

THE TRAFFIC REPORT



Volume 3 • Number 2 • December 2004

U.S. IVORY MARKET PERSISTS

Fifteen years after a global ban on elephant ivory trade went into effect, the United States remains a major market for ivory, with American consumers at home and abroad fueling the demand.

TRAFFIC North America's *Tackling the Ivories: The Status of U.S. Trade in Elephant and Hippo Ivory*, a study of both legal and illegal ivory markets in the United States, is the first comprehensive review of the U.S. ivory market since the global ban on commercial trade was imposed in 1989. TRAFFIC found that the United States has the highest rate of ivory seizures in the world and that much of the ivory caught at the borders is being brought into the country by individual consumers, often as souvenirs, jewelry and carvings. The growth of online commerce in the last decade has also created a new channel for the ivory trade, with Americans buying ivory from overseas dealers via the Internet with little oversight.

Among TRAFFIC's findings:

- Between 1995 and 2002, TRAFFIC found that more than 32,000 ivory items were legally

imported into the country, the majority being ivory carvings and a smaller number of tusks, jewelry, ivory pieces and piano keys. But domestic trade of that ivory within the United States is only loosely regulated by individual states' laws.

- Between 1995 and 2002, TRAFFIC found that more than 8,300 ivory

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MARTIN HARVEY

Elephants are right- or left-tusked, using the favored tusk more often as a tool, shortening it from constant wear. These tusks grow for most of an elephant's lifetime and are thus a good indicator of age.

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Photo collage: (l. to r.) scarlet macaw, Howard Buffett; bull shark, WWF/Sylvia Earle; hawksbill turtle, Anja G. Burns; American black bear, Howard Buffett; fishhook cactus, J. Atchley; tiger, WWF/Martin Harvey.

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ISSN: 1540-8418 • TR04-2

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TRAFFIC North America is part of the worldwide TRAFFIC Network, a joint program of WWF and IUCN.

The TRAFFIC Report is made possible by the generous support of the Hendrickson Trust.

items were seized at the border or refused entry by law enforcement. These items were being shipped to the United States from more than 80 countries around the world.

- An average of about 1,000 items per week were advertised as elephant ivory offered for sale on eBay during TRAFFIC's investigation. TRAFFIC found regular shipments of ivory carvings and jewelry being sold to U.S. customers over eBay from vendors in China under circumstances that may be illegal, with these web-based "stores" routinely shipping ivory to the United States via express delivery service and even offering to falsely label the shipments as containing bone.

The United States has the distinction of having one of the most active ivory markets in the world, with ivory being seized nearly five times more often at U.S. borders in recent years than in any other country. This indicates U.S. law enforcement is doing a good job of catching illegal imports despite limited resources. However, it also means Americans are ignoring the law and continuing to fuel demand for ivory.

TRAFFIC investigators examined U.S. government seizure records for ivory, researched the domestic U.S. ivory market and posed as prospective ivory buyers online to learn about the ease with which overseas ivory dealers get their goods across the U.S. border. It was clear that the Internet has emerged as a major vehicle for selling ivory around the world, allowing anyone with a computer to buy and sell ivory anonymously. The high volume of ivory being bought by Americans online is a serious concern. When TRAFFIC investigators posed online as potential buyers, ivory sellers and other buyers stated that getting ivory into the United States would not be a problem.

Much of the overseas ivory being offered to Americans online appears to come from China, the country with the biggest illegal ivory market in the world, according to international trade records.

The small quantities of ivory involved in most of the seizures suggests that the U.S.

illegal ivory market consists mainly of consumers and travelers trying to bring personal amounts of ivory into the country, rather than large-scale smuggling, although in recent years there have been several cases of ivory confiscated in the United States in commercial quantities. The data also indicate that U.S. law enforcement is successful in catching a significant amount of ivory entering illegally.

Not all trade in elephant ivory is illegal and TRAFFIC found a thriving legal market in the United States as well. U.S. law allows for the import and sale of elephant ivory that is antique and certified as being in trade before the CITES ban went into effect. It is also legal for hunters to import ivory "trophies" from African countries that allow trophy hunting of elephants.

With as many as 100,000 elephants a year killed in Africa by poachers during the 1980s, the international community imposed the ivory ban through CITES in 1989. Ivory from Asian elephants was banned from U.S. import even earlier. The ban has been widely hailed for significantly reducing poaching and allowing African elephant populations to begin to recover.

TRAFFIC North America gratefully acknowledges the generous support of

Francois and Sheila Brutsch
CGMK Foundation
The Walt Disney Company Foundation
The Hendrickson Trust
Mrs. Niels W. Johnsen
Eugene Linden
The Curtis and Edith Munson Foundation
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CITES COP 13 TRIUMPHS IN THAILAND

The Thirteenth Conference of the Parties (COP 13) to CITES convened 2-14 October 2004 at the Queen Sirikit National Convention Center in Bangkok, Thailand, and drew together more than 1,200 participants representing governments, intergovernmental organizations, and nongovernmental organizations. Delegates considered 64 agenda items, including 50 proposals to amend CITES Appendices I and II.

International trade in species listed on Appendix I is prohibited, except in very special circumstances, and trade in Appendix II species is strictly controlled through a system of permits. CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, was enacted in 1973, and currently claims 167 member countries. The treaty helps to ensure the sustainable international trade of more than 30,000 plant and animal species.

The following is a summary of some of the main issues and proposals discussed and decided at COP 13. The amendments adopted in Bangkok will enter into force for all parties, except those which made reservations, on 12 January 2005.

African Elephants (*Loxodonta africana*): African countries announced a continent-wide action plan to crack down on their domestic ivory markets. For the first time, every African country with a domestic ivory market has committed to either strictly control domestic ivory trade or shut it down altogether. Until now, Africa's domestic ivory markets have remained unaddressed by the ban on international ivory sales imposed by CITES in 1989, and unregulated domestic markets across Africa are fueling a significant portion of the poaching, consuming up to 12,000 elephants annually. In addition, CITES parties opted to allow Namibia a strictly controlled non-commercial trade in traditional ivory carvings, or ekipas, the ivory for which will be sourced solely from elephants that have died of natural causes.

Ramin (*Gonystylus* spp.): Ramin, a Southeast Asian tropical hardwood, was listed on Appendix II, with an annotation designating all parts and derivatives. The wood is mostly used in the manufacture of doors, furniture and smaller items such as picture frames, billiard cues, blinds and baby cribs, and populations have been depleted through illegal, unsustainable harvest and trade. Despite previous steps to address ramin trade and conservation concerns, including an Appendix III listing by Indonesia, illegal activities continued. While the Appendix III listing significantly increased the transparency of the trade and was beneficial in

addressing some of the illegal trade, the Appendix II listing will further improve the effectiveness of trade controls and enhance cooperation and coordination in the region and globally. Overharvesting of ramin is of additional conservation concern because the forests where ramin grows are home to endangered fauna such as orangutans and tigers, which are losing their habitat because of illegal logging and clearing for agriculture.

Agarwood (*Aquilaria* spp. and *Gyrinops* spp.): Agarwood, possibly the most valuable non-timber forest product worldwide, was listed on Appendix II with an annotation designating all parts and derivatives except: seeds, spores, and pollen; seedling or tissue cultures obtained *in vitro*; and cut flowers of artificially propagated plants. The trade in agarwood, resinous deposits of which are found in tree species of the genera, dates back 2,000 years and meets the cultural, medicinal and religious needs of societies from the Middle East right across Asia to China and Japan. It is also used in the production of high-grade incense and perfumes. A single agarwood-producing species, *Aquilaria malaccensis*, has been listed on CITES Appendix II since 1995. But having only one species out of more than 20 listed on CITES has caused implementation and law enforcement difficulties — particularly as agarwood is traded in the form of wood, wood chips and oil, which makes it almost impossible to distinguish between species. The harmonizing of trade controls for all *Aquilaria* and *Gyrinops* species under CITES Appendix II, therefore, should streamline management of the trade and allow it to continue at sustainable levels.

Humphead wrasse (*Cheilinus undulates*): The humphead wrasse, a giant coral reef fish, was listed on Appendix II. This fish is harvested live for the international food trade — its lips are especially sought-after as delicacies in upscale Asian

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DORREN JEW

Most specimens of humphead wrasse (*Cheilinus undulates*) are found in shallow water (< 30 m) and are therefore easily accessible to spear fishing; the behavior of hiding in crevices when chased also makes them particularly vulnerable to cyanide fishing.

restaurants. The humphead wrasse is particularly vulnerable to overexploitation as it is a naturally rare, long-lived, late-maturing and hermaphroditic (with female-to-male sex change) species. The humphead wrasse has been subjected to largely unmanaged fisheries that have resulted in consistent marked population declines, and the Appendix II listing will help ensure that the trade continues legally and sustainably.

The great white shark (*Carcharodon carcharias*) was also listed on Appendix II; the Irrawaddy dolphin (*Orcaella brevirostris*), a rare species exported within Asia for aquarium displays and shows, was listed on Appendix I.



ALVIN COMPOST

Though entanglement in fishing gear is the main threat to the Irrawaddy dolphin (*Orcaella brevirostris*), the live trade for display in oceanaria throughout Asia is also a major risk to the species.

Another achievement of COP 13 was the announcement of a bold initiative from the 10 members of the Association of South East Asian Nations (ASEAN) to work together to address the region's wildlife trade crisis. ASEAN also called upon all of the parties to CITES to support action in Southeast Asia, a region that has long played a role as supplier and trade entrepot for a significant portion of the global trade in wildlife. The region's own rich biodiversity makes it a target for traders interested in a variety of animals and plants ranging from tigers and elephants, to rare orchids, and both marine and freshwater turtles. The ASEAN Statement on CITES focuses on six key areas of cooperation, including the need for increased law enforcement co-operation, comprehensive legal frameworks, and more scientific information to be made available to guide wildlife trade management by CITES authorities.

Overall, COP 13 made huge strides in ensuring the continued sustainability of Earth's living resources and TRAFFIC North American will continue to build on these successes.

For complete results of COP 13, visit www.cites.org, the CITES Web site.

North American NEWS



CAVIAR IMPORTERS TO RECEIVE OPTIMAL PENALTY

On 14 November 2004, Optimus, Inc., a Miami-based gourmet company doing business as Marky's Caviar and the International Food Emporium, pleaded guilty to federal wildlife and smuggling charges. Optimus is one of the largest importers of caviar in the United States, and the criminal activity began in late 1999, as they were importing to meet the particularly high demand for the millennium celebrations. At that time, Optimus directed its suppliers to provide invoices stating that the caviar had been lawfully imported into the United States, even though there were indications to the contrary. Optimus admitted that it had purchased approximately 5.9 tons of smuggled caviar from five separate smuggling rings, and admitted to knowingly purchasing sturgeon caviar with false wildlife invoices, in violation of the Lacey Act; knowingly purchasing smuggled caviar; and failing to exercise due care in purchasing smuggled caviar.

Under the terms of its plea agreement, which is subject to approval by the court, Optimus will pay a US\$1 million fine, will be required to develop a stringent wildlife compliance plan, and will remain subject to government and court supervision while serving five years of probation. Sentencing is scheduled for 25 January 2005.

(U.S. Department of Justice, 14 November 2004)

ASIAN AROWANA APPREHENDED

On 13 September 2004, Joe Lian Ho Luah pleaded guilty in Edmonton Provincial Court to four counts of illegally exporting Asian Arowana (*Schleropages formosus*) to the United States. Luah illegally exported a total of 72 fish, each valued between CA\$1,000 (US\$840) to CA\$5,000 (US\$4,190), after legally importing them into Canada under the CITES permitting system. The illegal exports constituted violations under Canada's Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). The fines totaled CA\$30,000 (US\$25,130) for the four offenses, plus an additional CA\$30,000 for recovery of benefits accrued through these offenses. A portion of the damages will be donated to the Calgary Zoo. The conviction was the result of a 22-month multi-agency investigation by Canadian and U.S. authorities. The U.S. Fish and Wildlife Service is pursuing the prosecution of those involved in the trade in the United States.

(Environment Canada press release, 13 September 2004)



ALLIGATORS SNAPPED UP

Renato Rinomato was found guilty of illegally importing four American alligators (*Alligator mississippiensis*) into Canada in Windsor, Ontario, Criminal Court on 7 October 2004. American alligators are listed on CITES Appendix II and the Canada Customs and Revenue Agency and the Ontario Provincial Police discovered Rinomato returning to Canada from the United States with the four specimens concealed in his coat, without the proper CITES export permit. For his violation of WAPPRIITA and the Customs Act, Rinomato was fined a total of CA\$5,000 (US\$4,190) and was prohibited from possessing any CITES listed species for a period of one year.

(*Environment Canada press release, 7 October 2004*)



While American alligator (*Alligator mississippiensis*) populations were severely affected early this century due to demand for the high quality leather produced from their belly skin, the recovery of this species has been remarkable thanks mainly to properly controlled and monitored conservation and sustainable use programs.

MEXICAN CACTI SNAGGED

On 15 November 2004, PROFEPA (Attorney General for the Protection of the Environment) announced that it had seized 240 cacti at Mexico City International Airport. It was determined that the specimens (*Aztekium ritterii*, *Obregonia denegrii*, and *Ariocarpus* spp.), all endemic to Mexico and all protected under Mexican law and CITES, had been taken from the wild. The cacti, worth approximately MX\$326,000 (US\$29,180), were turned over to Mexican authorities by KLM airline personal upon arrival at the airport, from where it is presumed they were destined for European markets such as Germany, Austria, the Netherlands, Belgium, and the Czech Republic.

(*PROFEPA press release, 15 November 2004*)

TONS OF WOOD

In November 2004, PROFEPA seized around 18 tons of wood in the Villa de Alvarez municipality. The wood, from guanacaste trees (*Enterolobium cyclocarpum*), is highly valued in the manufacture of items such as furniture, cabinetry, and picture frames, and was being transported by Alvino Reynaga Ruelas in a truck with Jalisco license plates. Ruelas was unable to provide forestry inspectors with the proper documentation to show that the wood had been legally harvested, violating Article 419 of the Mexican Federal Penal Code. PROFEPA stated that this large seizure shows the success of its surveillance operations along public roads and that it sends a strong message to illegal loggers.

(*PROFEPA press release, 19 November 2004*)

NYC Law First of Its Kind to Crack Down on Illegal Sales of Endangered Species

New York City has become the first municipality in the United States to approve a law making it illegal to buy or sell products containing, or advertised as containing, endangered species. The law, signed by Mayor Bloomberg on 1 December 2004, follows an undercover investigation of New York City's traditional medicine shops last spring by TRAFFIC. The investigation found illegal products widely available claiming to contain endangered species, including tigers, rhinos, leopards and musk deer.

Though federal legislation like the Endangered Species Act makes interstate commerce of endangered species products illegal, it does not apply to sales within a city. The new law would close local loopholes in New York City law by making the sale of products containing, or labeled as containing, endangered species a violation of city law and give New York City enforcement officials the authority to take action. This bill meets an important need in the global effort to combat illegal wildlife trade. Consumers and merchants now must do their part by not buying these products, which fuels demand for the illegal killing of these species in the wild.



FIRST SHARK FINNING PROHIBITION ACT CONVICTIONS

On 9 September 2004, two men pleaded guilty to violations of the U.S. Lacey Act and the Shark Finning Prohibition Act, the first U.S. arrest, charge, and conviction since the shark finning ban was implemented in 2002. The Shark Finning Prohibition Act makes it illegal for a foreign vessel to offload shark fins into a U.S. port without also offloading the entire shark carcass, in an effort to reduce the number of sharks finned and carcasses discarded at sea. Cresento Bacaling and Conchito Cagas, Jr., crew members of a Japanese-flagged fishing vessel, pleaded guilty to illegally offloading approximately 520 shark fins in Apra Harbor, Guam, on 13 July 2004. Bacaling and Cagas stated that they intended to smuggle the shark fins out of Guam and into the Philippines, where they would be sold. A sentencing hearing has been set for 8 December 2004.

(NOAA Fisheries press release, 13 September 2004)



JEROME MILLEFET

Meat is the most traded shark product by quantity, but fins are the most valuable product per unit weight. Trade in products derived from the Great White Shark (*Carcharodon carcharias*) consists mostly of teeth and jaws.

BIG FISH HOOKED, CONT.

On 28 May 2004, Arnold Bengis, Jeffrey Noll, and David Bengis were sentenced in Manhattan federal court to 46 months, 30 months, and 12 months in prison, respectively. As part of their guilty pleas, the three had also agreed to forfeit almost US\$7.5 million in profits to the U.S. government.

Arnold Bengis and Jeffrey Noll had previously pleaded guilty in a scheme to illegally over-harvest massive quantities of South African rock lobster (*Jasus lalandii*) and Patagonian toothfish (*Dissostichus eleginoides*), and to then illegally import the fish into the United States from South Africa. Arnold Bengis and Noll pleaded guilty to one count of conspiracy to violate the Lacey Act and to commit smuggling and three separate counts of

violating the Lacey Act; David Bengis also pleaded guilty to one misdemeanor count of conspiracy to violate the Lacey Act.

The scheme was conducted through Hout Bay Fishing Industries Ltd., out of Cape Town, South Africa, and three U.S. affiliates: Icebrand Seafoods, Associated Sea Fisheries in New York City, and Icebrand Seafoods Maine in Portland, Maine. The Bengises and Noll allegedly ran the illegal overharvesting and exporting scheme since at least 1987 and up through August 2001. It is alleged that to carry out this scheme, they underreported seafood harvest, bribed South African fisheries inspectors, submitted false export documents to South African authorities, altered and destroyed documents indicating the actual quantity of seafood harvested, concealed vast amounts of rock lobster from authorities, and diverted an illegal shipment originally intended for New York City to Singapore and Hong Kong to avoid seizure by U.S. authorities.

(NOAA Fisheries press release, 2 March 2004; U.S. Attorney, Southern District of New York press release, 28 May 2004)

THREE PLEAD GUILTY TO BEAR POACHING

In June 2004, three Alaska men pleaded guilty to poaching black bears (*Ursus americanus*) and trying to sell their body parts in international trade. Tae Won Roe, Kwan Su Yi, and James Ho Moon were charged with conspiracy, attempted export and sale of illegally taken wildlife, and making false statements regarding wildlife in violation of the Lacey Act.

The men set snares on Chenega Island and in the Chugach National Forest that would trap the bears in nooses hanging from trees. Once a bear was trapped, they would remove the legs, heads and gallbladders. In September 2002, biologists doing stream surveys in the area found a live bear in one of the traps, which led to the arrests.



HOWARD BUFFETT

The trade in bear parts is lucrative, which influences illegal hunting of the species. Bear parts are in demand for many uses, including traditional Asian medicine, food, souvenirs, and trophies.



The men intended to sell the parts on the South Korean black market, where they are valued as traditional medicine for ailments such as arthritis, high blood pressure, and impotence. The bear gallbladders alone can bring from US\$500 to US\$4,000 each.

The men face fines of US\$3,000, restitution to the state of Alaska, probation, and forfeiture of a boat, motor, and trailer used in the operation.

(Environment News Service, 17 June 2004)

ORCHID SMUGGLER SENTENCED

George Norris was sentenced on 6 October 2004 in Miami, Florida U.S. District Court in connection with a conspiracy to smuggle protected orchids, including species of tropical lady's slipper orchids (*Phragmipedium* spp.), into the United States in contravention of CITES. Norris conspired with Manuel Arias Silva of Lima, Peru, to import orchids in falsely labeled packages between January 1999 and October 2003. Norris and Arias both admitted in their pleas that they used invalid permits for the shipments and falsely labeled many of the plants to cover up the lack of a valid permit. Norris was sentenced to 17 months in prison, followed by two years of supervised release.

Silva was previously sentenced to 21 months in prison, three years supervised release, and a \$5,000 fine.

(U.S. Department of Justice press release, 6 October 2004)

CITES NEWS

- 167th party to CITES – The Independent State of Samoa became the 167th party to CITES when it ratified the Convention on 9 November 2004. The Convention will enter into force in Samoa on 7 February 2005.
- *Notification to the Parties No. 2004/055* — On 30 July 2004, the CITES secretariat recommended that parties suspend commercial trade in specimens of CITES-listed species to Mauritania and Somalia until further notice, due to concerns regarding their implementation of the treaty. Both parties failed to submit a CITES legislation plan by the date required in Decision 12.80, were given further opportunities to supply the required information, and still failed to do so.

To obtain information on specific CITES notifications, please contact the CITES Secretariat, United Nations Environment Programme, 15, chemin des Anémones, Case Postale 456, 1219 Chatelaine, Geneva, Switzerland. Email: cites@unep.ch Web Site: www.cites.org

SAKER FALCONS SEIZED

On 27 October 2004, 127 Saker falcons (*Falco cherrug*) were discovered in wooden crates on the runway of a Russian military airbase outside of Bishkek, Kyrgyzstan. The falcons were about to be loaded onto a commercial airliner bound for Syria, which had been hired by a Kyrgyz tourist firm. Though it is unclear whether or not the Russian military, or Kyrgyz officials, were involved, it is apparent that the smugglers had been exploiting the immunity of the foreign airbase. Kyrgyz officials, who were aware of the smuggling scheme, were able to demand access only because of the presence of the civilian airliner.

Saker falcons are in great demand for falconry. The illegal export of falcons to Arab countries is of such a large scale that some species face total extinction as a result. The Saker is particularly in demand as one of the largest falcons and an aggressive hunter, with a single bird fetching anywhere from US\$20,000 to several hundred thousand dollars. Sakers are rare throughout their habitat, which ranges from Eastern Europe to central Asia, and are legally protected in Kyrgyzstan.

The investigation of this complex case is ongoing. The only person to be arrested was the man unloading the boxes containing the falcons on the day of the seizure, but he is thought to be only a minor player in the smuggling ring.

All the falcons, except for two that died after the seizure, were released back into the wild.

(Environment News Service, 9 November 2004)

SAIGA CONTRABAND

Customs officers in China's Guandong Province seized more than 8,000 antelope horns in August 2004. The horns, many from the endangered Saiga antelope (*Saiga tatarica*), were smuggled in from Russia and weighed more than two tons. Saiga horn is used in traditional medicines for the treatment of fever, stroke, headache, and dizziness, and this demand has caused wild populations to dwindle. Saiga are listed on CITES Appendix II and are also protected under Chinese law.

(Reuters, 24 August 2004)

COSTLY ACCESSORIES

In April 2004, police raided a workshop outside of Kathmandu, Nepal, working on a tip they received from a man they had previously arrested in possession of six leopard skins (*Panthera pardus*). Four people were arrested at the workshop, where hundreds of pieces of leopard skins and otter skins were seized. It was estimated that the skins represented at least two dozen leopards and one dozen otters, but the origin of the specimens is unclear. The well-equipped workshop was manufacturing jackets, bags, belts and other goods from animal skins for the Tibetan market, most likely for wealthy Chinese.

(Environment News Service, 29 April 2004)



TRAFFIC NORTH AMERICA PUBLICATIONS

The Gardener's Guide to Plant Conservation (1993), 187 pp.
Prescription for Extinction: Endangered Species and Patented Oriental Medicines in Trade (1994), 300 pp.
Status, Management, and Commercialization of the American Black Bear (Ursus americanus) (1995), 132 pp.
Proceedings of the Second International Symposium on the Trade of Bear Parts (1997), 239 pp.
An Overview of World Trade in Cervid Antler with an Emphasis on the United States and Canada (1997), 98 pp.
American Ginseng: The Root of North America's Medicinal Herb Trade (1998), 94 pp.
While Supplies Last: The Sale of Tiger and Other Endangered Species Medicines in North America (1998), 57 pp.
Shark Fisheries and Trade in the Americas, Volume I: North America (1998), 201 pp.
The U.S. Role in the International Live Reptile Trade: Amazon Tree Boas to Zululand Dwarf Chameleons (1998), 59 pp.
A World Apart? Attitudes Toward Traditional Chinese Medicine and Endangered Species in Hong Kong and the United States (1998), 80 pp.
A Review of State Bear Trade Laws: U.S. State Statutes and Regulations Regarding the American Black Bear (Ursus americanus) (1999), 171 pp.
 "Comparative analysis of management regimes and medicinal plant trade monitoring mechanisms for American ginseng and goldenseal" (1999), 14 pp. Article reprinted from *Conservation Biology* (14/5/1422-34)
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A Guide to the Identification of Seahorses (2004), 114 pp. (in partnership with Project Seahorse)
A Tale of Two Cities: A Comparative Study of Traditional Chinese Medicine Markets in San Francisco and New York City (2004), 21 pp.
Tackling the Ivories: The Status of the U.S. Trade in Elephant and Hippo Ivory (2004), 54 pp.
CITES, Eh? A Review of Canada's Implementation of CITES Under WAPPRIITA (2004), 124 pp.

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