

THE TRAFFIC REPORT



Tigers in Captivity: Gaps in U.S. Regulatory System



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On July 31 of this year, TRAFFIC North America released a new report, *Paper Tigers?: The Role of the U.S. Captive Tiger Population in the Trade in Tiger Parts* by Doug Williamson and Leigh Henry. This report highlights the gaps in U.S. regulations for tigers held in captivity and how this could make the big cats a target for illegal trade. We found that there are no reliable regulatory mechanisms to keep track of captive tigers in the United States. While the report shows no evidence that these tigers are currently a supply source for the international black market, these weak U.S. regulations could leave them vulnerable to illegal trade unless the issue is addressed immediately. Any supply of tiger parts into the black market can stimulate trade and consumer demand, which could pose a further threat to already-dwindling wild tiger populations.

According to the report, the U.S. government has no way to determine how many tigers there are in captivity within its borders, where they are, who owns them, or what happens to their body parts when they die. Captive tigers include animals bred in zoos, used for entertainment in carnivals or promotional exhibits, housed at rescue facilities, and owned privately. In many states there are no controls on individuals keeping tigers as pets. Current estimates indicate that there are more than 5,000 tigers in captivity in the United States, more than exist in the wild. A registration scheme for all captive tigers and a means to monitor disposal of dead tigers is urgently needed, according to the report.

Tiger populations are fast declining worldwide due to poaching for illegal trade and to habitat and prey loss. One of the leading threats to the species' survival is the global demand for their bones, skins and other body parts for use in fashion and some traditional forms of Asian medicine. There are around 4,000 tigers remaining in the wild.

The international treaty that controls trade in wildlife, CITES, has agreed to a series of decisions and resolutions for its 174 member governments to implement to help protect tigers from illegal trade. Since 2000, a Resolution agreed upon by all CITES member countries, including the United States, has urged governments to ensure that they had effective management and controls in place to stop captive tiger parts from entering illegal trade. According to

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WWF and TRAFFIC, the United States lacks a comprehensive management system for captive tigers, which means that the government has not implemented the CITES Resolution it agreed to.

CITES member countries also decided last year, by consensus, that countries should not breed tigers on a commercial scale for trade in their body parts. The report shows that while no tigers are bred on a commercial scale in the U.S. for this specific trade, there is a lack of regulation on the federal and state level, which could leave the door open for illegal trade.

WWF and TRAFFIC recommend that, among other steps, the federal government rescind exceptions to laws that exempt certain categories of captive U.S. tigers from regulation, specifically under the Captive-Bred Wildlife Registration system. We also recommend that all persons or facilities holding USDA licenses for exhibition or breeding and dealing in tigers be required to report annually on the number of tigers held, births, mortality and transfer or sale.

A copy of the report can be downloaded at <http://www.worldwildlife.org/who/media/press/2008/WWFBinaryItem9751.pdf>

Contributed by Leigh Henry, TRAFFIC North America

Did You Know?

Did you know that about half of the states in the U.S. allow private ownership of tigers? And that nine of these states require no license, permit, or registration to keep these animals?

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Table 3. State controls on Tiger breeding in the United States

State	Tigers Allowed as "Pets"?	Breeding of Privately held Tigers allowed?	Breeding Exemption under license permitted?	State	Tigers Allowed as "Pets"?	Breeding of Privately held Tigers allowed?	Breeding Exemption under license permitted?
Alabama	Yes	No*	Yes	Nebraska	No	No	Yes
Alaska	No	No	No	Nevada	No Law	No Law	No Law
Arizona	No	No	Yes	New Hampshire	No	No	Yes
Arkansas	No	No*	Yes	New Jersey	No	No	Yes
California	No**	No	Yes	New Mexico	No	No	No
Colorado	No	No	Yes	New York	No	No	Yes
Connecticut	Yes	No	Yes	North Carolina	No Law	No Law	No Law
Delaware	Yes	Yes	Yes	North Dakota	Yes	Yes	Yes
Florida	No	No	Yes	Ohio	No Law	No Law	No Law
Georgia	No	No	Yes	Oklahoma	Yes	Yes	Yes
Hawaii	No	No	Yes	Oregon	Yes	Yes	Yes
Idaho	No Law	No Law	No Law	Pennsylvania	Yes	Yes	Yes
Illinois	No	No	Yes	Rhode Island	Yes	Yes	Yes
Indiana	Yes	Yes	Yes	South Carolina	No Law	No Law	No Law
Iowa	No Law	No Law	No Law	South Dakota	Yes	Yes	Yes
Kansas	No	No	Yes	Tennessee	No	No	Yes
Kentucky	No	No	Yes	Texas	Yes	Yes	Yes
Louisiana	Yes**	No	Yes	Utah	No	No	Yes
Maine	Yes	Yes	Yes	Vermont	No	No	No
Maryland	No	No	Yes	Virginia	No**	No	No
Massachusetts	No	No	Yes	Washington	Yes**	No	Yes
Michigan	No	No	Yes	West Virginia	No Law	No Law	No Law
Minnesota	No	No	Yes	Wisconsin	No Law	No Law	No Law
Mississippi	Yes	Yes	Yes	Wyoming	No	No	Yes
Missouri	Yes	Yes	Yes				
Montana	Yes	Yes	Yes				

* Must spay/neuter animals
 ** Grandfather Clause permitting keeping of Tigers owned prior to Ban

NEWS FROM THE UNITED STATES

TRAFFIC North America Presents Congressional Testimony

On September 16, 2008, the House of Representatives Natural Resources Subcommittee on Fisheries, Wildlife and the Oceans held an Oversight Hearing on the impacts that U.S. consumer demand is having on the illegal and unsustainable trade of wildlife products and ongoing and proposed efforts to increase public awareness about these impacts. The hearing panel included, among others, Mr. Benito A. Perez, the Chief, Office of Law Enforcement, U.S. Fish and Wildlife Service (USFWS); Mr. Michael Kowlaski, the CEO of Tiffany & Co.; and Crawford Allan, director of TRAFFIC North America. Mr.



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Perez gave insights into the role and activities that the USFWS had been undertaking to combat illegal trade and raise consumer awareness of the issue. Mr. Kowalski explained how a private company like Tiffany's can have a role in both raising awareness of the threats of unsustainable trade in wildlife, like precious corals used for jewelry, and in developing wise purchasing policies. The panel and Committee also generally agreed that efforts to influence consumer and industry buying behaviors had only just scratched the surface and should be greatly enhanced.

In his testimony, Mr. Allan provided an overview of how the United States has played a leading role in the global wildlife trade and proposed a series of recommendations to ensure that the United States reduces negative conservation and socio-economic impacts of illegal and unsustainable wildlife trade. These recommendations included closing certain regulatory gaps. He told the panel that wildlife trade needs to be a greater political priority, and that implementing agencies such as the U.S. Fish and Wildlife Service must be given the necessary resources to raise awareness and insure the success of undercover investigations and inspection programs.

The panel stressed that the countries affected by U.S. consumer demand need assistance with implementing their wildlife trade laws. Allan highlighted the important role that the United States, with the support of organizations such as WWF and TRAFFIC, has been playing in supporting international capacity-building efforts such as the CITES Support Program for the CAFTA-DR (The Central America-Dominican Republic-United States Free Trade Agreement), and the ASEAN Wildlife Enforcement Network. The U.S. leadership of the Coalition Against Wildlife Trafficking (CAWT) was an example of a positive global initiative for heightening political will and developing resources to combat the challenges. TRAFFIC asked that the House Subcommittee encourage further U.S. investment in addressing illegal wildlife trade at home and abroad.

Crawford Allan's testimony can be found at

<http://www.worldwildlife.org/what/globalmarkets/wildlifetrade/WWFBinaryitem10062.pdf>

More information on the hearing can be found at: http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=54&extmode=view&extid=210.

Contributed by Linda Downing, TRAFFIC North America

NEWS FROM MEXICO

TRAFFIC North America-Mexico Donates Inspection Equipment to PROFEPA

TRAFFIC North America-Mexico donated USD30,000 worth of animal handling equipment to Mexico's Attorney General for the Protection of the Environment (PROFEPA) Seaports, Airports and Borders Program, to assist enforcement officers in their day-to-day activities involving the inspection of shipments, handling, and transportation of wildlife. This donation is part of a collaboration agreement between PROFEPA and TRAFFIC focused on supporting PROFEPA in effectively tackling illegal wildlife trade and control of legal trade.



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The equipment, which will provide much-needed tools to help Mexico's border inspectors monitor and take appropriate action to control wildlife trade at the country's borders, was officially handed

over to PROFEPA at an event in Mexico City on September 22, 2008. During this event, Gustavo Gonzalez, under-prosecutor for industrial inspection, which oversees the Seaports, Airports and Borders Program, accepted this donation from Adrian Reuter, TRAFFIC North America's Mexico representative. The donation included 2,294 technical tools to be distributed among the 72 ports, airports, and border inspectorates in the country.

This donation is part of larger three-year program led by TRAFFIC, generously supported by the Strategic Programmes Fund of the United Kingdom. The project aims to strengthen the capacities of enforcement officers in Mexico on wildlife trade issues, including the implementation of CITES. The capacity-building program has developed specialized training materials for enforcement officials and training workshops have been provided to 80 percent of PROFEPA's Seaports, Airports and Borders Program staff. In addition, more than 100 enforcement officials have been trained from the Federal Police, General Attorney's Office, Federal Agency of Criminal Investigations, and Customs; and to some Guatemalan institutions that work along the southern border of Mexico.

Contributed by Paola Mosig, TRAFFIC North America

Wildlife Trade Workshop Held with Central American Authorities

A tri-national workshop on wildlife trade regulation for CITES Management and Scientific Authorities and the enforcement authorities of Nicaragua, Honduras and El Salvador was held in Tegucigalpa, Honduras, in June 2008. This workshop was a multi-stakeholder partnership and combined the efforts of two U.S. government funded projects. The two projects were TRAFFIC's capacity-strengthening project for the CAFTA-DR (The Central America-Dominican Republic-United States Free Trade Agreement) countries, funded by the U.S. Department of State and the USAID funded Conservation of Central American Watersheds project, implemented by WWF Central America Regional Office. The objective of the workshop was to increase communication, promote collaboration and strengthen the capacities of government agents responsible for management of wildlife trade and combating illegal elements.

Attendees received specialized materials and training on practical topics identified as priorities in close coordination with authorities in each country. There were 47 participants, including 11 expert instructors. Officials in attendance included the Honduran agriculture minister and the UNEP CITES Secretariat from Geneva. Instruction was provided on national legal frameworks, CITES regulations, species identification and handling skills and development of effective tools to improve communication and the implementation of border controls.

The workshop was an example of effective partnership between a wide array of stakeholders and TRAFFIC and WWF gratefully recognize the collaboration of the governments of El Salvador, Nicaragua and Honduras, as well as the U.S. Department of State, USAID, U.S. Department of Interior, CCAD (La Comisión Centroamericana de Ambiente y Desarrollo), UNEP CITES Secretariat and other participants at the workshop.

Contributed by Adrian Reuter, TRAFFIC North America

Mexico Prohibits Use and Trade of All Wild Parrots

A recent legislative amendment was made to Article 60 Bis 2 of the Wildlife General Law in Mexico (Ley General de Vida Silvestre), whereby specimens of the parrot family Psittacidae, native to Mexico, cannot be captured for subsistence or commercial purposes. The Ministry of the Environment and Natural Resources (SEMARNAT) can issue collection permits for these species for conservation and research purposes only. Permits for research will be approved only for certified academic institutions. Imports, exports and re-exports of any bird of the family Psittacidae, native to Mexico, are also prohibited. Psittacidae species not included in the Article will remain subject to the regulations of other laws and international treaties that Mexico is party to. The captive breeding facilities legally functioning and registered by SEMARNAT can continue reproducing the species concerned for conservation purposes only.



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The following species are included under the amendment: *Aratinga holochlora*, *Aratinga holochlora*

brevipes, Aratinga holochlora brewsteri, Aratinga strenua, Aratinga brevipes, Aratinga nana, Aratinga canicularis, Ara militaris, Ara macao, Rhynchopsitta pachyrhyncha, Rhynchopsitta terrisi, Bolborhynchus lineola, Forpus cyanopygius, Forpus cyanopygius insularis, Brotogeris jugularis, Pionopsitta haematotis, Pionus seniles, Amazona albifrons, Amazona xantholora, Amazona viridigenalis, Amazona finschi, Amazona autumnalis, Amazona farinosa, Amazona oratrix, and Amazona oratrix tresmariae.

Contributed by Paola Mosig, TRAFFIC North America

NEWS FROM CANADA

New Environmental Law Enforcement Officers on Duty Across Canada

On 23 July 2008, 42 new environmental law enforcement officers completed basic training and are now ready to work across Canada. The officers were hired and trained as part of the Canadian government's 2007 budget commitment of USD22 million to increase the number of on-the-ground enforcement officers and to ensure that smugglers, poachers and polluters are held accountable for violations of environmental laws. This resource allocation was a recommendation promoted in the TRAFFIC report on Canada's implementation of wildlife trade regulations, called "CITES Eh?" by Ernie Cooper (download at <http://www.worldwildlife.org/what/globalmarkets/wildlifetrade/WWFBinaryitem4934.pdf>)

Environment Canada's enforcement personnel conduct inspections and investigate potential offenses under a number of acts and regulations including the Canadian Environmental Protection Act, 1999; the Species at Risk Act (SARA); the pollution provisions of Canada's Fisheries Act; the Migratory Birds Act and Regulation; and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). They help ensure that companies, government agencies and the general public comply with regulations that protect Canada's environment.

TRAFFIC commends Environment Canada on its commitment to increase the strength of its enforcement team. This is a great step toward building up Canada's capacity to regulate wildlife trade.

Contributed by Jill Hepp, TRAFFIC North America

Enforcement Successes in the News

Long-Awaited Sentencing in Ivory Smuggling Case

On 6 August 2008, Tania Julie Siyam was sentenced in Akron, Ohio, to serve 60 months in prison and pay a USD100,000 fine for smuggling ivory into the United States from Cameroon. The sentence, handed down by U.S. District Court Judge John R. Adams, is the result of a multiyear, international investigation by the U.S. Fish and Wildlife Service, Environment Canada, and the U.S. Attorney's Office in Cleveland, Ohio.

Siyam was indicted by a federal grand jury in Cleveland on 3 March 2004 on two U.S. Lacey Act felonies and two smuggling felony counts for activities relating to the illegal commercial trafficking of raw African elephant ivory from Cameroon to the United States. At the time of the indictment, Siyam, a 32-year-old Canadian citizen, was being held by Canadian officials for extradition to the United States. Pursuant to treaties established between the U.S. and Canada, and after numerous Canadian hearings over nearly four years, Siyam was finally extradited to the United States to face criminal charges on 21 December 2007. On 21 March 2008, Siyam plead guilty in U.S. District Court in Akron to the four federal felony charges.



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U.S. Fish and Wildlife Service Press Release, 7 August 2008

PROFEPA Seizes Over 100 Threatened Birds

PROFEPA (Attorney General for the Protection of the Environment) officers in Nuevo Leon, Mexico,

announced on 18 October 2008 that they had seized more than 100 birds from the Casa de los Loros in Nuevo Leon in the state of Monterrey. The owners of this parrot exhibition were unable to present the required documentation to prove the legal possession and origin of the birds. Among the birds confiscated were yellow-headed parrots (*Amazona oratrix*), yellow-neck parrots (*Amazona aurocollata*), orange-fronted parakeets (*Aratinga canicularis*), military macaws (*Ara militaris*) and red-crowned parrots (*Amazona viridigenalis*), all of which are protected by Mexican regulation NOM-059-SEMARNAT-2001 and found on the Mexican redlist of species in danger of extinction. On top of the required fine of USD149,895, an additional fine was imposed because of violations of the General Wildlife Law.

PROFEPA Press Release, 18 October 2008

Mexican Authorities Seize Threatened Cycads

A total of 284 cycad plants (*Dioon edule*) were seized on 16 October 2008 at the bus terminal of San Luis Potosí, as a passenger attempted to take them to Mexico City for sale. The seizure of the cycads -- an endemic, threatened palm of the Huasteca Potosina region of Mexico - was achieved thanks to an anonymous tip received by PROFEPA. Inspectors found the smuggler in possession of six sacks containing cycads, and they verified that the plants were protected by law (NOM-059-SEMARNAT-2001). The individual was arrested by the state police when he was unable to present the required documentation of legal origin and possession.



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PROFEPA Press Release, 17 October 2008

Sentencing Continues in U.S. Marine Turtle Case

On 9 October 2008, the U.S. Justice Department announced the sentencing of a seventh individual accused in a case of trafficking protected wildlife products. Martin Villegas Terrones, a Mexican national, was sentenced to 24 months in prison for his role in a smuggling operation that was trafficking in protected marine turtle species. Along with the prison term, Villegas was sentenced to three years of supervised release.



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Villegas plead guilty on 11 March 2008 to federal smuggling charges in connection with the sale and shipment of endangered marine turtle skins and skin products from Mexico to the United States. Importation of marine turtles or marine turtle products into the United States for primarily commercial purposes is strictly prohibited by CITES and U.S. law. Villegas and 10 others were indicted in Denver, Colorado, in August 2007, following a multiyear undercover investigation named *Operation Central*. The U.S. Fish and Wildlife Service Branch of Special Operations arrested Villegas and six other defendants on 6 September 2007.

All seven defendants arrested as a result of this investigation have now plead guilty and been sentenced. These include Chinese nationals Fu Yiner and Wang Hong; Mexican nationals Carlos Leal Barragan, Esteban Lopez Estrada, and Martin Villegas Terrones; Oscar Cueva of McAllen, Texas; and Jorge Caraveo of El Paso, Texas.

U.S. Department of Justice Press Release, 9 October 2008

Indonesian Police Destroy 13.8 Tons of Pangolin Meat

In August 2008, police in Palembang, South Sumatra, destroyed 13.8 tons of seized pangolin (*Manis javanica*) meat and scales in the presence of high-ranking national police officers and officials from other agencies. Officers from the provincial and national police forces had confiscated the meat and hides of this rare and protected scaly anteater, or pangolin, in a raid on 30 July 2008. The raid disrupted a major factory based processing operation of pangolins captured in the wild. South Sumatra Police Chief Inspector Gen. Ito Sumardi



© Stephen Hogg / WWF Malaysia

D.S. said police had named three suspects so far, one from Malaysia and two from Sumatra. Smuggling pangolin meat is in violation of Indonesian law and carries a maximum sentence of five years jail time and a Rp 100 million (~USD \$9,350) fine.

The Jakarta Post, 30 August 2008

Orchid Smuggler Stopped

In August 2008, a Florida orchid seller admitted in U.S. District Court in Miami that he smuggled wild orchids out of the Philippines. Fort Lauderdale businessman Mac Rivenbark plead guilty to smuggling more than 1,400 orchids into Miami International Airport in 2005. This violation of the U.S. Lacey Act carries a five-year maximum prison sentence and stiff fines. Rivenbark admitted that he falsely claimed in paperwork that the orchids were grown artificially, when in fact they were collected in the wild by a relative in the Philippines and shipped to him.



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U.S. Department of Justice Press Release, 12 August 2008

Sentencing on Illegal Importation of Stuffed Tiger

At a hearing on 8 August 2008, U.S. District Court Judge D. Lowell Jensen sentenced 31-year-old Nicki Phung to six months home confinement and three years' probation for her role in illegally importing a stuffed and mounted tiger from Vietnam. The judge also ordered her to pay USD5,000 in restitution to a nonprofit organization that protects great cats, including tigers, throughout the world. Prosecutors say Phung plead guilty on 16 April to violating the U.S. Lacey Act for her role in importing the stuffed tiger, which she listed as a "stuffed toy." The U.S. Attorney's office said Phung admitted that she imported the tiger from Ho Chi Minh City, Vietnam, into San Francisco International Airport in December 2007 without obtaining an export permit from Vietnam or an import permit from the United States. Tigers are listed as endangered under the U.S. Endangered Species Act and are protected by CITES. The prosecution resulted from a three-month investigation by the U.S. Fish and Wildlife Service and U.S. Customs and Border Protection.

U.S. Department of Justice Press Release, 8 August 2008

Thousands of Marine Turtle Eggs Seized in Oaxaca, Mexico

As part of the permanent campaign that aims to protect marine turtle species at risk in Mexico, PROFEPA staff in the state of Oaxaca seized more than 30,000 Olive Ridley turtle eggs in August 2008. The eggs were collected from nesting beaches to supply the illegal trade. Thirteen suspects were detained in a conspiracy to collect and trade turtle eggs for consumption. Olive Ridelies (*Lepidochelys olivacea*) arrive on Oaxaca's beaches each August. During this time, PROFEPA staff in this region increase their operations on the beaches, highway control points and markets in order to prevent poaching and illegal trade.



© WWF International / Malaysian Photo Service

PROFEPA Press Release, 3 September 2008

Nigerian Leopard Skin Smuggler Sentenced to Six Months Custody

Earlier this year, TRAFFIC provided written testimony in a landmark U.S. District Court case involving illegal leopard trade from Nigeria. The defendant in the case had claimed an exemption to law based on religious grounds. If the court had ruled in his favor, it would have opened a legal loophole and set a dangerous precedent. However, in April 2008, the court ruled against the defendant, and the judge cited TRAFFIC's testimony in his decision as justification. In August 2008, the U.S. Attorney's Office for the Northern District of California announced that Moses Oladele Adeyemo, of Lagos, Nigeria, was



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sentenced to 6 months custody, 5 years probation and ordered to pay \$10,000 in restitution for smuggling four leopard skins into the United States from Nigeria. Mr. Adeyemo pleaded guilty on July 29, 2008 to smuggling and wildlife violations under the Lacey Act. According to the plea agreement, Mr. Adeyemo admitted that on May 28, 2001, he imported into the United States a shipment containing four leopard skins sewn with three naguehyde bags, from Lagos, Nigeria, to Oakland, California. Customs officers examined this package at San Francisco International Airport (SFO) and found the four leopard skins concealed with the naguehyde bags. Mr. Adeyemo admitted that he did not have, nor had he applied for, a permit to export the leopard skins from Nigeria or a permit to import the leopard skins into the United States. Additionally Mr. Adeyemo admitted that on September 11, 2007, as he entered the United States at SFO, federal agents found that he had concealed within an undergarment on his person numerous large cat teeth, including leopard teeth. The prosecution is the result of a two year investigation by agents of the U.S. Fish & Wildlife Service. Maureen Bessette is the Assistant U.S. Attorney who prosecuted the case with the assistance of Laurie Best.

U.S. Department of Justice Press Release 1 August 2008 and contributions from Leigh Henry, TRAFFIC North America

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