transit.
 - A number of dealers stated that they had family relations in the DRC or visited Kinshasa for months at a time and offered exports via the DRC. They even sent corresponding CITES permits they had obtained in the past from the Guinea and DRC CITES Management Authorities (as the one mentioned in the interview with John Scanlon, which was issued to a DRC-based company which then exported eight chimpanzees from Conakry, Guinea).
 - When asked about the availability for CITES 'C' permits for chimpanzees they all confirmed that it was still possible in neighbouring countries (if the permits are

complete fabrications then the conclusion we came to was that these fraudulent permits would then not show up in any form in the official CITES trade statistics). In no case was it pointed out to our dealer from Indonesia that the first step would be to get an import permit for an export permit to be issued. This is one of the CITES stipulations (CITES 2013g – Article III 2. (d)).

- With the sample permits they also sent a wide range of pictures involving other wildlife, partly not indigenous to Guinea (figure 6), which they indicated to have in stock – this also included quotes for a range of primates, such as bonobos, only native to the DRC and which they said they could also try to transit via Guinea with the corresponding ‘captive-born’ ‘C’ permits.
- In one case the quote for a ‘W’ (wild caught – UNEP-WCMW 2013) permit versus a ‘C’ (captive-born) permit for bonobo (*Pan paniscus*) ex Guinea varied by as much as US\$ 3,000, i.e. with the ‘C’ designation the permit being that much more expensive.
- In another case a Western Union payment was made to a dealer, who was at the time (November 2012) in Paris, so he could arrange for the export permits upon his return. This in the end did not happen with him stating that the old CITES permits had been stopped and the authorities were now waiting for the new permits to arrive from Geneva (something the CITES Management Authorities in Guinea later confirmed) and as such the dealer begged for more time.

Some specific quotes from these email exchanges can be found in Annex V, while examples of export permits from Guinea and the DRC are shown in Annex VI.

In the past these dealers had no problem to get the corresponding permits from the Guinea CITES Management Authority. One of the most astonishing aspects in this is that the CITES Management Authorities of Guinea and China then filed these fabricated and modified permits as part of their official trade statistics, which is probably the only reason why today we know to what extend this trade in apes had gotten out of control (table 2; CITES 2012a-d, CITES 2013a+b).

Looking at past export and import statistics going back to the days of the very active bird trade it becomes clear that it was equally out of control (certainly in the context of local capture and export laws not being adhered to) up until the EU import ban came into effect (CITES 2012c, EU 2005a-c; table 3).

Year	Exported number
2004	291,488
2005	241,539
2006	10,631
2007	1,318

Table 3: Export figures for CITES-listed birds from Guinea (example)

An undercover investigator acting as a buyer of birds and primates

Guinea has been a key supply country for South African-based bird dealers and as their Guinean ‘counterparts’ told us, some of them even financed their own ‘quarantine facilities’ as required by the South African authorities after the bird flu outbreaks of 2005 (EU 2005a-c, RSA 2013 – Page 18+19).

As a next step in our documentation of the illegal wildlife trade practices in Guinea we met with an investigative journalist based in South Africa who agreed to travel to Guinea posing as a South African wildlife trader and to go to see various dealers. The contact between him and some of those dealers had been established by the above-mentioned party with the Internet website in Indonesia. He did meet in person with a number of these dealers and recorded all the meetings with a hidden camera and an audio recorder. Extracts from the transcript of such meetings the private investigator recorded on December 3rd + 4th, 2012, in Conakry with key dealers, both with family links to wildlife traders in the DRC, can be found in Annex VII, followed by excerpts of an interview with a prominent bird dealer in Conakry.

Film Shoot in Guinea in December 2012

The German Embassy in Conakry¹² was very helpful in arranging the filming permit for an official shoot and some of the interviews with some of government officials we requested to interview (despite a range of requests the representatives of the conservation/law enforcement organizations active on the ground in Guinea (Centre pour Conservation des Chimanzés – CCC, Guinea Application of the Wildlife Act – GALF, JGI) did not provide any contacts, any background information or any other assistance to set up the shoot.). The German Embassy official informed us that a new Minister for the Environment, Water and Forests had just been appointed (his wife, having served as anti-corruption official, had recently been assassinated and he had therefore asked for a leave of absence for several more weeks). As such this meeting did not take place.

¹² Contact: www.conakry.diplo.de/Vertretung/conakry/fr/Startseite.html.



Figure 6: Wildlife species other than chimpanzees, and partly not indigenous to Guinea, which the Conakry dealers indicated to have in stock.

It furthermore was not possible to interview Mr. Namory Keita, the National Director of the Department of Water and Forests (Directeur National des Eaux et Forêts) who was attending a military formation course. As will be shown later, he is believed to be holding an old stock of CITES export permits, which he issues to dealers.

We did meet several times with Mr Ansoumane Doumbouya, Head of the CITES Management Authority (MA), which is also administered under the Ministry of the Environment, Water and Forests, and conducted an initial interview with him. We then went to his offices where we also met his Assistant, Mr Alpha Oumar Bah, and he later took us to meet some of the bird dealers and the Head and Vice President of the Bird Traders Association. In the process we also met with some of the individual dealers and interviewed them.

In our investigation we followed up on the information provided in the original mission report by the CITES Secretariat (CITES 2011b) and were able to confirm that;

- Various parties seem to hold stocks of CITES permits.
- CITES permits are printed locally and the Head of the CITES Management Authority expressed concern that dealers and even colleagues could get pads straight from the printers.
- The permits were not issued in sequence (CITES 2012a).
- The Head of the MA was instructed to sign and leave pads of signed permits when he went on trips (CITES 2011b).
- He explained how Photoshop^{®13} was used by some dealers to alter the central part of the permits and in one case he stated he issued a permit for three turtles which was then altered and became an export permit for three elephants. (See: Annex VI).
- It seems there were never any security stamps requested or issued by the CITES Secretariat.
- Supposedly there were export permits issued in 2012 for primate shipments (most likely not for apes, but chimpanzees were nevertheless shipped declared as other primates. See: Annex VII). These findings contradict the information provided by the Secretariat that following its notice no more such trade had been taken place (CITES 2012a)¹⁴. It furthermore contradicts the statement made by the CITES Secretary-

¹³ Source: www.adobe.com/en/products/photoshop.html.

¹⁴ Source: SC62 Doc.29 – p. 4 - Nr. 22: "...Notification to the Parties No. 2011/040, of 26 September 2011, advising that, until further notice, the Secretariat was unable to confirm the authenticity and validity of any permit, certificate or other documentation apparently issued by the CITES Management Authority of Guinea."

General in his interview with ZDF. (See: Extracts of the interview between John E. Scanlon and Karl Ammann for ZDF).

- One of the dealers sent us an export permit for birds he had received in 2012 – making it likely that the MA was accurate in his assessment that there are permits available and possibly used totally beyond the control of the relevant authorities.
- As dealers mentioned to us, depending on the species and numbers involved the bribes required to get such documents required payments of between US\$ 600 to US\$ 5,000.
- The Secretariat had now printed new, more secure permits for Guinea and they were sitting in Geneva awaiting payment (by Guinea) before being dispatched.
- The Head of the MA indicated that they found it difficult to get the Ministry concerned (Ministry for the Environment, Water and Forests) to sign off on authorising this payment.

Visiting the CITES Management Authority in Guinea

We showed the head of the Guinea MA various permits in our possession (some of those had been sent by the Guinean dealers to the ‘importer’ from Indonesia, presumably to demonstrate to the Indonesian authorities the kind of export permit they should expect).

We were told that during its mission to Guinea in September 2011 the CITES Secretariat team had taken a large number of the original permits and copies and that therefore they could no longer respond to some of our questions by consulting the permit file. The Secretariat confirmed in a report to the SC at its 62nd meeting in Geneva that they had received and analysed copies of the permits that had been handed to them by the Guinean Authorities. This analysis, the Caldwell report (Caldwell 2012), has only recently (June 21st, 2013) been made publically available - a full 14 months after the initial internal publication.

Questions remain about the current status of the permits. Are the original permits still in the possession of the Guinea CITES MA, as stated in the CITES mission report (see footnote 15)? Or are they in the possession of the CITES enforcement team, as stated by the Guinea CITES MA?

In the case of the ten gorillas exported to China in 2010 (table 2; CITES 2013c) and also offered by Asian Dragon (Ammann & Pax Animalis 2012 – Page 33; figure 2 + table 1b), the Head of the Guinean MA agreed that there was little chance of these permits having been issued as ‘C’ permits if there had not been considerable payment involved to the issuing authority. If such substantial payment has been made, the only conclusion that can be reached is that these gorillas were shipped to China. (As outlined earlier, the price for a ‘C’

export permit for a bonobo (also originating in DRC and not Guinea) was US\$ 3,000 higher than the permit classified as 'W'.) At the time of going to print (February 2013), the 10 gorillas had not been located yet. The original export permit should be with the Secretariat (see footnote 15), which should therefore be able to identify the exporter and importer and to trace the whereabouts of the ten apes. The export permit was submitted by Guinea and supposedly the import permit was submitted as well, since both are listed in the annual CITES trade statistics (2012f).

The same applies to a 2011 export permit for eight 'C'-categorised chimpanzees to Shanghai Wild Animal Park¹⁵ and based on the Chinese CITES import permit No 002645. It was issued after the Guinean MA met with the Chinese authorities and CITES officials at the CITES CoP15 meeting in Doha to discuss the illegal export of apes (see footnote 3). The exporter is named as 'Birds Breeding Farm'. This is a company registered in Kinshasa¹⁶ which again establishes the close link between some of the Guinean and DRC wildlife traders. The Guinea CITES export permit number is 003697. (See: Annex XII). It appears to have been signed and stamped by the Head of the CITES MA. He however stated during our interview, and in a subsequent email to us that the confirmation sent to the Chinese authorities, after they had contacted the (wrong) Guinea authorities to inquire about the authenticity of the permit, had been sent by Mr. Namory Keita, the National Director of the Department of Water and Forests, not of the national CITES MA. This party supposedly had confirmed that this permit was "issued by our service and is authentic" (CITES 2011b). This ties in with the CITES mission report stating that when they questioned the MA concerning the export permit for one hundred Pangolin (*Manis sp.*) skins they were told the permit was fake, only for the importer of those skins to receive confirmation from the same MA of Guinea stating that the permit was genuine (CITES 2011B – page 10)¹⁷.

¹⁵ Source: www.travelchinaguide.com/attraction/shanghai/wild-animal-zoo.htm.

¹⁶ Source: www.tradeboss.com/default.cgi/action/viewcompanies/compannyid/508869/. "Birds Breeding Farm. We are exporters of live birds and live animals turtles monkeys and gorilla we are looking for honest and reliable buyers of live animals we can make good business in case of need just contact us we are located in Congo Kinshasa We are regularly Selling: birds, turtles, eggs, honey, finches, robbits, cats, gorila, monkey. We are regularly Buying: rabbit, turtles, eggs, honey, cats, birds, fish, finches, eaglest." Accessed: 17 January 2013. [Spelling mistakes are original.]

¹⁷ The mission report states in this context: "...it appeared that when potential importing countries contacted Conakry, they would be told that permits were authentic and valid. However, if the country continued to have concerns and sought the views of the Secretariat, when it contacted Conakry it would be advised that the document was a fake. This led to the Secretariat suspecting that there was one answer for Parties and one answer for the Secretariat, in that someone in Guinea was only responding truthfully when 'expert' scrutiny was brought to bear." (CITES 2011B – page 3).

The MA representative then had his assistant look through all the permits in their possession to see if they could find the original or copy of the permit No 003697, or that of a second chimpanzee export permit (whose copy we had received from one of the dealers), with the serial number ?00153, and involved three chimpanzees exported from Animal Park in Conakry (no other address given) to Nanning Zoo No 3 in China¹⁸. Neither could be found. Neither were they able to locate the import and export permit for the ten gorillas mentioned above (figure 7).

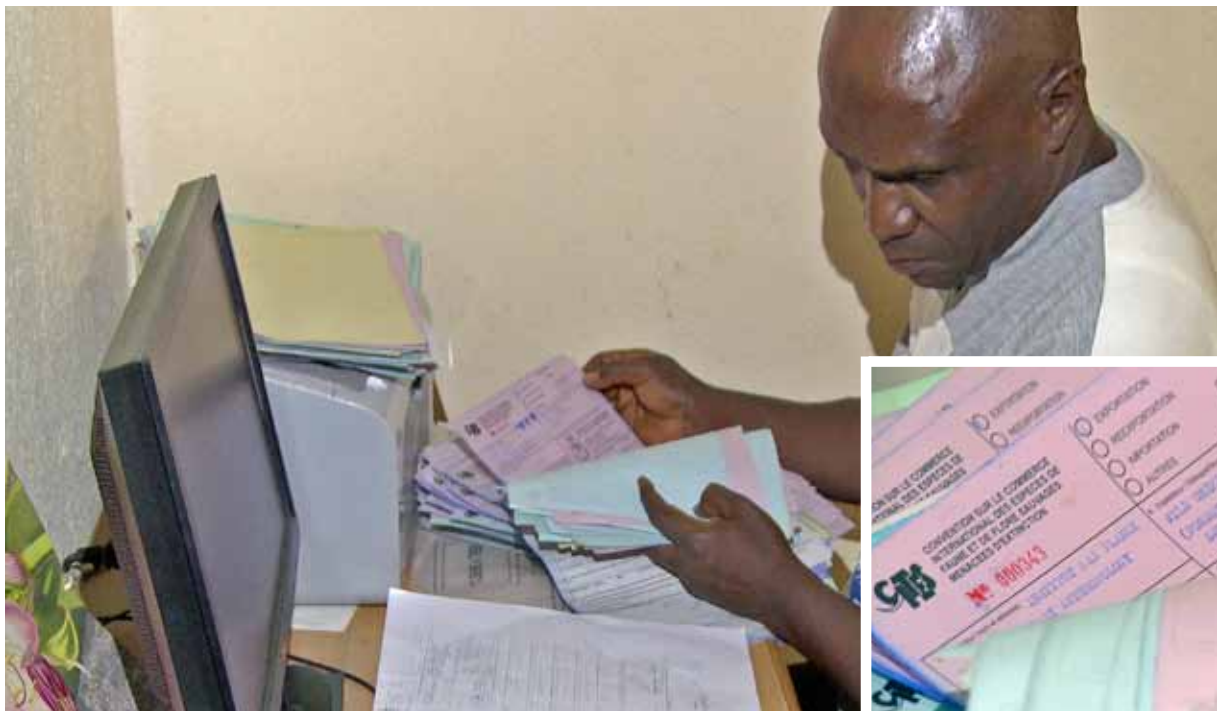


Figure 7: Assistant of the Head of the Conakry Management Authority searching through the permit files in December 2012. © *perentie productions* - Klaus Sparwasser.

Looking at some of the other export permits we received from dealers, they show one numbered 000070 issued on 22/04/2010 and another numbered 002555 issued on 24/11/2010. This would mean the authorities would have issued some 2,485 permits in seven month or about ten export permits a day. Between 24/11/2010 and 24/02/2011 the sequence went to 003697 or 1,142 permits issued in less than three months. One reason for the high number of permits issued might however be due to the fact that:

Guinean “CITES [export] permits were not listed in numerical sequence”, as stated in the CITES (2011) mission report (see footnote 15).

¹⁸ Source: www.nanning.gov.cn/2450/2004_9_12/2450_33942_1094979066491.html.

During a later meeting, the MA representative Mr Ansoumane Doumbouya showed us internal documentation from his Ministry explaining how he was removed from his position some time ago only to be reinstated a few days later. He confirmed that he had competition from other ministry officials, including an individual who had held the position in the past, one Namory Keita – the same Namory Keita that the Chinese CITES management authority were communicating with to confirm the authenticity of export permits – who wanted again to be appointed as the CITES Management Authority representative for Guinea. The CITES (2011 – page 9) mission report also makes reference to such

“... turf war between agencies and officials with regard to assuming responsibility for the administration of the convention”.

Mr. Doumbouya presented a range of fax transmissions from the Chinese CITES Management Authorities asking the ‘Direction Nationale de la Protection de la Nature’, i.e. the Guinea CITES representative, to verify permits. However, the State Forestry Administration of China sent these requests to the fax number of Mr. Namory Keita, also listing his email address and mobile phone number as part of the contact details of the addressee. Mr. Keita it would appear, then verified the CITES permits in question as a matter of course although he clearly was not at the time the MA representative¹⁹.

Mr. Doumbouya stated that he had informed the CITES management authority in Beijing that Mr. Keita was not the issuing authority and could not verify any permits. He promised to provide us with the corresponding email exchange, but we have not received it yet.

We also became aware of these discrepancies during an email exchange with the CITES Management Authority in China informing us that they had legally imported these apes and that Mr. Namory Keita had confirmed the authenticity of the permits. (See: New home – China.)

Chimpanzees in Conakry

In his article “Primordial Earth” on ‘Traveljournals.net’ about working as a volunteer at CCC in Guinea, Michael Stoerger reports:

“There are between 150 - 200 privately owned chimps here in Guinea, all of which are illegal. Local law prohibits private ownership of chimps. But this is Guinea. Anything goes, so long as you grease the short arm of the law here.”²⁰

¹⁹ Source: www.cites.org/common/National_contacts.pdf – page 218.

²⁰ Source: www.traveljournal.net/stories/30352.html. In an email of February 2nd, 2013, Michael Stoerger authorized Karl Ammann to cite him as author of this article and quote in “The Conakry Connection”.

It is obviously this private ownership, which has also led to veterinarians in Conakry specialising and openly advertising their expertise in the treatment and care of chimpanzees (figure 8), something, which so far has been unheard of in West Africa.



Figure 8: A private veterinarian advertising his expertise in the treatment of chimpanzees in Conakry in December 2012. © *perentie productions* – Klaus Sparwasser.

The GALF representative in an email to one of the authors on February 6th, 2013, recalls an incident from June 2012: while she was walking along the beach in Conakry, she became aware of a young man who was going for a walk with a chimpanzee on the same beach. GALF then organized for this young man to be arrested, while the chimpanzee was confiscated and brought to the GALF premises. The young dealer stated that he was only taking care of the chimpanzee and that it belonged to a well-known drug trafficker in Guinea, who was currently out of the country in Canada. Despite this case being rather straight forward, the young man finally was not condemned to any sentence but liberated, since the judge in charge rejected the case with the justification that keeping a chimpanzee as private

possession was an ancestral custom in Guinea, even if it contravened the prevailing law. With this, the young dealer was released and even received the address of the GALF office from the judge with the encouragement to go there and claim 'his' chimpanzee back. This was prevented by GALF and after spending a week at their premises the chimpanzee finally found a new home at CCC.

Other parties working on the ape trade issue

Also in December last year a consultant for UNEP/GRASP (via the GRID Arendal Center in their Rapid Response Assessment Series²¹) preparing a report on ape trading contacted the authors for relevant background information. He was offered an exchange of the information contained in this report (The Conakry Connection) for the detailed analysis of the Guinea export and import permits, which the CITES Secretariat had been referring to during the 62nd SC meeting (see footnote 15) and the Laurent Gauthier CITES 2010 mission report to Egypt, which the CITES Secretariat advanced to close the ape trading debate affecting Egypt and which despite various requests from our side it was not willing to make public (See: "The Cairo Connection II + III" – Ammann & Pax Animalis 2011, 2012).

The former would have allowed for the import data to be followed up by checking on the status of some of the chimpanzees and gorillas at their end destination in China and the Middle East. GRASP (UNEP-UNICEF) and UNEP-GRID Arendal, both operating under UNEP like CITES, were denied access to the Gauthier report, despite a report on the relationship between UNEP/GRASP and CITES presented during the 53rd SC meeting, from 27 June – 1 July 2005, in Geneva Switzerland, stating:

"... it requires the CITES Secretariat to implement measures towards eliminating the illegal trade in great apes and assist range states with the implementation of national plans and measures to eliminate the illegal trade. **The resolution directs the standing committee to consider measures** such as technical missions **in cooperation with GRASP."** (CITES 2005 – p. 6 - Nr. 21 – bold letters are ours).

This data still remains elusive. The Caldwell report contains an analysis of the import and export permits but does not publish the data contained within the permits which would make tracing the whereabouts of the chimpanzees and gorillas in China possible (Caldwell 2012). It seems clear that cooperation between CITES and GRASP is not such that active assistance with 'eliminating the illegal trade' is being considered a priority.

²¹ Source : www.grida.no/.

One of the authors was then asked to write an op-ed²² article, which could go into this GRASP report. He did so with several rounds of editing taking place to make it more ‘politically correct’. Still, in the end the editor at GRID Arendal seems to have decided that:

“... it contained too much opinion and not enough facts!”

A pretty strange conclusion considering that an op-ed article had been asked for (see footnote 22). The last version of this op-ed piece, which still did not make it is attached in Annex XIIV.

Bird trade – early warning signs for a change in wild animal trade patterns

The Guinean MA (in meetings with the bird traders association) confirmed that the trade pattern had changed drastically as of 2006 when the EU stopped the import of wild caught birds from Third Countries, including Guinea, due to bird flu considerations (EU 2005a-c).

In 2005 CITES Trade Statistics show an export of a total of 241,539 birds for Guinea to various destinations. After the ban, as of 2006 this figure declined to 10,631 and as of 2007 to 1,318 (CITES 2012d, EU 2005a-c; table 3).

There are no records of any kind of significant trade reviews by the CITES Secretariat for any of these exports with the majority going to EU members (2012d). If the Secretariat would have reacted already in 2005 /2006 to the unusually high number of Appendix-II + -III bird species traded out of Guinea, the question arises if the subsequent trade of alarmingly high numbers of chimpanzees, gorillas and other mammals could have been forestalled (CITES 2012d)? The traders we interviewed all stated that after the collapse of this trade in birds they had to find other sources of income and deploy their capture teams to new areas and new species.

We saw a number of dead birds while inspecting various facilities and it is clear that, as with all wild caught birds, a large percentage dies in the process of capture or while being shipped and never make it to the end consumer. As such there should have been large question marks concerning the sustainability of this trade and there is little doubt that the scientific authority of Guinea would not have been in a position to issue any non-detriment finding for these exports²³.

²² “An op-ed abbreviated from *opposite the editorial page*..., is a newspaper article that expresses the opinions of a named writer who is usually unaffiliated with the newspaper’s editorial board.”
Source: <http://en.wikipedia.org/wiki/Op-ed>.

²³ Source: www.cites.org/eng/ndf/index.shtml. CITES ‘Non-detriment findings’.

This view is reinforced with the dealers confirming that in some areas it had become very hard to now find and capture the birds in question. They attribute it to insecticide now in use by farmers, which they say has resulted in a drastic decline of the bird population.

Guinea's law on wildlife protection and hunting regulations

Guinea, like most countries in the region has strict regulations governing the commercial capture of birds and other wildlife (RG 1999; see: Annex VIII). We have on previous occasions documented in the DRC that practically not a single parrot or primate arrives in Kinshasa for export without a very wide range of national laws having been infringed on²⁴.

Based on what we observed when visiting the holding facilities in Conakry it is clear that the same applies to Guinea. While the rules and regulations are there they mean very little in practice. Once again one of the CITES stipulations – Article III of the Convention – makes it clear that no export should take place in cases where any national laws have been infringed on to get a species to the point of export (CITES 2013g – Nr. 2.(b)). As was the case in the DRC this would mean there should not be any bird or any other wildlife exports from Guinea.

SUMMARY OF KEY CONCERNS

Overall, the CITES (2011b) mission report and that by the director of LAGA (2012a) who visited Guinea on an enforcement mission, as well as our investigation make it clear that in terms of enforcement and compliance Guinea must be considered as one of the *worst case scenarios*. Essentially nothing has changed since being presented with the recommendations that were part of the CITES mission report (CITES 2011b). There is a high chance the authorities have learnt the lesson and no longer present exports as part of their annual trade reports (e.g. there is no sign yet of the above permit for the export of the eight chimpanzees which was issued in early 2011 and was valid for six months). We also had confirmation of three chimpanzees leaving on the ship *Las Palmas* for Spain without any kind of CITES import or export permit²⁵. The dealer we mentioned earlier who had taken payment to provide us with a 'C' permit for chimpanzees and who in the end did not deliver (the permit) stated that he was told to wait until the new permits had arrived from Geneva. He suggested that in the meantime the apes could be smuggled via a neighbouring country and supposedly also with permits from the neighbouring country. (See: Annex V + VI.)

²⁴ Source: www.youtube.com/watch?v=2OrEDSYB3Nw&lr=1. "The Kinshasa Connection" documentary.

²⁵ Information received on 10 December 2012 from a member of the GALF team in Conakry.

The question which puzzled us more than anything else was why the authorities submitted these fake and falsified permits as part of their annual returns which appears to be the main reason why this out of control trade in apes ever became an issue? The only logical explanation might have to do with the conclusion in the original CITES (2011b – page 9) mission report.²⁶

As we heard from dealers in Guinea over and over again, being in an official CITES position is very desirable. Especially, being in charge of issuing CITES permits means collecting very high premiums in form of bribes to issue dealers with the regular but also irregular permits (potentially presenting tens of thousands of dollars of pocket money for the parties holding and signing these documents – see footnote 27).

However this still does not fully answer as to why anybody would have filed these returns, listing over one hundred illegally exported chimpanzees to China alone (this does not include, (1) the exports in 2011 such as the eight chimpanzees to Shanghai, nor (2) the ones exported without permits as of 2012, nor (3) potentially those where the permits were issued but not included in the annual reporting). This led us to the suspicion that there was potentially a kind of an agreement on role distribution, where Mr. Namory Keita, who was not the official Guinea MA, was handed pads of pre-signed permits and stamps to sell to dealers on his contact list, while Mr Doumbouya still issued permits from his own pad and Mr Keita signed faxes and letters confirming exports which were handled with permits issued by both of them. The filing of the annual reports might have been an attempt to highlight this problem and for one or the other of these rivals to end up being exposed and eliminated.

The latest status on CITES export permits from Guinea

At this stage there remains the question of whether the Ministry of the Environment, Water and Forests will pay for new better and more secure CITES permits printed by Geneva, rather than continue to use the cheaper but more basic and forgeable permits printed locally? In the meantime we were told no official permits are issued (This is contradicted by the fact that we obtained permits during our last visit in December 2012; see: Annex VI). There is also no guarantee that dealers could not get them straight from the printers.

The CITES (2011b) mission resulted in the Notification to the Parties No. 2011/040

²⁶ “There appears over the course of CITES history in Guinea to have been something of a ‘turf war’ between agencies, and officials within agencies, with regard to responsibility for administration of the Convention. The Secretariat has noted this in other countries, and in relation to other conventions and agreements. At its simplest, this is something due to the potential for civil servants to travel abroad to meetings, workshops and seminars (with the often associated monetary benefits), to increased responsibilities, expertise and prestige at the national level, but it can also be motivated by the opportunities to benefit corruptly through having the authority to issue licenses and permits.” (CITES 2011b – page 9).

“... advising that, until further notice, the Secretariat was unable to confirm the authenticity and validity of any permit, certificate or other documentation apparently issued by the CITES Management Authority of Guinea. The Secretariat further advised the Parties that no commercial captive-breeding of specimens of CITES-listed species occurred in Guinea and that no such captive-breeding had taken place in the past” (CITES 2012a – page 4+5 – bold letters are ours).

However this would not exclude transactions based on past practices with the importing country getting a letter from one of the authorities in Guinea confirming the authenticity of the permit without the Secretariat being asked to confirm it. (The requests we have of China asking Guinea officials to confirm authenticity and the response by Guinea are not copied to the Secretariat).

It is also in contrast with Alert No 42 issued on 22 February 2012, as Notification to the Parties No. 20012/021, of 12 March 2012, where it was recommended to the Parties

“... not to accept any export permit allegedly issued by Cameroon [another one of the poorly governed countries in the region] unless its authenticity and validity were confirmed by the Secretariat” (CITES 2012a – page 8 – bold letters are ours).

During the 46th Standing Committee meeting in Geneva, Switzerland, from 12-15 March 2002, there was also a recommendation on trade suspension concerning the DR Congo, with very different terms to those being introduced in the context of Guinea. It stipulates:

“The Standing Committee agreed that the Secretariat should distribute a Notification to the Parties **recommending that, until further notice, the Parties refuse any import permit of CITES listed specimens from and any export or re-export permits of such specimens to the Democratic Republic of the Congo**” (CITES 2002a – page 1 – bold letters are ours).

The inconsistent terminology used is puzzling; in one case the Secretariat informs the Parties that:

“... the Secretariat [is] unable to confirm the authenticity and validity of permits” (CITES 2012a – page 4),

while in a similar case it is recommended to the Parties

“... not to accept any export permits allegedly issued by Cameroon unless its authenticity and validity were confirmed by the Secretariat.” (CITES 2012a – page 8),

and in a third case the Parties are recommended to

“... refuse any import or export permits” for a member state (CITES 2002a – page 1).

Why was the recommendation not to accept export permits not part of the action proposal in the Guinea context?

In the meantime Guinea has been suspended from all trade with CITES-listed species with immediate effect at the 63rd SC meeting in Bangkok, Thailand, on March 2nd, 2013. But no further action has been taken as far as enforcing Article VIII of the Convention.

New home – China

We have received documentation showing that Shanghai Animal Park is being sued by Dalian Linda Wild Animal Breeding Co. Ltd., an animal trading company in China, for not paying for eight chimpanzees under twelve-years of age from legally bred zoo stock which they ordered and had already made a down payment on²⁷. When the ordered specimens could not be found and delivered at once, Shanghai Animal Park cancelled the order. Instead it seems they then went down the illegal route via Guinea, which other zoos and safari parks had already successfully used in the past (Channel 4, 2012).

It is hard to accept that even after twenty, fifty or one hundred chimpanzees arriving with export permits from Guinea, the Chinese authorities were still not suspicious of the captive breeding status of these apes. In addition to that – as illustrated earlier – many of them were arriving based on export permits with no serial number or no address for the exporter. (See: Annex III). Figure 9 shows one frightened chimpanzee in his new home in a Chinese Zoo and additional pictures can be found in Annex IX. The CITES (2011b) mission report comments on this in several statements throughout the document, e.g. (1)

“... such trade was ‘justified’ in export permits by the use of source code ‘C’, i.e. a declaration that the specimens had been bred in captivity. The Secretariat often questioned such declarations, since it was not aware of any captive-breeding facilities in the country.” (Page 3):

and (2)

“Copies of export permits allegedly issued by Guinea were received from China and these all declared animals as being captive-bred. The Secretariat was unaware of any captive-breeding of this species in Africa for commercial trade purposes and also found the number involved from one country alone highly questionable.” (Page 4);

as well as (3)

“The officials stated categorically that no captive-breeding of chimpanzees was taking place in Guinea and that no official authorisation of trade in chimpanzees for commercial purposes had been granted by the government.” (Page 5).

It furthermore seems puzzling that as a next step the Chinese CITES Authority is requesting and receiving verification for these export permits from Mr. Namory Keita, who – as is well

²⁷ Source: <http://thechina.biz/china-economy/chimpanzee-at-center-of-wild-lawsuit/>.

known to them – was and is not the MA for Guinea. (See: Visiting the CITES Management Authority in Guinea.)

The 2011 permits show that some of these verification exchanges even took place after the meeting which the MA representative of Guinea held with representatives of the Secretariat and those from the MA of China during the Doha Conference of the Parties. This is where, according to Mr. Doumbouya, steps were supposedly taken to curtail this trade (see footnote 3). The CoP15 took place from March, 13th–15th, 2010; while the requests for verification made by China to the CITES MA of Guinea start in April 2010. (See: Annex III.)



Figure 9: A young chimpanzee in a Chinese Zoo about to be beaten by his keeper. © Private.

In the autumn of 2012 the authors established contact with a party close to the Chinese CITES Management Authority and asked them via email to get some answers to the questions arising from these imports to China. The answer, which we received was:

“... several chimps were imported to China and now ... [can] be found in several zoos. They received CITES permits because they were registered as code “F”, which suggests they were born in captivity²⁸, (although even this code does not satisfy CITES criteria for trade in an Appendix-I species). The proof, that they were captive borne was signed by

²⁸ F = “Animals born in captivity (F1 or subsequent generations) that do not fulfill the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.)...” (CITES 1997, UNEP-WCMC 2013 – see Annex XI).

“Namory Keita”. The chimpanzees were from “Zoo Park Animals boxes 111 conakry republic of guinea west Africa”, a legally registered institution in Guinea. There are at least 8 chimps now living in 3-4 different zoos in China. And they’ve been trained to perform in shows to attract visitors.”²⁹

The above feedback came from a CITES official in Beijing, via our Chinese contact. We have as a result requested an interview with a representative of the CITES MA during our envisaged journey to the CITES CoP16 meeting in Bangkok, Thailand.

The above message is disturbing on various levels:

1. Mr. Namory Keita is not the MA for Guinea and is not in a position to confirm permits.
2. Mr. Doumbouya states he has informed the authorities in China of this fact but they keep communicating with Mr. Keita (see also – CITES 2011b – page 4).
3. How would the Chinese authorities know of Zoo Park Animals being a registered company in Guinea? None of the dealers we questioned were able to confirm this.
4. Why talk about eight chimpanzees when it is clear that over one hundred arrived in China based on the range of export and import permits issued and officially registered in the CITES Trade Database (CITES 2012e, 2013b,c, f)?
5. Performing to attract visitors is clearly a primarily commercial activity. While the CITES Convention states that import permits can only be issued for Appendix-I species: “...if the specimen is **not to be used for primarily commercial purposes** and if the import will be for purposes that are **not detrimental to the survival of the species**” (CITES 2013d – bold letters are ours)

Guinea is meant to have between 12,000 and 23,000 chimpanzees (Ham 1998 as cited by Kormos *et al.* 2003 – Page 66) and various reports indicate that on average, nine adults are killed to obtain one baby for the pet/zoo trade (USAID 2007). This means that for the 130 baby chimpanzees who have been wild caught and illegally imported into China from 2008 to 2011 (Johnson 2012) at least 1,170 adult chimpanzees have had to be killed, reducing the total population in Guinea by at least 1,300 chimpanzees, or by between 5,7-10,8%, in three years, due to the illegal wildlife trade alone. Assuming the exported chimpanzees were sourced in Guinea to start off with.

The CITES mission report supports this point of view:

“The capture of such large numbers of chimpanzees must have been a considerable undertaking in itself, which past experience indicates would have involved the killing of mothers, and perhaps other family group members, since it is invariably juvenile

²⁹ Email correspondence between our Chinese contact and Karl Ammann on November 3rd, 2012.

chimpanzees that are wanted for trade. Such crime has the potential to have considerable negative impact upon chimpanzee populations.” (CITES 2011b – Page 11).

In terms of compliance, China as well as Guinea also appears to be an offending party as far as not applying Article VIII of the Convention, which deals with enforcement requirements after illegal exports have taken place. As mentioned above, this Article refers to prosecution of parties involved in the illegal export and imports, and to confiscations or repatriation of the animals in question (CITES 2013a). It would appear that the CITES Secretariat has never suggested to China to do any DNA testing of the chimpanzees in question. (See: Extracts of the interview between John E. Scanlon and Karl Ammann for ZDF.) The CITES mission statement makes it clear that they did not consider the possibility of all these apes having come from Guinea (certainly not the gorillas):

“Copies of export permits allegedly issued by Guinea were received from China and these all declared the animals as being captive-bred. The Secretariat was unaware of any captive-breeding of this species in Africa for commercial trade purposes and also found the number involved from one country alone highly questionable.” (CITES 2011b – Page 4).

The next step would then have been to inform the countries of origin (assuming that not all apes originated in Guinea) about the trade that they have been exposed to and give them the option to request the return of these apes.

There is a recent example how such breaches of the Convention can be dealt with:

- In 2002 the Head of the Thai CITES Management Authority issued an export permit for one hundred captive borne tigers from a Thai zoo to one in China and it was declared as a none commercial transaction! In December of 2012 a prosecutor filed a case against the individual, who is now the deputy prime minister of Thailand, for having allowed the export in contravention of CITES as a ‘strictly commercial venture’ which violated the law³⁰.
- The ‘Taiping Four’ is the story of four orphaned gorillas, which were exported to Malaysia via Nigeria. After a long campaign by a range of NGOs these gorillas were eventually repatriated to Cameroon (the country of origin) via South Africa. In this context it is puzzling to note that campaigns seem to be launched when it comes to the export of gorillas but not the more common but still endangered chimpanzee³¹.

For such large scale illegal exports and imports to take place it needs an importer as well as an exporter to conclude the transaction. While it is accepted that the quality of governance is poor in Guinea (on the ‘Corruption Perception Index 2012’, published by Transparency

³⁰ Source: www.chanelnewsasia.com/stories/afp_asiapacific/view/1243600/1/.html.

³¹ Source: <http://limbewildlifecentre.wildlifedirect.org/2007/12/09/the-return-of-the-taiping-four-gorillas/>.

International (TI), Guinea is listed at position 154 of 176 countries – TI 2012), the assumption has to be that in the case of China (listed at position 80 – TI 2012) more due diligence could have been expected when dealing with such high profile species and transactions.

It is interesting to note that a CITES mission was mounted to collect the facts from Guinea but nobody travelled to China to discuss loopholes and possible corruption when it comes to the importing procedure. **Even more worrisome is that after establishing the facts, no corrective measures were taken by China** (see – correspondence between the Chinese MA and the authors, cited above – bold letters are ours).

Enforcing Article VIII of the Convention is not even being discussed, namely,

“... to **penalise** trade in or possession of, such specimens, or both, and ... to provide for the **confiscation or return** to the State of export of such specimens” (CITES 2013a).

Accepting this level of impunity at both the supply and demand end can only result in further encouraging these types of transactions.

We have encouraged the MA of Guinea to make an intervention at the upcoming CoP16 in Bangkok, from March 3rd–14th, 2013, to request the return of the apes illegally exported. The chances are this will never happen and if it did would be little more than a symbolic gesture. However at this stage there do not seem to be any other enforcement steps being considered by any party, except for the action plan which Guinea was supposed to present by the end of 2012 (CITES 2012a+b – with everybody accepting that writing plans and implementing them are two very different tasks)

What options are left to enforce the CITES Convention and maybe give some of these apes a second chance?

If we look at the CITES “Current Compliance and Enforcement Indicators” the Secretariat lists five key criteria (Yeater 2003):

1. The National Legislation Project
2. Permit confirmation
3. CITES reports
4. The review of significant trade
5. Reports on enforcement matters

Let us try to evaluate them within the context of Guinea:

1. The National Legislation Project (NLP)

Guinea is listed as a country in Category 2, indicating legislation that is believed to

“... **not** contain all the necessary elements to implement the Convention adequately” (CITES 1992, 2011 – page 2 – bold letters are ours, Yeater 2003).

This is despite Guinea having been a member since 1981 or for over 30 years (see footnote 20 + CITES 2011b – Page 2).

2. Permit Confirmation

“... Two of the basic elements of CITES compliance and enforcement are the verification of the validity of CITES documents and the inspection of consignments.” (Yeater 2003)

We have established above that the issuing of permits and confirming authenticity within Guinea is about as unorganized and unreliable as is possible. In this context Yeater (2003 – page 2) states on ‘Permit Confirmation’ by CITES;

“A Party which experiences serious problems with and seems unable to control permit fraud may become the subject of a recommendation to suspend trade in CITES-listed species.”

We also have a range of recorded conversations with dealers, where they explain how at the airport a range of parties need to be bribed to look the other way when illegal exports take place. (See: Annex VII for an example.)

3. CITES reports

“... Parties are required to submit an annual report on trade in CITES-listed species and a biennial report on legal, regulatory and administrative measures taken to enforce the Convention” (Yeater 2003).

On May 29th, 2008, a letter was dispatched by the Secretariat to the CITES MA of Guinea informing them that they had not filed their annual trade reports for three years, namely 2004, 2005, and 2006 and as per existing resolutions, the country would be suspended from trade in CITES-listed species unless there was a response prior to the upcoming 57th SC meeting in Geneva, Switzerland, from July 14th–18th, 2008, that year (CITES 2008 – Page 1 Nr. 6)³². It seems these returns were then filed in time and included some of the figures listed above (close to 300,000 CITES listed birds exported in the year 2004 – table 3).

In 2011 another 4 chimpanzees were exported from Guinea to China, again classified with import source ‘C’, these clearly do not include the 8 chimpanzees sent to the Shanghai Wild Animal Park – and possibly others – for which an export and import permit seems to exist. The reports filed in the last few years show all these illegal transactions for the apes and a

³² Letter of May 29th, 2008, by Marceil Yeater, Chief of the Legal Affairs and Trade Policy Unit to Mr Ansoumane Doumbouya, Focal Point, CITES Management Authority, Guinea.

range of other species classified as ‘C’ or captive borne which is another indicator as to the extent that Guinea’s reporting cannot be relied on (CITES 2011b, 2012e, 2013b+c).

4. Significant Trade Review Process

“Article IV of the Convention [CITES 2013e] allows commercial trade in Appendix-II species, but only if the Management Authority of the exporting State issues an export permit. No such permits should be issued unless the Scientific Authority of the exporting State advises that the export which is to take place will not be detrimental to the survival of the species” (Yeater 2003).

Despite the large numbers of birds having been exported from Guinea in the last decade (CITES 2012c-e – table 3) we have not found any significant trade review for Guinea. We have found various bodies asking for such a review for the African Grey Parrot (*Psittacus erithacus*) trade, especially the trade in the *P. e. timneh* subspecies, which is indigenous to Guinea³³.

The same applies for the export of other primate species in the last few years, which did not go out as captive borne but as wild borne under the CITES context (CITES 2012c-f, UNEP-WCMC 2013).

5. Reports on enforcement matters

“... The Convention requires Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation of the Convention. The basic measures for enforcing the Convention are: to penalize trade in, or possession of, such specimens, or both; and to provide for the confiscation or return to the State of export of such specimens” (Yeater 2003).

There are a lot of reports questioning Guinea’s compliance with the Convention, starting with the above-mentioned cases and going back to 1991/1992. These include (1) the manipulation of export permits for chimpanzees (CITES 1994), (2) reports of a large number of passengers being found with illegal ivory items en route from Guinea via European airports to SE Asia (CITES 2011b), and (3) the personal experience of bird dealers regularly visiting Guinea to acquire stock.

The CITES mission report for 2011 points out that:

“Guinea has no designated enforcement authority” (CITES 2011b – Page 2).

It also goes on stating:

³³ Source: http://en.wikipedia.org/wiki/African_Grey_Parrot.

“There is a relatively long history of apparently illicit trade in specimens of CITES-listed species from Guinea, especially in relation to birds and particularly parrots” (CITES 2011 – Page 3).

A follow up visit by the Head of a Cameroon-based enforcement oriented conservation NGO states:

“Guinea Conakry has been of great concern as a wildlife trafficking hotspot for several years” (LAGA 2012a).

Based on the above survey this NGO then mounted an enforcement operation under the umbrella of a local NGO and a USAID program dealing with biodiversity conservation issues. The subsequent report sounded like some real momentum on the enforcement front had been built and the ‘operation’ had been a great success resulting in the arrest of some dealers of ivory and cat skins (LAGA 2012a). We were informed by the Head of LAGA, that the problems started when it came to the judicial process. We asked the MA of Guinea for the files for these cases and if we could film the confiscated ivory items and cat skins. We were told that they were with the judiciary and we would find it very difficult to get to see these documents or the confiscated items.

However it would appear that in the main souvenir market in Conakry there is now less ivory on display compared to when the above operation was mounted. When we asked specifically for ivory, traders brought out paper bags with various ivory items hidden in them. One trader told us the big buyers were the Chinese expatriates and they would not buy at this market but be taken to ‘special places’. The usual pattern of increased enforcement resulting in the trade going from ‘on the table’ to ‘under the table’ seems to be occurring.

A local enforcement NGO was then set up to replicate the model LAGA had pioneered in Cameroon and funding was sourced to have a team looking into wildlife trade issues³⁴. We met with a representative of USAID who arranged for partial funding for this new NGO and on the last morning in Guinea met with some representatives of Guinea Application of the Wildlife Act (GALF), the NGO, which had been set up and has been active since March 2012. We were provided with their activity report listing a lot of investigative work, however the bird dealers we met and the dealers our undercover investigator talked to, were not really concerned about any kind of enforcement activity (except for one comment of chimpanzees being kept in the interior before being brought to Conakry for export due to ‘spies’ being around).

The representative of GALF told us about having documented, in July 2012, three baby chimpanzees with a well-known dealer. They were then exported, supposedly without any

³⁴ Source: <http://palf-enforcement.org/congo-brazzaville/wildlife-law/replication/guinea-conakry/>.

kind of permits, on the *Las Palmas* a Spanish-registered ship. No operation or confiscation could be mounted since the chimpanzee sanctuary in the north had refused to accept these chimpanzees should they be rescued.

However the project managed to confiscate three chimpanzees from a Chinese road building crew operating next to a national park. The indications were that these were not chimpanzees to be exported but apes kept as pets (out of the estimated 150-200 held illegally). Looking at the very transparent budget of this NGO one of the most worrisome aspects is that some GNF 11,671,000 (US\$1,680) was spent on bonuses (LAGA 2012b). These bonuses tend to go to officials of the enforcement community to encourage them to take wildlife trafficking issues seriously (LAGA 2012b).

Clearly this raises serious question marks as to whether the relevant authorities have understood the overall message and whether this approach is sustainable. If the officials in question can only be encouraged to do their job based on such a bonus scheme there would be no enforcement unless an expatriate conservationist was there with cash to hand out. Of course the other consequence is that in the end, the law will be sold to the highest bidder and if the trafficker offers more than the enforcer the case will go nowhere (as has been documented in this report).

We provided the representative of USAID who was involved in setting up the above project the specific coordinates of the two baby chimpanzees offered to our undercover investigator. (See: Annex VII.) (The head of GALF had left the country suffering from a medical condition.) We encouraged him to, in turn, encourage the existing enforcement authorities to go out and carry out the confiscations and arrests.

Upon our return from the shoot/investigation in December 2012 we presented Jordan Kimball the Coordinator in Guinea of the US Forest Service International Programs³⁵ (also a major contributor to the GALF Project³⁶) with some of what we had found based on his request for a list of "talking points" he wanted for a discussion with the US Ambassador and the new Minister of the Environment, Water and Forests. He confirmed that he had already requested the corresponding appointments for early January 2013.

As our only contact in Conakry with any kind of connection we also supplied him with the exact coordinates combined with pictures of the place and details of the one animal dealer who had two baby chimpanzees and a range of other wildlife at his facility in Conakry. We suggested urgent action in terms of a raid of the facility and confiscation of the two

³⁵ Source: www.fs.fed.us/global/.

³⁶ The US Forest Service donated US\$ 5,000 for GALF from March to November 2012, which represented 25.8% of their budget for this period (LAGA 2012b).

chimpanzees being aware that the dealers only brought them to the capital shortly before the anticipated export taking place and not really on speculation of finding buyers in town.

When we received no confirmation that Mr. Kimball would carry the ball on this and coordinate with NGOs such as LAGA, GALF, JGI or CCC we provided the same information to representatives of LAGA and GALF, being aware that the more people being in possession of this information the higher the chance of a leak.

The head of LAGA had told us that a prerequisite for him joining our film shoot and collaborating with us would be a very high likelihood that an arrest could be conducted, as this was the primary aim of LAGA. To maximize this likelihood he asked for the following:

- Knowing the exact location of a dealer/illegally held chimpanzees.
- No deposit being paid for chimpanzees to any dealer since a court might classify this as entrapment.
- Evidence that there were apes at the location.

We provided all of the above and communicated this information to LAGA and GALF on December 20th, 2012. The feedback was that GALF had a fifty-page dossier on the dealer in question and did not need our information. This was the first time we heard of such a report, even though we had asked for support and exchange of information many times before.

There also seem to have been exchanges between GALF and CCC and it was finally agreed that these chimpanzees would be accepted by this PASA-accredited sanctuary, provided they came with a donation to the sanctuary of US\$ 1,500 each, which it seems was also confirmed.

We did ask on several occasions that, if any action concerning the two identified chimpanzees was going to be taken, a GALF staff member would shoot some footage of the raid so we could try to build in a 'happy ending scenario' for at least these two chimpanzees. We got no such assurance but were informed by the GALF representative at the very end of January 2013 that LAGA/GALF would try to arrest the dealer in question on January 29th, 2013.

We were also informed that a US film team had just arrived and was being briefed on the operation until late at night and that some local journalists and broadcasters would also be invited and the outcome would go out as a press release to a range of media players³⁷.

³⁷ Email by Charlotte Houpline, Head of GALF, to Klaus Sparwasser on January 28th, 2013: "... si tu regarde dans les mails il y a quelques jours j'ai dit que les journalistes guinéens avec qui galf collabore habituellement filmeront toute l'opération pour faire un reportage. A ce moment, c'était [sic] pas prévu qu'on fasse venir les américains. Ofir a contacté l'équipe de télé américaine il y a 1 semaine, ils sont arrivés hier soir à Conakry et jusqu'à 23h en était en briefing avec eux. Svp, comprenez qu'on a beaucoup de travail et on n'a pas le temps d'expliquer [sic] tout ce qu'on fait. Oui, on vous donnera leur [sic] contacts. Ça passera aussi dans plus de 20 médias guinéens et internationaux comme pour les autres cas."

Earlier in the month we had been informed by the head of LAGA that the delay in the operation was due to:

“... we got a delay with two people out of Conakry”³⁸.

As it takes a considerable amount of time to arrange for visa and filming permits this can lead to the conclusion that the whole of the arrest and confiscation operation was geared around the arrival of this US film crew. We asked the head of LAGA about these facts and his reply was that several American film teams had been informed just one week before the raid, and that the ABC team managed to get into Guinea in time and with all the paper work done³⁹.

It would appear the operation did take place on January 29th, 2013. The only information on the outcome came from a representative of the Projet d'appui à l'Application de la Loi sur la Faune sauvage (PALF), based in the Republic of Congo, who also appears to have been flown in for the occasion⁴⁰. The chimpanzees and the trader were not there when the raiding party arrived.

We expressed surprise that there was no press release documenting the outcome, while the success of the last such raid in May 19th-20th, last year was published through several media outlets almost immediately (LAGA 2012a)⁴¹. The LAGA representative and the film team flew on to Togo to document more ivory shop raids.

No attempts were undertaken to arrest another trader, who shortly before the raid had passed on images to us of four baby chimpanzees, which he said had just been transferred to Conakry with potential buyers in Pakistan and Hong Kong. The corresponding information was also passed on by us to LAGA/GALF prior to the first operation (on January 29th) having taken place and we were told that the first raid would already “make enough noise”, with a

³⁸ Despite our repeated request for exact information when the raid would take place and who was going to be involved in it, the only feedback we had received so far was that the operation had to be postponed until two members still missing from the team (consisting of GALF, LAGA and PALF) would return to Conakry. No information was given on when this would be the case.

³⁹ “Totally wrong. There are 3 US tv that were in contact with us in the past months and another foreign TV crew. I actually went to Guinea for this operation, then went back to Cameroon for 4 days, contacted all of them and said in 6 days we try operations in Togo and Guinea. They indeed arrived within 6 days. Visas and arrangements took them 3 days... by the way they arrived to film ivory they were not interested in apes, they shot it just the same but I had to convince them.” Ofir Drori (Head of LAGA) in an email to Karl Ammann on February 3rd, 2013.

⁴⁰ E-mail from Naftali Honig to Karl Ammann on February 1st, 2013.

⁴¹ Examples for Internet publications:

www.africaguinee.com/index.php?/monAction=detailNews&id=13252.

www.nation.co.ke/News/africa/Guinea-police-in-massive-ivory-bust-six-arrested.

www.bornfree.org.uk/news/news-article/?no_cache=1&tx_ttnews%5Btt_news%5D=14422.

second one not being an option. Furthermore, Ofir Drori the head of LAGA, stated in an email of February 2nd, 2013, to Karl Amman:

“We tried to keep it all discrete but since we raised CITES with teh [sic] Minister and asked... [the CITES MA] to be removed and suggested a person to replace him, this got them to do many urgent meetings on this and there were talks about our mission and ape trade.”

In terms of sending a message and such raids serving as a deterrent, the overall result will have been counterproductive; the logical consequence will be the dealers becoming more careful in their dealings with “clients/buyers” such as our Indonesian dealer set-up and in bringing the chimpanzees to Conakry prior to export. A failed raid also means less concern about future such enforcement action.

There was no press statement of what went wrong, why and who had played what role. The PALF representative remaining behind informed us that this was an “ongoing operation” and as such they were not in a position to hand out more detailed information.

As such the question does arise what the ratio is between successful enforcement operations and the ones ending in failure and if there should be an obligation to present the results irrespective of the outcome, especially when donor and tax payer funds are involved⁴²? On February 2nd, 2013, we received an email from Ofir Drori, confirming that the operation had been a failure and neither the dealer nor the chimpanzees could be located.

This again illustrates the weakness in using a one-time enforcement operation (as carried out in May 2012 – LAGA 2012a+b) as the basis for declaring Guinea to be on the right track in terms of cleaning up its act on compliance and enforcement issues, as was done by the Chinese delegation at the 62nd SC meeting in Geneva, Switzerland, from July 23rd -27th, 2012 (CITES 2012a).

The question does arise, why recommendations for suspension are made when countries do not file their returns for three years (CITES 2008), yet at the same time Guinea can file returns which make a mockery of the Convention and there are no such recommendations?

There will be notices to parties about verifying permits. There will be action plans and warnings and deadlines, but no suspension even in a case like Guinea where realistically none of the indicators on compliance and enforcement, as outlined above, had been met. (For the outcome of the 63rd SC meeting regarding the suspension of Guinea see 2. below.)

Suspension is the ultimate enforcement tool the Convention has at its disposal. Making it subservient to warnings, notes and action plans results in drastically downgrading the

⁴² In the case of GALF its two major donors are WWF Netherlands and USAID/USFS (LAGA 2012b).

effectiveness of the Convention and in some cases this approach is actively encouraging the illegal trade, as is clearly illustrated in the case of Guinea.

Let us come back to our question at the beginning and heading of this chapter; the options to enforce the CITES Convention and maybe to give some of these apes a second chance as we see them, are:

1. Confiscation and repatriation of all chimpanzees and gorillas illegally imported into China and giving them a new home, if not in their country of origin (Figure 10), then in a suitable sanctuary in Africa, which has the professional set up and space to house them in a suitable manner providing fully for their husbandry and animal welfare needs.
2. Suspend Guinea from all trade with CITES-listed species with immediate effect.
→ Guinea was suspended at the 63rd Standing Committee meeting in Bangkok, Thailand, on March 2nd, 2013.

The authors of this report believe that this suspension might have had something to do with the fact that drafts of this report had been presented to CITES MAs of several Parties to the Convention before the SC63 in Bangkok.

3. The CITES Secretariat should confirm the authenticity and validity of all import permits for CITES I-listed species into China.



Figure 10: Two young chimpanzees at Guangzhou Safari Park in China. Judging from their facial characteristics the left one looks like a chimpanzee from Central Africa, while the right one looks more like originating from West Africa (Kingdon 2001 – page 10). DNA analysis of all illegally imported chimpanzees in China is therefore crucial to ensure their correct subspecies can be determined to give them the chance of repatriation to their country of origin.

Summary of findings in China from February 26th to March 7th, 2013

The authors and our Chinese investigator participating in the ZDF documentary respectively visited six Zoos and Safari Parks all with imported chimpanzees from Guinea, all located along the East of the Country, namely (1) Guangzhou Changlong Safari Park and Guangzhou Zoo, (2) Shanghai Wild Animal Park and Shanghai Zoo, (3) Changzhou Zoo, (4) Jinan Zoo, (5) Nanning Zoo, and (6) Zhengzhou Zoo.

Only few zoos (Guangzhou, Shanghai Zoo, Shanghai Wild Animal Park) had some kind of education displays which were detailed, accurate and seemed to be taken in by any of the Zoo visitors (additionally, in about five zoos there were prominent displays of various images taken by Karl Ammann without crediting the authorship, which, as the zoo representatives confirmed, they had downloaded somewhere from the internet).

The keepers in charge of the apes were generally all very friendly, answered questions and were interested to improve the conditions of their protégés. However none of them was familiar with the exact details or where the chimpanzees were imported from. We were told: Africa, Congo, Kenya... .

When we managed to get to a higher level of the Zoo or Safari Park management, exchanges became more formal. In one case we were told the chimpanzees were imported from ‘... an African Country with a long name and where a war was going on at the time’, at another Safari Park we were informed that the management would not answer questions on the origin of the chimpanzees by visitors but would require an introduction from the State Forestry Administration (CITES Management Authority) and the Chinese Association of Zoological Gardens. However they nevertheless confirmed that they imported eight chimpanzees in 2011 (two of which we discovered in the back stage area in Shanghai Wild Animal Park).

What developed into a clear pattern, except for one Zoo, was the fact that all these facilities have a performance department and an exhibit section and that the chimpanzees are split between the two, and there is no daily routine of creating social groups that are so important to chimpanzee welfare. The performance chimpanzees (from about four to eight years of age) are kept in the back of the performance area in relatively small mesh cages and mostly separated from each other. As such they seem to enjoy being let out and doing their performances but otherwise live life in solitary confinement in dark rooms.

The exhibit chimpanzees are generally in the glass fronted enclosures with little enrichment and most sitting near or on top of the heating system. They tend to be grouped in breeding units with the hope to, in future, have new apes for the performance division. Apes are shifted to this section when they become too old and difficult for elaborate shows.

Integration, most of the time, then seems difficult and we saw one facility with four enclosures, all interlinked with passages but all with an individual chimpanzee (including one from Guinea). Chimpanzee husbandry and integration expertise seems to be in short supply. Where the original groupings, which arrived together, were kept together in exhibits, they were playful and behaved like normal chimpanzees of that age.

The performance section appears to be considered an integral part of any such set up and in some cases an extra entrance fee has to be paid to watch these shows. The whole approach is completely commercial – to attract paying visitors to come through the main and then the arena gates. This was also confirmed by a Chinese CITES official from Peking, who stated in an email: "The imported chimps are now performing at various zoos." (For CITES' definition of 'primarily commercial purposes' and their rules and regulations which prohibit this use for Appendix-I species see Annex X.)

In addition there appears to be an exchange of animals with circuses, which are subcontracted to do the performances at a Zoo or Safari/Animal Park. As such it was difficult to determine the whereabouts of some of the imported apes. We could only find some of the ones listed as imported by the Zoos in question and the assumption is that others were out on loan for training or were imported originally with the plan to sell or pass them on to other facilities.

The Zoo management would have the absolute control over these exchanges and the central Zoo authority does not appear to keep any kind of stud books (a log of all data relevant to the captive population of a certain species), and it was clear that they have no subspecies differentiation between the chimpanzee groupings they hold, they are trying to breed and will breed in future.

In terms of exhibit, the facilities of gorillas and chimpanzees at Shanghai Zoo were the exception. The gorillas have been donated by Rotterdam Zoo, which apparently had an influence in stipulating the design of the facilities and there were also some enrichment items being enjoyed by these gorillas. There was one baby present which was clearly born there but was never near its mother in the two to three hours we were present and that mother-child relationship looked dysfunctional. The chimpanzee exhibit was sponsored by PAC (Political Action Committee), a branch of "Roots and Shoots"⁴³, as an operation on chimpanzee habitat improvement.

We could not get any further information on the ten gorillas, though, which according to the CITES trade statistics have been imported to China from Guinea in 2010 (table 2).

In the case of the Shanghai Wild Animal Park we found two of the eight baby chimpanzees they imported in cages in the performance area. This export took place by a company called

Bird Breeding Farm, which is an entity registered in the DRC and not in Guinea, which issued the export permit. The two chimpanzees do not look like West African chimpanzees since they do not have the typical dark facemasks. As such the chance is high that chimpanzees from other parts of Africa were channelled through the corrupt Guinea permit system.

It also became clear that at the management level as well as with the CITES Management Authority in Beijing there was clear awareness that there are a lot of unanswered questions concerning most of these imports. That CITES officials played the system hiding behind the 'C' permits from Guinea and it also seems behind 'W' permits from Sierra Leone, without attempting any due diligence in cross checking of the data on the permits and without consulting the Secretariat. As such we got the impression that a decision was made, at a very high level, that China wanted and needed more chimpanzees and gorillas and if a window for 'legal' imports opened up it would be exploited to the extent possible.

The conclusion has to be that if no corrective action is being taken, this 'business model' being used by China – which also involved the import of one hundred tigers from Thailand and more recently wild caught teenage elephants from Zimbabwe – will be used to stock these new entertainment facilities, which are primarily commercial, and the imports are of species which have the highest commercial potential in terms of their show/entertainment value but also in terms of the more traditional Zoo exhibits and future breeding.

The international community should find the will and the determination to deal with this trend before it gets completely out of hand as it has done with the illegal ivory imports. China should be sanctioned and there should be demands for the DNA testing of all the imported apes and as per Article VIII of the CITES Convention:

- Prosecution of the Parties having been involved in the illegal export and import.
- Confiscation of the apes in question.
- And if possible, repatriation to the country of origin or to a recognized ape sanctuary in Africa.

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Acknowledgements

We would like to thank Iris Sparwasser, for her immense contribution to this report, and the private investigators, who do not want to be named.

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Nanyuki 10400 / KENYA

Email: karl@karlammann.ch

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Annex I – Map of Guinea-Conakry

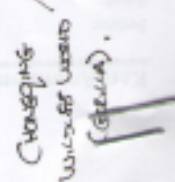


© www.mapsofworld.com/africa/maps/africa-map.gif. & <http://mappery.com/maps/Guinea-Map.gif>.

Annex II – Map of the People's Republic of China and location of selected Chinese Zoos



© <http://geology.com/world/asia-map.gif>.



The Conakry Connection - Ammann, Sparwasser, Cockayne, Schoene & Pax Animalis | 57 |

CONVENTION SUR LE COMMERCE
INTERNATIONAL DES ESPECES DE
FAUNE ET DE FLORE EN DANGER
D'EXTINCTION

N° 003697

☒ EXPORTATION
☐ REEXPORTATION
☐ IMPORTATION
☐ AUTRES

FORMES CITES

Original

Date d'impression
23/07/11

1. Expéditeur (personne ou établissement)
SHANGHAI WILD ANIMAL PARK
NO.175 KANGLIU ROAD, NANSU DISTRICT
SHANGHAI CHINA

2. Pays d'origine CHINA

3. Numéro d'exportation
VOIRE CITES NO. 002645

4. Nom et adresse du destinataire
BIRDS BREEDING FARM
BP.5001 CONAKRY
REP. DE GUINEE

5. Nom et adresse de l'autorité de gestion
Autorité de Gestion
Ministère de l'Environnement
ET DU DEVELOPPEMENT DURABLE
CITES GUINEE
BP 761 CONAKRY
Tel.: 224 64 32 04 81
E-mail: citesguinee@yahoo.fr

6. Numéro de l'autorité de gestion

7. Description des spécimens
Description des spécimens (Mammifères, Oiseaux, Reptiles, Amphibiens, Poissons, Invertébrés)

8. Année de capture
Date de capture

9. Sexe et âge
Sexe et âge

10. Origine
Origine

PAN TROGLODYTES

VIVANT

I C

8 HUIT

11. Pays de provenance 12. Pays de provenance 13. Pays de provenance 14. Pays de provenance 15. Pays de provenance

16. Pays de provenance 17. Pays de provenance 18. Pays de provenance 19. Pays de provenance 20. Pays de provenance

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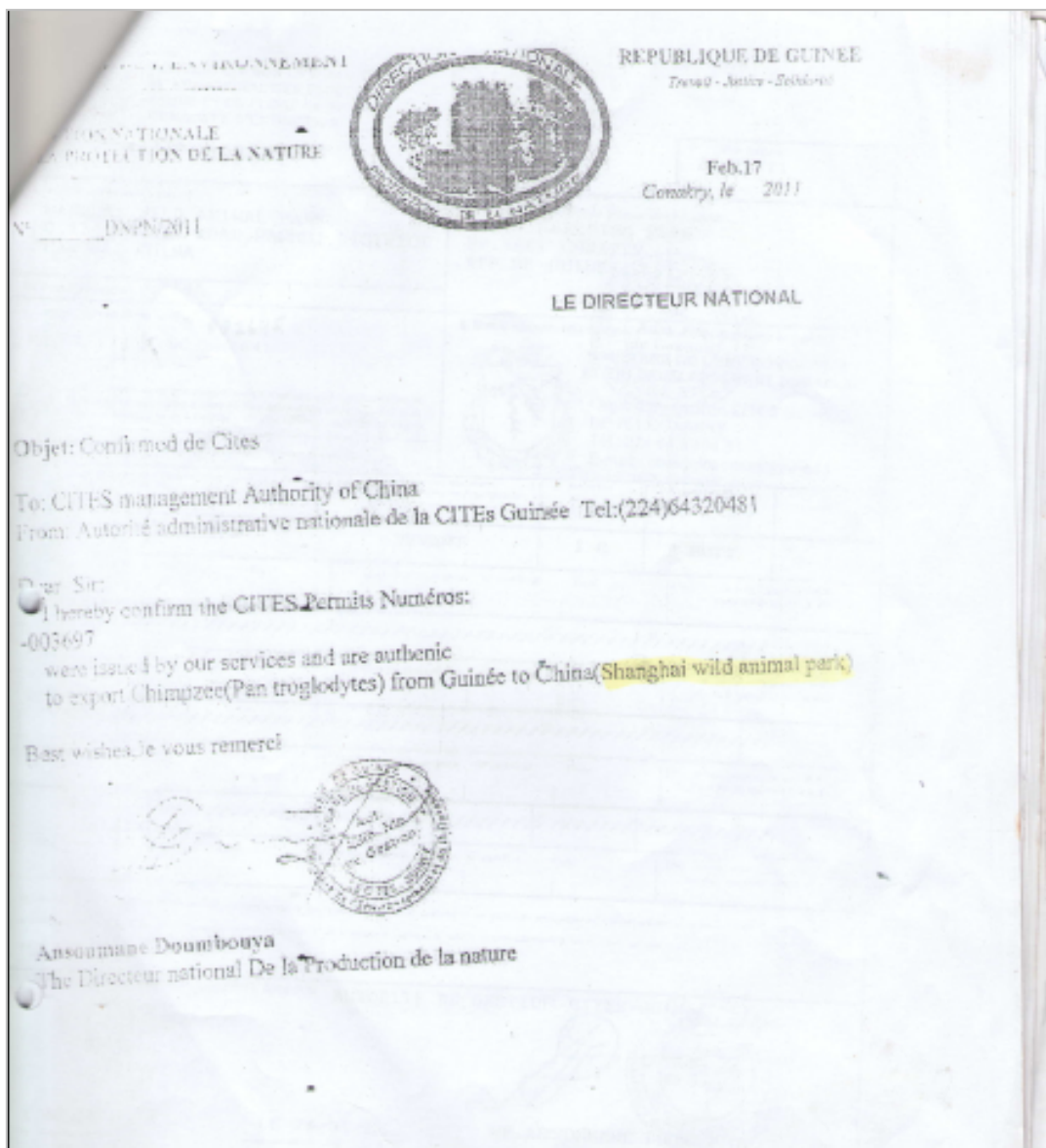
41. Pays de provenance 42. Pays de provenance 43. Pays de provenance 44. Pays de provenance 45. Pays de provenance

46. Pays de provenance 47. Pays de provenance 48. Pays de provenance 49. Pays de provenance 50. Pays de provenance

MR. ANSONHARE DOUMHISTOTA

Année	Spécimens
A	
B	
C	
D	

PERMIS / CERTIFICAT CITES





The Endangered Species Import and Export
Management Office of the People's Republic of China

No.18, Hepingli Dongjie
State Forestry Administration
Beijing 100714
P.R.China

Tel: 86-10-84239001
Fax: 86-10-84214180

Fax Transmission

Ref: 2010-AF-063

TO :	Direction Nationale de la Protection de la Nature Ministre de l'Environnement B.P. 761 CONAKRY Email: namory54@yahoo.fr; sounounou@voila.fr
FAX :	+224 46 78 79; +224 11 26 95 20
FROM :	Wang xiaoyan
FAX :	Fauna Affair Division The CITES Management Authority of China
SUBJECT :	Permit Verification
DATE :	APR. 15, 2010
PAGE(S) :	2 (including this page)

Dear Colleague,



We have received an application to import 6 heads of live Chimpanzees *Pan troglodytes* from your country. We would like you to confirm the authenticity of the Permit (No. 000102/000106). The copy of the Permit are attached for your reference.

Thank you very much for your cooperation, and your prompt reply is highly appreciated in advance.

Sincerely yours,

Wang xiaoyan

Annex IV – Letter of May 29th, 2012, by John E. Scanlon to Richard Vigne (Sweetwaters)



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

Our ref.: GEN 01/04/12/LGF
Your ref.:

Mr Richard Vigne
Chief Executive Officer
OI Pejeta Conservancy
Private Bag
Nanyuki, 10400
Kenya

Geneva, 29 May 2012

Dear Mr Vigne,

We refer to your letter of 9 March 2012, regarding the activities of Sweetwaters chimpanzee sanctuary in Kenya and the new chimpanzee housing facility.

We are aware of the strong support that you provide for orphaned, injured, displaced and seized chimpanzees and we are very grateful for your offer of assistance.

As you are probably aware, the CITES Secretariat does not have any mandate to deal with animal welfare, other than in the context of the transport of live specimens. The designation of institutions to look after the welfare of live specimens, particularly those that have been confiscated, is a matter for the CITES Management Authorities of the Parties to the Convention. In fulfilling their duties, these authorities may consult the Secretariat, in accordance with Article VIII, paragraphs 4 and 5, of the Convention, as indicated below:

4. *Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:*
 - (a) *the specimen shall be entrusted to a Management Authority of the State of confiscation;*
 - (b) *the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and*
 - (c) *the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.*
5. *A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.*

In this connection, the Conference of the Parties to the Convention has also adopted two relevant Resolutions. These are Resolution Conf. 9.10 (Rev. CoP15), on *Disposal of confiscated and accumulated specimens*, and Resolution Conf. 10.7 (Rev. CoP15), on *Disposal of confiscated live specimens of species included in the Appendices*, which provide guidelines for the Parties to follow.

In Resolution Conf. 10.7 (Rev. CoP15), the Conference of the Parties urges *Management Authorities, in consultation with Scientific Authorities and other bodies concerned, to develop action plans to deal with seized and confiscated live specimens consistent with the guidelines set out in Annex 3.*

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland
Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: info@cites.org • Web: <http://www.cites.org>

- 2 -

Taking the above into consideration, should the Secretariat become aware of any incident where the services provided by your sanctuary might be of relevant to any CITES authorities, we will be glad to provide to them your contact details to enable them to liaise directly with your sanctuary for assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John E. Scanlon', with a large, stylized flourish extending to the right.

John E. Scanlon
CITES Secretary-General

Annex V – Selected quotes from email correspondence with animal dealers in Guinea

The original emails can be provided on request by the corresponding author.
Grammatical and spelling mistakes of the citations have not been corrected.

Price list from a Conakry-based dealer on October 4th, 2012:

Here per attach our export FOB pricelist

THE SMALL MAMMALS

GIANT GAMBIAN RAT	-----CRICETOMYS GAMBIANUS	-----10.00/ each
HEDGEHOG	-----ERINACEUS ALBIVENTRIS	-----10.00/ each
SENEGAL GALAGO	-----GALAGO SENEGENSIS	-----60.00/ each
ROCK HYRAX	-----PROCAVIA CAPENSIS	-----00.00/ each
TREE SQUIRELS	-----FUNISCIURUS PYRRHOPUS LEONIS	-----25.00/ each
GENET CAT	-----GENETTA TIGRINA	-----120.00/ each
BRONIN MANGOASE	-----MUNGOS OBSCURUS	-----40.00/ each
CIVET CAT	-----CIVETTA CIVETTA	-----120.00/ each
TREE PANGOLIN	-----MANIS TRICUSPIS	-----60.00/ each
RED RIVER HOG	-----POTAMOCHOERUS PORCUS	-----1500.00/ each
Cephalophus rufilatus	-----	-----500.00/ each
Hylochére meinertzhageni	-----	-----2000.00/ each
Hyemoschus aquaticus	-----	-----500.00/ each
Cephalophus dorsalis	-----	-----500.00/ each
Tragelaphus spekei scriptus	-----	-----1500.00/ each
Hystrix sp	-----	-----500.00/ each
Atherurus	-----	-----500.00/ each

Monkeys:

Red Patas monkey / Erythrocebus patas	-----	-----usd 300.00 each
Green Monkey / Cercopithecus Aethiops	-----	-----usd 300.00 each
Guinea Baboon / Papio Cynocephalus	-----	-----usd 300.00 each
Mona Monkey / Cercopithecus mona	-----	-----usd1 500 each
Putty nosed Monkey / cercopithecus Nictitans	-----	-----usd 1500 each
Chimpanzee (Pan troglodytes)	-----	-----usd 15.000 each

Email from a Conakry-based dealer on October 10th, 2012:

“About the chimps i got them in stock ready for shipment.”
“I can get Cites C no problem but payment first before anything.”

Email from a Conakry-based dealer on October 13th, 2012:

“PLEASE INFORM MY COLLECTORS ARE SPECIAL COLLECTORS FOR ANIMALS AND
> PLEASE INFORM THEY HAVE MEANS TO COLLECT ANIMALS AND GOVERNMENT
AWARE OF THEM SO PLEASE TELL YOUR CLIENT NOT TO HEISTATE HE WILL
RECEIVE THE ANIMALS”

Email from a Conakry-based dealer on October 15th, 2012:

“we are mine zoo animals exporter live Mammals, Birds and reptiles in Guinea Conakry
waster Africa we offer you the animals with CITES and C/H /IATA”

Email from a Conakry-based dealer on October 19th, 2012:

“...yes, of course they can issue the CITES for CHIMPS under annex C.”

Email from a Conakry-based dealer on November 3rd, 2012:

"chimpanzee and if possible gorilla one pair OK If you accept to give me an injection medicine that the picture to sleep gorilla until the destination."

Email from a Conakry-based dealer on November 12th, 2012:

"some times the international community can come in Africa to check for those animals whether our country can export them or not we export from Guinea in SMUGGLE to another country as I told you not every one can get CITIES license to export live animals only because I have good relationship with the ministry with the cities Director."

Email from a Conakry-based dealer on November 21st, 2012:

"The price of pygmy chimpanzee is \$ 21.000.00 USD for that C export permit

For W export permit 18000.00USD

We have to pay more money to Government to get the Export permit for chimpanzee"

Email from a Conakry-based dealer on December 10th, 2012:

"Here are the attached copies of some export cities copies from Congo RDC Kinshasa"

Email from a Conakry-based dealer in January 2013:

"I got two pairs of chimps actually.

Hope we will start soon.

I have buyers from Hong Kong and Karachi please let me know are you still interested or not so I can sell to others."

Email from a Conakry-based dealer on January 25th, 2013:

"No way about your money I got two pairs of chimps with me here in Guinea Conakry and 5 pairs of monkeys patas and baboon too.

In Congo I can get the pygmy chimps and gorilla they are expensive.

This is why I want to start first with you with at least 5 pairs monkeys and one pair chimps with monkeys documents from Guinea Conakry

This is better if we succeed we can do anything else. "

Email from a Conakry-based dealer on January 29th, 2013:

"please inform that the Guinea government issues cities for live animals you said you will need cities of annex ii- C I told you it is possible to issue me cities of annex ii C"

"...yes of course they can issue the CITIES for CHIMPS under annex C"

Email from a Conakry-based dealer on February 9th, 2013:

"The final FOB prices export from Congo RDC for 1 pair chimpanzee (small) 14000usd

1 pair of pygmy chimpanzee (small) 30.000usd

1 pair of gorilla (small) 50.000usd

I will need 70% deposit from you

Delivery time 14days"

Email from a Conakry-based dealer on February 19th, 2013:

"I am talking about payment 70% payment before shipment this can help me to do the permit of chimps here in Guinea Conakry and also in Congo both countries I can get the permit with money."

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he said they no longer issue CITES permits



CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPÈCES DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION

N° 000254

PERMIS CITES

Original

1. Indiquer l'espèce
08/08/2012
19/11/2012

2. Importateur (nom et adresse) **PARADY WORLD LTD**
3-20, YUWAKURA-KOEN, HAKOHA
OSAKA JAPAN

3a. Pays d'importation **JAPON**

3. Commentaires particuliers

Pour les espèces vivantes, ce permis ne valide que si les conditions de l'import sont conformes aux lignes directrices pour le transport des animaux vivants en cas de transport aérien, à la réglementation IATA du transport des animaux vivants.

4. Expéditeur / Réexpéditeur (nom et adresse, pays)
YVES ROBERTO
GUINEA CONARY
241 65 77 45

5. Nom et adresse, pays et fonction, nationalité et pays de résidence de gestion
MINISTRE DE L'ENVIRONNEMENT ET DU DÉVELOPPEMENT DURABLE
Organe de Gestion CITES GUINEE
BP 781 CONAKRY
Tel: 224 64 32 04 81
E-mail: citisguinee@gmail.com



7.1a. N° de permis	7.1b. Date	7.2a. N° de permis	7.2b. Date	7.3a. N° de permis	7.3b. Date	7.4a. N° de permis	7.4b. Date
12. Pays d'origine	Date	13a. Pays de provenance	Date	13b. Pays de provenance	Date	14a. N° de permis	Date
12. Pays d'origine	Date	13a. Pays de provenance	Date	13b. Pays de provenance	Date	14a. N° de permis	Date
12. Pays d'origine	Date	13a. Pays de provenance	Date	13b. Pays de provenance	Date	14a. N° de permis	Date
12. Pays d'origine	Date	13a. Pays de provenance	Date	13b. Pays de provenance	Date	14a. N° de permis	Date
12. Pays d'origine	Date	13a. Pays de provenance	Date	13b. Pays de provenance	Date	14a. N° de permis	Date

13. CE PERMIS EST DÉLIVRÉ PAR L'AUTORITÉ SUIVANTE

AUTORITÉ DE GESTION CITES - GUINEE

08/03/2012

DR. AUGUSTIN B. B. B.

(Signature)

(Sceau)

14. APPROBATION DE L'IMPORTATION

15. APPROBATION DE L'EXPORTATION

16. APPROBATION DE LA REEXPORTATION

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99. APPROBATION DE LA REIMPORTATION

100. APPROBATION DE LA REEXPORTATION



Convention sur le Commerce
International des Espèces de
Faune et de Flore Sauvages
Menacées d'Extinction

PERMIS / CERTIFICAT

N° 4096

Original

- ☒ EXPORTATION
☐ REEXPORTATION
☐ IMPORTATION
☐ AUTRE:

3. Valable jusqu'au

29/02/2012

3. Importateur (nom et adresse)

PARAMOUNT ENTREPRISES
N°3 COMMERCE HOUSE AM.21
AKBER ROAD SADDAK, KARACHI
PAKISTAN

4. Exportateur (nom et adresse, pays)

MAISON KALLY BIRDS INTERNATIONAL
1436, Av. CHARPENTIER
Q. FUNA / KINSHASA-LIMETE
REP. DEM. DU CONGO

5a. Pays d'importation: PAKISTAN

5. Conditions particulières

Transport aérien conforme aux normes
IATA. Conteneur en bois. Oiseaux en
bonne santé. Annule et remplace le
permis n° 3756 du 31/12/2010

Les oiseaux vivants ne peuvent être transportés que sous conditions de
transport sont conformes aux lignes directrices pour le transport et des animaux vivants ou
en cas de transport aérien, à la réglementation IATA du transport des animaux vivants.

6. Nom, adresse, coordonnées nationales et pays de l'organe de gestion



ORGANE DE GESTION CITES
7° RUE KINSHASA / LIMETE
Commune de Limete
République Démocratique du Congo

5a. Out de la transaction (voir au dos)

T.

5b. N° du permis de séjour

CD 1053467

7a. NOM COMMUN ET NOM SCIENTIFIQUE (genre et espèce)
DE CHIMINAL OU DE LA PLANTE

8. Description des parties ou produits
récupérés ou numéros d'identification
(signature et étiquette)

9. Année et
mois (voir au dos)

10. Quantité (y compris
l'unité)

11a. Total espèces
cette

7a. MONE WOLF

8. VIVANT

9. II W

10. XXX8XXX
(Huit)

11a. 8
10

A. Cercopithecus wolffi

12. Pays d'origine

13. N° permis

Date

12a. Pays de provenance

13a. N° certificat

Date

12b. N° de l'établissement ou
date de l'acquisition

7a. BLACK CRESTED MANGABEY
Lophocebus aterrimus

8. VIVANT

9. II W

10. XXX3XXX
(Trois)

11a. 3
10

12. Pays d'origine

13. N° permis

Date

12a. Pays de provenance

13a. N° certificat

Date

12b. N° de l'établissement ou
date de l'acquisition

7a. CERCOCEBE A JOVES GRISSES
Cercopithecus albigena

8. VIVANT

9. II W

10. XXX4XXX
(Quatre)

11a. 4

12. Pays d'origine

13. N° permis

Date

12a. Pays de provenance

13a. N° certificat

Date

12b. N° de l'établissement ou
date de l'acquisition

7a. MONE WOLF

8. VIVANT

9. II W

10. XXX10XXX
(Dix)

11a. 10

D. Cercopithecus wolffi

12. Pays d'origine

13. N° permis

Date

12a. Pays de provenance

13a. N° certificat

Date

12b. N° de l'établissement ou
date de l'acquisition

* Pays dans lequel les spécimens ont été prélevés dans la nature, sans être ni ont été élevés en captivité ou reproduits artificiellement (seulement en cas de réexportation)
* * * * * Uniquement pour les spécimens de l'Annexe I et II et élevés en captivité ou reproduits artificiellement à des fins commerciales
* * * * * Pour les spécimens pré-Convention

13. CE PERMIS EST DÉLIVRÉ PAR L'AUTORITÉ SUIVANTE:

LE DIRECTEUR CHEF DE SERVICE,

LEONARD MUAMBA KANDA.

KINSHASA

Lieu

Date

Timbre de sécurité, signature et cachet officiel

14. APPROBATION DE L'EXPORTATION:

15. Conseil national des espèces à risque

Spécimen	Quantité
A	
B	
C	
D	

Part d'exportation

Date

Signature

Cachet et timbre officiel



The Conakry Connection - Ammann, Sparwasser, Cookayne, Schoene & Pax Animalis | 67 |

Annex VII – Selected transcripts of meetings between investigators and dealers

a) Private Investigator (PI): “So you’ve got a lot of stuff?”

Harouna (H): “You know I’m not working only in my country. I’m working with Congo.”

PI: “OK.”

H: “With African Grey. In Congo, my dad is there.”

PI: “Ah, is your dad in Congo?”

H: “My father is there dealing with African grey parrots. He’s working with Mr. Fouri(?). Mr. Fouri in South Africa and Mr. Osman, Jacob(?) Osman.”

PI: “Ah Jacob Osman, I’ve heard of him.”

H: “African Grey breeders.”... “All these three people we are working with them. With African grey. They are taking African grey from us from Congo to South Africa.” ... “Then last week Mr. Fouri was in Congo with my dad.”

PI: “OK so it’s a family business”

H: “Ha, yeah, my granddad, my father and me, we are doing wildlife.” ...

PI: “No, that’s what I was wondering about, how you get the chimp out of here?”

H: “I have this way, I have more ways to send out the chimps. The problem is to agree with you and Mr Alex. Everything is ok, we can go on. The problem is that. Other side nothing is a problem. Everything is easy for me here. I’m in my country. I can do whatever I want. My dad and my granddad work for long time with Mr. Fouri, Mr. de la Roux(?), Pada Joe(?) in South Africa and Osman, and Mr. André My father already did two years in South Africa.”

PI: “Mmm, what he lived in South Africa?”

H: “Yeah.” ...

PI: “So you’re father is in Congo now?”

H: “Yeah he’s in Congo now for the African Grey business. We got two big stock there, only African Grey. African grey babies, African grey wild caught and tame. Some don’t bite, some bite, some are wild, wild African grey. And also we are growing monkeys in Congo. In Guinea, in Congo, in Mali, in Senegal Dhaka, many countries in West Africa.”

PI: “And the chimpanzees, where do you get those?”

H: “The chimpanzees, I got it, I got 5 pairs in the village with my workers. I have only to tell them to bring them so they can bring them but I cannot tell them to bring the chimp right now in my stock and the veterinary authority every month they go to my farm, my stock and check, check everything. If there is another species there, not allowed to the government. You know the government do not allow the chimp. But we can make a deal but not in the CITES. You can show in the CITES monkeys, but in the boxes, its chimp. You can send it to

the airport in the box, in the wood, and send it easily., no problem. And out with the real document. With monkeys document, no problem, but the real document for chimp, this is not possible.”

PI: “And the government here, do they check or not really?”

H: “Yeah, yeah when they come to your stock they will not, they will get in your stock but if they see the chimp you have problem. But if they don’t see the chimp in the cages. With the chimp you can make something to make them sleep. When they sleep before they go to their destination. Destinations like Jakarta, like Thailand, Indonesia, everything. If you are sending your shipment you put something for them to sleep, for them to not disturb anybody, the custom to the airport. Otherwise they will seize, they will seize the chimp and you will pay some money for them to release. The people from the airport they are not difficult but the veterinary is very difficult.”

PI: “But if you pay them...”

H: “If you pay them, no problem I think. If I pay them they can give me everything easily. You know they need monies.” ...

PI: “...and the chimps, where do you get the chimps from?”

H: “From Mali.”

PI: “From Mali?”

H: “Yeah from Mali. I have my friend there, it is easy for me.”

PI: “Because there’s not so many chimps here any more hey?”

H: “Not really, not really, but I can get here easily but it will take time, like two weeks, it will take time. Two weeks, three weeks but in Mali it is easy for me, when everything is ready with me I can send them easily – the trappers (?) the workers – they can catch it and bring it to me easily.”

PI: “OK, and erm, and Congo, are there chimps there that you can get?”

H: “In Congo I can get, even the de Brazza monkey, the colobus monkey, mandrills. All species of monkey is available in Congo.”

PI: “That’s amazing,”

H: “M, Congo is a big forest, big jungle. “

PI: “Yeah, I know it is, yeah.”

H: “From Congo we can get all what we want.” ...

PI: “You don’t have any chimps here though?”

H: “I don’t have any chimps here actually. Only in my village and in Bamako in Mali, I got the chimps there. I cannot keep them with me because of the government, the veterinarian, every time they are with me. They are working with me every time they check the blood of birds, animals. If they see the chimp in my stock this is a big problem for me. This is only the

problem. Otherwise I can keep them 1,000 in my stock. To get the chimp is very easy for me. To keep it is the problem. You cannot keep it if somebody see. The people will tell the government, the authorities will come and seize you and you pay money for that.”

PI: “So you get them from Mali and fly them to here?”

H: “Yeah I get them from Mali and fly them to here directly so if everything is booked everything is ok so I can take them from Mali from the plane from Guineair from Mauritania airlines to send it to Ghana, Accra. From Accra I can send it to you South Africa or to any other country you want.”

PI: “And if you fly them from here which way do you normally fly them?”

H: “There is no direct flight from Guinea to South Africa. Only from Mali, Ethiopian airlines there. I can also take them from Mali directly to South Africa. It is very easy for me to send it to Mali because Mali is very easy to understand with people more than Guinean, Guineans they can seize you for the money, to give them money. Malians if they know you, very easy. They can leave you, you can do whatever you want. Guinea authorities is very hard.” ... “From Mali I can take the shipment to Addis Ababa, from Addis Ababa Ethiopian airlines also take it to South Africa. This is better, this is the best way because if I take them to Mali I take them to Guineair I have to send them also to Ghana. From Ghana Ethiopian airline I can take them to South Africa because Guinea has no Ethiopian airline here. Only Sky airlines, Mauritania airlines, Egypt airlines. These airlines don’t carry live animals.”

PI: “Can you send through Egypt or not?”

H: “Yeah, I can send it to Egypt. From Mali to Accra, Ghana. Or from Mali I can send them directly through Ethiopian airlines. If you can clear it in South Africa no problem for me. You have to know also if from your country if you can take the shipment of the chimp to your airport without problem.”...

PI: “What’s the easiest country for you?”

H: “Easiest country for me is Bangkok, Thailand. If Alex got contacts in Thailand maybe it’s very easy. Because my customer in Thailand already got the stork ...big stork, like the grey crowned crane. This one I sent 10 birds to South Africa, not South Africa, to Bangkok to Mr. Li(?). ... “I’m working with him. I’m also working with Mr. Dixon, in Hong Kong. He only take bird from me, all species of parrot he take it from me.”

PI: “Isn’t Mr. Dixon South Africa?”

H: “No Chinese.” ... “Chimp no problem, I can get 1,000’s of chimps, 1,000’s of monkey, all species, no problem for me but the problem is to clear. When you get it in your country you can get it easily from the airport, out of the airport.”

PI: "South Africa is going to be a problem to do that but other countries it's not so big a problem."

H: "Yeah, not big problem. Because you see these Chinese people they regularly buy the chimp from Congo and monkey like that from Congo. If we are agreed with Mr. Alex, if he is ok we are going to see my place, see everything, where I live, my house, my family. I will show you my house is not far from my farm."

PI: "And the CITES permits getting them here for monkeys, is that easy?"

H: "Oh, that's easy. You can get CITES for monkeys. Like baboon monkeys, patas monkeys you can get CITES for them, easy. I can send to you monkeys every two weeks if you want. Every two weeks, very easy for me." ... "I'm working with Pakistan, Karachi."

PI: "Really what are they to do with it?"

H: "I have a bird for Karachi, this is the old document, ..."

PI: "So have you ever have you managed to ship chimpanzees from Congo before?"

H: "Yeah, yeah, yeah, my dad already did it. My dad already send chimpanzees from Congo to Arabic people, you know, Dubai. He already sent them to Dubai, and my brother in law from Ivory Coast, his name is Jumandi(?) has already sent five chimps to another country, an Arabic country...Bahrain, Kuwait, these Arabic countries. Very big buyers. They like chimps, they like monkeys."

PI: "And the chimps in the photographs, where did they come from?"

H: "They are from my stock , they are three months old. It's old pictures. This is from 3 month now. I got here I sent it already to Ghana Accra. It was for a guy in Pakistan, Karachi. The guys came and picked up the chimp then in Ghana and go with the people."

PI: "The chimps come from here though?"

H: "The chimp is in here, I can get millions of chimps here. I have workers all around in the forest. They find it in the forest and they keep it in the village. If I tell them bring, they bring. But they cannot bring to here, get problem."

PI: "And the chimps, if we do a CITES permit as a monkey?"

H: "CITES as monkey, yes we can do."

PI: "How long does that take?"

H: "It can take two days. I can contact the agents, the CITES officials, and explain to him the matter so he can make it to me easily."

PI: "Does he not check, the CITES official?"

H: "No he will not check, he will not check. I will tell him I need CITES of monkey but I will send the chimp as monkey. If you tell him it is chimp, he will charge you more money. He tell you to pay more money and then he will go to the airport and check also, because he want money every time. "

PI: "But if you pay him then he won't cause problems?"

H: "No, no he will not cause problems."

PI: "Who's the CITES official here?"

H: "It's the name of Doumboya. Doumboya, yes."

PI: "I haven't heard of him. But those CITES official, they just want extra money."

H: "This is all around, everywhere you want species that are not allowed they ask money. They ask money to give you charges(?). But bird, any species of bird, of monkey, this is easy to get CITES but chimps, you do as monkeys. You do as monkeys you can get it easy and get the permit from your country; you can send the chimp like monkey. This is the procedure. If the guy knows that it is chimps he will tell you give me money, you give money and he will eat that money as easily as today or tomorrow. He will go to the airport also, I know this is chimp but you have to give me again otherwise I tell it to the customs or other people so everyone will get money again. It is the problem with Guinea, but other country? Easy for me, like Ivory Coast I can do it easy. Ivory Coast and Mali, this is easy." ... "The chimp is easy for me. We can get too many, too many as we want. The problem is the guys, money to give to other people. I've got to give money to the people to not check, to not disturb me. Not disturb me for shipping."

PI: "And also for the people who go finding in the forest?"

H: Yeah, those people they need money. They keep there for me. I got there. I told you, I got five pairs, chimps. Ready now, in the forest now. These people they just wait my call and money. I transfer money to them today and then they send the chimp next week. It's more than 1,000 km."

PI: "Have they caught them yet?"

H: "No, no in the wild they will not check. Even if they see its chimps, no problem. They put it in wood like this."

PI: "But the chimps are still in the forest? Do they have to catch them still?"

H: "They are already in the cage, just there. They have already...I send the money, they bring the chimps to me. I can put them here."

PI: "I'm not so sure getting a CITES permit in Congo is easy?"

H: "Yeah it's easy, CITES permit for Congo. If you are agreed with Mr. Alex, to export chimps from Congo is very easy. My dad is well known in Congo. All the people from the CITES people know him. We can get it easy from there with Congo CITES, but chimps, very easy to export from Congo. And the monkeys, very easy from Guinea, from Mali. West Africa, any species of chimps, er monkeys but chimps we can get easily CITES in Congo (?) I hope we can get the real one CITES. CITES of chimps. But CITES of chimps we cannot

get it in Guinea. You can use only another name, like monkey to send as chimps. We cannot go to the original CITES as chimp."

PI: "But Congo, its easy, you basically just buy it?"

H: "Congo is very crazy country, easy, it's a big country, a forest country. So from there may be we can make everything easy with chimps, with mandrills. Because you write to me an email about more species than chimps. Chimps, Mandrills and another species of chimp, I remember."

PI: "Yes, pygmy chimps."

H: "Yeah, pygmy yeah, all this is possible from Congo. We can get all these species from Congo. Of monkey we can also get Patas monkey, baboon monkey, de Brazzas monkey in Congo, Colobus monkey in Congo." ...

PI: "And I'm sure the CITES people in Congo don't give too many problems, you just pay them?"

H: "No, they don't give problem, you have to pay CITES, that's why I told you my fees system. In any country you want document you have to pay. Money for document, you have to pay money also to get what you want from the people from the jungle and you have to pay for the freight, you have to arrange everything., the boxes where you put the animals and you have to arrange with the custom before you go to the airport or have problems with the airport. So if you arrange everything in time you can come to the airport without getting problem. That's why, that's the problem. But birds, no problem for birds."

PI: "And the CITES officials in Congo you just pay them extra?"

H: "You pay extra. In Congo, extra bird like African grey it's 15 dollars each, each African grey. If you want 100, you pay US\$ 1,500 for 100 head CITES. You make 100 head CITES we send to you, you get import permit, everything is ok."

PI: "But that money goes to the CITES official?"

H: "That's money only for CITES officer."

PI: "And that's not for the permit?"

H: "No, the payment that depends the condition of the company (?). We can also give to you all included, including CITES money, the freight money, it's easy 70%. That's why I told to Mr. Alex I already sent him the price. Everything is included. CITES included, freight included, everything. All documents, health certification, all."

PI: "Mr. Alex did tell me but how much did you say again for chimp?"

H: "What did he tell you?"

PI: "Twelve."

H: "Twelve, Twelve, for what?"

PI: "For a pair."

H: "Oh, he go down, I told him twelve I told him Fourteen."

PI: "Fourteen that's right. Sorry, no I just couldn't remember." ...

H: "For chimp we can get it easy, its what I told you, its easy for me. But the problem I already explained it to you. The problem is that in Guinea they do not allow to put inside like this, as chimp, they will put as monkey. So you can ship with monkey's document because monkey's allowed. Chimp is not allowed in Guinea. Even if they see it in your stock they will take money from you. They will not seize your chimp but money. They will tell you this is not allowed the government dis, dis, dis, dis, dis for money."

PI: "But if they find it how much do they charge you to let the shipment go, to release?"

H: "That's why, that's why I'm telling you. I can give them money before they find it. If I go to the airport, like I'm going to the airport tomorrow, today I can arrange with the airport people to arrange everything. I can change them. Even in my Guinean money can give to them. So they can forget everything. It will not create any problem. They will leave it easily."

PI: "How much do you have to pay them?"

H: "I have to pay them like, id it's too high US\$ 1,000 or US\$ 2,000 if its too high. Because its not only one people, its more people – the veterinary officer, the CITES officer, and the custom. You can find there more than ten people."

PI: "So you've got to pay all of those people to..."

H: "Yeah, small, small, small, small, that's why I'm talking about US\$2,000 or US\$1,000. This is the problem, the problem of documents, problem of airports, this all problem, but problem of chimps, no problem. We can get it you can see you have already checked the pictures."

PI: "And if you send it as a monkey is there a problem?"

H: "Monkey, no problem."

PI: "So you don't have to pay then?"

H: "With monkey I don't have to pay. I can send two pair of chimp with like ten heads of monkeys. Five pairs of monkey together with two pairs of chimps for them to not check well. If they see more chimps, more monkeys, they will say "oh, all this is monkey, leave" . This is easy for me. But if only chimps they will check, they will see it's chimps. I have to pay them money money. This will be my money, my own money and give them. It's why you have to talk with Mr. Alex, we agreed with him, I cannot send you the chimps to tell you the truth because I don't want problem. I cannot send you the chimps alone, in Guinea in my country without another species same as chimps. Like monkey, like barbar(?) monkey, like Patas monkey, like black nose monkey. All this I can send with the chimp but I cannot send the

chimp only. But in the document CITES we will write monkey. So we can send two pairs of monkey, three pairs of monkey with these chimps.”

PI: “And they don’t check at the airport?”

H: “They don’t check, they will not check.”

PI: “So they don’t check the boxes?”

H: “No check, they will not check. They will see in the documents it’s monkeys. They will see in the boxes, even if its one box they can check one box of monkey. Other box of chimp we will inject them for not make noise because the monkeys not make noise as chimps. Chimps are more strong than monkey.”

PI: “Those two chimps that you showed me in the photo you got them from the forest here?”

H: “Yeah I got them from the forest. Babies. They bring them. I have also old ones. Big ones with the guys in the jungle. They told me five pairs. It’s ready. I just have to pay them and they bring it to me. Easy. That’s what I told you. I have five pairs here in Guinea. And in Congo this is the problem of document. This is the problem because only for birds 15 for each head. I don’t know about monkey or chimp how much it will cost for us to pay in Congo. But in Guinea I can get document easy. Only 1 day document of monkey, birds, any of those things, but chimps they will not write on the CITES chimp.”

PI: “But it’s just a question of paying money and then it’s sorted?”

H: “Yeah, yeah, yeah.” ...

PI: “So how long did you have those 2 chimps for that you showed me?”

H: “Now 3 months old. I already sent them to guys in Ghana.”

PI: “What I mean is, how long did you have them with you before you sent them to Ghana?”

H: “Ah, in stock. Only one month. It’s baby I told you, I do whatever with them, they don’t bite they don’t shout, they don’t make noises. They are good with me, very good. There were two baby. Male and female.” ...

PI: “And they caught them in the forest?”



Two baby chimpanzees from a later shipment advertised to our Indonesian dealer by the same dealer the PI interviewed in Conakry. © Private.

H: "Yeah. When the big ones are not there and the babies are together you can come and catch them. Only the babies when the big one are not there. You cannot catch them in front of the big ones. They will fight you there."

PI: "Otherwise you have to kill the big one?"

H: "Otherwise you kill, you kill, the big one, otherwise you cannot take the small ones."

PI: "Did you have to do that for these two?"

H: "They had to do all that, because we are paying them for that."

PI: "Did they kill the others, or how did it work?"

H: "They have to kill, they have to kill the big oneoOtherwise they have to kill them with the...they have experience how to catch them. I never go there in front of them to catch them with me. Only they catch them and call me to come and pick up."

PI: "So they shoot them or what?"

H: "Yeah, they have many things with them which what they catch them. They have more plan to catch them, more plan."

PI: "So they can go and shoot the big ones and get the small ones?"

H: "Yeah, shoot bigger and take the small ones. The big ones, you can catch them only when they are sleeping." ...

PI: "There's one thing I forgot to ask you yesterday. I just wanted to know, the monkeys you sent out, do they go out on C permits, C is captive born? Does the permit say C?"

H: "That's what I told you. You can send the chimps with the C with Congo CITES. Congo CITES no problem."

PI: "And from here, do you send it as monkey but C permit?"

H: "In Congo its possible monkey, but chimp C possible in Congo. But chimp as I told you we cannot make like this here with chimps. We can make as monkey with C permit. C." ...

PI: "What about a gorilla? Is it easy to get a gorilla?"

H: "Easy in Congo, very easy."

b) Extracts from a lengthy conversation with one of the most senior bird and wildlife dealers in Conakry:

MS arrives 12:32 pm

- I can always make re-exportation from Guinean documents.
- The secret is how you import the chimps on your side.
- We can bring them to Bangkok as other animals and from there to Indonesia.
- I have not done this yet but my brother has done this with the Chinese.
- Thailand is very easy. They bribe. If they bribe it is easy. It is very good.

-
- The [official] CITES for chimps is banned at the moment but we expect it to be better next year [2013].
 - In 2013 we expect to pick up CITES again.
 - He does not cause a problem [his referring to the Guinean CITES MA representative].
 - You know in the business the old men drop and the young men come up.
 - The young men which came up accept all.
 - They make him like money.
 - He asks a lot now.
 - He can ask US\$ 5,000 for chimp for CITES.
 - That is a lot that is a hell of a lot.
 - Because they are selling chimps for US\$ 15,000 up to US\$ 25,000. They do not care.
 - They pay a lot to get the CITES.
 - CITES at the moment is a problem from here. It is a problem from Switzerland.
 - Maybe you can black mail it for CITES, like.....
 - I usually send chimps to Beirut and there are no CITES permits [needed].
 - It is easy to get import license for Egypt.
 - I am borne into the business but now no business in birds in 7 years.
 - To Jakarta we can get from here via Egypt.
 - If he needs chimps there is no problem.
 - We have a lot. We have been keeping chimps 10-20
 - Most of them come to me. I keep for them. Because the spies are all over. You know it is forbidden and I take care. We keep them in the bush. When they are ready we bring them here for transit. Maybe 3-5 days and then they go out.
 - For exportation we keep young ones and big ones. Maybe 5-6 years old.
 - I also have very beautiful monkeys from Congo.
 - Bangkok we have good freight. Ethiopian Airlines is going to Bangkok.
- End at 27.34 minutes.

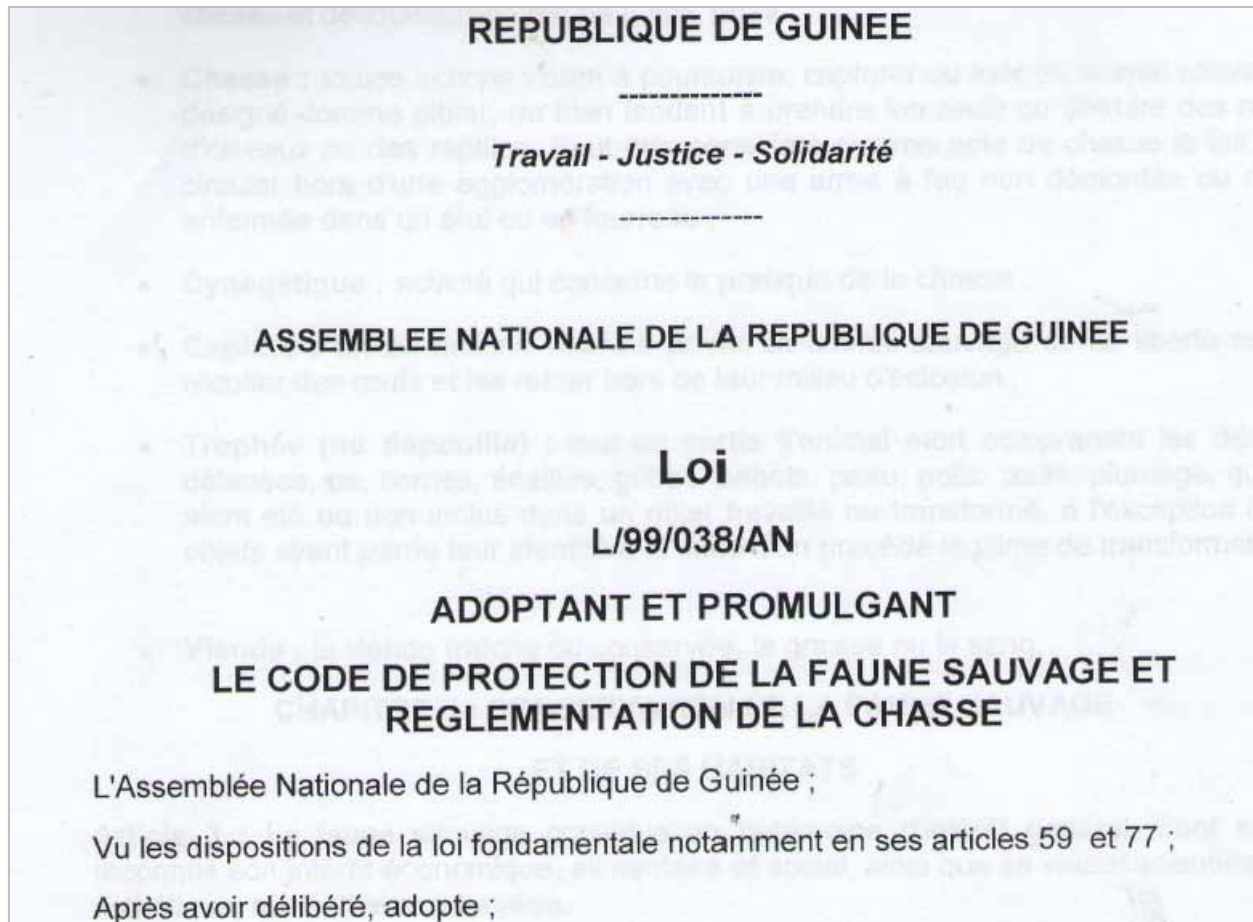


Various bird species kept at a bird dealer's setting in Conakry. © Klaus Sparwasser.



Two of the Guinean wildlife dealers
(all the names of all the parties in Guinea mentioned in this report
are known to the authors). © Private.

Annex VIII – Excerpts from Guinea’s law on wildlife protection and hunting



Translation

“Republic of Guinea – Work-Justice-Solidarity – National Assembly of the Republic of Guinea – Law L/99/038/AN adopting and promulgating ‘The Code on protection of wild fauna and on the regulation of hunting’ ...” (RG 1999).

Section 12 : Permis de capture commerciale et permis d'oisellerie

Article 89 : Nul ne peut capturer des animaux sauvages vivants, les détenir et en faire le commerce sans être titulaire d'un permis de capture commerciale ou d'un permis d'oisellerie. Ces permis doivent être accompagnés d'une autorisation commerciale valable et ouvrant droit, pour la même période, au commerce des animaux considérés.

Article 90 : Les permis de capture commerciale et les permis d'oisellerie sont établis par l'autorité ministérielle chargée de la chasse sur avis du Directeur National des forêts et faune. Ils sont valables pour une durée d'un an à compter de la date de délivrance. Ils ne peuvent concerner que des animaux ne figurant pas sur la liste des animaux intégralement protégés.

Article 91 : le bénéficiaire d'un permis de capture commerciale ou d'un permis d'oisellerie ne peut être qu'une personne ou une société agréée par le Gouvernement, présentant du point de vue technique toutes les garanties jugées nécessaires par le Directeur National des forêts et faune. Il doit être inscrit au registre du commerce.

Article 92 : Le permis de capture commercial est délivré par tranche, variable et renouvelable suivant les possibilités, pour la capture d'un nombre déterminé d'animaux dans les limites maximales de capture fixées par décret, sur proposition de l'autorité ministérielle chargée de la chasse.

Translation

“Section 12: Permit for commercial capture and permit for an aviary

Article 92: The commercial capture permit is issued by tranche, adaptable and renewable according to availability, for the capture of a given number of animals, inside the maximal limits for capture, which are fixed by decree, following a proposal by the Ministerial Authority responsible for hunting.

Article 95: For certain capture operations the Ministerial Authority responsible for hunting may issue the exceptional permission to use nets, traps or other means of capture as detailed in Article 149. This authorization has to be stated on the permit.

The commercial capture permit and the permit for aviaries do not allow the use of firearms.

Article 96: The holder of a capture permit or a permit for an aviary is compelled to keep the register up to date, which is attached to the permit and to enter in there all arrivals and exits [of wild fauna], including their origin: capture, sale, purchase, deaths, births, etc.

Article 97: The beneficiaries of a commercial capture permit or of a permit for an aviary a responsible for the professional conduct of the [capture personnel] (collectors and gatherers) they are employing for the occasion...” (RG 1999).

Article 95 : Pour certaines opérations de capture, l'autorité ministérielle chargée de la chasse peut accorder l'autorisation exceptionnelle d'utiliser des filets, des pièges ou autres moyens de capture énumérés à l'article 149. La mention de cette autorisation doit être portée sur le permis.

Le permis de capture commerciale et le permis d'oisellerie ne permettent pas l'utilisation d'armes à feu.

Article 96 : Le titulaire d'un permis de capture commerciale ou d'un permis d'oisellerie est astreint à tenir au jour le jour le carnet de capture annexé au permis et d'y faire figurer toutes les entrées et les sorties, en mentionnant leur origine : capture, vente, achat, décès, naissance, etc.

Mention est portée sur ce carnet de l'espèce de l'animal capturé, si possible de son sexe, des caractéristiques permettant son identification (marques, bagues, etc.), des circonstances de capture, de la date et de la localité de la capture.

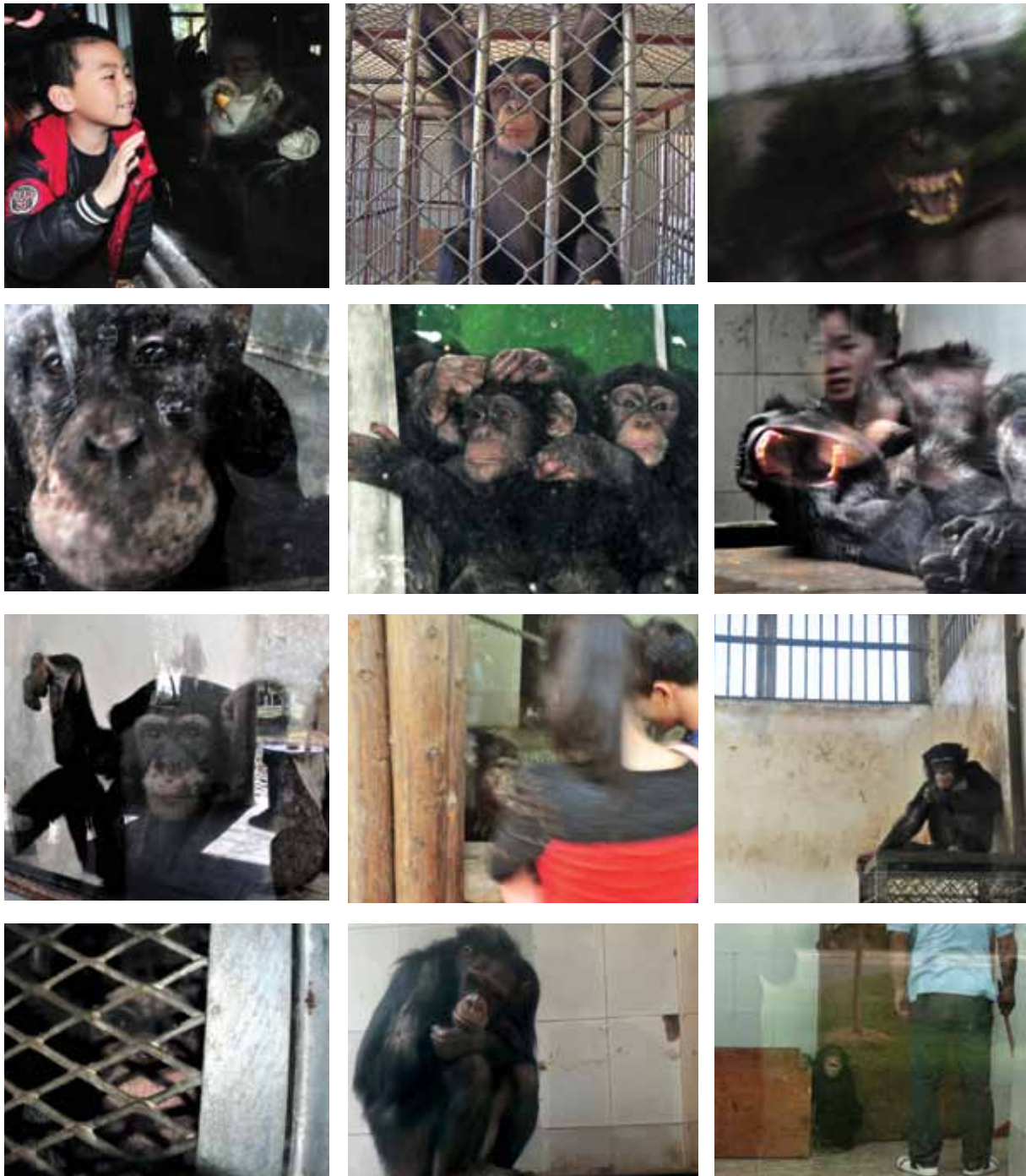
Le carnet de capture doit être présenté à toute réquisition des agents chargés de la police de chasse.

Article 97 : Les bénéficiaires d'un permis de capture commerciale ou d'un permis d'oisellerie sont responsables de l'activité professionnelle des collecteurs et ramasseurs occasionnels dont ils utilisent les services.

Ils sont tenus de délivrer à chacun de ces auxiliaires une attestation, établie en trois exemplaires sur papier portant en en-tête leur nom, leur raison sociale, constatant la subordination desdites auxiliaires, et de leur fournir un carnet de capture délivré par le service forestier.

Cette attestation doit être authentifiée par l'apposition d'une photographie de l'auxiliaire concerné. Elle est obligatoirement visée par le Directeur National des forêts et faune après paiement de la redevance prévue à l'article 82. Le visa peut être refusé au cas où l'auxiliaire ne présente pas les qualités techniques requises ou s'il a été condamné pour délit relatif à la chasse ou à la protection de la faune.

Annex IX – Examples of animal husbandry practices and commercial exploitation of apes in selected Chinese Zoos



Chimpanzee enclosures in selected Chinese Zoos.

© Karl Ammann, Klaus Sparwasser & Private.



Commercial exploitation of illegally imported chimpanzees
in selected Chinese Zoos.

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Annex X – CITES’ definition of “primarily commercial purposes”

In Resolution Conf. 5.10, revised at CoP15, the Conference of the Parties defines the term ‘primarily commercial purposes’ and gives a number of examples to clarify its definition (CITES 1985). In the preamble this resolution states that the CoP is “[a]ware that agreement on interpreting the term ‘primarily commercial purposes’ is important because of the fundamental principle in Article II, paragraph 1 of the Convention [CITES 2013f] that **trade in specimens of Appendix-I species** must be subject to **particularly strict regulations** and **only authorized in exceptional circumstances**” (CITES 1985 – bold letters are ours). In this respect the two general principles, which are outlined in Resolution Conf. 5.10 are of importance:

“2. An activity can generally be described as ‘commercial’ if its **purpose is to obtain economic benefit** (whether in cash or otherwise), and is directed toward resale, exchange, **provision of a service or any other form of economic use or benefit**.

3. The term ‘**commercial purposes**’ **should be defined by the country of import as broadly as possible** so that **any transaction which is not wholly ‘non-commercial’ will be regarded as ‘commercial’**. In transposing this principle to the term ‘primarily commercial purposes’, it is agreed that **all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature, with the result that the import of specimens of Appendix-I species should not be permitted**. The **burden of proof** for showing that the intended use of specimens of Appendix-I species is clearly non-commercial **shall rest with the person or entity seeking to import such specimens.**” (CITES 1985 – bold letters are ours).

With regards to imports via professional dealers the Resolution states: “In such situations, the **import** initially serves a commercial purpose and in principle, therefore, **should be prohibited** under Article III, paragraph 3 (c), of the Convention [CITES 2013g]. **The fact that the dealer states an intention to eventually sell the imported specimen to an undetermined zoo or scientific institution should not change this overall conclusion**. In practice, living specimens are generally imported commercially with just this aim in mind. However, **imports** through a professional dealer **by a qualified** scientific, educational, **zoological** or other non-profit **organization may be considered acceptable, if the ultimate intended use would be for** one of the purposes set out in examples **b) [Scientific purposes], c) [Education or training], and e) [Captive breeding programmes]** above, **and** where a **binding contract** (including a contract conditioned on the granting of permits) for the import and sale of **a particular specimen of an Appendix-I species** has already been concluded between the professional dealer and the purchasing institution and is

presented to the Management Authority of the country of import with the import permit application...” (CITES 1985 – bold letters are ours).

Resolution Conf. 5.10 was amended by the Secretariat and with the decision adopted at the 58th SC meeting in Geneva (Switzerland), from 6–10 July 2009, and further amended at the CoP15 in Doha (Qatar), from 13-15 March 2010 (CITES 1985). It was therefore in place and could have formed the basis of the discussion during the meeting of the Guinean representative of the CITES MA with representatives of the Chinese MA and the Secretariat in Doha (see footnote 2). Furthermore, Resolution 5.10 mentions the import of “a particular specimen of an Appendix-I species, not of sixty-nine specimen, i.e. the number of chimpanzees imported by China from Guinea in 2010, as well as ten gorillas. If China has followed the recommendation given in Resolution Conf. 5.10, its CITES MA should be able to provide documentation showing that they had been provided beforehand with proof by each importing entity, that the import of each single chimpanzee of those sixty-nine specimens was intended for non-commercial purposes (CITES 1985, 2013b+c). Furthermore, the Chinese CITES MA has to be in possession of the originals or copies of all those contracts who should have been concluded between the professional dealers and the purchasing institution, since those contracts should have been the prerequisite to issuing the import permits for those sixty-nine chimpanzees and ten gorillas in 2010 and for all subsequent imports of any Appendix-I specimens thereafter (CITES 1985). We would like to see evidence that those contracts have formed the basis for the issuing of import permits from the responsible CITES Management Authority in China.



**Chimpanzees performing in a Chinese Zoo –
primarily commercial purpose – yes or no? © Private.**

Annex XI – CITES’ definition of ‘bred in captivity’

CITES regulations and definitions of the terms “bred in captivity” and “bred in captivity for commercial purposes” are given in Resolutions Conf. 10.16 (Rev.) “Specimens of animal species bred in captivity” and 12.10 (Rev. CoP15) “Registration of operations that breed Appendix-I animal species in captivity for commercial purposes” (CITES 1997, 2002c), while Resolution Conf. 10.7 (Rev. CoP15) “Disposal of confiscated live specimens of species included in the Appendices” lists the “potential for captive breeding for eventual reintroduction” as one option for the disposal of such confiscated live specimens (CITES 2010b).

The following definitions apply (CITES 1997):

- a) “first-generation offspring (F1)” are specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild;
- b) “offspring of second generation (F2) or subsequent generations (F3, F4, etc.)” are specimens produced in a controlled environment from parents that were also produced in a controlled environment;
- c) the “breeding stock” of an operation means the ensemble of the animals in the operation that are used for reproduction; and
- d) “a controlled environment” is an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

Regarding the term “bred in captivity” the Resolution Conf. 10.16 (Rev.) states that this term shall apply

“...to the specimens bred in captivity of species included in Appendix I, II or II, whether or not they were bred for commercial purposes...” (CITES 1997).

The following definition applies (CITES1997):

- b) the term “**bred in captivity**” shall be interpreted to refer only to **specimens**, as defined in Article I, paragraph (b), of the Convention, **born or otherwise produced in a controlled environment**, and **shall apply only if**:
 - i) **the parents mated...in a controlled environment...; and**
 - ii) **the breeding stock**, to the satisfaction of the competent government authorities of the exporting country:

-
- A) **was established** in accordance with the provisions of CITES and relevant national laws and **in a manner not detrimental to the survival of the species in the wild**;
- B) **is maintained** without the introduction of specimens from the wild, except for the occasional addition of animals,... in accordance with the provisions of CITES and relevant national laws and **in a manner not detrimental to the survival of the species in the wild** as advised by the Scientific Authority:...

“Regarding the **trade in specimens of Appendix-I species bred in captivity**” the Conference of the Parties “recommends that the trade in a specimen bred in captivity **be permitted only if it is marked** in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties **and if the type and number of the mark are indicated on the document authorizing the trade**;... (CITES 1997 – bold letters are ours).

In view of the above and of the fact that the CITES (2011b) mission reports states that:

“The Secretariat often questioned such declarations [C permits], since it was not aware of any captive-breeding facilities in the country.”

the question arises, how any chimpanzees exported from Guinea could have been declared as ‘captive bred’; and why the above recommendation by the Conference of the Parties to mark all traded Appendix-I specimens and to indicate type and number of such mark for each individual traded on the CITES export permit, were not followed by the CITES MA of Guinea, issuing these ‘C’ permits? Furthermore, the authors would like to ask the MA of Guinea to make public their non-detriment findings for chimpanzees in order to proof that such trade as has been ongoing for several years now is not detrimental to the survival of the species in the wild.

Regarding the trade of captive bred Appendix-I animal species for commercial purposes Resolution Conf. 12.10 (Rev. CoP15) states the following in the name of the Conference of the Parties (CITES 2002c; see Annex X):

“... the term ‘**bred in captivity for commercial purposes**’,...shall be interpreted as referring to any specimen of an animal bred to obtain economic benefit, whether in cash or otherwise, where the purpose is directed toward sale, exchange or provision of a service or any other form of economic use or benefit;...

... that the exemption of Article VII, paragraph 4⁴⁴, should be implemented through the **registration by the Secretariat of operations that breed specimen of Appendix-I species in captivity for commercial purposes**;...

“that determination of whether or not to apply the exemptions in Article VII, paragraph 4, for the export of specimens of Appendix-I animals bred in captivity for commercial purposes remains the **responsibility of the Management Authority of the exporting Party** on the advice of the Scientific Authority that each operation complies with the provisions of Resolution Conf. 10.16 (Rev.);...

j) the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned;...

that a) Parties, prior to the establishment of captive-breeding operations for exotic species, undertake an assessment of the ecological risks, in order to safeguard against any negative effects on local ecosystems and native species;

that a) **Parties shall restrict imports for primarily commercial purposes** as defined in Resolution Conf. 5.10 (Rev. CoP15), **of captive-bred specimens of Appendix-I species to those produced by operations included in the Secretariat’s Register** and **shall reject any document granted under Article VII, paragraph 4, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen,...**”

The question arises here **why** as a Party of the Convention, which has agreed to the above responsibility of Parties importing captive-bred Appendix-I specimens for primarily commercial purposes (See: Annex X) **China** does not follow the very agreement, which it is a signatory of? **Why** has **China** been importing 130 chimpanzees from 2009 – 2012, classified as captive-bred, knowing that Guinea does not have a captive-breeding operation included in the Secretariat’s Register? **Why** did **China** not reject all CITES export documents issued by the Guinea MA, which did not specifically identify the mark applied to each specimen, and **why** did **China** not consequently restrict the import of such specimens to those whose origin and documentation complied fully with the agreements as outlined in Resolution Conf. 12.10 (Rev. CoP15), the same Resolution **China** agreed to as a Party to the CITES Convention?

⁴⁴ “4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes,...shall be deemed to be specimens of species included in Appendix II.” (CITES 2013h).

Annex XII – Evaluation of CITES export permits from Guinea-Conakry to China based on CITES rules and regulations

Sources used

1. Resolution Conf. 12.3 (Rev. CoP15). Permits and certificates. (CITES 2002d)

“THE CONFERENCE OF THE PARTIES TO THE CONVENTION...

I. Regarding standardization of CITES permits and certificates

AGREES that:

- a) to fulfil the requirements of Article VI and relevant Resolutions, export and import permits, re-export and pre-Convention certificates, certificates of origin and certificates of captive breeding and artificial propagation (except where phytosanitary certificates are used for this purpose) should include all the information specified in Annex 1 of the present Resolution; ...
- e) if a permit or certificate form, whether issued in an electronic or paper format includes a place for the signature of the applicant, the absence of the handwritten signature or in case of electronic forms any electronic equivalent should render the permit or certificate invalid; ...
- f) for tracking and annual reporting purposes, permit and certificate numbers be limited, if possible, to 14 characters in the format:

WWxxYYYYYY/zz

where WW represents the last two digits of the year of issuance; xx represents the two-letter ISO code of the country; YYYYYY represents a six-digit serial number; and zz represents two digits or letters, or a combination of a digit and a letter, that a Party may use for national informational purposes;

- g) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes:

T Commercial

Z Zoo

G Botanical garden

Q Circus or travelling exhibition

S Scientific

H Hunting trophy

P Personal

M Medical (including biomedical research)

E Educational

N Reintroduction or introduction into the wild

B Breeding in captivity or artificial propagation

L Law enforcement / judicial / forensic; ...

C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and

- derivatives thereof, exported under the provisions of Article VII, paragraph 5. ...

-
- m) Parties that do not already do so affix a security stamp to each permit and certificate; ...
- q) when the means of transport used requires a bill of lading or an air way-bill, the number of such document be stated on the permit or certificate; ...”

“II. Regarding export permits and re-export certificates...

RECOMMENDS that:

- i) no export permit or re-export certificate be issued for a specimen known to have been acquired illegally, even if it has been imported in accordance with the national legislation, unless the specimen has previously been confiscated;
- j) Parties not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin;
- k) Parties verify the origin of Appendix-I specimens to avoid issuing export permits when the use is for primarily commercial purposes and the specimens did not originate in a CITES-registered breeding operation; and
- l) as far as possible, inspections of documents and shipments be conducted at the time of export. This should be regarded as essential for shipments of live animals; ...”

„III. Regarding import permits

AGREES that an import permit for specimens of species included in Appendix I may carry, among other things, certification that the specimens will not be used for primarily commercial purposes and, in the case of live specimens, that the recipient has suitable facilities to house and care for them; ...”

“XIV. Regarding acceptance and clearance of documents and security measures

RECOMMENDS that: ...

- d) Parties refuse to accept any permit or certificate that is invalid, including authentic documents that do not contain all the required information as specified in the present Resolution or that contain information that brings into question the validity of the permit or certificate;^...
- f) Export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as Customs, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the Management Authority of the importing country should liaise with the exporting country's Management Authority, considering any extenuating circumstances or documents, to determine the acceptability of the document; ...
- k) Parties carefully check the e-mails and telefaxes they receive confirming the validity of permits, in order to ensure that the information that appears on them, including the numbers, corresponds to that in the CITES Directory; ...

URGES the Parties to check with the Secretariat:

- a) when they have serious doubts about the validity of permits accompanying suspect shipments; and
- b) before they accept imports of live specimens of Appendix-I species declared as bred in captivity or artificially propagated; ...”

Furthermore, Instructions and explanations as listed in Annex 3 of Resolution Conf. 12.3 (Rev. CoP15) are used to evaluate the specified export permit.

2. CITES Convention – Article II – § 1 (CITES 2013f)

“... trade in specimens of Appendix-I species must be subject to particularly strict regulations and only authorized in exceptional circumstances.”

3. Resolution Conf. 5.10 (Rev. CoP15). Definition of ‘primarily commercial purposes’ (CITES 1985)

“2. An activity can generally be described as ‘commercial’ if its purpose is to obtain **economic benefit** (whether in cash or otherwise), and is directed toward resale, exchange, provision of a service or **any form of economic use or benefit**.”

“3. The term ‘commercial purposes’ should be defined by the **country of import** as broadly as possible so that any transaction which is not wholly ‘non-commercial’ will be regarded as ‘commercial’.”

“In transposing this principle to the term ‘primarily commercial purposes’, it is agreed that all use whose noncommercial aspects do not clearly predominate shall be considered to be primarily commercial in nature, with the result that **the import of Appendix-I species should not be permitted**.”

“The **burden of proof** for showing that the intended use of specimens of Appendix-I species is clearly non-commercial shall rest **with the person or entity seeking to import such specimens**.”

4. Resolution Conf. 10.16 (Rev.). 1997. Specimens of animal species bred in captivity (CITES 1997)

The term ‘bred in captivity’ shall apply

“... to the specimens bred in captivity of species included in **Appendix I, II or III** whether or not they are bred for commercial purposes .“

“b) the term ‘bred in captivity’ shall be interpreted to refer **only to specimens**, as defined in Article I, paragraph (b), of the Convention, **born** or otherwise produced **in a controlled environment**,...”

“.. and shall apply only if: i) the parents mated in a controlled environment..., and ii) the breeding stock...: A) was established...; B) is maintained... in a manner **not detrimental to the survival of the species in the wild**...”

“Regarding the trade in specimens of Appendix-I species bred in captivity“ the CoP
“recommends that [it] be permitted only if [**the specimen** is marked in accordance with the

provisions on marking in the Resolutions adopted by the [CoP] and if the **type and number of the mark are indicated on the document authorizing the trade**;...”

“Parties shall restrict imports for primarily commercial purposes... of captive-bred specimens of Appendix-I species to those produced by operations included in the Secretariat’s Register.”

“... and shall **reject any document**..., if the specimens concerned do not originate from such an operation and if the document does not describe the specific **identifying mark** applied to each specimen.”

5. CITES Convention – Article VIII (CITES 2013a)

“The Parties shall take appropriate measures to enforce provision of the present Convention and to prohibit trade in specimens in violation thereof.”

“These shall include:

- a) to **penalize** trade in, or possession of such specimens, or both, and
- b) to provide for the **confiscation or return** to the State of export of such specimens.”

Permit 1

Export Permit number 003697 – CITES Management Authority Guinea-Conakry

Evaluation of the Export Permit Nr 003697

We follow the ‘Instructions and explanations’ as given in Annex 3 of Resolution Conf. 12.3 (Rev. CoP15), from here on named Source 1 (S1). The numbers cited correspond to block numbers on the sample form in Annex 3; only those numbers are mentioned, which on the specified Export Permit do not correspond to the Agreements as stated in this resolution or which do contravene other CITES regulations as outlined in Sources used 2. – 5. above.

1. The original number does not comply with the agreement as outlined in **Source 1 (S1)** “I f)”.
2. **The date of issue and the expiry date of the permit are illegible; the date of expiry must not exceed six months after the date of issue.**⁴⁵
3. The address of the importer contains a P.O.Box, but no name of a street or other form of physical address of the Shanghai Wild Animal Park. It is therefore questionable if such address can be specified as “complete name and address of the importer”. It is furthermore questionable if a complete address does not also have to include the name of the person responsible at the importing institution.

⁴⁵ Notations in **blue** refer to the legibility of the CITES export permit evaluated.

4. The complete name of the exporter is not stated; only the name of the exporting company. Here again, also only a P.O. Box is given, now physical address. Therefore it again remains the question if such address can be called complete. No signature of the applicant is given. This means that following **S1** “I e)”, the form is invalid.

China did therefore have the obligation to reject this invalid export permit and to prohibit the importation of these eight chimpanzees. See also **S2** and **S5**.

5. The comments under ‘special conditions’ are illegible.

5a. What should have been stated is a code following **S1** “I g)”, for example ‘T’ for commercial and / or ‘Z’ for zoos. In case ‘T’ has been stated **S3** applies and the trade of these Appendix-I specimen for primarily commercial purposes should have been prohibited by China. If ‘Z’ has been stated, China as the importing country should still have been under the obligation to provide proof that the import was primarily non-commercial. Is such proof by China available? If so, we would like to see it.

5b. Is the number of the Security stamp indicated here? The Security stamp should be included with the signature and official seal of the issuing CITES MA at the bottom of the document. As far as can be seen, no Security stamp has been affixed, though. This contravenes **S1** “I m)”.

8. The common name of the species as known in the country issuing the permit is missing.

9. No mark (identification) of the eight animals is given here: since they are stated as ‘C’ this means they are captive-bred following Resolution Conf. 10.16 (Rev.). Therefore **S4** applies. There are not captive breeding facilities in Guinea-Conakry, since otherwise they should have been listed in the respective Register by the CITES Secretariat, which is available on the internet. The responsible Chinese CITES MA could easily have checked here and realized that the description ‘C’ for those animals was fraudulent. It should therefore have rejected “any document..., if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen”.

11a. The total number of specimens exported in the current calendar year (including those covered by the current permit) is not indicated.

12b. The number of the registered captive breeding operation is not given. (Simply, of course, because there is none.) Again, the Chinese CITES MA should have become suspicious here and requested the missing data – see also **S1** “XIV a) + b)”.

13. No Security stamp has been affixed (as far as can be seen/read), and therefore also its number is not stated and clearly legible. Another reason to reject the permit.

14. The export endorsement by the official, who inspects the shipment at the time of export is missing as well.

15. The air way-bill number is missing as well.

CITES CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPÈCES DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION		PERMIS CITES	
<input checked="" type="radio"/> EXPORTATION <input type="radio"/> REEXPORTATION <input type="radio"/> IMPORTATION <input type="radio"/> AUTRES		Original: 00153	
2. Importateur (nom et adresse) NANNING ZOO N°3 DAXUE WEST ROAD, NANNING, GUANGXI PROVINCE P.R. CHINA		2. Valable jusqu'au 01/05/2010	
3a. Pays d'importation: CHINA		4. Expéditeur / Réexportateur (nom et adresse, pays) ANTHAL PARK CONAKRY - GUINEE	
5. Espèces particulières Pour les animaux vivants, ce permis au certificat d'exportation doit être accompagné de la preuve de la conformité des conditions de transport aux exigences de la Convention de la FAO sur le transport des animaux vivants.		6. Nom et adresse, (si différent, adresse nationale et pays de l'organisme gestionnaire) Ministère en Charge de l'Agriculture de l'Elevage de l'Environnement et des Eaux et Forêts Organe de Gestion CITES GUINEE BP 761 CONAKRY Tel: (224) 64.32.04.81 E-mail: boundjala2000@yahoo.fr	
7. N° de la Trappe (voir art. 10, 11 et 12 de la Convention)		8. Description des spécimens (incluant le nombre, l'âge, le sexe, le poids, etc.)	
9. N° de la Trappe (voir art. 10, 11 et 12 de la Convention)		10. Amorce et autres (voir art. 10)	
11. Nombre et autres (voir art. 10)		12. Total espèces vivantes	
13. Pays d'origine: N° permis: Date:		14. Pays de provenance: N° permis: Date:	
15. Pays d'origine: N° permis: Date:		16. Pays de provenance: N° permis: Date:	
17. Pays d'origine: N° permis: Date:		18. Pays de provenance: N° permis: Date:	
19. Pays d'origine: N° permis: Date:		20. Pays de provenance: N° permis: Date:	
21. Pays d'origine: N° permis: Date:		22. Pays de provenance: N° permis: Date:	
23. Pays d'origine: N° permis: Date:		24. Pays de provenance: N° permis: Date:	
25. Pays d'origine: N° permis: Date:		26. Pays de provenance: N° permis: Date:	
27. Pays d'origine: N° permis: Date:		28. Pays de provenance: N° permis: Date:	
29. Pays d'origine: N° permis: Date:		30. Pays de provenance: N° permis: Date:	
31. Pays d'origine: N° permis: Date:		32. Pays de provenance: N° permis: Date:	
33. Pays d'origine: N° permis: Date:		34. Pays de provenance: N° permis: Date:	
35. Pays d'origine: N° permis: Date:		36. Pays de provenance: N° permis: Date:	
37. Pays d'origine: N° permis: Date:		38. Pays de provenance: N° permis: Date:	
39. Pays d'origine: N° permis: Date:		40. Pays de provenance: N° permis: Date:	
41. Pays d'origine: N° permis: Date:		42. Pays de provenance: N° permis: Date:	
43. Pays d'origine: N° permis: Date:		44. Pays de provenance: N° permis: Date:	
45. Pays d'origine: N° permis: Date:		46. Pays de provenance: N° permis: Date:	
47. Pays d'origine: N° permis: Date:		48. Pays de provenance: N° permis: Date:	
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51. Pays d'origine: N° permis: Date:		52. Pays de provenance: N° permis: Date:	
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57. Pays d'origine: N° permis: Date:		58. Pays de provenance: N° permis: Date:	
59. Pays d'origine: N° permis: Date:		60. Pays de provenance: N° permis: Date:	
61. Pays d'origine: N° permis: Date:		62. Pays de provenance: N° permis: Date:	
63. Pays d'origine: N° permis: Date:		64. Pays de provenance: N° permis: Date:	
65. Pays d'origine: N° permis: Date:		66. Pays de provenance: N° permis: Date:	
67. Pays d'origine: N° permis: Date:		68. Pays de provenance: N° permis: Date:	
69. Pays d'origine: N° permis: Date:		70. Pays de provenance: N° permis: Date:	
71. Pays d'origine: N° permis: Date:		72. Pays de provenance: N° permis: Date:	
73. Pays d'origine: N° permis: Date:		74. Pays de provenance: N° permis: Date:	
75. Pays d'origine: N° permis: Date:		76. Pays de provenance: N° permis: Date:	
77. Pays d'origine: N° permis: Date:		78. Pays de provenance: N° permis: Date:	
79. Pays d'origine: N° permis: Date:		80. Pays de provenance: N° permis: Date:	
81. Pays d'origine: N° permis: Date:		82. Pays de provenance: N° permis: Date:	
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87. Pays d'origine: N° permis: Date:		88. Pays de provenance: N° permis: Date:	
89. Pays d'origine: N° permis: Date:		90. Pays de provenance: N° permis: Date:	
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95. Pays d'origine: N° permis: Date:		96. Pays de provenance: N° permis: Date:	
97. Pays d'origine: N° permis: Date:		98. Pays de provenance: N° permis: Date:	
99. Pays d'origine: N° permis: Date:		100. Pays de provenance: N° permis: Date:	

Permit 2: CITES Export Permit ex Guinea to China – No ?00153.

Permit 2

Export permit number ?00153 – Management Authority Guinea-Conakry

Evaluation of the Export Permit Nr ?00153

1. The first digit of the export permit number is illegible. The original number does not comply with the agreement as outlined in **S1** “I f”).

3. The address of the importer does not include the name of a person responsible at Nanning Zoo N° 3 for the import of these three chimpanzees. It is questionable if a complete address does not also have to include the name of the person responsible at the importing institution.

4. The complete name of the exporter is not stated; only the name of the exporting company. Apart from the City (Conakry) and Country (Guinea) no physical address is given for the exporting entity under the name of Animal Park. Therefore it again remains the question if such address can be called complete. No signature of the applicant is given. This means that following **S1** “I e)”, the form is invalid.

China did therefore have the obligation to reject this invalid export permit and to prohibit the importation of these eight chimpanzees. See also **S2** and **S5**.

5a. What should have been stated is a code following **S1** “I g)”, for example ‘T’ for commercial and / or ‘Z’ for zoos. Though, no information regarding the perusal of the three chimpanzees in the importing country China is indicated. Why did the Chinese CITES MA not insist on the respective information before allowing the import of these chimpanzees? Since in case the purpose of import was ‘T’ S3 applies and the trade of these Appendix-I specimen for primarily commercial purposes should have been prohibited by China. If ‘Z’ applies, China as the importing country should still have been under the obligation to provide proof that the import was primarily non commercial. Is such proof by China available? If so, we would like to see it.

No number of the Security stamp is indicated here. The Security stamp should be included with the signature and official seal of the issuing CITES MA at the bottom of the document. Despite this, no Security stamp has been affixed. This contravenes **S1** “I m”).

8. The common name of the species as known in the country issuing the permit is missing.

9. No mark (identification) of the eight animals is given here: since they are stated as ‘C’ this means they are captive-bred following Resolution Conf. 10.16 (Rev.). Therefore **S4** applies. There are no captive breeding facilities in Guinea-Conakry, since otherwise they should have been listed in the respective register by the CITES Secretariat, which is available on the internet. The responsible Chinese CITES MA could easily have checked here and realized that the description ‘C’ for these animals was fraudulent. It should therefore have

rejected “any document..., if the specimen concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen”.

11a. The total number of specimens exported in the current calendar year (including those covered by the current permit) is not indicated.

12b. The number of the registered captive breeding operation is not given. (Simply, of course, because there is none.) Again, the Chinese CITES MA should have become suspicious here and requested the missing data – see also **S1** “XIV a) + b)”.

13. No Security stamp has been affixed, and therefore also its number is not stated and clearly legible. Another reason to reject the permit.

14. The export endorsement by the official, who inspects the shipment at the time of export, is missing as well.

15. The air way-bill number is missing as well.

Conclusion and further questions to the CITES Secretariat and the Chinese CITES MA

We would like to cite from the following CITES document – SC62 Doc.29 – p. 5 – Nr. 30:

“During the September 2011 mission, the CITES Management Authority of Guinea provided the Secretariat with copies of all export permits issued from 2009 to 2011. The Secretariat consequently hired a consultant to analyse these permits and the data on recent trade involving Guinea. From this analysis the following specific matters were identified as being of concern:

- a) a large number of permits were issued for specimens declared as bred in captivity, even though there are no commercial captive-breeding facilities for CITES-listed species in Guinea;
- b) wrong source codes were used;
- c) commercial quantities of Appendix-I species were traded;
- d) the submission of annual reports has been inconsistent and not all trade has been reported, and
- e) CITES permits were not listed in numerical sequence.” (CITES 2012a).

Compared to our above evaluation point e) has not been mentioned by us, since we had no access to all permits in question.

Point d) does not deal with the validity / authenticity of CITES permits issued by Guinea as such.

Point a) – c), and therefore three infringements of the total of four identified by the Secretariat, have also been identified by our evaluation. In addition to that, we have

identified at least nine additional shortcomings (3,4,8,9,11a,12b,13,14,15), which have not. Since the signature of the applicant is missing, the permit is invalid.

5. Questionable, since not completed. No statement regarding IATA regulations is made.

5a. Questionable since not completed.

5. Missing, since no security stamp is affixed in box 13.

8. Missing: "common name of the animal as known in the country issuing the permit" is not given.

9. ok, though: "The sex and age of the live animals should be recorded, if possible." This information is missing.

11. If the quantity is given in the correct manner depends on "the most recent version of the Guidelines for the preparation and submission of CITES annual reports" as was in place at the time of the issuing of the permit.

13. False: "To be completed by the official who issues the permit. The name of the official must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible." All the required information is missing.

Following this situation it seems likely that any information described as being compulsory ("must be...") whilst missing, would render the permit invalid.

14. False: this section has not been completed; the unused blocks have not been struck out, as required.

15. False: the number of the bill of lading or airway bill number has not been entered.

Comment; Especially considering the missing signature in block 4 the respective permit is invalid.



Annex XIII – Correspondence after the China visit

This annex contains (1) the email correspondence between Klaus Sparwasser and Meng Xianlin, Deputy Director of the CITES Management Authority China, following the author's visit to China and to the CoP16 in Bangkok, Thailand, from March 3rd – 14th, 2013, and (2) the email correspondence between Karl Ammann, Klaus Sparwasser and Juan Carlos Vasquez, Communications and Outreach Officer, CITES Secretariat – UNEP, after the CoP16, regarding the whereabouts of the ten gorillas illegally traded from Guinea to China in 2010, as listed in the CITES Trade Database.

Correspondence with Meng Xianlin, Deputy Director, Cites Management Authority, China

„2013/4/24 Klaus Sparwasser <klaus.sparwasser@perentie-productions.de>

To: Mr. Meng Xianlin
(Deputy Director of CITES Management Authority China)
no. 18, Hepingli East Street, Dongcheng District
Beijing 100714, China

Dear Mr. Meng,

I'm the German producer working on a documentary about the international illegal animal trade on behalf of the second German television channel (ZDF) which is one of the biggest broadcasters in Europe. We met on the CoP16 meeting in Bangkok in March this year and you kindly authorized a statement of the Chinese delegation on ape trade from Guinea, West Africa, into China. We agreed that more specific question will be answered as well and have to be hand in in written form. So, please find below our list of questions we'll be happy to get answered by your authority in due course.

We are just about to edit our film which will be finished by the end of May and will be happy to tell the German and European viewers that China supported us in the best possible way by giving us detailed information to all open questions. We believe that for all parties involved it will be helpful to clarify the facts which lead to transactions which were in contrast to the regulations of CITES. Please find also attached our report about our findings in Guinea and China as a data base for cross checks. We are very grateful for your support and looking forward to receiving your response. Thank you very much in advance.

Best reagrds,

Klaus Sparwasser

Questions to the Chinese CITES Management Authority

1. On what basis did the CITES Management Authority (MA) of China agree to issue import permits for this large number of chimpanzees?
2. What due diligence was done as far as checking the permits they received?
3. What was done to verify the export permits with the issuing CITES MA in Guinea?
4. What was done to verify the permits with the Secretariat?
5. Why were the export permits number ?00153 (three chimpanzees to Nanning Zoo N° 3 in 2009) and number 003697 (eight chimpanzees to Shanghai Wild Animal Park in 2011) not rejected and the import of these chimpanzees prohibited, since both permits were invalid due to the fact that the signature of the exporter was missing in Box Nr 4 of the CITES export permit form from Guinea?
6. On the Export Permit number ?00153 no purpose for the import of those three chimpanzees has been stated. What should have been stated is a code following Resolution Conf. 12.3 (Rev. CoP15) – Permits and certificates – I g), for example ‘T’ for commercial and / or ‘Z’ for zoos. Though, no information regarding the perusal of the three chimpanzees in the importing country China is indicated. Why did the Chinese CITES MA not insist on the respective information before allowing the import of these chimpanzees? Since in case the purpose of import was ‘T’ Resolution Conf. 5.10 (Rev. CoP15) – Definition of ‘primarily commercial purposes’ applies and the trade of these Appendix-I specimen for primarily commercial purposes should have been prohibited by China. If ‘Z’ applies, China as the importing country should – following Resolution Conf. 5.10 (Rev. CoP15) – still have been under the obligation to provide proof that the import was primarily non-commercial. Is such proof by China available? If so, we would like to see it.
7. On neither of the two permits (?00153 + 003697) a mark (identification) of the animals is given: since they are stated as ‘C’ this means they are captive-bred following Resolution Conf. 10.16 (Rev.) – Specimens of animal species bred in captivity. Therefore Resolution Conf. 10.16 (Rev.) applies. There are, though, no captive breeding facilities in Guinea-Conakry, since otherwise they should have been listed in the respective register by the CITES Secretariat, which is available on the internet. The responsible Chinese CITES MA could easily have checked here and realized that the description ‘C’ for these animals was fraudulent. It should therefore – following Resolution Conf. 10.16 (Rev.) – have rejected “any document..., if the specimen concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen”. Why did the Chinese CITES MA not follow and apply this Resolution, which it is a signatory of?

8. The number of the registered captive breeding operation is not given on either of these permits. (Simply, of course, because there is none.) Again, the Chinese CITES MA should have become suspicious here and requested the missing data – following Resolution Conf. 12.3 (Rev. CoP15) – XIV a) + b). Why did it not do so?

9. Did the Chinese CITES MA inquire from the Guinea CITES MA why no Security stamps had been affixed to the CITES export permits? Why did the Chinese CITES MA not reject those permits because of the missing Security stamps?

10. What concrete measures were taken after the meeting between the Guinea and China MA at the CoP15 meeting in Doha in March 2010?

11. Were any chimpanzees imported from Sierra Leone in 2011?

12. If so, which measures were taken to verify those CITES permits?

13. Were any gorillas imported in 2010 from Guinea as stated in the CITES trade database?

14. If so, on what basis was the CITES import and export permit issued?

15. Where are these gorillas now?

16. Does China agree with the finding of the Secretariat, which stated in its confidential report on its enforcement mission to Guinea in September 2011 that all these imports were illegal on the basis that there were no C (bred in captivity) chimpanzees in Guinea?

17. Since these imports were illegal, what is China doing about Article VIII of the Convention, which in those cases asks for:

1. Prosecuting the importers.

2. Confiscating illegally imported apes.

3. Repatriating these apes if requested by the country of export?

13. All indications are that not all apes came from Guinea but also from a range of other countries in Central and West Africa. What will be done by the Chinese MA in terms of DNA analysis to establish, which country lost its apes and to offer them an opportunity to organize repatriation?

14. What will China do in future to avoid this kind of looting of African wildlife (besides apes, especially with the recent imports of Zimbabwean elephants in mind)?”

„Von: xianlin meng <mxianlin@gmail.com>

Datum: Montag, 13. Mai 2013 11:53

An: "Dr. Klaus Sparwasser" <klaus.sparwasser@perentie-productions.de>

Cc: wzz <wuzhongzemail@yahoo.com.cn>, wzm <ziming_wan@163.com>

Betreff: Re: International Ape Trade

Dear Mr. Sparwasser,

Thank you for your letter.

I was trips to some provinces for official business, and just back on Sunday.

Referring to your email dated April. 27, 2013, I would like to make further points for your use, following our delegation's statement last month at the verge of CITES CoP.16 in Bangkok.

On your questions from No. 1 to No. 4, and Nrs. 5, 7 and 8, before the issuance of all these import permits, the CITES regulations are fully followed by the CITES Management Authority and the Scientific Authority of China. These regulations include at least the following: Paragraph 3 (a) Article III, *a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved*; Paragraph 3 (b) Article III, *a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it*; and Paragraph 3 (c) Article III, *a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes*. If not found that these requirements are met, the permit of import could not have been issued. Furthermore, the CITES MA of China has very strict requirement for import of live specimens, especially for those from some certain states, which means only after the CITES MA of Guinea had confirmed the validity and authenticity of the export permits and the SA of China had advised that the import will be for purposes which were not detrimental to the survival of the species involved and was satisfied that the proposed recipient of a living specimen was suitably equipped to house and care for it. The import zoos also clearly proved that the purpose of the trade is for zoo or aquarium. Since all these permits were confirmed by the MA of Guinea that they are authentic and valid, which means they are authentic, and valid, meaning they regard the export is in line with CITES regulations.

For question 6, according to paragraph 3, the proof of the purpose of zoo is clear there, since the Nanning Zoo is a legally registered zoo under the law of China. In CITES, it is a general practice that the real purpose of the trade be judged by the state of import, which is in a better position to judge the purpose of the trade.

For question 9, whether to use a Security Stamp or not is totally under the discrimination of the MA of the export state. It's not mandatory for the import state to insist on using them.

For question 10, we have provided all relevant export and import permits to the CITES Secretariat for its information.

For question 11 to 15, we have submitted all trade data to the CITES secretariat. And we are sure the CITES trade database can help you, if you need any information of the import of chimpanzees and gorillas.

For questions 16 to 17, we agree to and followed the findings and recommendations of the Secretariat stated in its confidential report on its enforcement mission to Guinea in September 2011 that there were no C chimpanzees in Guinea. And after that, we rejected all applications of the import of source C chimpanzees from Guinea. The CITES MA of China also made a notification to alter all import & export companies to be careful of the import of primates from Africa.

For your last 2 questions, we don't think it is possible for us to return them to Guinea because the imports have followed all provisions of CITES.

We hope that this information is helpful.

Sincerely yours
Dr. Meng Xianlin"

"Von: "Klaus Sparwasser" <klaus.sparwasser@perentie-productions.de>

Gesendet: Freitag, 31. Mai 2013 12:30

An: "xianlin meng" <mxianlin@gmail.com>

CC: "wzz" <wuzhongzemail@yahoo.com.cn>, "wzm" <ziming_wan@163.com>

Betreff: Re: International Ape Trade

"Dear Mr Meng,

I have to apologize for the delay in getting back to your message, and I thank you very much for your detailed reply. I've studied the answers you provided thoroughly and would like to get back to some important points which are still not clear to me.

In your message you refer to article III of the CITES regulations:

"Paragraph 3 (a) Article III, a *Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved*;
Paragraph 3 (b) Article III, a *Scientific Authority of the State of import is satisfied that the*

proposed recipient of a living specimen is suitably equipped to house and care for it; and Paragraph 3 (c) Article III, a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes."

In case of the imports of apes into China, referring to Paragraph 3a it seems obvious that the person the CITES MA of China communicated with, Mr. Namory Keita, was no longer the officer in charge, as he had been suspended from his duties since 2008. His successor, Mr. Ansoumane Doumboya, told us on our visit to Guinea (and he has confirmed this to us in written form meanwhile) that he pointed out this fact towards the Chinese MA several times but that the Chinese MA continued to write to Mr. Keita. As Mr. Keita was not authorized to confirm the validity of any permit issued, an import permit based on this information should have never been issued.

Referring to the aspect of Paragraph 3b, we were able to trace back more than twenty chimps in Chinese zoos which derived from Guinea and also from other countries in Africa and were imported between 2009 and 2011. Most of them were used in commercial shows (some of which charging extra fees from the visitors) which is in contradiction to the regulations of CITES. All imported chimpanzees from Guinea were declared as "C" for captive born (which is only legal if the chimpanzees in question were bred in second generation). As there are no breeding facilities for chimps in Guinea and some of the chimpanzees imported clearly have come from other African countries (Cameroon, Ivory Coast, Congo), again these import permits should never have been issued.

Article II §1 of the Convention states: "trade in specimens of Appendix-I species must be subject to particularly strict regulations and only authorized in exceptional circumstances."

- In what respect does the importation of 130 chimpanzees in three years fulfil the requirement of 'exceptional circumstances'?

Especially, since in its confidential report of its visit to Guinea in September 2011 the Secretariat states: "In late 2010, the Secretariat's attention was drawn to what appeared to be regular trade in chimpanzees from Guinea. At that stage, the trade appeared to be restricted to China as the country of destination." (CITES. 2011. CITES Mission report - Guinea, 12 - 14 September 2011. Restricted Circulation - for Government and Law Enforcement Purposes Only. Page 4.)

- How can a regular trade be justified as "exceptional circumstances"?

Furthermore, Resolution Conf. 5.10 (Rev. CoP15) states the following: "2. An activity can generally be described as 'commercial' if its purpose is to obtain economic benefit (whether

in cash or otherwise), and is directed toward resale, exchange, provision of a service or any other form of economic use or benefit.“ (Resolution Conf. 5.10 (Rev. CoP15). 1985. Definition of ‘primarily commercial purposes’.)

The young chimpanzees we encountered in a number of Chinese zoos, for example Shanghai Wild Animal Park, were used to perform in front of visitors, tickets for such performances had often to be bought separately from and in addition to the entrance fee for the zoo, while the performances were advertised on large banners and posters. The respective proof of this statement as well as photographic evidence can be found in detail in our publication “The Conakry Connection”, which is freely available on the internet under: <http://www.pax-animalis.org/assets/files/cop16/apet.pdf>.

- How could the Scientific Authority of China be “satisfied” that such kind of commercial use of imported Appendix-I specimen does not have to be considered as “primarily commercial purposes”?

Especially, since Resolution Conf. 5.10 (Rev. CoP15) furthermore states: “3. The term ‘commercial purposes’ should be defined by the country of import as broadly as possible so that any transaction which is not wholly ‘non-commercial’ will be regarded as ‘commercial’.” (Resolution Conf. 5.10 (Rev. CoP15). 1985. Definition of ‘primarily commercial purposes’.)

In addition, Resolution Conf. 5.10 (Rev. CoP15) outlines that: “In transposing this principle to the term ‘primarily commercial purposes’, it is agreed that all use whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature, with the result that the import of Appendix-I species should not be permitted.” (Resolution Conf. 5.10 (Rev. CoP15). 1985. Definition of ‘primarily commercial purposes’.)

In view of the arguments outlined above, which are all based on the respective CITES regulations as well as on the facts we found on the ground in Chinese zoos we actually do not see that “the CITES regulations are fully followed by the CITES Management Authority and the Scientific Authority of China”.

Especially considering that: “The burden of proof for showing that the intended use of specimens of Appendix-I species is clearly non-commercial shall rest with the person or entity seeking to import such specimens.” (Resolution Conf. 5.10 (Rev. CoP15). 1985. Definition of ‘primarily commercial purposes’.)

This would mean that every single entity (zoo, wild animal park, and any other), which imported even a single one of these chimpanzees and / or gorillas must have provided the respective proof to the Chinese CITES MA.

- We would therefore like to see this proof for all of the Appendix-I primates (chimpanzees and gorillas) imported into China during the years 2009 to 2011.

"Furthermore, the CITES MA of China has very strict requirement for import of live specimens, especially for those from some certain states, ..."

- Which are those requirements?
 - Are they laid down in specific Chinese laws or regulations?
- Can we receive a written copy of those requirements?

"... which means only after the CITES MA of Guinea had confirmed the validity and authenticity of the export permits ..."

As mentioned already above and as we outlined in detail in our report, the Chinese CITES MA did knowingly contact the wrong person in Guinea to inquire about the validity and authenticity of the export permits: still in 2011 the MA of China contacted Namory Keita, who at that time was not the CITES MA of Guinea, but only the National Director of the Department of Water and Forests. He in turn, illegally, confirmed the validity and authenticity of the permits.

- Why did the Chinese CITES MA continue to contact Mr Namory Keita, even though representatives of the Chinese CITES MA had met in person with Mr Ansoumane Doumbouya, the Focal Point of the Guinea CITES MA, already in Doha during CoP15 from March 13th – 25th, 2010, where they discussed in a separate meeting with him and with representatives of the CITES Secretariat the "fraud and the tracking of great apes ("... We then adopted certain measures to control the documentation between Guinea and China" (Excerpt of a letter by Ansoumane Doumbouya, Focal point, CITES Management Authority, Guinea, to John E. Scanlon, CITES Secretary-General; in copy to Jonathan Barzdo, CITES Head of Governing Bodies and Meeting Services; Stephen Nash, CITES Head Capacity Building Unit; and David Morgan, CITES Head Scientific Services, in reply to the reception of the CITES mission report to Guinea by the National CITES Authority on October 19th, 2011)?

"... and the SA of China had advised that the import will be for purposes which were not detrimental to the survival of the species involved ..."

-
- Can you provide us with the respective scientific evidence how the 'SA of China' came to this conclusion (see above)?

"... and was satisfied that the proposed recipient of a living specimen was suitably equipped to house and care for it. ..."

- Can you provide us with the respective scientific evidence how the 'SA of China' came to this conclusion (see above)?

"... The import zoos also clearly proved that the purpose of the trade is for zoo or aquarium.

..."

The import of an Appendix-I specimen for a zoo or aquarium does not necessarily make it non-commercial, as stated in Resolution Conf. 5.10 (Rev. CoP15): "If a proposed import of a specimen of an Appendix-I species fits within one of the above examples, all other applicable provisions of the Convention must still be satisfied in order for the import to be acceptable. For example, where the primary purpose for import is scientific study or zoological exhibition, the remaining conditions under Article III, paragraph 3 or 5, as applicable, must still be met. Thus, it is possible for an import for scientific or zoological exhibition purposes to be inappropriate where such import is found to be detrimental to the survival of the species or where, in the case of live specimens, it is found that the ultimate recipient of the specimens lacks facilities suitably equipped to house and properly care for the specimens."

Article III §3 (c) of the Convention states, as you cite yourself at the beginning of your reply: "3 (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes."

This means, stating that *"the purpose of the trade is for zoo or aquarium"*, is no proof for the statement that *"the CITES regulations are fully followed by the CITES Management Authority and the Scientific Authority of China"*. Instead such statement does not automatically imply that the imported specimen will not or are not being used for primarily commercial purposes. Even, if those specimen are imported for zoos or aquaria, the proof that this import is not for 'primarily commercial purposes' still has to be provided, separately.

- Can you provide us that still missing proof for the imports in question?

Especially, since the reality on the ground shows the opposite, namely the blatant use for commercial purposes of those imported chimpanzee specimen by the importing Chinese

Zoos and Aquaria and this is done obviously in agreement and with support of the responsible Chinese CITES MA.

"... Since all these permits were confirmed by the MA of Guinea that they are authentic and valid, which means they are authentic, and valid, meaning they regard the export is in line with CITES regulations. ..."

Article II of the Convention states the following with regard to the export of an Appendix-I specimen: "Article III Regulation of Trade in Specimens of Species Included in Appendix I 1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article. 2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met: ... (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen. "

This means of course, the Chinese CITES MA must have issued an import permit prior to the issuing of a respective export permit for the same specimen by the Guinea CITES MA. Since the Guinea CITES MA first required a valid and authentic import permit from the Chinese CITES MA before it could issue a respective export permit.

This means, when China issued an import permit for any of those chimpanzees and gorillas imported as shown in the CITES Trade Database, it had not yet received any export permit from the Guinea CITES MA. Therefore, the Chinese MA attempts to confirm *"the validity and authenticity of the export permits"* only after receiving the export permit from the Guinea CITES MA occurred only, after the Chinese CITES MA had already made the decision to import the specimen in question.

"... For question 6, according to paragraph 3, the proof of the purpose of zoo is clear there, since the Nanning Zoo is a legally registered zoo under the law of China. In CITES, it is a general practice that the real purpose of the trade be judged by the state of import, which is in a better position to judge the purpose of the trade. ..."

In this context 'Resolution Conf. 12.3 (Rev. CoP15). Permits and Certificates. states that: "The Conference of the Parties to the Convention... I. Regarding standardisation of CITES permits and certificates... Recommends that: ... g) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes:..."

- Why does China, as a member of the Conference of the Parties, not follow its own recommendation?

In Annex 2 to Resolution Conf. 12.3 (Rev. CoP15) it is stated in Box number 5 'If for live animals, this permit or certificate is valid only if the transport conditions comply with the IATA Live Animals Regulations'.

- Has the Chinese CITES MA assured, that those Regulations have been followed for the transport of all those 130 live chimpanzees and 10 gorillas?
- If so, can the Chinese CITES MA provide the respective proof to us?

"... For question 9, whether to use a Security Stamp or not is totally under the discrimination of the MA of the export state. It's not mandatory for the import state to insist on using them. ..."

Contrary to your statement Resolution Conf 12.3 (Rev. CoP15) states: "13. To be completed by the official who issues the permit. The name of the official must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible." In this context, please also notice the analysis of a CITES-II-species permit attached.

"... For question 10, we have provided all relevant export and import permits to the CITES Secretariat for its information. ..."

- Which permits does that entail in detail?

"...For question 11 to 15, we have submitted all trade data to the CITES secretariat. And we are sure the CITES trade database can help you, if you need any information of the import of chimpanzees and gorillas. ..."

As you surely know, the CITES Trade Database does not supply any information regarding the whereabouts of any specimen imported. It only states the name of the exporting and the importing country and the number of specimen traded.

The CITES Secretariat to the contrary states that it is not in possession of any permits from China and that we can instead receive all relevant information regarding the import into and whereabouts of chimpanzees and gorillas in China from the Chinese CITES MA. As Mr. Vasquez stated to us in an interview the permits are public documents under international law.

- So, can you provide us [with] the documents in question?

"... For questions 16 to 17, we agree to and followed the findings and recommendations of the Secretariat stated in its confidential report on its enforcement mission to Guinea in

September 2011 that there were no C chimpanzees in Guinea. And after that, we rejected all applications of the import of source C chimpanzees from Guinea. The CITES MA of China also made a notification to alter all import & export companies to be careful of the import of primates from Africa. ..."

As we outlined in detail in our original questions to you: "There are, though, no captive breeding facilities in Guinea-Conakry, since otherwise they should have been listed in the respective register by the CITES Secretariat, which is available on the internet. The responsible Chinese CITES MA could easily have checked here and realized that the description 'C' for these animals was fraudulent. It should therefore - following Resolution Conf. 10.16 (Rev.) - have rejected "any document..., if the specimen concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen".

- Why did the Chinese CITES MA not follow and apply this resolution before issuing the import permits for these specimen?

The Chinese CITES MA could and should therefore have known right from the start – and not only following the confidential report of the CITES Secretariat in September 2011 – that no captive breeding facility exists in Guinea and that therefore all imports of chimpanzees and gorillas declared as 'C' were illegal and in breach of all relevant CITES regulations by the Chinese CITES MA.

"... For your last 2 questions, we don't think it is possible for us to return them to Guinea because the imports have followed all provisions of CITES. ..."

As we have outlined in detail above, based on the facts available, this is not true.

- Would you therefore be willing to reconsider your reply?

"... We hope that this information is helpful. ..."

Partly yes, and we are very grateful for your response. You'll surely understand that due to the facts listed above some very important questions, together with the ones below, still remained unanswered and we kindly request your support again to unveil all circumstances in regard to the ape imports to China between 2009 and 2011. We'll very much appreciate to receive your answer by the mid of June 2013.

Kind regards,
Klaus Sparwasser

1. On what basis did the CITES Management Authority (MA) of China agree to issue import permits for this large number of chimpanzees?

5. Why were the export permits number ?00153 (three chimpanzees to Nanning Zoo N° 3 in 2009) and number 003697 (eight chimpanzees to Shanghai Wild Animal Park in 2011) not rejected and the import of these chimpanzees prohibited, since both permits were invalid due to the fact that the signature of the exporter was missing in Box Nr 4 of the CITES export permit form from Guinea?

7. On neither of the two permits (?00153 + 003697) a mark (identification) of the animals is given: since they are stated as 'C' this means they are captive-bred following Resolution Conf. 10.16 (Rev.) - Specimens of animal species bred in captivity. Therefore Resolution Conf. 10.16 (Rev.) applies. There are, though, no captive breeding facilities in Guinea-Conakry, since otherwise they should have been listed in the respective register by the CITES Secretariat, which is available on the internet. The responsible Chinese CITES MA could easily have checked here and realized that the description 'C' for these animals was fraudulent. It should therefore - following Resolution Conf. 10.16 (Rev.) - have rejected "any document..., if the specimen concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen". Why did the Chinese CITES MA not follow and apply this Resolution, which it is a signatory of?

8. The number of the registered captive breeding operation is not given on either of these permits. (Simply, of course, because there is none.) Again, the Chinese CITES MA should have become suspicious here and requested the missing data - following Resolution Conf. 12.3 (Rev. CoP15) - XIV a) + b). Why did it not do so?

11. Were any chimpanzees imported from Sierra Leone in 2011?

12. If so, which measures were taken to verify those CITES permits?

13. Were any gorillas imported in 2010 from Guinea as stated in the CITES trade database?

14. If so, on what basis was the CITES import and export permit issued?

15. Where are these gorillas now?

We would therefore like to kindly ask you again to reply to those questions.”

Correspondence with Meng Juan Carlos Vasquez, Communications and Outreach Officer, CITES Secretariat – UNEP

"To: "Juan Carlos VASQUEZ" Juan.Vasquez@cites.org>

From: "Karl Ammann" <karl@karlammann.ch>

Date: 03/26/2013 08:50AM

Cc: "Klaus Sparwasser" <klaus.sparwasser@perentie-productions.de>

Subject: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Dear Mr. Vasquez,

I am referring to our interview and discussions in Bangkok. I trust we agreed that making progress on establishing the whereabouts of the 10 gorillas (if indeed they did not perish in the meantime) would be a goal and an acid test we should be concentrating on. As far as we can see the facts are as follows (please correct if you do not agree):

- The CITES trade data for 2010 show that there were exports and imports permits for 10 'captive' borne gorillas from Guinea to China.
- Guinea has no indigenous gorilla population and certainly no breeding facility so they could not even have come from the wild in the Guinea context.
- At the same time of these exports a well-known South East Asian dealer offered, in writing, gorillas to a range of other wildlife dealers and zoos: FOB Guinea Conakry.
- The dealers in Guinea confirmed that great ape export permits with the C origin generally required a bribe of at least US\$ 5000 to be put on the table of the relevant authorities.
- For such an export permit to be issued would have required such payments (and it would appear also incentives at the importing end for the corresponding import permits). As such it is highly unlikely that this was purely speculative and that no such apes existed or were shipped.
- We established during an earlier shoot in the DRC (around 2010) the existence of a company and dealership in Bukavu in South Kivu which offered two baby Eastern Lowland gorillas in negotiations recorded on hidden camera.
- The Chinese CITES delegation in the introductory question to the 'interview/ statement' were asked to comment on the import of chimpanzees and gorillas. They provided their standard response without pointing out that no gorillas had been involved.
- We have travelled extensively in China and tracked down a lot of the chimps illegally exported/imported but could not find any trace of these gorillas.
- Gorilla babies are known to be a lot harder to keep alive than chimpanzee orphans and there is a good chance that they perished prior to, during or after export. (a fact we also established in the context of illegal gorilla exports to Egypt).
- Mr. van Rensburg [Ransburg](#) in response to my earlier e-mail to you pointed out that any answers regarding the question of who had imported the apes and who was the exporter listed on these

permits, pointed out that the answer would have to come from the MA of the two countries concerned.

- We questioned the MA of Guinea and he was very keen to help but stated that he could no longer do so since all the copies of the corresponding permits had been taken away by the team from the secretariat at the end of 2011.
- Mr. De Mulenar [Meulenaar](#) in a personal comment, while discussing a request for an interview on the subject, confirmed this.
- It would appear that EC then paid for the consultant which was hired by the secretariat to analyze all these permits removed from Guinea.
- There has never been any kind of information as to the results of this analysis, such as how many importers and exporters were involved in these transactions of a purported 130 chimps and 10 gorillas. No indication as to which facilities the gorillas might have gone to etc. this making any of follow up very difficult.
- You were present for the statement of the MA of China on this subject and the absolute refusal to answer any kind of specific questions.
- This tied in with the meeting we had with the Scientific Authority of China, on the same subject, which declared that only the MA could provide such details.

In conclusion, Mr. van Ransburg's advice on this got us absolutely nowhere. The answers are clearly with the secretariat and China and with 10 gorillas involved we sincerely hope that some attempts will be made to establish where they came from and where they went and use the facts relating to this case to ensure it never happens again. In this context we also have an earlier e-mail comment from the MA of Guinea stating: "ceque vous pouvez faire pour aider les pays pauvres dans le gestion de la CITES c'est de leur aider avec les recherches approfondies basées sur les preuves tangibles non des supposition; quant il y a fraude ou falsification des permis que les auteur soient identifiés mais pas pour dire qu'il avaient la responsabilité". As such it is clear that Guinea would like to see the issue resolved and it is clear that the secretariat has all the relevant information to once and for all clarify this case and that they have not done so as far as the Guinea MA is concerned. As you are also aware there are now also exports from Sierra Leone to China in 2011, involving four chimps sent with the W origin (making the transaction even less acceptable then the shipments from Guinea). Plus one chimp which was sent with the purpose code S. But sent to a zoo. We would very much like to locate this chimp as well and see what the scientific basis at this zoo might be (we believe we have located and photographed at least 2 of the above mentioned four apes).

However while the MA of Sierra Leone originally stated that there were no such exports and nobody had issued such permits, to: 'there might have been such exports', to confirming that she had at least one of the corresponding permits on her computer and would be happy to pass it one so we could try to trace the apes in question to: "I have been waiting for the authorization/permission letter from CITES Secretariat to carry out the investigation. I explained to your colleague this morning that it will help to facilitate the go ahead from head office."

We find this strange having been assured over and over that the secretariat are at the service of the member states and as such it is hard to accept why an MA should need the authorization/permission from the secretariat to discuss such pertinent questions. In this case the investigation and filming is for a public broadcaster – the biggest in Europe. The viewers will be EU tax payers who have covered the cost to hire an outside expert to analyze the Guinea permits and pay considerable amounts to bring some of these delegates to these meetings and contribute to the overall budget of CITES. We do feel that the case of the 10 gorillas needs to be finally resolved as an issue of considerable interest and in the context of basic transparency and accountability. (we do appreciate that a lot of the above data comes from the CITES trade statistics which are however just a very first step in establishing the facts behind some of these key transactions).

We believe we also all accept that besides the transactions ending up in the trade statistics there are many others which do not make it and which are often perpetrated by the same traffickers which will go the legal route ("bending the rules in the process") if there is a way and then happily go the illegal one when such loop holes are closed (as with the suspension of Guinea).

Can we work together on closing some of these still existing loopholes?

Regards

Karl Ammann"

"26.03.2013 at 09:53

"Juan Carlos VASQUEZ" <Juan.Vasquez@cites.org>

Dear Mr Ammann,

Thanks for your message. I am responding to you while on leave. It was a pleasure to see you in Bangkok where I have tried to facilitate your work as much as I can. You were able to talk to the Chinese authorities, you have witnessed the sanctions to Guinea and I imagine that you were able to talk to many other stakeholders. Obviously, CITES has its own procedures to follow and respond to 178 Member States. We cannot follow ad hoc tests and procedures created by individuals outside the CITES framework. I would think that it would be more fair to assume that the acid test is for you who is the person that have decided to conduct a journalistic investigation on this case. Let's hope that you succeed on your investigations and will be able to find out what you are looking for yourself. Normally, when investigators are unsuccessful they tend to blame others for their lack of results or own failures but I trust this won't be your case.

As you know, the mandate of finding these 10 specimens has not been given to the CITES Secretariat at the moment. Please be reassured that your legitimate concerns are being evaluated and carefully considered. I would appreciate if you clarify the purpose of submitting these allegations to us? What exactly are you asking for in one line? Then the relevant colleagues will decide on the better place to consider your request and the ways to validate the accuracy of the information you are providing.

Finally, I hope that you will understand that the mandate to act comes from member States, following CITES due process and not from individuals concerned about specific cases. Please bear also in mind that if you are testing the effectiveness of a complex international instrument based on the wrong assumptions or expectations your results will be distorted. Again, good luck with testing your investigator skills and producing an objective and professional documentary.

Thanks for your consideration.

Kind
Juan Carlos

regards,

Juan Carlos Vasquez

Communications and Outreach Officer

CITES Secretariat – UNEP

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Von: Juan Vasquez <juan.vasquez@cites.org>

Datum: Montag, 22. April 2013 18:59

An: "Dr. Klaus Sparwasser" <klaus.sparwasser@perentie-productions.de>

Cc: Karl Ammann <karl@karlammann.ch>, Tom DE MEULENAER <Tom.DE-MEULENAER@cites.org>

Betreff: Fw: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Dear Mr Sparwasser,

Please see below in red some responses to your questions provided by the colleagues in charge of this matter.

Kind regards,

Juan Carlos"

"From: Klaus Sparwasser <klaus.sparwasser@perentie-productions.de>

To: Juan Carlos VASQUEZ <Juan.Vasquez@cites.org>,

Cc: Ammann Karl <karl@karlammann.ch>, Iris Sparwasser
<Iris.sparwasser@naturtraum.de>, "Tom.DE-MEULENAER@cites.org

<Tom.DE-MEULENAER@cites.org>

Date: 26.03.2013 11:04

Subject: Re: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Dear Mr. Vasquez,

I very much appreciate the political correctness of your answer to Mr. Ammann's question and your efforts in Bangkok to arrange interviews, and I of course understand the bureaucratic procedure of CITES as an international institution, and I also understand that these kind of questions are not really welcome may they be justified or not. It's not our intention as media to emphasize on allegations or to blame you or CITES respectively for having done anything wrong but there are just some simple questions which can be answered straightforward with a simple "yes" or "no", and we are still missing a clear official statement by CITES on this even though we talked to many people during our stay in Bangkok.

- The ten gorillas in question show up in the CITES trade statistics of 2010. Thus there must have been export and import permits issued by the MA of the exporting and importing country. Keeping in mind what it costs to get the falsified paperwork done this trade has very like really taken place and

the gorillas were shipped to China from Guinea. Mr. van Rensberg advised us to talk to the MAs of the countries in question what we did in both cases. The MA of Guinea stated that the CITES commission visiting the country in 2011 had taken all copies of the permits issued with them which has been confirmed by Mr. De Meulenaer even though he couldn't tell if the filed copies were handed over completely. So this are the questions which arise from the facts mentioned above:

- Does CITES know anything about the proposed trade of 10 gorillas exported from Guinea to China in 2010?

If 'CITES' means the CITES Secretariat, then the answer is no. The Secretariat is normally not involved in trade transactions between Parties nor in the issuance of relevant CITES Permits and Certificates, of which tens of thousands are delivered every year.

- Is CITES in the possession of copies of the permits issued?

No. We have stated this on a number of occasions, and do not understand your insistence. Copies of export/import Permits should be with the CITES MAs of Guinea (but obviously not if the export permit was a fake) and China.

- Does CITES know anything about the whereabouts of these 10 gorillas?

No. In the absence of meaningful information from Guinea, which in itself is remarkable, the Chinese MA should be consulted. The Chinese SA should also be aware of the transaction.

In theory, the Secretariat could start an inquiry into the whereabouts of all CITES specimens that were traded with dubious Guinean permits over the last few years, and a focus on the Appendix I listed species involved would seem warranted. But presumably, most specimens were imported legally, meaning that they are largely beyond further legal actions.

- Can you provide access to the report and data base of the 2011 visit?

Yes, we could provide Caldwell's analysis of the permits that we received in Conakry and of the trade data in the CITES data base. As in the trip report, there is nothing more about the gorillas than what is already known. This has been explained repeatedly.

We'll follow up this case in the future independently from our film and even if it's "only" 10 gorillas, maybe not as an acid test but to show that if such things can still happen even today there seems to be a true gap between claim and reality in regulating animal trade and that the system due to what

circumstances ever doesn't work as it should. **True enough. The challenge of implementing and developing/refining wildlife regulations will remain significant and would need stronger public and private support. It would be naive to think or expect otherwise.**

Best regards,

Klaus Sparwasser”

“From: Klaus Sparwasser [<mailto:klaus.sparwasser@perentie-productions.de>]

Sent: Monday, 20 May, 2013 9:32 PM

To: Juan Carlos VASQUEZ

Cc: Karl Ammann; Nickel, Elsa; Tom.DE-MEULENAER@cites.org; Dr. Hugo-Maria Schally; John Scanlon; Ben.JVANRENSBURG@cites.org

Subject: Re: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Importance: High

Dear Mr. Vasquez,

Please allow to summarize our mail exchange during the last couple of weeks just to put the facts on record.

1. On the 26th of March 2013 I sent you a list of specific questions mainly concerning the permits and whereabouts of 10 gorillas which according to the trade statistic of CITES have been exported from Guinea to China in 2010.
2. You answered to this email on the 24th of April 2013 (!) stating that the secretariat does not know anything about the whereabouts neither of the 10 gorillas nor of the copies of the documents issued for them.
3. You further offered us insight into the Caldwell report which analyzed the permits the CITES commission collected on the visit to Guinea in 2011.
4. Since then we've been requesting to get a copy of this report several times but haven't received any answer nor the report itself yet.
5. In your talk with Mr. Ammann at the meeting in Bangkok you state (by holding the copies of the export permits of 8 chimpanzees in your hand, which Mr. Ammann got from the dealers in Guinea) that "these are public documents under international law".
6. What does this mean in terms of the permits the CITES commission collected in Guinea in 2011?

Let me also summarize the conclusions we are having the ability to draw from the information you provided.

1. If it is true what you told in the talk with Mr. Ammann, that CITES stopped collecting copies of the documents issued from their member countries on a regular basis more than ten years ago, then in our eyes the whole control system of CITES based on these permits is a joke.
2. What are all these copies for if they are NOT collected and verified by the CITES secretariat regularly?
3. If the copies had been controlled on a regular basis, don't you agree that the irregularities of the MA of Guinea had become obvious very much earlier?
4. Looking at the administrative capacities and the daily routines of corruption in countries like Guinea nobody will honestly expect to get even a half way serious data base by just believing the announcements of the countries in question without controlling them in a verifiable way.
5. You invited Mr. Ammann in your talk to help the secretariat "to combat the criminals operating and abusing the system". If we take him and his /our recherche for our film as some kind of independent third party auditing, may it be welcome or not, how shall he /we help the secretariat to combat crime if he /we don't get access to crucial information as in the case of the Caldwell report?
6. You also asked Mr. Ammann if he "sees this room" pointing to the plenary hall which was half full of NGOs and you told him that he would't find any event with such an amount of transparency.
7. Keeping this in mind we are requesting insight into the Caldwell report again to put our film on the utmost possible reliable basis.

Thank you very much for your support.

Best regards,
Klaus Sparwasser

Dear Mr. Vasquez,

With this I'm trying it once more again to get an answer to my request to hand out the Caldwell report as you offered in your latest mail (see below). We really will very much appreciate to be able to base our documentary on existing facts. The delay or maybe denial of getting insight lead us to the conclusion that there are information in it which shall not be made public. We definitely won't speculate in our film what the reasons are for this but have

to tell then that it was impossible to get to the proper information from the Secretariat to compare our results with the findings of the CITES commission in 2011. I'm looking forward to receiving your reply.

Thank you very much again.

Best regards,
Klaus Sparwasser

Dear Mr. Vasquez,

We are still waiting for the right of access to the Caldwell report you offered us (s. below) and an answer to the additional remarks and questions I sent you (see also below). As the message of our film will strongly depend on the database provided by the CITES Secretariat and as there is not very much time left to get it into our documentary still, I'll very much appreciate if you send the information requested as soon as possible.

Thank you very much in advance.

Best regards,
Klaus Sparwasser

Dear Mr. Vasquez,

As the deadline for our film is getting closer, may I remind you of your offer providing us the Caldwell report that we can cross-check our results with the data base of CITES?

Thank you very much in advance.

Best regards,
Klaus Sparwasser

Dear Mr. Vasquez,

Thank you very much for your reply. I'm sorry to bother you again but insisting and not being satisfied with the first answer if it brought up new questions is one of the primary obligations

of investigative journalism. So please find my remarks /further questions below. As we are going into the post production of our documentary which will be finished at the end of May we'll appreciate to receive your statements in due course to take them into account for our film. Thank you very much in advance.

- Does CITES know anything about the proposed trade of 10 gorillas exported from Guinea to China in 2010? **If 'CITES' means the CITES Secretariat, then the answer is no. The Secretariat is normally not involved in trade transactions between Parties nor in the issuance of relevant CITES Permits and Certificates, of which tens of thousands are delivered every year.**

- As far as we understand the secretariat is meant to be consulted by the importing country if there are any question marks regarding the export or the export permit. In the case of the ten gorillas the secretariat obviously received the returns from Guinea and China which finally resulted in the listing for these gorillas in the CITES trade statistics for 2010. All indications point to the fact that a CITES import and export permit was actually issued. Additional information on wildlife dealers offering gorillas ex Guinea to a wide range of potential buyers exactly during this period of time lead to the conclusion that these gorillas finally have been in fact exported and according to the permits issued they went from Guinea to China.
- In the official CITES document of the meeting of the Standing Committee in Geneva last year, SC62 Doc.29 - p. 5 - Nr. 30 (2012), is stated:

During the September 2011 mission, the CITES Management Authority of Guinea provided the Secretariat with copies of all export permits issued from 2009 to 2011. **The Secretariat consequently hired a consultant to analyse these permits and the data on recent trade involving Guinea**. From this analysis the following specific matters were identified as being of concern:

- a) a large number of permits were issued for specimens declared as bred in captivity, even though there are no commercial captive-breeding facilities for CITES-listed species in Guinea;
- b) wrong source codes were used;
- c) commercial quantities of Appendix-I species were traded;
- d) the submission of annual reports has been inconsistent and not all trade has been reported; and SC62 Doc. 29 - p. 6
- e) CITES permits were not issued in numerical sequence.

- Is CITES in the possession of copies of the permits issued? **No. We have stated this on a number of occasions, and do not understand your insistence. Copies of export/import Permits should be with the CITES MAs of Guinea (but obviously not if the export permit was a fake) and China.**

- We insist as your statement and the one we got from Mr. De Meulenaer is in contrast to the statements in the SC62 Doc29 paper above. From our point of view the passages cited mean that the Secretariat must have knowledge /be in the possession of the permit for the ten gorillas, since they, as stated above, obviously were traded in 2010 and appear in the official CITES trade database. As you (and the SC62 Doc29 document as well) point out, the permits from Guinea have been compared with the trade database. In the 'matters of concern' of the SC62 Doc.29 document nothing is mentioned about any missing permit for the ten gorillas among the permits the secretariat received from Guinea - which one would have expected if the permit was not among the copies the secretariat received.
- Referring to your statements below and the announcements in the SC62 Doc29 document there is a report about the permits the CITES commission received in Conakry in 2011 comparing the permits issued with the trade database (Caldwell report). As stated above repeatedly we still do not understand how the ten gorillas could show up in the trade statistics if there were no permits issued at any time. Showing up in the trade statistics means that from our point of view these permits of course must have been issued once which in return means that if falsified permits have been used (which nevertheless for what reason ever have been handed in to Geneva) a reasonable amount of bribe must have been paid for these ten gorillas beforehand which is just one more indication that in fact they went to somewhere.

- Does CITES know anything about the whereabouts of these 10 gorillas? **No. In the absence of meaningful information from Guinea, which in itself is remarkable, the Chinese MA should be consulted. The Chinese SA should also be aware of the transaction.**

- As you know we have tried to consult the Chinese MA in Peking and in Bangkok and got a statement confirming that they imported APES. (By the way this same term was also used in the Chinese intervention during

the great ape debate when China stated that their APE imports were all legal.)

- We'll further send the Chinese MA a detailed catalogue of questions to be answered in terms of the import of chimpanzees from Guinea and the ten gorillas as well in written form, reminding Mr. Meng to his promise to answer all these questions if we hand them in officially. The answer we'll hopefully get will of course have some influence on the picture we'll be able to draw about the role of China in the international animal trade in the western public.

In theory, the Secretariat could start an inquiry into the whereabouts of all CITES specimens that were traded with dubious Guinean permits over the last few years, and a focus on the Appendix I listed species involved would seem warranted. But presumably, most specimens were imported legally, meaning that they are largely beyond further legal actions.

- I assume we agree on the fact that this theory should become practice. Please find attached an analysis of the permits for 8 chimpanzees from Guinea to Shanghai Wild Animal Park in China and of three chimpanzees from Guinea to Nanning Zoo. We are very much interested to hear your opinion whether you consider this a legal transaction. Article 8 of the convention in case of illegal transactions states the prosecution of the importers and exporters, the confiscation and the repatriation of the animals. Will the secretariat enforce the implementation of its own regulations in the case of these 8 chimpanzees?

- Can you provide access to the report and data base of the 2011 visit? **Yes, we could provide Caldwell's analysis of the permits that we received in Conakry and of the trade data in the CITES data base. As in the trip report, there is nothing more about the gorillas than what is already known. This has been explained repeatedly.**

- Thank you very much for your offer. We very much appreciate the possibility to judge for ourselves and with this are requesting for a pdf copy of the Caldwell report by email as soon as possible.

We'll follow up this case in the future independently from our film and even if it's "only" 10 gorillas, maybe not as an acid test but to show that if such things can still happen even today there seems to be a true gap between claim and reality in regulating animal trade and that the system due to what circumstances ever doesn't work as it should. **True enough. The challenge of implementing**

circumstances ever doesn't work as it should. **True enough. The challenge of implementing and developing/refining wildlife regulations will remain significant and would need stronger public and private support. It would be naive to think or expect otherwise.**

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Sent: Monday, 20 May, 2013 9:32 PM

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Subject: Re: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Importance: High

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6. What does this mean in terms of the permits the CITES commission collected in Guinea in 2011?

-
- Reports provided: 0 (!).

We'll very much appreciate any kind of information explaining this attitude against media to us.

Thank you very much.

Kind regards,
Klaus Sparwasser“

“Von: Juan Carlos VASQUEZ <Juan.Vasquez@cites.org>

Datum: 30. Mai 2013 18:14:14 MESZ

An: Klaus Sparwasser <klaus.sparwasser@perentie-productions.de>

Kopie: "Achim.Steiner@unep.org" <Achim.Steiner@unep.org> ,

"Ben.JVANRENSBURG@cites.org" <Ben.JVANRENSBURG@cites.org> , "Nickel, Elsa"

<Elsa.Nickel@bmu.bund.de> , "Dr. Hugo-Maria Schally"

<hugo-maria.schally@ec.europa.eu> , John Scanlon <john.scanlon@cites.org> , Karl

Ammann <karl@karlammann.ch> , "Tom.DE-MEULENAER@cites.org" <[\[MEULENAER@cites.org\]\(mailto:MEULENAER@cites.org\)>](mailto:Tom.DE-</p></div><div data-bbox=)

Betreff: Re: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Dear Mr Sparwasser,

Thank you for your message. We have a small Secretariat and do our best to respond to enquiries made to us by our 178 Parties, IGOs, NGOs, mainstream media and the general public. With regard to your concerns, we have already responded on several occasions to your questions.

We have arranged interviews for you with our Secretary-General, a Senior Officer of our Scientific Unit and the CITES Authorities of China.

You and your team were accredited as media representatives to attend the 16th meeting of the Conference of the Parties (CoP16) held in Bangkok in March of this year. You were able to follow the discussions and speak with all stakeholders in relation to the specific issues of concern to you.

Prior to the CoP16 you were also accredited to attend the meetings of our Standing Committee (SC) where all issues dealing with Guinea were discussed in open session. All of the papers prepared by the Secretariat for the consideration of the Committee (and the CoP16) were publicly available and posted on our website.

I have spent considerable time with you and your colleagues explaining the situation and providing the details that we have at our disposal. Regrettably, you do not seem satisfied with our responses and keep repeating the same questions. Once again, we bring to your attention our previous replies.

1. With regard to permits, the Secretariat does not systematically review permits and certificates issued by Parties. These cover some 1,000,000 trade transactions per year and it would obviously be unrealistic for the Secretariat to carry out such a task. CITES procedures for the issuance of permits and certificates are provided in Resolution Conf. 12.3 (available at <http://www.cites.org/eng/res/12/12-03R15.php>). What Parties are required to do under Article 8 of the Convention is to report annually all the transactions they have authorized and these data are made publicly available through our trade database at:

http://www.unep-wcmc-apps.org/citestrade/expert_accord.cfm?CFID=50081823&CFTOKEN=74053885

2. Concerning Guinea, it was the Secretariat that detected the apparent irregularities prior to and during a mission to that country. The Secretariat brought its findings and concerns to the attention of the CITES SC which, after examining the situation (on several occasions) and establishing that Guinea had failed to take specific actions, agreed to suspend all trade in CITES-listed species from Guinea in March 2013. All of the SC discussions were held in open session and all of the Secretariat documents were publicly available on the website.

3. The report that you refer to was part of the background materials compiled by the Secretariat to inform the SC and formulate relevant recommendations. The report was not included in the Secretariat documentation to the SC and, while we are prepared to release it, we must first consult with the Parties concerned. The Secretariat reports to the Parties to the Convention and does not release documents concerning a Party without first clearing it with them. We are following through on this issue, noting that we have many other pressing

priorities. We can simply repeat that the report does not contain any data or information on the gorilla cases you are inquiring about, and will in all likelihood be of far less utility to you than you seem to imagine.

4. What needs to be stressed is the fact that all commercial trade in CITES-listed species from or to Guinea has been suspended by the CITES SC until further notice on the recommendation of the Secretariat as a result of the existing CITES compliance mechanisms. Suspending trade in natural resources is not a 'joke' nor a trivial matter under international law and few treaties - let alone environment- related ones - can take such drastic measures. We would appreciate if you could highlight the decision of the SC to take these exemplary compliance measures in your documentary.

5. While the CITES permit system is operating effectively in most instances, this does not mean that it cannot be abused by unscrupulous traders and organized crime. The same comment can apply to any regulatory process. CITES is the only globally applied system in existence that regulates international trade in wild fauna and flora and it does so in an open, transparent, successful and controllable manner that cannot be merely judged on the basis of single cases or incidents.

6. It seems that you are misreading document SC62 Doc. 29 or misunderstanding our previous response. We have copies of the permits that the Guinean authorities gave us during the mission mentioned above. As already mentioned to you on several occasions, the permits that you are asking for were NOT amongst them, presumably because they were alleged to be fakes.

7. As explained before, international trade in CITES-listed species is reported by exporting, re-exporting and importing Parties to CITES. Data gathered is cross-checked and discrepancies analysed. As you know and mention in your message, in this specific case, it was not the exporting country that reported the transactions.

8. Regarding the legal nature of CITES permits, our statement that CITES permits are public documents under international law referred to the legal definition of 'public document'. We did not mean that they are available to the general public. A public document is defined as follows by *Ilammatt v. Emerson*. 27 Me. 335, 40 Am. Dec. 59S:

What is PUBLIC DOCUMENT?

A state paper, or other instrument of public importance or interest, issued or published by authority of congress or a state legislature. Also any document or record, evidencing or connected with the public business or the administration of public affairs, preserved in or issued by any department of the government.

9. The SC has extensively dealt with the compliance issues related to illegal wildlife trade

originated in Guinea and the Secretariat was not asked to follow up on the specific issues that seems of most concern to you. The question regarding the whereabouts of the gorillas that were traded is an issue the SC decided not to further pursue. If you have questions in this regard, they need to be directed to the Management Authority of China rather than the Secretariat.

10. While aware that the CITES system can be improved, we do not think that continually attacking the Convention and its Secretariat is the best way to prevent wildlife crime or support your query. The Secretariat will continue to fulfill the mandate given by the Parties to CITES, just as it did in conducting missions to Guinea and reporting on its findings and making recommendations to the SC on compliance issues.

I trust that you will find these final responses to your questions helpful. We wish you all the best luck with finalizing your documentary, and hope that it will carry a fair, accurate and balanced message that highlights the challenges of implementing CITES but also recognizes the significant compliance actions that have been taken by the SC on advice received from the Secretariat and the important role and achievements of CITES in conserving wild fauna and flora during these 40 years.

Kind regards,

Juan Carlos

Juan Carlos Vasquez

Communications and Outreach Officer"

"Von: Klaus Sparwasser <klaus.sparwasser@perentie-productions.de>

Datum: Donnerstag, 6. Juni 2013 18:15

An: Juan Vasquez <juan.vasquez@cites.org>

Cc: "Achim.Steiner@unep.org" <Achim.Steiner@unep.org> ,

"Ben.JVANRENSBURG@cites.org" <Ben.JVANRENSBURG@cites.org> , "Nickel, Elsa"

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Betreff: Re: Outstanding issues concerning the 10 gorillas listed in the CITES trade statistics

Dear Mr Vasquez,

Thank you very much for your email of May 30th, 2013, and all your comments to our questions.

Please find my reply in your text below:

Dear Mr Sparwasser,

Thank you for your message. We have a small Secretariat and do our best to respond to enquiries made to us by our 178 Parties, IGOs, NGOs, mainstream media and the general public. With regard to your concerns, we have already responded on several occasions to your questions.

While we certainly acknowledge the time and efforts spent by you with regards to our inquiries, we cannot help but mention that most of those replies were only given to us after a lengthy period of regular reminders sent by us and asking for a reply from your side. Though you state that you have responded to our questions on several occasions, there are still a number of pressing questions and issues, which remain unanswered until today. It is for that reason only that we keep repeating those questions to you and the CITES Secretariat.

We have arranged interviews for you with our Secretary-General, a Senior Officer of our Scientific Unit and the CITES Authorities of China.

You and your team were accredited as media representatives to attend the 16th meeting of the Conference of the Parties (CoP16) held in Bangkok in March of this year. You were able to follow the discussions and speak with all stakeholders in relation to the specific issues of concern to you.

Prior to the CoP16 you were also accredited to attend the meetings of our Standing Committee (SC) where all issues dealing with Guinea were discussed in open session. All of the papers prepared by the Secretariat for the consideration of the Committee (and the CoP16) were publicly available and posted on our website.

This is nothing we consider necessary worth mentioning as a special kindness and generosity by the CITES Secretariat to us. To the contrary, it is simply what we expect from an international civil service organization, which is financed by taxpayers' money and as an UN organization certainly has to ensure freedom of the press. Therefore accrediting me and my team as representatives of the biggest German public broadcasting institution to the meetings and conventions mentioned by you above, has not been any more than your / the CITES Secretariat's basic duty.

I have spent considerable time with you and your colleagues explaining the situation and providing the details that we have at our disposal. Regrettably, you do not seem satisfied with our responses and keep repeating the same questions. Once again, we bring to your attention our previous replies.

In your capacity as the Communications and Outreach Officer of the CITES Secretariat, organizing press meetings between media representatives and representatives of the Parties to the Convention is certainly one of your many daily tasks and as such we do not consider it a special favour to us.

As you state yourself and as we keep repeating as well, no, we are not satisfied with your responses to a number of our most pressing questions. Therefore we see no other chance but to keep repeating them to you as the Communications and Outreach Officer of the only international organization responsible for the regulation of trade in endangered species.

1. With regard to permits, the Secretariat does not systematically review permits and certificates issued by Parties. These cover some 1,000,000-trade transactions per year and it would obviously be unrealistic for the Secretariat to carry out such a task. CITES procedures for the issuance of permits and certificates are provided in Resolution Conf. 12.3 (available at <http://www.cites.org/eng/res/12/12-03R15.php>). What Parties are required to do under Article 8 of the Convention is to report annually all the transactions they have authorized and these data are made publicly available through our trade database at: http://www.unep-wcmc-apps.org/citestrade/expert_accord.cfm?CFID=50081823&CFTOKEN=74053885

As you are certainly aware, and as is stated in Article VIII (7) of the Convention, information of exporters and importers does not need to be provided in the reports to the Secretariat and they are also not published in the CITES Trade Database.

On the other hand, Article VIII (7) means as well, that all animals listed in the CITES Trade Database have certainly been traded, and hence the respective export and import permits or (carbon) copies thereof for each of these shipments listed in the CITES Trade Database have to be available in the country of export and import, respectively. This would include the permit or permits for the ten (10) gorillas traded from Guinea to China in 2010 as listed in the CITES Trade Database.

2. Concerning Guinea, it was the Secretariat that detected the apparent irregularities prior to and during a mission to that country. The Secretariat brought its findings and concerns to the attention of the CITES SC which, after examining the situation (on several occasions) and establishing that Guinea had failed to take specific actions, agreed to suspend all trade in CITES-listed species from Guinea in March 2013. All of the SC discussions were held in open session and all of the Secretariat documents were publicly available on the website.

As you are stating yourself below (3), the analysis from the consultant hired by the Secretariat was not made publically available. Document SC62 Doc29 – page 5, simply states:

“30. During the September 2011 mission, the CITES Management Authority of Guinea provided the Secretariat with copies of all export permits issued from 2009 to 2011. The Secretariat consequently hired a consultant to analyse these permits and the data on recent trade involving Guinea. From this analysis the following specific matters were identified as being of concern:

a) A large number of permits were issued for specimens declared as bred in captivity, even though there are no commercial captive-breeding facilities for CITES-listed species in Guinea;

b) Wrong source codes were used;

c) Commercial quantities of Appendix-I species were traded;

d) The submission of annual reports has been inconsistent and not all trade has been reported; and

e) CITES permits were not issued in numerical sequence.”
Therefore, and since the ten (10) gorillas have been officially listed in the CITES Trade Database as having been traded in 2010, the CITES Secretariat must be in possession of the respective copies of the export permits for these ten gorillas.

We therefore ask you and the Secretariat once more:

- **Who were the Chinese importers listed in the export permits for these ten gorillas?**
- **What does the Secretariat know about the whereabouts of these ten gorillas and their fate until today?**
- **Why did the Secretariat not follow up on those permits and the ten gorillas, since no gorillas, neither wild nor captive-bred (as stated in the CITES Trade Database), occur in Guinea, therefore this trade was automatically fraud and illegal?**
- **Why did the Secretariat not question China about this illegal trade of those ten gorillas and held it responsible for that transaction?**

As is stated as well in SC62 Doc29 – page 4 + 5:

“24. In addition, as a result of its mission, the Secretariat issued Notification to the Parties No. 2011/040, of 26 September 2011, advising that, until further notice, the Secretariat was unable to confirm the authenticity and validity of any permit, certificate or other documentation apparently issued by the CITES Management Authority of Guinea. **The Secretariat further advised the Parties that no commercial captive breeding of specimens of CITES-listed species occurred in Guinea and that no such captive breeding had taken place in the past.** The Secretariat reported that it was aware that there had been significant exports from Guinea of specimens declared as bred in captivity. The Secretariat reported that this trade had been in violation of the Convention and had involved the use of invalid and fraudulent permits and certificates.”

Since the Secretariat advised itself “the Parties that no commercial captive-breeding of specimens of CITES-listed species occurred in Guinea”,

- **Why did it not act immediately when discovering this or these fraudulent permit/s stating that ten captive-bred gorillas had been traded from Guinea to China in 2010?**
- **Why did it not immediately inform the Parties about it?**
- **Why did it not immediately request implementation of Article VIII (1) from China?**

“1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

(a) To penalize trade in, or possession of, such specimens, or both; and

(b) To provide for the confiscation or return to the State of export of such specimens.”

- **What does the Secretariat plan to do for these ten gorillas and to rectify their illegal trade to China?**
- **When does the Secretariat plan to do something for these ten gorillas?**

3. The report that you refer to was part of the background materials compiled by the Secretariat to inform the SC and formulate relevant recommendations. The report was not included in the Secretariat documentation to the SC and, while we are prepared to release it, we must first consult with the Parties concerned. The Secretariat reports to the Parties to the Convention and does not release documents concerning a Party without first clearing it with them. We are following through on this issue, noting that we have many other pressing priorities. We can simply repeat that the report does not contain any data or information on the gorilla cases you are inquiring about, and will in all likelihood be of far less utility to you than you seem to imagine.

- **How could any issue be more pressing than getting information about ten gorillas illegally traded as one of the most protected flagship species and whose whereabouts and status have not been known since their disappearance from Guinea in 2010?**
- **How do you know which utility we are hoping for from the report? You offered us insight into the report in written form and we would like to be able to form our own opinion.**

As John Caldwell stated himself in an email of June 1st, 2013, at 13:16 to Sean Whyte from the NGO nature alert:

“In early 2012 I did a confidential report for the CITES Secretariat on **all** wildlife trade involving Guinea.” As is stated in the official CITES document SC62 Doc.29 – page 5 (see above), this entails “copies of all export permits issued from 2009 to 2011”.

- **How can you therefore state, “The report does not contain any data or information on the gorilla cases you are inquiring about”?**

Since, as I outlined above (reply to 2.), if the trade is listed in the CITES Trade Database, **it means, as outlined in Article VIII (6) – (8) that the respective export and import permits have been issued**. Since these animals were traded in 2010 and CITES provided John Caldwell with permits covering “all wildlife trade involving Guinea” for the years 2009 to 2011, the simple and only conclusion is, that the CITES Secretariat is in the possession of those gorilla permits or copies thereof.

- **We therefore ask you and the Secretariat once more to provide us with information on the whereabouts of those ten gorillas.**

As you might be aware from the report “The Conakry Connection”, presented by the Swiss NGO Pax Animalis during a side event at the CoP16 in Bangkok and publically available at: <http://www.pax-animalis.org/assets/files/cop16/apet.pdf>, we analysed two export permits from Guinea, for the importation to China of three and eight chimpanzees, respectively.

In our analysis we found a number of shortcomings, several of which immediately render each permit invalid, but which were not mentioned in the summary of the consultant’s analysis in document SC62 Doc.29.

To analyse those permits we mainly used resolution Conf. 12.3, which you also mention in your reply to us of May 30th, 2013. The whole analysis as well as all sources we used (all officially available on the CITES website) can be found in Annex XII of “The Conakry Connection”. Part of the conclusion to our analysis, which I would like to quote here again, concerns the following:

“Point a) – c), and therefore three infringements of the total of four identified by the Secretariat, have also been identified by our evaluation. In addition to that, we have identified at least nine additional shortcomings (3,4,8,9,11a,12b,13,14,15), which have not been mentioned by the Secretariat in Doc. 29 of SC 62. Here, we wonder especially, why the missing signature of the applicant, which renders a CITES export permit immediately invalid, was not mentioned as well as the missing indication of the mark / individual animal identification, which also should have resulted in the immediate rejection of the document by the responsible Chinese CITES MA.”

- **What we would therefore like to know from the original Caldwell report is, if those additional shortcomings, which can be identified so easily, have also been identified by John Caldwell and form part of his confidential report?**
- **If so, why were they not mentioned in the official CITES document SC62 Doc.29, which quotes from the report?**

-
- **On the other hand, if they are not mentioned in the confidential report from Caldwell, was it really justified to spend tax payers' money on such a consultancy, which did not even identify some of the most important shortcomings that immediately render a CITES permit invalid?**

4. What needs to be stressed is the fact that all commercial trade in CITES-listed species from or to Guinea has been suspended by the CITES SC until further notice on the recommendation of the Secretariat as a result of the existing CITES compliance mechanisms. Suspending trade in natural resources is neither a 'joke' nor a trivial matter under international law and few treaties - let alone environment- related ones - can take such drastic measures. We would appreciate if you could highlight the decision of the SC to take these exemplary compliance measures in your documentary.

It is certainly an advantage of the Convention that it offers the possibility to suspend Parties from commercial trade in CITES-listed species. We would therefore hope that such suspension from commercial trade would be established much earlier in similar cases. Also, since you yourself define this trade from Guinea to China of CITES-listed species as commercial, it should not have happened in the first place as far as Appendix-I specimens are concerned, namely chimpanzees and gorillas.

This basic principle, as I am sure you are aware of as well, is outlined in Article I (1) of the Convention and in Resolution Conf. 5.10. (Rev. CoP15) 'Definition of 'primarily commercial purposes', which outlines that:

"In transposing this principle to the term 'primarily commercial purposes', it is agreed that **all use whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial** in nature, with the result that **the import of Appendix-I species should not be permitted.**"

This extensive trade from Guinea to China should therefore not have happened in the first place and China has certainly committed as many infringements of the Convention as Guinea and it should therefore also be suspended from "commercial trade in CITES-listed species" with immediate effect, just as Guinea has been suspended from such trade.

- **We would therefore like to ask you when and if the Secretariat will recommend China's suspension from trade with CITES-listed species?**
- **Or to explain to us the reasons why the Secretariat does not recommend such suspension for China, despite its blatant infringements of the Convention?**

5. While the CITES permit system is operating effectively in most instances, this does not mean that unscrupulous traders and organized crime cannot abuse it. The same comment can apply to any regulatory process. CITES is the only globally applied system in existence that regulates international trade in wild fauna and flora and it does so in an open, transparent, successful and controllable manner that cannot be merely judged on the basis of single cases or incidents.

- **130 Appendix-I apes traded from Guinea to China in three years are certainly not “a single case or incident”.**

6. It seems that you are misreading document SC62 Doc. 29 or misunderstanding our previous response. We have copies of the permits that the Guinean authorities gave us during the mission mentioned above. As already mentioned to you on several occasions, the permits that you are asking for were NOT amongst them, presumably because they were alleged to be fakes.

See my reply to your response number 1. – 3.

As outlined in detail above, the permits have to be part of the copies received from Guinea and they therefore must be in the possession of the Secretariat.

7. As explained before, international trade in CITES-listed species is reported by exporting, re-exporting and importing Parties to CITES. Data gathered is crosschecked and discrepancies analysed. As you know and mention in your message, in this specific case, it was not the exporting country that reported the transactions.

- **What does this mean? Can you explain your line of thought and your argumentation here in detail, since the point you want to make with this reply is not clear to me?**
- **What do you want to say, when stating, “it was not the exporting country that reported the transaction”?**

Article II of the Convention states the following with regard to the export of an Appendix-I specimen: “Article III Regulation of Trade in Specimens of Species Included in Appendix I 1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article. 2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met: ... (d) a Management Authority of the State of export is satisfied **that an import permit has been granted for the specimen.** “

This means of course, the Chinese CITES MA must have issued an import permit **prior** to the issuing of a respective export permit for the same specimen by the Guinea CITES MA. Since the Guinea CITES MA first required a valid and authentic import permit from the Chinese CITES MA before it could issue a respective export permit.

This means, when China issued an import permit for those gorillas imported as shown in the CITES Trade Database, **the Chinese CITES MA had already made the decision to import the specimen in question**. Therefore, if, as you say under 6. "...The permits that you are asking for were NOT amongst them, presumably because they were alleged to be fakes." This would mean that Guinea issued faked export permits on request from China and **after China had issued faked import permits!**

The fact that China listed those imported gorillas in the CITES Trade Database means automatically that import and export permits must have been issued for this trade, otherwise it could not have taken place and China would not have listed it.

- **Therefore and once again, the respective export permits or copies thereof must be in the possession of the CITES Secretariat!**

Here again the same responsibility and at least the same fraudulent conduct have been shown by China as by Guinea. Therefore the logical conclusion is yet again that China should be facing the same consequences as Guinea, namely the suspension from trade of CITES-listed species with immediate effect.

Especially, since China, as shown in the CITES Trade Database, has also imported chimpanzees from Syria and Sierra Leone, and thus has been using the poor governance of a variety of countries to satisfy its greed for Appendix-I specimen. It is therefore more than likely that the suspension of Guinea will now result in China simply shifting to other such countries with poor governance quality as sources for the importation of more Appendix-I specimen. And this will continue as long as China is not suspended from trade too.

- **What does the CITES Secretariat intend to do to prevent such a development?**

8. Regarding the legal nature of CITES permits, our statement that CITES permits are public documents under international law referred to the legal definition of 'public document'. We did not mean that they are available to the general public. A public document is defined as follows by *Ilammatt v. Emerson*. 27 Me. 335, 40 Am. Dec. 59S:

What is PUBLIC DOCUMENT?

A state paper, or other instrument of public importance or interest, issued or published by authority of congress or a state legislature. Also any document or record, evidencing or connected with the public business or the administration of public affairs, preserved in or issued by any department of the government.

The definition you are giving about 'public document' does not say anything about the availability of such documents to the public. Furthermore, it does not say, if this is the definition CITES officially follows and applies in their regulations as well, when mentioning the term 'public document'.

Generally, as I am sure you are aware, in legislations, either explicit definitions for technical terms / terms used are given at the beginning of each regulation, rule, law, etc. and / or the source, which provides a definition as applied for the term in this specific document is listed.

Therefore, the definition of 'public document' as applied by CITES should be listed in Article I of the Convention 'Definitions', just as the other definitions given there, for example "Species" or "Trade", have been explained.

You do not explicitly say, that the definition you provide above is the one applied / used in the CITES regulations and if this definition says anything about the 'availability to the public' of such documents.

As long as no official definition of the term 'public document' is given by CITES, it remains unclear what CITES and / or the CITES Secretariat mean/s when using this term. This opens the definition of the term for ample speculations and creates uncertainty as to the right of the public to obtain information privy to CITES and the CITES Secretariat, which is not automatically provided to the public domain.

9. The SC has extensively dealt with the compliance issues related to illegal wildlife trade originated in Guinea and the Secretariat was not asked to follow up on the specific issues that seems of most concern to you. The question regarding the whereabouts of the gorillas that were traded is an issue the SC decided not to further pursue. If you have questions in this regard, they need to be directed to the Management Authority of China rather than the Secretariat.

- **Why is this issue not of specific concern to the CITES Secretariat?**

Just as the Secretariat recommended the suspension of Guinea it could also recommend that China makes public the whereabouts of those ten gorillas.

- **Why does the Secretariat not act in this matter?**

We have asked those questions to the Chinese CITES Management Authority, which, just like you, referred us back to the CITES Trade Database. Just like you, we are sure the Chinese CITES MA is aware of the fact that this database does not give any information on the exporter and importer of traded specimen. We feel we have simply been taken for a ride by you and by the Chinese CITES MA. This is also why we keep asking this same question over and over again.

10. While aware that the CITES system can be improved, we do not think that continually attacking the Convention and its Secretariat is the best way to prevent wildlife crime or support your query. The Secretariat will continue to fulfil the mandate given by the Parties to CITES, just as it did in conducting missions to Guinea and reporting on its findings and making recommendations to the SC on compliance issues.

Since CITES is an organisation based in the UN and under UNEP it is part of the international civil service system and hence people working for CITES are international civil servants obtaining their salaries from tax payers' money of the 178 CITES member countries. Therefore I and my team, as citizens of two of these member countries, simply see it as our civil right to demand answers to our valid questions, especially if they concern the fact that "appropriate measures [are taken] to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof" (Article VIII (1) – CITES Convention).

Best regards,

Klaus Sparwasser

I trust that you will find these final responses to your questions helpful. We wish you all the best luck with finalizing your documentary, and hope that it will carry a fair, accurate and balanced message that highlights the challenges of implementing CITES but also recognizes the significant compliance actions that have been taken by the SC on advice received from the Secretariat and the important role and achievements of CITES in conserving wild fauna and flora during these 40 years.

Kind regards,

Juan Carlos"

Annex XIV – Draft ‘op-ed’ requested and finally rejected by UNEP

DRAFT

"The fact is whatever we are doing and have been doing for the last 30 years has not worked."

- Karl Ammann, award-winning photo-journalist and wildlife documentary film maker.

The illegal trafficking of apes is only the proverbial tip of the iceberg. There is no doubt that it is on the increase. The traditional source of demand for the last two decades has come mostly from private collections of wealthy individuals in the Middle East, and for ‘beach-photography chimps’ in places such as Spain, Turkey and some of the Black Sea coast countries. More recently the increasing number of safari parks and ‘wildlife entertainment facilities’ in East Asia appear(s) to have become a prolific new demand source. While in the past bush meat orphans were the key source to supply demand for exports of baby chimpanzees and gorillas from West and Central Africa there now appears to be specific hunting of females to secure orphans.

There are no easy answers. The system is rotten to the core and most of the decision makers are in one way or another part of the problem rather than the solution. The apes have the misfortune to live mostly in badly governed and corrupt nations. The countries illegally importing the apes are mostly emerging nations with a new wealthy elite that tends to believe that any wildlife laws are there to be bent. International bodies like CITES are essentially self-governed, meaning the member states are supposed to control themselves, which of course takes us right back to the first point, which is ‘foxes watching the hen house.’

The conservation establishment, represented by a wide range of NGOs, considers the enforcement component tedious. Biologists prefer to hang out in the forest watching apes through binoculars, put radio collars on elephants and do aerial surveys rather than spend time dealing with corrupt officials and village chiefs. When it comes to PR they play to the gallery and

their donors. I cannot recall the last press release, blog entry, or donor newsletter telling the story of failure. Success brings in the funds despite most projects – especially in terms of ape conservation – failing. No lessons are ever learnt when things go wrong. The fact is whatever we are doing and have been doing for the last 30 years has not worked. Applying more band-aids on a patient that is dying of terminal cancer cannot be the answer.

We need to start looking at radio or chemotherapy options even if they hurt and cost a lot more. The apes are a key indicator species and our closest animal relatives. If we can do nothing for them....

My key message for a long time has been to be more business like, to measure results and deal with failure by learning lessons. There must be ways to come up with measurable yardsticks, except my feeling is that most players would not want to be measured by yardsticks.

My suggestion is fund NGOs that produce results based on independent third party auditing – if you can find an. These can include nest count data for ape species The same applies to prosecutions and jail sentences served – a perfect yardstick to measure political will. If audited by an independent third party.

CITES has another key enforcement tool – suspending trade of countries that don't comply. They should use it.

Karl Ammann January 2013



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