



“Working within CITES for the protection and conservation of species in international trade”

Enforcement-needs Assessment Mission to Egypt

SC57 Doc. 20 and Annex (CITES Secretariat). SC54 (October 2006) requested Egypt to prepare a report to CoP14 on its enforcement of the Convention in response to concerns regarding illegal trade in ivory and primates. Egypt did not submit this report to CoP14. CoP14 endorsed a proposal by the Secretariat to conduct a mission to Egypt in 2007. In SC57 Doc. 20 Annex, the CITES Secretariat reports (in English only) on an enforcement-needs assessment mission to Egypt undertaken between 17 and 23 November 2007.

SSN notes with concern that SC57 Doc. 20 Annex is only available in English meaning access to the information it contains may not be possible for some members of the Standing Committee and for other CITES stakeholders.

SSN RECOMMENDS THAT THE SC:

1) RECOMMEND THAT PARTIES SUSPEND TRADE UNTIL:

- Egypt's capacity to make non-detriment findings is established.
- Egypt has working compliance and enforcement measures.
- Egypt has mechanisms in place to ensure that the disposal of confiscated specimens does not encourage the recurrence of illegal trade.

2) REQUIRE THAT:

- Confiscated great apes (chimpanzees and gorillas) currently in custody in Egypt be DNA tested to ascertain their country and region of origin to allow for CITES enforcement (The Pan African Sanctuary Alliance, a member of SSN, has volunteered to cooperate with Egypt by funding the DNA testing).
- Egypt report to the next SC meeting (not to the CITES Secretariat)

3) ESTABLISH DEADLINES for Egypt's fulfillment of the recommendations:

- SSN urges the SC to require Egypt to report on its progress to SC58 and to establish a deadline of CITES CoP15 for fulfillment of the recommendations.

Basis for SSN's Recommendation:

1) Permitting Problems: Trade occurs despite the uncertain capacity of Egypt's Scientific Authorities to make non-detriment findings.

- In SC54 Doc. 20 Annex, the Secretariat notes that “(...)some agencies might wish to sanction trade in some of Egypt's natural resources but are unsure of how to make non-detriment findings and **it is not clear whether such capacity exists in the two Scientific Authorities designated by Egypt.**” [emphasis added] and that “ There are wildlife traders based in Egypt and their activities are authorized by the CITES authorities but these are restricted to re-exports.”

- The obligation to make non-detriment findings (NDFs) applies to exports, imports and re-exports of specimens of CITES listed species (CITES Articles III and IV). Authorization of international trade by the Egyptian CITES authorities without having the capacity to make NDFs, even if restricted to re-exports, represents an ongoing violation of CITES. A suspension of trade would end this violation and give Egypt the opportunity to build its capacity to comply with the Convention before authorizing further trade.
- SC57 Doc. 20 Annex notes that trading activities authorized by the Egyptian CITES authorities are “*restricted to re-exports*” and states that “*It is suspected by some officials that some of this trade may also involve false declarations as to the origin of specimens.*” However, no mention is made about investigations, arrests or prosecutions by Egyptian authorities to address these illegal activities. By providing CITES permits without ensuring that declarations on the origin of the specimens are valid, Egyptian authorities may be encouraging illegal trade in CITES listed specimens.

2) Continuing Illegal Trade: Long-standing occurrence of international illegal trade in CITES listed species through Egypt is well-established.

- The Secretariat recognizes in SC57 Doc. 20 Annex that Egypt has been, and continues to be, a country of importance for illegal ivory trade and illegal trade in primates, and refers to several incidents of illegal trade (the report states for instance that it is “*clear that illicit trade in ivory continues in Cairo*” and refers to various individuals involved in illegal trade of primates). The incidents documented in this and other reports, as well as press articles and documentaries, include:
 - By 2007, 25 illegally imported chimpanzees and 2 gorillas had been documented in Egypt (communication with Karl Amman, June 2008 and The Cairo Connection, 2006).
 - Falsified CITES export permits were presented to the Egyptian Management Authority for the import of two pairs of chimpanzee (*Pan troglodytes*) in December 1992 and in August 1993 (communication with Doug Cress, Executive Director of the Pan African Sanctuary Alliance, June 2008). It was reported that Egyptian circuses routinely traveled to East Africa to purchase chimpanzees in 1992 and in 1994, which lead to several confiscations in Uganda and Zambia (*Ibid.*).
 - An investigation by the World Society for the Protection of Animals (WSPA) in 1997 revealed a well-established smuggling route for CITES listed species from West Africa (Cameroon and Nigeria) through East Africa (Sudan and Kenya) and out of Africa through Egypt to the Middle East and Asia.
 - An infant gorilla and chimpanzee originating from Nigeria were seized at the Cairo airport in 2001 and were subsequently drowned in a vat of chemicals by customs officials.
 - In 2005, six chimpanzees were discovered at the Cairo airport but, instead of being confiscated, they were sent back to Nairobi, where the surviving five were confiscated and sent to a sanctuary. DNA tests on the five surviving chimpanzees confirmed that all were West African chimpanzees (*Pan troglodytes vellerosus*), confirming the activity of trade routes from Nigeria and Cameroon to Egypt (communication with Doug Cress, Executive Director of the Pan African Sanctuary Alliance, June 2008).

3) Enforcement: Egypt has not made any arrests or prosecuted any criminals for illegal wildlife trade, confiscations are rare, and the means of disposal of confiscated specimens may reward those involved in illegal trade.

- SC57 Doc. 20 Annex repeatedly states that enforcement officers (the police, and customs) are not involved in the implementation of CITES but that Egyptian authorities rely exclusively on veterinarians for enforcement. While referring to possible involvement of the police and customs in the enforcement of CITES in the future, the document clearly demonstrates that, at present, Egypt does not have the capacity to effectively enforce CITES.
- SC57 Doc. 20 Annex refers to the judiciary’s lack of awareness of the seriousness of wildlife crimes and its reluctance to issue the warrants necessary for proper enforcement. While the creation of specialized courts to deal with wildlife crimes might be of help at some point in the future, at present Egypt does not have sufficient support from the judiciary to address illegal trade.
- SC57 Doc. 20 Annex refers to people proven to have been involved in illegal trade activities “*for many years*” (page 6) but gives no information about arrests or prosecutions of these individuals. Instead, the Secretariat states that it has “*discussed this matter with the Environment Police and was reassured by the measures taken with a view to preventing or intercepting any repeated smuggling or illegal trade by the persons mentioned above*” and that “*It would not be appropriate to make these measures public.*”

- SC57 Doc. 20 Annex refers to “*recent investigations and confiscations by the Environment Police in relation to illicit trade in great apes*” and states that “*Such activities should make clear that such trade will not be tolerated by the authorities.*” However, the document does not provide information about arrests or prosecutions of the individuals involved. The only prosecution mentioned has been ongoing for over two years without any substantial results. Because SC57 Doc. 20 Annex does not provide details on the enforcement measures adopted by the Egyptian government to punish and deter illegal trade, there is no way for SC57 to determine if wildlife crimes are appropriately prosecuted by the Egyptian authorities.
- Communications held in 2006 and in 2007 with the head of the CITES management authority in Egypt revealed his belief that Egyptian law does not provide for any arrest or prosecution of wildlife traffickers, particularly for being in possession of a protected species (communication with Karl Amman, July 2008).
- SC57 Doc. 20 Annex notes that Egyptian legislation addresses the illegal possession of CITES specimens, but yet seizures of illegal specimens do not occur:
 - The Secretariat states that it discovered substantial quantities of ivory carvings upon inspection of souks and hotels, and that the items were seized by the Egyptian authorities shortly after the Secretariat’s visit. The fact that these items were not seized before the Secretariat found them suggests that the Egyptian authorities do not conduct their own investigations.
 - The Secretariat mentions that further enforcement actions could “*substantially reduce[e], or even eradicat[e]*” illicit trade in ivory but that there seems to be little capacity and experience among Egyptian officials with regard to the identification of elephant ivory. The Secretariat explains that “*relatively few enforcement agencies engage in self-initiated work against illicit ivory trade*”. Difficulties in the identification of CITES listed specimens cannot be used as a justification for not enforcing the Convention.
- The CITES guidelines for the disposal of confiscated live animals (CITES Resolution Conf.10.7, *Disposal of confiscated live specimens of species included in the Appendices, Annex 1*) provide that the authorities responsible for confiscation should ensure that it is likely to “*discourage further illegal or irregular trade in the species*”. SC57 Doc. 20 Annex refers to several instances where confiscated primates have been put on display for commercial gain or given to people who have a “*private collections*”. The report also notes that “[case by case decisions on the confiscation of animals] ... *have led, on occasions, to persons who were found in possession of animals of questionable legal origin being allowed to retain them and to the premises owned by such persons being designated as a rescue centre.*” The Secretariat also mentions that “*Whether any of the owners of facilities that have been designated as rescue centres were actually involved in illegal imports, some paid for animals and, thus, albeit perhaps with good intentions, contributed to an illicit trade. They also helped fuel the impression that Egypt provided a ready market for great apes.*” Decisions made by the Egyptian authorities on the disposal of confiscated animals may be encouraging illegal trade in CITES listed species. Practical difficulties linked to the disposal of confiscated specimens cannot be used as a justification for these actions. CITES Parties are obliged to ensure that the individuals found in illegal possession of protected specimens are sanctioned to prevent recurrence of illegal trade. Improprieties with regard to ownership of rescue centers may compromise the ability of Egypt to ensure that the confiscation of CITES specimens does not benefit illegal trade.

4) Secretariat Recommendations: The recommendations proposed by the CITES Secretariat in SC57 Doc. 20 Annex will not ensure immediate interruption of illegal trade activities or prevent their recurrence.

- SC57 Doc. 20 Annex notes that trade in specimens of CITES-listed species is authorized by Egyptian Authorities without them clearly having the capacity to make NDFs as required by CITES Articles III and IV, yet none of the recommendations address this problem. Without a trade suspension, the Egyptian authorities might continue to issue permits in violation of the Convention.
- A trade suspension is needed to ensure that illegal trade activities are halted while the remainder of the Secretariat’s recommendations, such as the review of the implementation of the Convention (recommendation #2), are being implemented.
- The SC should adopt a timeframe or deadlines by which the activities described in the recommendations must be accomplished.
- The SC should recommend that Egypt put in place the necessary CITES implementation and enforcement infrastructures as a matter of urgency before considering the addition of more ports for the entry or exit of CITES traded specimens, as recommended by the Secretariat in SC57 Doc. 20 Annex (recommendation #3).

- The SC should recommend that Egypt organize surveys of locations where illicit wildlife trade may occur and enforcement actions (recommendation #10) as a matter of urgency and not wait until after the education campaign, as suggested by the Secretariat in SC57 Doc. 20 Annex.
- The SC should recommend that Egypt create a permanent communication and cooperation link between agencies that should be involved in the implementation and enforcement of CITES including: the CITES Management and Scientific Authorities, the Environment Police, the judiciary, Customs, representatives of the Ministry of Agriculture and representatives of Ministry of Interior.

References:

- Mike Pugh, *Investigation into the Illegal Trade in West Africa Wildlife*, World Society for the Protection of Animals (WSPA), 1997.
- *The Cairo Connection: Ape smuggling*, documentary by Karl Amman, Camerapix Production, January 2006
- Merritt Clifton, *How many times must the ape traffic be exposed before it is forever banned?*, Animal People, April 2006, Volume XVI #3 available at <<http://www.animalpeoplenews.org/06/04/4.06.swf>>
- Vinita Bharadwaj, *Crime against apes*, Gulf News 17 November 2006 available at <<http://chimprescue.wordpress.com/2006/11/17/crimes-against-apes/>>
- CITES Secretary General Willem Wijnstekers, *Statement on the Cairo seizure of primates*, 11 October 2001 available at <http://www.cites.org/eng/news/press/2001/011011_cairo_statement.shtml>
- CITES Secretary General Willem Wijnstekers, *Further Statement on the Cairo seizure of primates*, 21 February 2002 available at <http://www.cites.org/eng/news/press/2002/020221_statement_cairo.shtml>
- Anton Antonowick, *Slaughter of the Apes; Exclusive – The Cairo Connection: How this vile smuggling is allowed to flourish*, The Mirror, 14 October 2006.