



In 2001, the export of four gorillas and three chimpanzees from Nigeria to a zoo in Malaysia came to light, causing considerable media attention. The gorillas were eventually confiscated and repatriated, via South Africa, to Cameroon. The fate of the three chimpanzees, which were exported to Malaysia with the same CITES permit as the gorillas, remains unknown.

Two of the Taiping Four, back home in Cameroon

At the time, the Chairwoman of the International Primate Protection League (IPPL) published details of the CITES Secretariat's involvement with this matter. She quoted a fax message from the CITES Secretariat's Chief of Enforcement, Mr John Sellar, to Malaysia's CITES Management Authority (MA).

"In that fax, dated 2 July 2002, the CITES Secretariat informed the Malaysian CITES Management Authority that it was "*awaiting news*" of the investigation into the 'Taiping Four' gorilla deal. The Secretariat also asked:

- How the Malaysian CITES Scientific Authority had satisfied itself that the import of these gorillas and chimpanzees "*would not be detrimental to the survival of the species involved*"?
- Whether there was a discrepancy between the number of animals actually received and those on the import permit?
- For details of the reported 'animal exchange program' between Taiping Zoo and the University of Ibadan.

- For financial details of the deal.
- About the role of the firm 'NigerCom Solutions'.
- For the name of the supplier of the animals.
- Who “Suffian Suppiah Bin Abdullah” was (one of the people involved in the deal)?

The Secretariat referred to its fax to the Malaysian MA of 13 November 2001 raising questions “*regarding another proposed shipment of gorillas between Nigeria and Malaysia*” involving the 'Fish Paradise Company'.

The Secretariat noted that Nigeria “*apparently acknowledged*” that the gorilla shipment was illegal advising that “*we have asked Nigeria to advise us whether the other specimens in the shipment are also of illegal origin, since they were said to have been captive-bred in the Nigerian zoo*”.

The Secretariat then set out the proposed future for the gorillas. It appears that, well before there was talk of the gorillas being confiscated, Pretoria Zoo was being promoted for placement of the gorillas. There is no mention of any other candidate zoo (there would surely have been many) or of sending the animals to a sanctuary. Despite IPPL having located the animals, and obtained the shipping documents, we were not asked for suggestions concerning placement!

John Sellar also stated:

“For your information, we are indicating to Nigeria that we think it is not appropriate for specimens to be returned to a country from which they were illegally exported. If you wish assistance regarding the disposal of the gorillas, the World Association of Zoos and Aquariums has contacted us and offered to provide advice, it apparently knows of a facility in Africa that would be able to provide long-term accommodation in a suitable environment”.

Countries declaring wild apes as captive born, so their export is not considered detrimental to the conservation of the wild populations they were torn from (even though many are killed to get them out of the forest), is now known as the 'C scam' (as 'C' is the CITES 'source code' for captive bred animals).

### **A decade later**

Moving forward 10 years, and we have not only seven great apes being exported using this C scam, but over 100 chimpanzees and 10 gorillas! These apes were all exported to China with some also going to the UAE and Russia.

CERTIFICATE OF ORIGIN NO. 126

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

EXPORT PERMIT (CITES/16/VOL. 1/26)

STR MAY, 2002

1. Permittee (name and address, country): ECOLOGICAL GARDEN UNIVERSITY OF IBADAN, IBADAN OYO STATE, NIGERIA.

2. Consignor (name and address, country): ZOO TAIPING PETI SURAT SURAT 145-34008 TAIPING, PERAK DARUL KEHIDAYAH MALAYSIA.

3. Name, address, authority and country of issuance: FEDERAL MINISTRY OF ENVIRONMENT (CONSERVATION DEPARTMENT) CITES UNIT, ABUJA, NIGERIA.

4. Species (name and authority): PHILANTOMBA OR CEPHALOPUS *enticola* CAPTIVE BRED FROM UI ZOO THREE PAIRS (6 PIECES)

5. Species (name and authority): LOWLAND GORILLA *Gorilla gorilla* CAPTIVE BRED FROM UI ZOO TWO AND A HALF PAIRS (3 PIECES)

6. Species (name and authority): CHIMPANZEE *Pan troglodytes* CAPTIVE BRED FROM UI ZOO ONE AND A HALF PAIRS (3 PIECES)

13. This certificate is issued by: ENGR. D. N. USMAN PERMANENT SECRETARY, P.O. MIN. OF ENV.

14. EXPORT ENDORSEMENT: THREE PAIRS TWO AND A HALF PAIRS ONE AND A HALF PAIRS

PERMIS CITES Original N° 40153

EXPORTATION

01/05/2010

ANIMAL PARK CONAKRY - GUINEE

1. Permis n°: 40153

2. Date de délivrance: 01/05/2010

3. Nom de l'exportateur: ANIMAL PARK CONAKRY - GUINEE

4. Nom de l'importateur: ANIMAL PARK CONAKRY - GUINEE

5. Nom de l'espèce: PHILANTOMBA OR CEPHALOPUS *enticola*

6. Origine: CAPTIVE BRED FROM UI ZOO

7. Quantité: THREE PAIRS (6 PIECES)

8. Pays d'origine: NIGERIA

9. Pays de destination: CHINA

10. Date de délivrance: 02/12/2009

11. Autorité de gestion CITES: N° ANSOUMANE DOUMBOUTA

Left: Taiping Four CITES permit.

Right: A more recent CITES permit highlighting the lack of compliance with the CITES Convention.

While the fraudulent claim concerning the source of these ape shipments is the same as it was for the 'Taiping Four' in 2001 (i.e., all captive born), the export permits this time are much more deficient. There is clear evidence of falsifications and fabrications, far more so than was the case with the export permit Nigeria issued a decade earlier. Of note, the investigation and enforcement officer employed by the CITES Secretariat to look into these cases was the same Mr John Sellar.

Clearly, no lessons were learned by CITES in terms of discouraging potential exporters and importers from further attempts to transfer apes. By contrast, comparison of these two cases shows a reduction in the CITES Secretariat's enforcement efforts. This will encourage future such transactions

Concerning the recent, substantial and illegal wild ape exports to China, John Sellar wrote in a 'restricted circulation report' that "In late 2010 the Secretariat's attention was drawn to what appeared to be a regular trade in chimpanzees from Guinea".<sup>1</sup>

At this stage trade appeared to be restricted to China as the destination country. The Secretariat asked China's CITES Management Authority in Beijing for information and

1 However this fails to take into account the written confirmation from Guinea's CITES Management Authority that a meeting was held in Doha, Qatar in March 2010 where this issue was discussed with the Chinese CITES Management Authority in the presence of a representative from the CITES Secretariat.

received basic data which indicated that relatively extensive trade had been occurring, which started in 2007.

Year	Appendix	Taxon	Importer	Exporter	Origin	Imp Quantity	Imp Term	Imp Purpose	Imp Source
2007	1	Pan troglodytes	CN	GN		2	live	Z	C
2008	1	Pan troglodytes	CN	GN		8	live	Z	C
2009	1	Pan troglodytes	CN	GN		29	live	Z	C
2010	1	Pan troglodytes	CN	GN		61	live	Z	C
2011	1	Pan troglodytes	CN	GN		4	live	Z	C
2012	1	Pan troglodytes	CN	SY		4	live	Z	C
2012	1	Pan troglodytes	CN	TD		6	live	Z	C

Chimpanzee trade statistics. The CITES Secretariat recently claimed these were of no real concern to them.

In 2010 alone it seems that some 69 chimpanzees were imported into China. Copies of export permits, allegedly issued by Guinea, were received by the CITES Secretariat from China. These all declared the animals as being captive bred.<sup>2</sup>

The CITES Secretariat was unaware of any captive breeding of ape species in Africa for commercial trade purposes and also found the numbers involved from one country alone highly questionable.<sup>3</sup>

The CITES authorities in China advised the Secretariat that on each occasion, before they authorized an import, they sought confirmation from Guinea that the relevant export permit was authentic and valid.<sup>4</sup>

2 In later communications the CITES Secretariat denied, on several occasions, that they had received any of these export permits. China also seemed to have regularly issued import permits which would not have been necessary if they accepted that the apes were born in captivity. This is because if these apes (which are all listed on CITES Appendix I) were born in captivity they would have been considered to be CITES Appendix II animals for the purposes of the exports. Import permits are not necessary for transactions involving CITES Appendix II animals.

3 Asking the Chinese authorities for DNA analysis of the imported apes would have revealed that these imports involved Eastern, Central and West African chimpanzees.

4 This is not correct. One import permit from China shows it issued this document, declaring the chimpanzees as captive bred, long before Guinea issued its corresponding 'C' export permit. In addition, China's CITES authorities continually wrote to one of their previous contacts within the Guinean Management Authority who used to be in charge of the verification of Guinean CITES export permits but had since been removed. Despite this, he repeatedly confirmed the authenticity of the export permits.



The above CITES mission report also provided a wide range of recommendations on how Guinea should reorganize compliance measures with regard to the CITES Convention. Inconsistently, however, there are no indications that any similar recommendations were sent to the Chinese CITES authorities further to these unlawful imports. Just as 'there cannot be a right way to do the wrong thing' there cannot be a legal import of an illegally exported commodity.



The end result of the 'Taiping Four' case from 2001 was that the gorillas were returned to Cameroon, where they were originally taken from the wild before being trafficked to the zoo in Nigeria. A wide range of ape conservation and animal welfare organizations then declared this a major enforcement success story. Comparing the two cases might be prudent as to what lessons could have been learnt from the Taiping Four case:

- It would appear none of the detailed questions listed in the John Sellar's 2002 fax message to Malaysia's CITES MA were asked of China as the importer in the more recent case or for that matter of the Guinean authorities.
- The CITES Secretariat's denial that it has the permits that China's CITES MA confirmed that it sent to CITES means there is no chance for any third party (including Interpol) to ask relevant questions or pinpoint the exporters and importers or the corrupt officials who signed the fraudulent permits.
- There appears to be no interest by any of the Parties involved in these latest transactions to comply with Article VIII of the CITES Convention (i.e., to investigate these cases, prosecute the criminal and corrupt elements involved, and confiscate the apes in question with a view to repatriation. Probably the most effective deterrent measure available.

- Nigeria was suspended from trade in CITES listed species due to its lack of compliance with the Convention, yet it was readmitted in 2010. An independent survey in 2012, however, showed that the illegal Lagos ivory market was now the biggest in Africa.
- While the CITES Secretariat recommended that Parties to CITES suspend all commercial trade with Guinea in CITES listed species (as it had failed by 2013 to sufficiently act on the Secretariat's recommendations from 2011), the Secretariat made no such recommendation about non-commercial trade. This is bizarre as that's precisely what the Parties involved pretended was taking place with all the illegal ape exports. As such they have been allowed to continue dealing much as they did before.
- Inconsistently, there was never any indication that China, as the key importer and instigator, was provided with notices, recommendations, or threatened with any kind of trade sanctions in the same way that Guinea or Nigeria were. Instead, the world is being told that China has done nothing wrong and had every right to assume that the information received from Guinea was correct. Five minutes on the internet would have established that there are no CITES approved captive breeding facilities for apes in Guinea...or anywhere else in Africa. As such, the exports would be illegal starting with the first such shipment in 2007.

Overall the impression is that the CITES Secretariat constantly tries to weaken the rules they are mandated to enforce.

There are also a wide range of indications that the CITES Convention is, today, much less effective in enforcement terms than it was a decade ago, or China is classified exceptional enough that none of the past enforcement measures are considered applicable when it comes to this party to the convention.

A significant body of evidence now exists that much corruption is associated with the CITES permitting system when it comes to transactions of high value live species coming and going to countries with poor governance quality. The question should be asked, 'Has this lack of will to enforce the Convention by the Parties, the Secretariat and the Standing Committee already become a major contributing factor encouraging these illegal transactions?'

### **Latest developments**

The recently held CITES Standing Committee meeting in Geneva had the great ape trade on the agenda. John Sellar's successor, Ben Janse van Rensburg, opened the debate with a statement saying that the CITES Secretariat did not consider ape trafficking to be a problem and that it was not a major issue in terms of ape conservation!

Various NGOs as well as Parties representing ape range states then asked for a working group on great ape trafficking. Strangely, however, the CITES Secretariat, in collaboration with the Chair of the Standing Committee, Mr. Øystein Størkersen, decided this would not be necessary. They stated that the issue could, instead, be adequately dealt with by the Working Group on Special Reporting. That working group, however, deals with illegal trade as reported by the Parties themselves. In other words, this again, created a situation where the fox is put in charge of watching the hen house...and made responsible for reporting any missing chickens.