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PEGAS Briefing Document on Items 34.1 and 37 of CITES SC65

SC65 Item 34.1 Implementation of the Convention relating to captive-bred and ranched specimens

Paragraph 8.b. refers to ‘Export of Appendix I primates from Guinea. Following public enquiries relating to the export of primates from Guinea during the period 2009-2011, the Secretariat issued a statement in January 2014, which is attached as an Annex to the present document.’

The Annex statement is not accurate in a number of respects.

Background

The Secretariat is responding to evidence and assertions directed at the Secretariat and certain national CITES management authority offices made by ‘several individuals’. The evidence and assertions were presented in a television documentary and reports entitled *The Cairo Connection*, parts I-III, and *The Conakry Connection* (available on www.karlamann.com). The reports are summarized in a series of articles (https://www.academia.edu/7372088/The_Great_Ape_Slave_Trade).

Hundreds of great apes (chimpanzees, bonobos and gorillas) have been captured in the wild and illegally exported from West and Central Africa since at least the 1990s. The apes have been shipped to Egypt, the UAE, China, Armenia and other countries. Karl Ammann and Pax Animalis, assisted by associates, have been investigating this great ape trafficking for almost 10 years.

The investigations uncovered several major wildlife traffickers who not only capture great apes to export, but many other species as well (e.g. elephant, pygmy hippo, manatee, mandrill, Diana monkey, black crested mangabey, several endangered bird species), many of them Appendix I. The key trafficking export cities are Conakry (Guinea), Kano (Nigeria) and Kinshasa (Democratic Republic of Congo), with secondary trafficking cities in the region.

Appendix I live specimens that originate in the wild, or are first generation born in captivity, are not permitted under CITES regulations to be traded commercially, except under ‘exceptional circumstances’. All great apes are Appendix I. To circumvent this restriction, national CITES officers fabricate CITES export permits using the Source Code ‘C’, which indicates that the specimen is born in captivity in accordance with CITES criteria. A ‘C’ Source Code allows legal export for non-commercial purposes (e.g. zoos or education). The CITES officers sell these permits to traffickers, in the case of great apes for up to USD 5,000 each. This ruse has come to be known as the ‘C-scam’.

From 2007 through 2011 over 130 chimpanzees and 10 gorillas were exported purportedly from Conakry to China using the C Source Code. All of these great apes were in reality caught in the wild (there are no ape breeding facilities in Guinea) in Guinea and other great ape range countries. DNA evidence has established this. Great apes were also reported in the CITES Trade Database during this period as being exported from Guinea to the UAE and Russia using the C Source Code.

China reported the imports of these apes to the CITES Trade Database, but Guinea did not report the exports. In response to the unusual great ape export activity, the CITES Secretariat took the actions as they describe under sections ‘Secretariat reports and notifications’, ‘Communications with Guinea’ and ‘Compliance measures taken by the CITES Standing Committee’ in the Annex statement under review here. These are all accurate descriptions, but there are important omissions, presented below.

China’s actions and the CITES Secretariat’s Response

1. The campaign to halt illegal exports of live great apes is not “from Guinea to China that took place between 2009 and 2011”, as the Secretariat Annex states. The trade to China began in 2007 and it continued from other exporting countries until at least 2013. The campaign involves additional export countries (Sierra Leone, DRC, Chad, Syria to name a few) and additional import countries (Egypt, UAE, Armenia and Russia).

2. The great ape trafficking problem is much more serious than the Secretariat portrays. The Great Apes report (SC65 Doc. 37) to the Standing Committee, prepared by the Secretariat, states in paragraph 16: “Data available from official sources for the period since CoP16 [March 2013] continue to suggest that there is very little illegal international trade in great ape specimens.”

A more recent statement by GRASP (the UN Great Ape Survival Partnership) states, however, that “The illegal trade in live chimpanzees, gorillas, bonobos and orangutans showed no signs of diminishing – and may actually be getting worse...”¹. This statement contradicts the Secretariat. In addition, the Secretariat is attempting to minimise the problem by restricting its statement to the period since March 2013. There are still important outstanding issues remaining with the great apes that were trafficked before that time.

3. There are serious misrepresentations and inaccuracies in the Secretariat’s statements in the SC65 34.1 Annex regarding ‘Communications with China’, some of which also refer to the omissions in the ‘Communications with Guinea’ section.

a. The Secretariat’s Annex omits that the Secretariat requested prior to the September 2011 mission to Guinea for the China Management Authority (MA) to send them copies of any permits they had regarding great ape imports from Guinea. Both the Secretariat’s mission report and the China CITES MA make clear that copies of *both Guinea’s export permits and the China import permits were sent to the Secretariat.*

b. The export and import permits would indicate the parties involved in the

¹ http://www.un-grasp.org/index.php?option=com_content&view=article&id=146:grasp-warns-illegal-ape-trade-remains-active&catid=7:press-releases&Itemid=55

fraudulent trade. Repeated requests were made by Karl Ammann, Klaus Sparwasser of Pax Animalis (a Swiss NGO) and Sean Whyte (head of Nature Alert) to the Secretariat, to the China CITES office and to the Guinea CITES office to receive copies of the permits so that Article VIII of the Convention could be invoked:

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.

The Secretariat has repeatedly denied that they were in possession of the permits, *in spite of the mission report stating that they had them, and the China CITES office saying they sent them.*

The China CITES office replied once to a request by stating that the Secretariat had the copies. They replied once again to another request and avoided answering by simply stating that they had followed CITES procedures.

The Guinea CITES office said that they would be willing to provide the copies, but that the CITES mission had taken all of their permit copies.

c. The Secretariat commissioned Mr. John Caldwell to analyse the 126 export permits collected by the 2011 mission to Guinea, but they did not give him the permits that China sent them. If the Secretariat was serious about controlling illegal great ape trade *why would they withhold the great ape import and export permits that provided the details of such trade?*

d. China stated that they followed CITES regulations and procedures and that they wrote to the CITES MA requesting confirmation of the authenticity of the export permits. The Secretariat backs them up in this. *This is incorrect.* China did not write to the Guinea CITES MA, they wrote to Mr. Namory Keita, the former CITES MA head who left the post in 2008.

Mr. Ansoumane Doumbouya was head of the Guinea CITES MA 2008-2013 and he informed China of this. Mr. Doumbouya even met with the China CITES MA and the Secretariat at CoP15 in Doha in March 2010, yet the China CITES MA continued to write to Mr. Keita after this meeting.

e. The China CITES MA did not exercise due diligence because they neglected to verify that great ape breeding facilities existed in Guinea before issuing their import permits. CITES maintains a database of approved captive breeding facilities on its website. It would have been a simple matter to refer to it and to ascertain that no breeding facilities of any kind exist in Guinea.

f. China stated that they ceased importing great apes from Guinea in 2011 after the Secretariat issued the notification. The CITES Trade Database indicates that China simply switched countries. In 2011, they imported at least five chimpanzees from Sierra Leone and four from Syria and in 2012 eight from Syria and six from

Chad. There are eye-witness reports of more young chimpanzees arriving in China in 2013 (who wish to remain anonymous).

4. Guinea was sanctioned with a suspension of *commercial* trade of CITES-listed species in May 2013 for its actions related to great ape exports (Notification No. 2013/017).

Theoretically, it was not engaged in commercial exports of great apes. The ‘captive-born’ great apes were exported with Z Purpose Codes, meaning they were destined for non-commercial zoos. There is nothing stopping Guinea from continuing the C-scam. In fact, there is recent correspondence from a trafficker *offering to export gorillas, chimpanzees and manatees from Guinea with a C export permit - now!*

5. The great apes trafficked to China were clearly intended for commercial use. PEGAS has video footage and photographs of chimpanzees engaging in entertainment performances – dressed up in costumes performing skits, roller skating, playing drums, etc. – in amusement and safari parks in China that cost the equivalent of USD 40 and up to enter. The China CITES MA has been remiss in its responsibilities by not establishing that the apes were indeed being imported for non-commercial purposes.

6. PEGAS has abundant evidence that the trafficking of great apes from Africa to China and elsewhere is continuing and that the traffickers find no obstacle in the way the Secretariat is currently enforcing its regulations. Issuing fraudulent CITES permits is commonplace in many countries and CITES has no mechanisms in place to control for this.

Conclusions

The campaign the Secretariat is complaining about only wants one thing: for the CITES process to function properly and transparently. If illegal trading is detected, both parties should be sanctioned equally, not just the politically and economically weak exporting country. It is demand that drives wildlife trade. If the illegal portion of the trade is ever to be controlled, the importing countries – regardless of how powerful they are – must be aware that they have to follow CITES regulations and that if they don’t, they will be subject to the same sanctions as any other country.

The Articles of the Convention should be invoked when wrongdoing has been established, as they were in the case of the Taiping Four gorillas illegally exported from Nigeria to Malaysia in 2004. The gorillas were eventually repatriated to their country of origin, Cameroon, to live a decent life in a sanctuary. The same outcome should occur with as many great apes as possible that were trafficked to China, Egypt, Armenia and other countries. And the trafficking must stop.

SC65 Item 37. Great Apes

PEGAS fully supports the summary analysis and recommendations made by the Species Survival Network (http://www.ssn.org/Meetings/sc/SC65/SSN_SC65_Briefing_EN.pdf) regarding Great Apes:

- PEGAS recommends that the SC Working Group on Special Reporting Requirements be directed to develop an illegal trade reporting mechanism for great apes, and that the GRASP Secretariat and relevant GRASP partners be invited to join the Working Group.
- PEGAS recommends that the SC not request the Secretariat to commission a report on the status of great apes as this is duplicative of existing studies. Instead, we recommend

the SC:

- Consider how the recommendations in the UNEP report *Stolen Apes: The Illicit Trade in Chimpanzees, Gorillas, Bonobos and Orangutans*² might be applied within the context of CITES.

- Prepare a report on reported source, consumer and transit countries involved in the illegal trade in great apes, identify whether the provisions of Res. Conf. 13.4 (Rev. CoP16) are being adequately implemented in these countries; identify potential laundering mechanisms being used; and develop recommendations for improvement in monitoring and preventing illegal trade in great apes to be considered at CoP17. PEGAS offers to participate in preparation of such a report.

- Regarding the trade in great apes using fraudulent permits from Guinea (detailed in SC65 Doc. 34.1 Annex), PEGAS urges the SC to:

- Address this issue under agenda item 37 on great apes since it involves the illegal trade of significant numbers of great apes;

- Request the Secretariat to clarify the numbers, dates of the transactions and species involved. The CITES trade database indicates a total of 10 gorillas and 113 chimpanzees were exported from Guinea to Cameroon, China, Russia and United Arab Emirates from 2009-2011;

- Request from the Secretariat information on arrests, prosecutions, and penalties within Guinea or source countries in response to these transactions;

- Use illegal trade from Guinea as a case study for development of an Action Plan and timetable for action to be taken by the Secretariat when receiving information on illegal trade in great apes (and other Appendix I species) to ensure more timely responses; this work should feed into any illegal trade reporting mechanism;

- Request the Secretariat to issue a Notification asking Parties to contact the Secretariat for confirmation of the validity of the permit for all transactions involving live great apes;

- Review transactions involving trade in live great apes over the last ten years for which data are available, including analysis of permit copies involving Guinea and China that the Secretariat has in its possession; seek additional information on questionable transactions in conjunction with the GRASP database (e.g. from Armenia, Chad, Democratic Republic of the Congo, Sierra Leone and Syria); direct recommendations to both importing and exporting countries as appropriate; and

- Review Res. Conf. 13.4 (Rev. CoP16) in order to explore the option of including recommendations regarding the seizure and disposition of live great apes exported illegally or under fraudulent conditions.

- Call on all Parties, including Armenia, China, India, Russia, the United Arab Emirates and other importing countries to prohibit the exhibition and commercial use of great apes illegally exported, to seize such specimens, undertake DNA testing to establish their origin and seek to return them to an appropriate sanctuary in Africa as called for in Article VIII, para. 4 (1).

² <http://www.grida.no/publications/rr/apes/>