

**CITES Compliance  
In Nepal**

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May 1999

Copy write: The authors, 1999

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Graphic design: Wordscape  
Printing: mass printing press

## **Acknowledgements**

We would like to thank the British Embassy in Kathmandu for arranging and managing the finance for this project. Sheila O' Corner at the Embassy offered valuable support to us throughout the project period.

We would also like to express our gratitude to all of those who gave their time to allow us to interview them for the purpose of this report. The names of all them are contained in an Appendix to this report

## Contents

## Executive Summary

This report is prepared by way of a Final Report in accordance with a proposal for a CITES Compliance Project dated July 1997. The report was prepared by undertaking a detailed survey of literature pertaining to the wildlife protection regime in Nepal, and the framework in the country for compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Interviews were then conducted in Kathmandu and with many different officials and individuals outside Kathmandu during field trips to different parts of Nepal undertaken by members of the project team.

CITES seeks to regulate trade in endangered species of flora and fauna between States Parties to the Convention and between those States Parties and other States not party to the Convention. The key to the Convention is the statement that “the Parties shall not allow trade in specimens included in [its three] Appendices ... except in accordance with the provisions of the Convention” [footnote: CITES Art.2(4)]. Successive Articles of CITES go on to set out the provisions in accordance with which States Parties must act in regulating trade in endangered species. Certain species present in Nepal are included in the Appendices including tigers, leopards and rhinoceroses.

To ensure compliance with its provisions the Convention requires States Parties to “take appropriate measures to enforce [its] provisions...and to prohibit trade in specimens in violation” of it. The measures required must include penalisation of trade in or possession of specimens, and confiscation and return to the state of export of any specimen so confiscated.

No law has been passed which directly implements CITES in Nepal but a CITES implementation law has now been drafted. Although no single piece of legislation exists to give effect to all of Nepal’s obligations, the frameworks and mechanisms created by a variety of statutes should be sufficient, if operated properly by those with responsibility for operating them, to ensure that the mischief targeted by CITES is incapable of being carried out. Key legislation in this regard includes: (1) the National Parks and Wildlife Conservation Act 1973 and related sets of rules; (2) the Forest Act 1993 and related sets of rules; and (3) the Export and Import (Control) Act 1957 and the Customs Act 1962 and related sets of rules. The latter regime has since 1992 totally banned all export of wildlife and wild animal parts.

In Nepal the wildlife protection regime contained within these statutes and other legal documents is structured around certain key protected areas and operated by a small number of key institutions and individuals, including the Department of National Parks and Wildlife Conservation (DPC), the Forests Department, the Customs Department, the Police, the Army and others. For the purposes of wildlife protection by these organisations and institutions, Nepal can best be considered as consisting of three different sorts of areas: (1) areas which are formally protected; (2) areas which are deemed to be forested; and (3) areas which are neither formally protected nor deemed to be forested.

Sixteen different areas of Nepal, covering about fifteen percent of the land area of the country have been declared as protected areas for the purposes of wildlife protection. Within these areas a different wildlife regime applies from that which covers the rest of the country. The Department of National Parks and Wildlife Conservation is responsible for enforcing all wildlife laws within the parks and reserves and the head of each reserve is called a warden.

Any part of Nepal which is “an area fully or partly covered by trees”, regardless of which District it is in is deemed to be “forest”. The forests in each District are subject to the jurisdiction of a District Forest Officer appointed by the government to serve in that District. No blanket jurisdiction is given by the forest legislation to DFOs in this regard, rather each DFO is given specific responsibilities in relation to different sorts of forests and activities within them.

Outside these protected and forested areas law enforcement officers and others have powers in relation to wildlife protection as part of their general mission of law enforcement and prevention of illicit activities. The main authorities for the purposes of this report are the police, the army and the Customs Department, although other agencies and institutions have some responsibility or interest in relation to CITES compliance including: Chief District Officers, local bodies (VDCs and Municipialities), the Royal Nepal Academy of Science and Technology, the forensic labs of the Ministry of Law and Justice, the Nepal Post Office, and NGOs (including WWF, the International Union for Conservation of Nature (IUCN) and the King Mahendra Trust for Nature Conservation (KMT)).

After analysing the documents within which the above regime is contained, members of the project team undertook field visits and conducted semi-structured interviews to assess the status of CITES compliance in Nepal in practice. Visits were made to five National Parks and Wildlife Reserves namely: (1) Parsa Wildlife Reserve, (2) Chitwan National Park, (3) Bardia National Park, (4) Suklaphanta Wildlife Reserve, and (5) Koshi Tappu Wildlife Reserve. A visit was also made to a key customs post at Tatopani in Kodari close to the Nepali border with Tibet (China). During the research period members of the research team also made private visits to other areas of Nepal (including the Annapurna Conservation Area).

More than seventy interviews were conducted with a wide range of individuals with some responsibility for, or particular interest in, one or more aspects of CITES compliance in Nepal, including the Director-General of the Department of National Parks and Wildlife Conservation, other heads of government departments and directors of governmental and quasi-governmental institutions, senior wildlife officials, senior forestry officials, senior police officers, senior customs officials, local politicians, lawyers, representatives of NGOs and INGOs and individuals imprisoned in relation to alleged wildlife offences.

Much information was disclosed during interviews and field visits. Most information was given freely and without any conditions attached, but some respondents asked that either their identity, or the identity of a source of a particular piece of information which they imparted, or the name of an individual (or individuals) connected to a particular incident described, not be included in the report. All such requests for confidentiality have been respected.

The main findings of the project, based on the results of interviews with all respondents and field visits are listed below.

- the DPC as the Management Authority for CITES and as the lead agency for wildlife protection in Nepal is aware of the issues involved in CITES compliance, and has a clear idea about what needs to be done to ensure a greater degree of compliance than at present
- very few of those outside the DPC with responsibility for CITES-related issues have any knowledge or understanding of the CITES regime or its implications (an assessment which is broadly supported by representatives of the DPC, Department of Forests, Customs officials, and the Police)
- the information available to institutions and individuals outside the DPC about CITES-related issues is very limited, and what information is available – such as posters produced by the Worldwide Fund for Nature (WWF) – is poorly disseminated or displayed
- local awareness campaigns, payments to informers (started by ITNC and continued by WWF), training programmes and other activities have proved to be successful in reducing incidents of wildlife abuse where they are carried out, but have been of limited application
- there is generally poor data collection and collation on CITES issues – DPC, Department of

Forests, Customs and Police records pertaining to wildlife activity are all kept separately, frequently poorly documented, and in most cases only available at the scene of an incident rather than centrally

- the resources are lacking which would be required to allow the DPC to take an effective lead and make a real impact on CITES compliance
- very few of those outside the DPC with responsibility for wildlife protection in Nepal have sufficient technical and human capacity to fulfil their obligations in relation to CITES
- the limited number of trainings involving officials with responsibility for CITES compliance which have taken place in the last ten years – such as the US Fish and Wildlife Service training in 1995 – appear to have led to a significant increase in awareness amongst those officials and a larger number of seizures of illegal wildlife products in the periods immediately afterwards
- the long open border with India in the south, west and east of Nepal, makes detection of illegal wildlife trade between the two countries extremely difficult
- wildlife protection is perceived as being a low priority amongst those outside the DPC with some responsibility for CITES-related issues, notably the Police and the Customs Department
- there is a lack of coordination between agencies with some responsibility for CITES compliance, and agencies other than the DPC are unable to take a lead on CITES issues
- the extent of trade in wildlife and animal parts is far greater than government authorities and other institutions appear to realise, and there is a general lack of knowledge about the actual situation on the ground in terms of wildlife protection and trading activities
- there is a difference in the effectiveness of wildlife protection activities in different parts of the country and whereas progress within protected areas is comparatively good, the situation outside such areas is generally extremely poor
- the effectiveness of CITES compliance in any given area depends entirely on the motivation and commitment of individual representatives of the responsible authorities in that area
- work in Buffer Zones as part of the Parks and People Project and similar initiatives has done much to encourage liaison between organisations in those areas which appears to have been successful
- there are significant violations of wildlife law in Nepal – both in the use of wildlife products within the country and in transborder trade with other countries – and offences appear to occur throughout the country involving many different species and routes.
- violations are not limited to traders and poachers, but include transgressions – knowingly and unknowingly – by scientists working in National Parks and other protected areas, and tourists purchasing products whose trade is prohibited
- many of the seizures of wildlife products made to date have been accidental or fortuitous which implies that there is significantly more abuse of wildlife products than is brought to the attention of concerned authorities
- there is some evidence of organised wildlife trading in Nepal, as well as the presence of foreign buyers of wildlife articles at high prices, however the number of incidents where individuals have been caught while trying to sell articles to officials posing as buyers, and the

existence of extensive local use of wildlife articles implies that the majority of current trade is small scale and local

- variability in effective control by local authorities and the presence of individuals familiar with the international market in wildlife products suggests that the level of trade in wildlife and animal parts which currently exists in Nepal has the potential rapidly to increase either through exploitation by organised cartels inside and outside Nepal, or through an increased incidence of local illegal activities
- there are serious discrepancies in treatment of alleged offenders and sentencing within and between different tribunals (DFOs, Wardens and formal courts) in relation to wildlife offences

The main recommendations in the report based on the above findings are as follows:

- a properly funded Central CITES Monitoring Body should be set up to coordinate Nepal's efforts to comply with its obligations under CITES, with representation from all concerned agencies and institutions, and with a responsibility to maintain a central database of all information collected in Nepal relating to compliance with CITES;
- training should be given on a regular basis to all officials concerned with CITES compliance, and personnel with relevant experience of an issue should not be posted out of an area where that experience can be used effectively.
- coordination between wildlife and forestry personnel in dealing with offenders is essential, and frequent interactions should take place between representatives of all line agencies with some responsibility for CITES compliance
- guidelines must be produced for courts and other adjudicating authorities to guarantee effective implementation of the law and compliance with the rules of natural justice in hearing and deciding cases
- ongoing monitoring activities should be undertaken to help ensure compliance with CITES including undercover investigations in Kathmandu, Nepalgunj, Biratnagar, Birgunj, Pokhara, Narayanghat and Bhairahawa to measure the scale of wildlife trade, and follow-up activities should be carried out with those people released from jail after facing a charge of wildlife offending or released on bail pending a hearing;
- further baseline research should be undertaken to help assess the current level of CITES compliance including interviews with all concerned officials and former officials in all parts of the country, a study of what motivates individuals in rural areas of Nepal to kill wild animals, an assessment of the number of wildlife trophies currently in private possession in Nepal, interviews with officials from foreign Embassies in Kathmandu with an interest in CITES compliance issues, and a survey of public awareness of wildlife protection issues (especially the smuggling of animals and animal parts).



## **Introduction**

This report has been prepared by the research team of Wildlife Watch Group's Mangal Man Shakya of Nepal together with Colin Pringle and Chris Murgatroyd,. The report is based on all documents studied, all interviews conducted and all work in the field during the project period (ie. between November 1998 and February 1999). A list of documents studied is appended to this draft report as Appendix 1. A list of all interviews conducted is appended to this report as Appendix 2. Notes of some interviews selected from the list in Appendix 2 are appended to this report as Appendix 3.

## **Activities**

A detailed survey was carried out of literature pertaining to the wildlife protection regime in Nepal and the framework for compliance with CITES. Semi-structured interviews were conducted in Kathmandu with many different officials and individuals with direct responsibility for CITES issues including the Director-General of the Department of National Parks and Wildlife Conservation of the Ministry of Forest and Soil Conservation of His Majesty's Government of Nepal, the Director-General of the Forest Department of the same Ministry, the Director-General of the Customs Department, the Additional Inspector-General of Police, and the Chief Customs Administrator at Tribhuvan International Airport in Kathmandu.

Discussions were also held with other individuals working in institutions with some responsibility for or interest in CITES issues including the Vice-Chancellor of the Royal Nepal Academy of Science and Technology, the Executive Director of the Ministry of law and Justice's Forensic Science Laboratories, the Special Secretary in the Ministry of Forests and Soil Conservation, and the Postmaster of the Nepal Post Office.

In addition, interviews were conducted with many different officials and individuals during field trips undertaken by members of the project team to different National Parks and Wildlife Reserves in the South of Nepal, including Parsa, Chitwan, Bardia, Suklaphanta and Koshi Tappu. The officials and individuals interviewed in the field included wardens, rangers, DFOs, CDOs, police officers, local politicians, business people, gaolers and individuals imprisoned for alleged wildlife offenders.

## **Methodology**

The research team began by identifying those legal instruments and other documents that would be required for the project and collected them together. Meetings were then held to discuss the formation of a list of all of those people to whom the project team would need to speak to compile the report. For the purposes of this exercise an interim legal report was prepared detailing the legal issues and the personnel involved with wildlife protection and CITES compliance in Nepal.

A Nepali researcher was engaged to assist with the work of collecting information for the report and arranging meetings. A list of potential interviewees was prepared and refined by the project team. Arrangements were also made for a field trip to be undertaken along the southern border of Nepal to visit different National Parks and Wildlife Reserves to assess the regime for compliance with CITES and the way that it operated on the ground, and to interview key individuals and officials. This trip (to Parsa, Chitwan, Bardia and Suklafanta) began in the second week of January and took two weeks.

Interviews were then held in Kathmandu with relevant officials and individuals using the information gathered for the purposes of preparing the interim legal report, and the information collected during the field trip. Officials were asked about their understanding of the CITES regime and the way in which they perceived their role in Nepal's compliance with it. Questions were also directed towards the extent to which different agencies cooperated with one another.

Further field trips were then undertaken to Tatopani near the Chinese border and Koshi Tappu near the Indian border. Officials and individuals were interviewed as before, and data compiled. Thereafter final meetings were held in Kathmandu and further work was undertaken in gathering and processing documents.

### **Structure of the Report**

The report is in six main parts. After this first, introductory section, Part 2 presents a summary of the regime in CITES itself. Part 3 goes on to present an outline of the structure of wildlife conservation in Nepal. This includes a brief summary of the main protected areas, the main government agencies involved in wildlife protection, and some discussion of the main NGOs involved. Part 4 of the report presents a legal review of the wildlife protection regime and the extent to which it is capable of ensuring compliance with Nepal's obligations as a State Party to CITES.

The fifth part of the report presents information relating to the realities of wildlife protection on the ground in different parts of Nepal, including protected areas and land outside those protected areas. This part of the report uses much of the data and information collected from the various field visits and interviews conducted during January and February 1999 (see Appendices 2 and 3). The final part of the report is a series of recommendations for future action based on the findings of the study as presented in Part 5 of the report. The main body of the report is followed by a series of Appendices providing detailed information about different aspects of the report.

### **Constraints**

This report has been written to tackle the issues detailed in the original proposal and to suggest ways in which Nepal's compliance with its CITES obligations might be improved. In line with the original proposal the report is concerned only with Nepal's obligations under CITES in relation to wildlife (fauna) and does not deal with trade in plants (flora) at all. It also does not deal with other international wildlife protection instruments to which Nepal is a party since other agencies are actively involved in addressing those issues. A consortium of government agencies and INGOs is currently acting as a design working group for a Nepal Biodiversity Trust Fund which would address many of the issues covered by the Biodiversity Convention. Similarly, IUCN has recently published a comprehensive report on management of Koshi Tappu Wildlife Reserve, the designated reserve in Nepal under the international Wetlands (Ramsar) Convention.

At the outset it was envisaged that comprehensive data relating to many aspects of wildlife conservation in Nepal would be available in the relevant Ministries and other agencies in Kathmandu, and that information relating to CITES compliance could be extracted from it. In the event this has proved not to be the case. Much has been done, therefore, to try to build up a comprehensive picture of that regime, and to draw conclusions from it about CITES compliance, but inevitably there will be gaps in the information contained in some of the sections of the report which follow.

Whilst most of those to whom the project team wished to speak were very helpful in making themselves available to be interviewed, often at short notice, there are inevitably some other individuals with whom interviews might usefully have been conducted but with whom the project team was not able to meet in the time available. Information was also provided during the course of the research from individuals who asked that either their identity, or the identity of a source of a particular piece of information which they imparted, or the name of an individual (or individuals) connected to a particular incident described, not be included in the report. All such requests for confidentiality have been respected. Where relevant information has still been incorporated from these credible sources.

For a report of this sort to be truly comprehensive, visits would need to be made to all of the protected areas, and other parts of Nepal where wildlife issues have a major impact on Nepal's ability to meet its obligations under CITES. In the event, three separate trips taking in five different parks and reserves

were undertaken in the time available, even though the need for these trips was not foreseen at the outset. Attempts have been made to present the information collected during these trips in the most accessible way possible, and to extrapolate from the information collected about situations in parts of the country which were not visited.

### **Disclaimers**

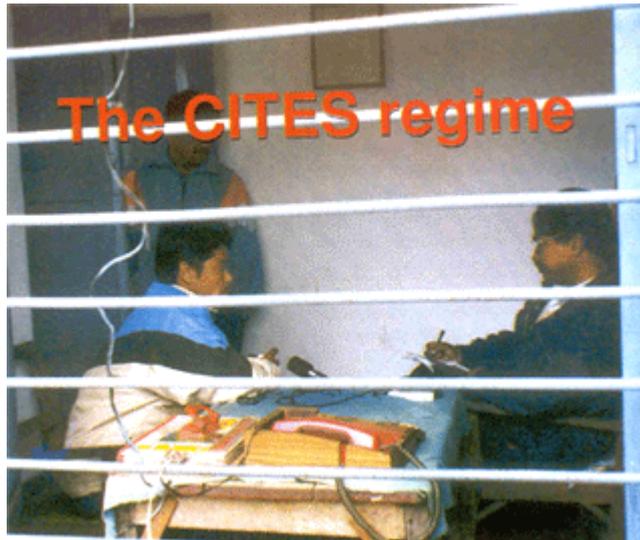
This report does not purport to be a comprehensive field level evaluation of issues relevant to CITES compliance in all areas of Nepal and it should not be treated as such.

This report does not provide legal advice and should not be relied upon as if it does. The information presented in the report is designed only to move the process of ensuring that Nepal complies with its obligations under CITES further forward.

### **Language**

All attempts have been made to use standard spellings and common names for all place names and animal species. Some discrepancies may still occur. Nepali words which appear in the text have been placed in italics.

Wherever a masculine term is used (he, him, his, chairman, etc) the equivalent female term (she, her, hers, chairwoman, etc) is automatically implied unless this is contrary to the sense of the report.



**Interviewing convicted wildlife offenders, Birgunj Jail**

## **1. The CITES regime**

### **Introduction**

CITES is a comparatively brief document (in terms of International Treaties generally) with three substantial appendices. The text of the Convention is reproduced in Appendix 4 below. The text of the Convention is concerned with regulation by its States Parties of trade in endangered species by the establishment of a system of certification and monitoring of trade in each of the species listed in the three Appendices. Appendix 1 contains a list of species threatened with extinction. Appendix 2 contains a list of species which may become threatened with extinction if trade is not regulated. Appendix 3 contains a list of species each of which has been nominated by a given State Party with a view to obtaining assistance from other States Parties in regulating its trade.

Treaty obligations undertaken by the government of Nepal do not automatically become part of domestic law. For international obligations to become meaningful they must, in most cases, be translated into domestic law by enactment of a new law (or laws). No law has been passed which directly implements CITES but a CITES implementation law has now been drafted (by Lawyers Inc./the Development Law Forum, with assistance from WWF and others).

Even with a CITES implementation law, the provisions contained in other statutes, and the powers conferred by them on different individuals and agencies will continue to be relevant if Nepal is serious about stopping illicit trade in endangered species. This is largely because CITES seeks only to regulate legal trade in endangered species: different mechanisms created by domestic law in the sovereign area administered by a State Party will always be crucial to stop the illicit trade which is largely outside the CITES regime.

After briefly considering the regime in CITES itself, this report will go on to consider the main frameworks which exist under current Nepal law for preventing trade in endangered species. For this purpose the administrative frameworks will be presented in outline only. Thereafter, detailed consideration will be given to the legal regime within which the different components of those administrative framework must operate. In this context the most important statutes (and related rules) are the Export Import (Control) Act 1957, the Customs Act 1962, the National Parks and Wildlife

Conservation Act 1973, and the Forest Act 1993. Other statutes and relevant rules will also be mentioned where necessary.

### **The main provisions**

CITES seeks to regulate trade in endangered species of flora and fauna. Trade means export, re-export, import and introduction from the sea [footnote: CITES Art.I(c)]. This report is concerned only with wildlife (ie. fauna) and so no attempt will be made to deal with the CITES regime relating to flora. Similarly, as Nepal is a landlocked country, no attempt will be made in this draft report to deal with issues relating to specimens initially introduced from the sea.

The main body of CITES revolves around the three Appendices to the Convention. As noted above, Appendix I contains a list of species which the States Parties agree are threatened with extinction which are or may be affected by trade, Appendix II contains a list of species which the States Parties agree may become threatened with extinction if trade is not regulated, and Appendix III contains a list of species each of which has been nominated by a given State Party with a view to obtaining assistance from other States Parties in regulating its trade [footnote: CITES Art.II(1), (2) and (3)]. The three Appendices and the official interpretation of them are annexed to this draft report.

The key to the Convention is the statement that “the Parties shall not allow trade in specimens included in Appendices I, II and III except in accordance with the provisions of the present Convention” [footnote: CITES Art.2(4)]. Successive Articles of CITES go on to set out the provisions in accordance with which States Parties must act in regulating trade in endangered species.

The regime for regulation of trade of species in Appendix I (species threatened with extinction) and Appendix II (species potentially threatened with extinction) is broadly similar. The main difference is that in relation to each specimen of an Appendix I species a state of export must issue an export permit and the intended state of import must issue an import permit [footnote: CITES Art.III(2) and (3)], whereas in relation to a specimen of an Appendix II species the intended state of import need only be satisfied that an export permit has been properly issued by the state of export.

Export, import and re-export permits can only be issued if the procedures set out in CITES are followed by the designated “Scientific Authority” and “Management Authority” [footnote: CITES Arts.III, IV and V; and Art.IX]. They must also be issued in accordance with formats prescribed by the Convention.

Broadly speaking, before an export permit can be issued by a state of export the Scientific Authority of that state must be satisfied that export of a given specimen will not be detrimental to the survival of the species, and the Management Authority must be satisfied both that the specimen to be traded has been captured within the terms of domestic wildlife conservation laws and that the specimen is being shipped so as to minimise damage and/or injury. For Appendix I species the Management Authority in the state of export must be satisfied that an import permit has been granted by the intended state of import before an export permit can be issued.

Broadly speaking, for an import permit to be issued by an intended state of import the Scientific Authority of that state must be satisfied both that import will not be detrimental to the survival of the species and that the intended recipient in the intended state of import is equipped to care for the specimen. The Management Authority in the state of import must be satisfied that the specimen will not be used for primarily commercial purposes.

Re-export certificates are subject to a slightly different regime. Broadly speaking a re-export certificate can only be issued by a state of re-export where the Management Authority of that state is satisfied both that the specimen was imported in compliance with CITES and that the specimen is being shipped so as to minimise damage and/or injury [footnote: CITES Art.III(4) and Art.IV(5)]. For

Appendix I species the Management Authority in the state of re-export must be satisfied that an import permit has been granted by the intended state of import before a re-export certificate can be issued.

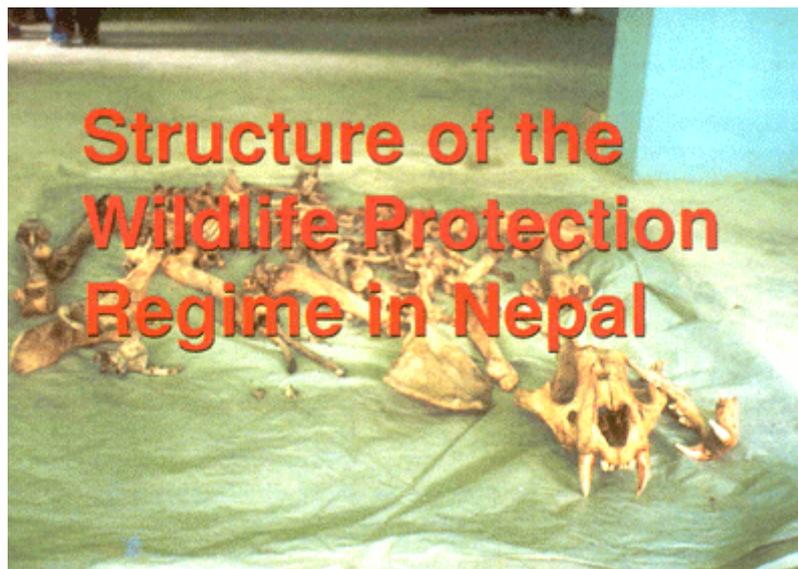
For Appendix III species, an intended state of import must insist on a certificate of origin to accompany the export permit issued by any state which has included a given species in Appendix III [footnote: CITES Art.V(3)], and must accept a certificate of re-export from a state of re-export as evidence that the provisions of the Convention have been complied with in relation to a given specimen.

States Parties must conduct any trade in endangered species transacted with States not party to the Convention using substantially identical certificates and permits as those required between States Parties under the CITES regime.

Special provisions and exemptions apply in relation to transit states, specimens acquired before the Convention came into effect, and household effects [footnote: CITES Art.VII(1), (2) and (3)]. Appendix I species bred in captivity fall under the Appendix II regime and (5)], and transfers of specimens between states for scientific and other purposes are subject to a special regime.

To ensure compliance with its provisions the Convention requires States Parties to “take appropriate measures to enforce [its] provisions...and to prohibit trade in specimens in violation” of it. The measures required must include penalisation of trade in or possession of specimens, and confiscation and return to the state of export of any specimen. Confiscated specimens must be handled by the Management Authority in the state of confiscation, and each State Party must keep records of trade in endangered species. States Parties also have an obligation to submit annual reports to the CITES Secretariat and to make their reports public.

After setting out the obligations of the States Parties mentioned above, the Convention deals with procedural matters including the Conference of the Parties, the Secretariat, international measures, the effect of the Convention on other legal documents (domestic and international, the procedure for amendment of the Appendices, amendment of the Convention itself, resolution of disputes between States Parties, signature, ratification and accession, entry into force, reservations and denunciation, and the government to act as depositary of the Convention.



**Largest tiger shot in Nepal, Royal Chitwan National Park**

## **Overview**

As the foregoing review of the CITES regime illustrates, a state party to the treaty must comply with its terms by fulfilling one main obligation: preventing illicit international trade in endangered species. If that obligation is to be fulfilled a state party must, however, direct its energies at two subsidiary activities: (1) ensuring that prohibited items (alive or dead) do not physically move across one of its international borders in the absence of compliance with the CITES regime; and (2) ensuring that no prohibited item is in a position to be so moved. The latter activity requires that a meaningful and effective wildlife protection regime is in place so that items which international traders might seek to move across international borders in contravention of the CITES regulations do not become available to them.

In Nepal the wildlife protection regime is structured around certain key protected areas and operated by a small number of key institutions and individuals. The protected areas have been designated over time to try to assist with protection of different wildlife species and their habitats. Similarly, the different key actors working within protected areas have been invested with different powers in respect of different areas to put that protection in to practice.

Outside protected areas Nepal consists of forested and non-forested areas. Within forests officials of the Forests Department of the Ministry of Forests and Soil Conservation have primary jurisdiction, whereas outside these areas responsibility for protection of wildlife is left to officials of central government with delegated powers (such as Chief District Officers) and local bodies (Village Development Committees and Municipalities) in conjunction with officials of the DPC in the Districts.

Overarching these areas is a structure within which a number of different institutions are required to play a part in the business of CITES compliance in Nepal. These include the Customs Department of the Home Ministry, the Police Force, the Army, the Royal Nepal Academy of Science and Technology, and the Nepal Post Office. There are also INGOs (such as WWF and IUCN) and NGOs (such as KMT and WWG), with an interest in CITES compliance issues.

In the paragraphs which follow, a brief description will be given of the key areas within which wildlife protection takes place in Nepal, and of many of the different key actors in Nepal's wildlife protection regime working within those areas.

## **Area-wise protection**

Nepal is divided into five development regions covering respectively the East, Central, Western, Mid Western and Far Western parts of Nepal. Each Region is divided into a number of Ilakas. Across the five regions there are also seventy-five different Districts. Districts are subdivided into Village Development Areas and Municipal Areas for administrative purposes. Each District has an appointed government official (the Chief District Officer) to act as the senior central government representative in the District. There is also an elected District Development Committee (DDC) Chairman in each District who serves as the senior elected official for the District and head of the local government administration. Officials elected from wards within village development areas and municipal areas sit on Village Development Committees and Municipalities. The heads of these local-level executive bodies in turn sit on their respective DDC.

For the purposes of wildlife protection, Nepal can best be considered as consisting of three different sorts of areas: (1) areas which are formally protected; (2) areas which are deemed to be forested; and (3) areas which are neither formally protected nor deemed to be forested. Each sort of area can be found in each of the different regions of Nepal, and the different sorts of area cut across the boundaries of the administrative areas described above. The legal regime covering formally protected areas and forested areas is described in detail in the next Part of this report. Except insofar as the provisions of a particular piece of legislation relate to activities anywhere in Nepal (such as the provisions of the National Parks and Wildlife Conservation Act 1973 relating to dealings with protected species, or the provisions of the Forest Act 1993 relating to the use that may be made of particular forest products) there is no separate legal regime for protection of wildlife in those areas of Nepal which are neither formally protected nor forested. Even so, different regulatory authorities (such as the Police, the Army and the Customs Department) have some responsibility for protection of wildlife in these areas, and this is especially true of border areas.

## **Formally protected areas**

Sixteen different areas of Nepal, covering about fifteen percent of the land area of the country have been declared as protected areas for the purposes of wildlife protection. Within these areas a different wildlife regime applies from that which covers the rest of the country. The precise nature of this regime in legal terms is set out below. The sixteen areas are made up of four different types of protected area: (1) National Park (2) Conservation Area (3) Wildlife Reserve and (4) Hunting Reserve. The nature of the protection afforded by the legislation differs slightly from area to area. A National Park is an area set aside for conservation, management and utilisation of mammals, birds, vegetation and landscape together with the natural environment. A wildlife reserve is an area set aside for the conservation and management of mammals, birds and other resources and their habitat. A hunting reserve is an area set aside for the conservation and management of birds and mammals and other resources to provide hunting to hunters. [footnote: see Sah 1997].

The sixteen different protected areas are: (1) Royal Suklaphanta Wildlife Reserve (in the far western terai, covering 115sq km, declared in 1973); (2) Khaptada National Park (far western middle hills, 225km<sup>2</sup>, 1984); (3) Rara National Park (far western mountains, 106km<sup>2</sup>, 1976); (4) Royal Bardia National Park (mid-western terai, 968km<sup>2</sup>, 1988); (5) She-Phoksundo National Park (mid-western mountains, 3555km<sup>2</sup>, 1984); (6) Dhorpatan Hunting Reserve (mid-western middle hills, 1325km<sup>2</sup>, 1987); (7) Annapurna Conservation Area (mid-western mountains, 7000km<sup>2</sup>, 1988); (8) Royal Chitwan National Park (central terai, 932 km<sup>2</sup>, 1973); (9) Parsa Wildlife Reserve (central terai, 499km<sup>2</sup>, 1984); (10) Shivapuri Watershed and Wildlife Management Area (central middle hills, 144km<sup>2</sup>, 1985); (11) Lantang National Park (central mountains, 1710km<sup>2</sup>, 1976); (12) Sagarmatha National Park (eastern mountains, 1148km<sup>2</sup>, 1976); (13) Makalu Barang National Park (eastern mountains, 1500km<sup>2</sup>, 1992); (14) Makalu Barang Conservation Area (eastern mountains, 830km<sup>2</sup>,

1992); (15) Koshi Tappu Wildlife Reserve (eastern terai, 175km<sup>2</sup>, 1976); and (16) Manaslu Conservation Area (central mountains, 1663km<sup>2</sup>, 1998).

Each of the different parks, conservation areas and reserves has a unique ecosystem and is home to many different types and species of animals. In the paragraphs which follow a very brief outline is given of the major species in each area [footnote: the information presented here is largely based on that contained in brochures published by the Department of National Parks and Wildlife Conservation relating to each individual Park and Reserve]. More detailed information by way of background to the field visits undertaken in five of the areas can be found in the relevant sections of Part 5 of this report.

*Koshi Tappu Wildlife Reserve:* KTWR is a wetland of international importance due to its rich bird life (as many as 400 hundred different species at different times of the year) and as being the habitat of Nepal's only herd of wild buffalo (arna). There are also fresh water gangetic dolphins, gharial and mugger crocodiles, and more one hundred species of fish. It is the deisgnated Wetlands (Ramsar) Convention site for Nepal.

*Sagarmartha National Park:* wild animals frequently sighted include Himalayan thar, ghoral, musk deer, mouse hare and jackal. Goral and Serow are present but rarely seen. The park provides a habitat for at least 118 species of birds. Commonly-sighted birds include the Impeyan Pheasant (Danphe), Blood Pheasant, Chir Pheasant, Jungle Crow, red-billed and yellow-billed choughs. Larger birds seen are the Himalayan Griffon and the lammergier. Snow partridge are commonly seen in the alpine zone.

*Royal Chitwan National Park:* RCNP is a terai reserve featuring flood plains, sal forests, grasslands, lakes and rugged hills. Chitwan is famously rich in wildlife including tiger and over 500 (one quarter of the world's populatin) of greater-one-horned rhino. It is also a world heritage site and a significant tourist destination. In addition to the endangered one-horn rhino and royal bengal tiger other mammal species found in the park including sambar, chital, hog deer, barking deer, sloth bear, common leopard, ratel, palm civet, wild dog, langur and rhesus monkeys. Chitwan is also home to aquatic animals as the gangetic dolphin and gharial and mugger crocodiles, and migratory birds. There also populations of endangered species such as gaur, wild elephant, four-horned antelope, striped hyena, pangolin, monitor lizard and python.

*Parsa Wildlife Reserve:* PWR harbours wild elephant, tiger, leopard, rhino, sloth bear, gaur, four-horned antelope and blue bull (nilgai). The reserve is contiguous with Chitwan National Park and is very rarely visited by tourists.

*Langtang National Park:* the stretch of forest around Ghora Tabela in the lower Langtang Valley and below Gosaikunda is home to the rare red panda. Other mammals common to this region are wild boar, black bear, ghoral, grey langur, and leopard.

*Royal Bardia National Park:* Royal Bardia National Park has a rich variety of landscapes (from flat terai to lowland hills), plants and animals. It is famous for wild elephant, tiger, leopard, sloth bear, gangetic dolphin and several species of deer. More than 30 different mammals, over 250 species of birds and many snakes, lizards and fish have been recorded in the park's forests, grasslands and river habitats. The forest area of Bardia continues over the Indian border and provides access for wild animals to migrate to and from Indian jungles. Bardia houses one of only a few healthy wild populations of black buck – estimated at over one hundred.

*Suklaphanta Wildlife Reserve:* RSWR is covered by deciduous forests, wetlands, and grasslands but is associated most with an extensicve grassland area. It contains the largest herd of swamp deer in the world. A recent survey found a higher population of tigers than was previously thought to exist in the Park. Suklaphanta is home to as many as 45 wild elephants (possibly the largest herd in Asia). Blue Bull, barking deer, hog deer, wild boar, leopard, jackals, langur and rhesus monkey are also present, as well as a single rhino which came from India two years ago. Proximity to the Indian border coupled with inaccessibility have made it easy prey for poaching and illegal logging.

*Manaslu Conservation Area:* The region harbours a mosaic of habitats for twenty-nine species of mammals, including the elusive snow leopard, musk deer and Himalyan thar. It is the most recently designated wildlife protection area.

*Annapurna Conservation Area:* recent surveys have recorded 101 species of mammals, 478 species of birds, 39 species of reptiles and 22 species of amphibians. It is an extremely popular destination for trekkers. Activities in the area are managed by ACAP, a project of the King Mahendra Trust.

*Khaptad National Park:* Khaptad is a little known reserve. The most common fauna in the park are leopard, Himalayan yellow-throated marten, Himalayan black bear, wild dog, wild boar, jackal, musk deer, goral, tahr, wolf. Common bird species include pheasants, flycatchers and finches. A wide variety of colourful butterfly species, moths and insects are also important features of the Khaptad ecosystem.

*Rara National Park:* a small portion of the park serves as an ideal habitat for musk deer. Himalayan black bear, leopard, goral, jackal, Himalayan thar, yellow-throated marten, wild dog, wild boar, common langur, and common otter are other mammal species found in the park. Snow trout is the only fish species found in the lake, but there are many water bird species including coots, grebes, ducks and gulls. Other bird species include snow cock, chukor partridge and Impeyan Pheasant.

*Dhorpatan Hunting Reserve:* the reserve is the only protected area of Nepal in relation to which hunting licences can be issued. It is one of the prime habitats for blue sheep, a trophy animal highly coveted by hunters. Other mammals include leopard, goral, serow, Himalayan tahr, Himalayan Black Bear, barking deer, wild boar, rhesus macaque, langur and mouse hare. Endangered species include musk deer, wolf, red panda, chir pheasant and danphe.

The DPC is responsible for enforcing all wildlife laws within the parks and reserves. The head of each reserve is called a warden who is usually a gazetted-third class officer. Under the direct supervision of the warden there are many technical and administrative staff. Each reserve maintains an office at the reserve headquarters.

Game scouts, working under the supervision of the warden and rangers, generally patrol inside the reserve. The warden generally remains engaged in maintaining public relations, hearing and deciding cases regarding illegal activities, and in administration. A limited budget for fuel and maintenance of vehicles restricts the warden's movements.

During patrolling game scouts sometimes encounter an individual or group engaged in illegal activities, most commonly, livestock grazing, fuelwood collection, fodder collection, fishing, theft of the boundary fences and occasionally hunting or felling trees. Since the game scouts always enter the reserve without firearms, there is a possibility that they may be attacked by wildlife offenders, especially when these groups are engaged in hunting, logging and livestock grazing. Consequently reserve staff very often do not attempt to arrest them. If an offender is approached or detained, he may try to influence Park staff by offering bribes or other inducements and as a result livestock grazing and hunting, particularly by influential people, has become common practice inside some reserves.

In many parks and reserves (principally along Nepal's southern border with India), there are now anti-poaching units sponsored by WWF but under the jurisdiction of the DPC. The DPC has been conducting anti-poaching programmes in the Terai National Parks and Reserves since 1992 through these anti-poaching units. So far the Department has fourteen APUs in working order: two in Parsa Wildlife Reserve, seven in Chitwan National Park, three in Bardia National Park, one Tiger Poaching Unit in Shuklaphanta Wildlife Reserve, one in Nawalparasi District, one in Tamaspur Bagwan and one in Chitwan District. The two APUs in Nawalaparasi and Chitwan Districts are run by DFOs. The one in Tamaspur Bagwan was formed only in January of 1998. WWF Nepal Programme is providing

financial support to run all of the above APUs. In addition to the three APUs in Bardia National Park, a sweeping team consisting of ten park staff carry out sweeping operations every month in critical areas. The team use elephants to comb the forests. The sweeping operations are proving very effective. [footnote: WWF Anti-poaching report 1998]

### **forested areas**

Any part of Nepal which is “an area fully or partly covered by trees”, regardless of which District it is in, and regardless of whether it is in a VDC or a municipality (or a combination of two or more such areas) is treated as being forest for the purposes of the Forest Act 1993. There is nothing in either the Forest Act 1993 or in the Wildlife Act (as successively amended) which states expressly that the designation of an area as a National Park, Reserve or Conservation Area automatically excludes the jurisdiction of relevant forest officials from those parts of the designated area which are also “fully or partly covered by trees”, but in practice that is the effect of such a designation (see also the discussion of inferences to this effect in paragraphs below).

The forests in each District are subject to the jurisdiction of a District Forest Officer appointed by the government to serve in that District and to act as the senior representative of the Ministry of Forest and Soil Conservation in the area. No blanket jurisdiction is given by the forest legislation to DFOs in this regard, rather each DFO is given specific responsibilities in relation to different sorts of forests and activities within them. The definition of “forest” in the Forest Act is sufficiently wide to ensure that a DFO’s responsibilities are not limited purely to densely wooded areas in a given District, and in practice a DFO is responsible for all forest issues within his District. Hence, there is a DFO who is responsible for the Metropolitan City of Kathmandu.

Typically, a DFO will have a staff of over one hundred officials consisting of administrative departments (including planning, accounting and administrative functions) and field units in each Ilaka. The field units are likely to be broken down into a number of range posts, consisting of one ranger and a number of forest guards. Within each District there are likely to be three or more Assistant District Forest Officers and twenty or so rangers [footnote: information based on notes of interview with Sambaw Prasad Chaurasiya, DFO of Sunsari, as to which see Appendix 3, below]

In practice, as the District is less preferable as a place of employment than Kathmandu, posts are frequently vacant - especially at the higher grades. Transfers of staff also regularly occur between the Middle Hills of Nepal and the lowland Terai belt with its different culture and forest characteristics. Additionally, when politicians and governments change, personnel tend to be transferred as a consequence. These frequent staff changes make the development of effective working relationships and continuity of processes difficult.

The numerous political boundaries within Nepal frequently overlap and confuse the administrative borders. Forest User Groups are based on a community of people that use a particular forest and are defined on physical reality rather than contrived boundaries, so there is frequently overlap with current administrative borders. Users of a forest may come from different villages; and those villages may be in the same or different VDCs from the forest they use. Other forest users may traditionally use a forest that is within the boundaries of a different District from the one they live in. Forest users often qualify for membership of more than one user group, or may be active in a VDC while being a user in a forest in another VDC.

### **Other areas**

Wardens, DFOs and other officials with responsibility for wildlife protection in formally protected and in forested areas are given powers in relation to illegal activities within the limits of their jurisdiction. The powers of law enforcement officers and other regulatory bodies are not formally ousted in such areas, but in practice officers will only become involved at the request of those with designated powers in relation to a particular sort of area. Outside these areas law enforcement officers and others

have powers in relation to wildlife protection as part of their general mission of law enforcement and prevention of illicit activities. The main authorities for the purposes of this report are the police, the army and the Customs Department.

It should also be mentioned that the new Local Self-Government Act (controversially passed by Parliament in late 1998 and presented for Royal Assent in February 1999) imposes certain limited obligations on VDCs and Municipalities in relation to wildlife protection. Each VDC has a duty under the new Act to “prepare and operate programmes relating to the forests, vegetation, bio-diversity, land protection, etc” and to “formulate different programmes relating to the conservation of the environment and operate them”. Each Municipality has the duty to “protect forests, vegetation and other natural resources”. In practice it is likely that any village- or municipal-level wildlife protection programme would be developed and operated under the supervision of the DPC and the new Act places an obligation on all district-level agencies of HMG to “extend necessary cooperation” to a VDC or Municipality in undertaking activities within its area.

## **Police**

The Nepal Police force has its headquarters in Kathmandu, regional directorates in each of the five regions of Nepal, and District Headquarters in each of the 75 Districts of Nepal. There are approximately 40,000 police officers in total, ranging from the Inspector-General based in Kathmandu to constables in each of the Districts. The senior officer in each District is the Superintendent of Police who has a Deputy Superintendent and a force of more junior officers working under him in the District.

In general a posting for a police officer will last for a minimum of two years although some are shorter. At the lower levels of the force between ten and fifteen percent of the officers in a given area will be local to that area, but more senior offices will be posted from different areas [footnote: see notes of interview with Ramkaji Bantuwa – in Appendix 3 below].

A typical District will be broken down into a number of units of area for policing purposes, and the police personnel in each area will be headed by an officer of the rank of Assistant Sub-Inspector or above. In Sunsari District, for example, abutting the Koshi Tappu Wildlife Reserve, there are approximately 20 different areas for policing purposes, some of which are under the direct supervision of a Sub-Inspector. Three of these are in areas bordering India in the far south of the District. There are nine Sub-Inspectors in the District as a whole, and a further two Assistant Sub-Inspectors. The personnel in each unit includes Head Constables, Constables and clerks.

The new Local Self-Government Act contains a provision which states that if a local body (ie. DDC, VDC or Municipality) requests the police to extend cooperation to it to implement the orders issued or decisions made by it under the law, the local police must extend necessary cooperation to it. Since each VDC has a duty under the new Act to “prepare and operate programmes relating to the forests, vegetation, bio-diversity, land protection, etc” and to “formulate different programmes relating to the conservation of the environment and operate them”, and each Municipality has the duty to “protect forests, vegetation and other natural resources”, it would be possible for a VDC or Municipality to ask for the cooperation of the police in implementing a particular aspect of a wildlife protection programme. The DPC would inevitably be involved in any such local-level initiative. The extension of any such cooperation would be in addition to the local police’s general law enforcement duties and powers in relation to wildlife offences committed in the area.

## **Customs**

Customs officials are posted throughout the border areas of Nepal, with a greater proportion in the south of the country along the open border with India. The only customs personnel not working in border areas are those in the Customs Department itself, and those deputed to work at Tribhuvan International Airport under the direct supervision of the Airport Chief Customs Administrator. There

are large storage areas for imported and exported goods and customs godowns in the airport complex as well.

Across Nepal as a whole there are 142 customs posts and 1400 customs personnel. This figure includes all personnel, from the most senior officer in a particular office, to clerks and other administrative staff. There are 26 main Customs Areas in different parts of the country and 75 senior staff in total [footnote: see notes of interview with Bansri Dhar Ghimire in Appendix 3 below]. In the southern Districts of Nepal customs posts are situated at strategic crossing places along the open border with India. In Sansari District, for example, there are three customs posts, one at the Kosi Barrage, one in Banthani and one in Lankhi. In the north of the country customs posts are located some way inside the border on main routes into China. The customs post at Tatopani in Kodari, for example, is some kilometres from the Chinese border.

## NGOs

In addition to government personnel, law enforcement officers and other officials, a number of national and international organisations are concerned with wildlife protection in Nepal. Information on five of the more major organisations is contained in the paragraphs which follow. All five are linked to some extent in terms of their funding or activities.

*UNDP:* Significant work is being done in the Buffer Zones demarcated around certain formally protected areas in Nepal as part of a UNDP-funded Parks and People Project, implemented by the DPC. In some situations these activities are likely to have a direct bearing on wildlife protection. The progress report produced in 1996 after two years experience with the project, however, makes no mention of specific wildlife protection activities, talking only in terms of attempts “to impart knowledge on the importance of conservation of biodiversity” and of the carrying out of Park Management activities including the “creation of new habitats for many species” in view of the “high concentration of wild animals in managed wetland and grassland” [footnote: DPC/UNDP 1996]. The head of the PPP in a given area will sit on the Forest Advisory Committee in the relevant District.

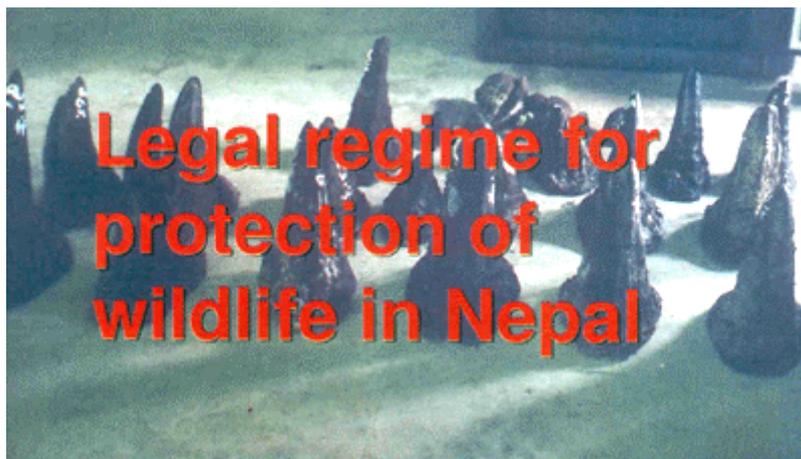
*Worldwide Fund for Nature:* WWF began working to save endangered species like the greater one-horned rhino in Nepal in 1967. It opened the WWF Nepal Programme Office in Kathmandu in 1993. Whilst not itself having a direct involvement in ensuring Nepal’s compliance with CITES, WWF provides funds for DPC anti-poaching units [footnote: see WWF Progress Report 1997]. It has also produced posters in conjunction with HMG (which bear the heading “Don’t Buy Trouble”) warning of the penalties for those caught trading in wildlife or wildlife trophies. Most recently WWF has been involved with other interested parties (including DPC and IUCN) in producing a CITES manual to assist wildlife personnel and law enforcement officials with the identification and apprehension of wildlife and trophies. WWF has also been responsible for commissioning draft legislation on CITES compliance which (according to the DPC) is awaiting final approval before being tabled in Parliament [see generally notes of interview with Ukesh Raj Bhujju in Appendix 3 below].

*International Union for the Conservation of Nature:* Founded in 1948, IUCN opened its Nepal Country Office in 1995. Since then it has aimed to develop partnerships with various government line agencies as well as non-governmental organisations to carry forward its activities to conserve Nepal’s natural resources and ecological processes. IUCN does not claim to take an active role in monitoring or encouraging Nepal’s compliance with CITES, but hopes that through its awareness-raising activities (including work with NGOs and local communities, curriculum design for schools, and workshops for policymakers and judges) protection of wildlife will improve and illegal trade in endangered species will decline. IUCN in Nepal produces numerous publications each year, and has recently published a comprehensive review of the Koshi Tappu Wildlife Reserve [see Sah 1997], and a review entitled *The Implementation of International Environmental Law in Nepal*.

*King Mahendra Trust for Nature Conservation:* KMT is a non-government and non-profit organisation that focuses on research in wildlife management and the development of human

resources. It manages the Annapurna and Manaslu Conservation Areas in the mountainous north of Nepal through separate entities specifically created for the purpose. The conservation areas embrace multiple land use principles of resource management that combine environmental protection with sustainable community development. The Annapurna Conservation Area Project launched in 1986 under the aegis of KMT to manage the Annapurna Conservation Area, believes that without increasing the level of awareness of both villagers and visitors, lasting environmental protection and cultural diversity cannot be achieved.

**Wildlife Watch Group:** The Wildlife Watch Group is one of a number of specialist groups set up by the group of Nepalese journalists and wildlife experts. WWG aims to create wildlife conservation awareness among journalists, monitor wildlife trade, and promote wildlife journalist trainings. Its activities include fellowship trainings, visit programmes, interaction programmes, an annual “wildlife week” to promote wildlife news stories in the press, and the production of publications. Amongst its more recent publications are a report on bird trade in Kathmandu resulting from an interactive meeting held in the capital. Other programmes have centred on CITES specifically and control on the trade of wildlife specimens (1994), and tiger census and conservation (1997).



Each of the areas and organisations identified above works within the Nepali legal system (in its broadest sense) and complies with the relevant demands of national law. In relation to CITES compliance that regime is concerned separately with the formally protected areas, the forested areas, and the other areas described above. The details of the legal regime covering protected areas, forests and other areas of Nepal is described in detail below.

### **Compliance with CITES under Nepal law**

As mentioned above there is currently no CITES implementation legislation in force in Nepal, although a CITES (Implementation) Act has been drafted. Consequently, no specific offences have been created by statute in Nepal under which individuals or agencies can be punished for failure to comply with the requirements of CITES.

Nevertheless, Nepal has fulfilled some of its specific obligations under the Convention. HMG has designated the National Museum and the Royal Nepal Academy of Science and Technology as jointly constituting the Scientific Authority required under CITES. Similarly, HMG has designated the Department of National Parks and Wildlife Conservation (the Wildlife Department) and the Department of Plant Resources as responsible for carrying out the functions of a Management Authority for animals and plants.

Similarly, legislation is in force which deals with some of Nepal's obligations under CITES. Although no single piece of legislation exists to give effect to all of Nepal's obligations, the frameworks and mechanisms created by a variety of statutes should be sufficient, if operated properly by those with responsibility for operating them, to ensure that the mischief targeted by CITES is incapable of being carried out.

In the discussion which follows attention will be directed at three main regimes. These are: the regime established under the National Parks and Wildlife Conservation Act 1973 and related sets of Rules (the wildlife regime); the regime established under the Forest Act 1993 and related sets of Rules (the forests regime); and the regime established under the Export and Import (Control) Act 1957 and the Customs Act 1962 and related sets of Rules (the customs regime). Other statutes and relevant sets of Rules will be referred to as necessary.

In the business of preventing trade in endangered species all three regimes overlap to some extent and all of those responsible for operating different parts of each regime (such as District Forest Officers, Conservators, Wardens, Customs Officers and others) will need to work together, and with other agencies (such as the Department of National Parks and Wildlife Conservation, the Forest Research Council and others) if Nepal's obligations under CITES are to be fulfilled. This situation will be little

changed by the passage into law of a specific CITES (Implementation) Act since any such Act will either have to use existing agencies to achieve its goals, or to ensure that if a new CITES agency is created it liaises closely with existing agencies.

### **Wildlife Act 1973**

The National Parks and Wildlife Conservation Act 1973 (the Wildlife Act) is the most comprehensive wildlife conservation legislation currently in force in Nepal. The basic thrust of the Act is twofold: first, to divide Nepal into different areas within which different sorts of wildlife conservation practices are undertaken by different officials and into which access is restricted in different ways; and, secondly, to prohibit certain sorts of actions (most notably hunting) in relation to wildlife anywhere in Nepal. As part of this second thrust certain species of wildlife are identified as requiring special protection. The list of species protected throughout Nepal under the Act is appended to this report as Annex 5. The Act has been supplemented by the National Parks and Wildlife Conservation Rules 1974 (the Wildlife Rules).

The Act allows HMG to designate the following different sorts of areas: National Parks; Regulated National Reserves; Wildlife Sanctuaries; Hunting Preserves; Conservation Areas; and Buffer Zones. Regulated Natural Reserves, Wildlife Sanctuaries and Hunting Preserves are collectively known in the Act as “Reserves”.

Wardens have the main responsibility for managing National Parks and Reserves whilst Conservators have the main responsibility for managing Conservation Areas and Buffer Zones. Buffer Zones are subject to the special regime set out in the Buffer Zone Management Rules 1997 which prescribe specific powers of the Conservator as well as those of different User Committees. Conservation Areas are subject to the special regime in the Conservation Area Management Rules 1996 which prescribe specific powers of the Conservator and the Conservation Area Management Committee. The Rules also give powers of search and arrest to a designated Liaison Officer and empower HMG to frame manuals for the better management of Conservation Areas.

Nobody is allowed into a National Park or a Reserve without an admission card or the written permission of the Chief of the Wildlife Department or an officer designated by him and certain activities are prohibited in those areas without his written permission. The most significant proscribed activities for present purposes are hunting (which means chasing, capturing, torturing, or killing any wild animal or bird by any means or attempting to do so, or extracting any part of its body or exterminating it or taking out, or destroying its eggs, or taking out, destroying or disturbing its nest) and causing loss or damage to forest products or wildlife (which means mammals, birds, reptiles, fish, amphibians and insects apart from domestic animals).

Even outside National Parks, Reserves, Conservation Areas and Buffer Zones, nobody is allowed to hunt any wildlife without a licence and detailed rules are contained in the Wildlife Act and Rules covering the issuing of licences for hunting and the setting of quotas for different animals. In addition, the hunting of protected wildlife set out in Schedule 1 to the Act (including tigers, elephants, leopards, rhinoceroses, species of bears, species of monkeys, species of birds and some reptiles) is absolutely prohibited. A copy of Schedule 1 is appended to this report as Appendix 5.

In addition to the restrictions on hunting and other activities, the Wildlife Act makes it illegal to possess any wildlife trophy (which means the living or dead body of any wild animal or bird, or any such part thereof as can be identified) without a certificate. The Act also prohibits any dealing in trophies without a licence and requires that any person wishing to export or import a trophy must obtain permission from the government and trade only through prescribed routes. Although it seems likely that the prohibition on dealing in wildlife trophies was intended to apply to trophies obtained from animals captured in Nepal, there is no express language in s.19 to this effect and the Act can therefore be read as prohibiting dealing in Nepal in trophies wheresoever obtained.

To enforce the Act (in relation to hunting and other prescribed activities, and in relation to possession of and dealings with trophies) the prescribed officer has the power to search a person's land and property and to effect an arrest where necessary. Rewards are available to any person assisting with the apprehension of those suspected of being involved in hunting protected species and dealing in trophies and stiff penalties (ranging up to fifteen years imprisonment for the most serious offences such as selling or supplying rhinoceros, tiger, elephant, musk-deer, clouded leopard, snow leopard or bison or trophies of similar other protected wildlife) can be imposed on any person found to be so involved. The exercise of these powers in practice has proved controversial, but the Act provides a formal right of appeal against a warden's decision in this regard. Trophies and weapons can be confiscated on conviction.

### **Forest Act 1993**

The Forest Act 1993 (together with the Forest Rules 1995) attempts to provide a comprehensive framework for the management of forests and use of forest products throughout Nepal. For present purposes it is important to note straight away that "forest" is defined in the Act as "an area fully or partly covered by trees" and that "forest products" are defined as being "products contained or found in forests" including "birds and wild animals and trophies thereof". Thus, much of Nepal could be described as being "forested" for the purposes of the Act and fauna located in a "forested" area will be deemed to be "forest products". "Wildlife" and "trophies" are not defined in the Act but the words should probably be given the meanings attributed to them in the Wildlife Act (just as "forest products" should be read in the Wildlife Act as including wildlife and trophies).

No attempt is made in the Forest Act 1993 to distinguish between areas of forest inside National Parks and other areas designated in accordance with the Wildlife Act, but some of the Rules framed under the Wildlife Act (most notably the Buffer Zone Management Rules 1997) distinguish between different types of forest areas in a different designated areas (eg. Buffer Zone Private Forest, and Buffer Zone Community Forest). This suggests that insofar as there is ever any conflict between the two, the wildlife regime should take priority over the forests regime.

In practical terms, therefore, the Forest Act 1993 has the effect of further subdividing those areas of Nepal which are not National Parks, Reserves, Buffer Zones or Conservation Areas into areas of National Forest (being either Government-Managed National Forest, Protected Forest, Community Forest, Leasehold Forest or Religious Forest) and Private Forest. Different regimes apply in relation to forest products in each sort of forest, and whilst it is true to say that most forest products are made up of timber or plant material, the different regimes do have different implications for wildlife management.

Significantly, no person has any right or facility of any type in any sort of National Forest unless that right has been obtained through a lease or permit through the government. Of course, different categories of rights are granted to different groups in respect of different sorts of National Forest according to whether it is Community Forest, Leasehold Forest or Religious Forest. Ownership of forest products in Government-Managed Forests vests in HMG and licences can be granted for use of those products. Leasehold Forest can only be given over to a lessee for purposes which are "compatible with the conservation and development of the forest". This phrase must be taken to include the conservation and development of the forest products within the forest as well.

Certain activities are prohibited in all categories of National Forest unless authorised by the Act or relevant Rules framed under it. These prohibited activities include: removal of forest products; damaging forest products; damaging forest products in a way incompatible with any licence granted; exporting forest products where export is banned; and hunting. Stiff penalties can be imposed on anybody caught carrying out a prohibited activity, and on anybody obstructing a government forest employee in the execution of his duty. These include imprisonment for up to five years for those caught exporting forest products whose export is prohibited, and punishment as provided in the prevailing laws in respect of hunting. Presumably this is a reference to the punishments prescribed in

the Wildlife Act as amended (including imprisonment for up to fifteen years for the most serious offences). The Forest Act does not make clear whether the DFO is responsible for hearing such hunting cases but the Act formally limits his jurisdiction in relation to other offences to hearing only those cases involving offences punishable with less than one year's imprisonment. That being so, it would seem that hunting cases should be handed over to the relevant adjudicating authority in accordance with the Act.

Necessary force can be used by government forest employees to prevent the execution of any prohibited act and Forest Assistants and Police Inspectors can search premises if they fear a prohibited act may be carried out and make arrests where necessary. If it is believed that an offence has been committed in relation to any forest product, government forest employees may impound the relevant product and any item connected with commission of the offence. Any impounded forest product which may perish or cannot be kept safely can be auctioned by a District Forest Officer.

The Forests Department must prepare an operational plan for all Government-Managed forests which includes particulars relating to forest products and annual particulars relating to the collection use and sale of forest products, amongst other things. No forest product in excess of those mentioned in the operational plan may be collected or sold. The Director of the Department must monitor and evaluate the implementation of operational plans and report to the Ministry. Significantly, no person may procure, collect, take out, sell or distribute, export or transport any forest product from Government-Managed Forest without a licence. Anybody wishing to export a forest product whose export has not been banned must submit an application.

The User Group of a Community Forest must also prepare an operational plan (with the assistance of the DFO) which includes provisions, amongst other things, relating to the protection of wildlife and other matters prescribed by the Department. A User Group is expressly prohibited from capturing and killing wildlife in violation of current law, and may only distribute those forest products included in the operational plan. Accurate records must be kept of all forest products collected and sold and no forest product may be transported without the approval of the DFO. Similar rules apply to the operation and management of leasehold forest.

The Ministry may frame manuals for the management of National Forest of different types. To assist the Ministry in its forestry work the Forest Research and Survey Development Board must conduct research and surveys on matters connected with forests, specifically the condition of forests and forest products. The Board has its own fund and must maintain links with relevant international agencies in carrying out its work. In carrying out its work the Ministry must be aware of the power of the Environment Conservation Council to frame policies and plans concerning environmental conservation and to bring about coordination among programmes concerning the environment.

### **Environment Conservation Act 1997**

Although the Environment Act 1997 is primarily concerned with ensuring that the environmental impact of all proposals is considered before any human activity takes place, the Act does contain some provisions which have significance for the wildlife protection regime. For example, the Act empowers HMG, by notification in the Nepal Rajapatra, to establish an Environment Conservation Zone at any place within Nepal with rare wildlife which are regarded as very important from the view point of the conservation of the environment. A ban may be imposed on prescribed activities within an Environment Conservation Zone. In addition, the Ministry may form different committees comprising experts on concerned subjects in order to implement the objectives of the Act.

The Environment Conservation Rules 1997 take the provisions of the Act forward and prohibit any person from buying, selling, trading in, hunting or causing harm to any wildlife in an Environment Conservation Zone and from causing loss or damage to any animal in an Environment Conservation Zone. Any person is entitled to bring a complaint against another person for acting illegally in an

Environment Conservation Zone. The Rules also insist that in considering the environmental impact of any proposal, the proposer must consider the impact on wildlife.

### **Customs regime**

Assuming a live specimen or wildlife trophy is captured contrary to the provisions of the wildlife regime or the forests regime a prospective trader must still succeed in trading across an international border for a State Party to fall foul of CITES. Current Nepal law places significant obstacles (in theory at least) on cross-border wildlife trade.

The Export Import (Control) Act 1957 provides that if it is considered essential to prohibit or control the export or import of any commodity or commodities throughout Nepal or any part of it HMG may do so through a notification order to be enforced with effect from the date mentioned therein. Export or import activity involving goods which have been controlled or prohibited or which are different from those prescribed in a licence issued under Export Import Rules could lead to the goods being confiscated, and the trader being punished. Furnishing false particulars to obtain a licence, or hampering the work of customs officials is also punishable. The process of application for, and the granting of any licence is governed by the Export Import (Control) Rules 1978.

In exercise of the power conferred by s.3 of the 1957 Act, His Majesty's Government issued an order [footnote: Nepal Rajapatra, Vol.42, No.33, Marga 15 2049 (Nov. 30 1992); 1993 Nepal Recorder, p59] totally banning the export of goods relating to wildlife conservation (ie. wild animals, any organ or part of the bodies of wild animals including bile, musk, snake skins, and lizard skins) to all countries.

To give effect to the controls on the export and import of specified types of goods, the Customs Act 1962 sets out a detailed procedure by which customs duty must be levied and collected. Any attempt to evade payment of customs duty on any goods can lead to arrest and punishment. Sweeping powers are given to customs officers to investigate and prevent the smuggling of prescribed goods.

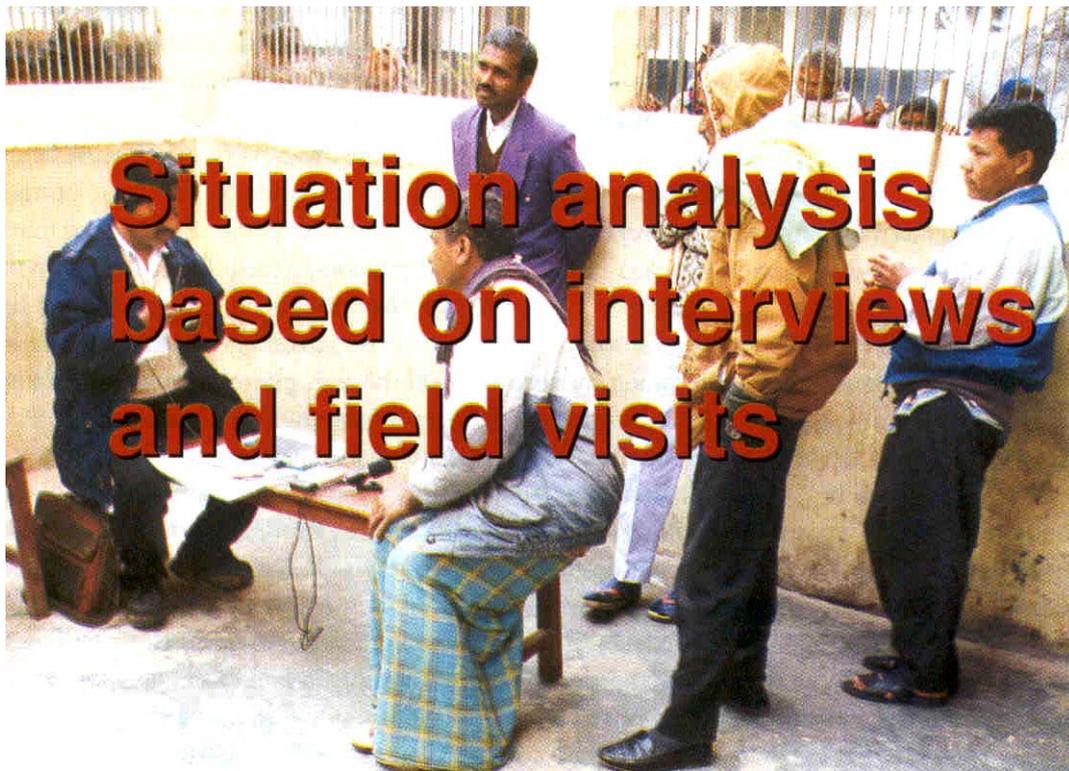
“Smuggling” is defined in the Act as being “the act of bringing in or taking out goods without payment of customs duty, or clandestinely, or through illicit routes”. The word clandestinely is not defined but the Act states that “any person desirous of exporting or importing any goods which are or are not subject to payment of customs duty shall fill up a declaration form of the prescribed format and submit it to the Customs Officer of the area”. Thus, it seems that any person who exports or imports any goods must fill up a declaration form and use prescribed routes otherwise he will be deemed to be exporting or importing “clandestinely” or “through illicit routes”. Furthermore, import and export activities must only take place when Customs Offices are open, and so any attempt to import or export any item at any other time (except as government mail or air passenger's personal luggage) is *prima facie* unlawful.

The Act goes on to say that customs duties shall be imposed on all goods which are exported or imported unless notification is given in the Nepal Rajapatra of a particular privilege or exemption. Since the Export Import (Control) Act 1957 totally prohibits the import and export of wild animals (making no distinction between dead and live animals), any organ or part of the body of a wild animal including bile, musk, snake skins and lizard skins, the issue of whether wildlife items or trophies are dutiable should not arise.

Customs employees are given the power to detain a person suspected of having imported or exported, or being about to export or import any “prohibited goods”, and a warrant may be issued for a search of premises where it is suspected that “any goods smuggled or brought into the country by evading customs duty” are concealed within them. Any goods which have been smuggled into the country and which are found in the course of such a search may be taken into custody. A Customs Officer may also arrest any person suspected of acting in contravention of the Act, and a Chief Customs Authority

or an officer deputed by him shall have the power to seize goods being smuggled through areas other than the customs area and take action under the Act.

The Act makes provision for a commission to be paid to any person who captures someone smuggling or intending to smuggle goods or furnishing information in relation to smuggling. If a person attempts to import or export goods in contravention of the Act he may be fined and the goods are liable to confiscation. Other penalties can be imposed in relation to the giving of false particulars on a declaration and in relation to smuggling activities. It is the duty of every police official and government employee to render all possible cooperation and assistance whenever called upon to do so by the Customs Authority or the Customs Officer or other officer or employee of the Customs Office in the discharge of their functions and the exercise of their power under the Act.



Using the information outlined above about the structural and legal frameworks for CITES compliance in Nepal as a starting point, the project team undertook a number of field visits and conducted semi-structured interviews with more than seventy individuals in Nepal. Each of these individuals is either a government employee with some responsibility in his or her official capacity for one or more aspects of the work involved with CITES compliance, or is a private individual with a direct interest in the issues raised by CITES compliance. This latter categories covers everybody from NGO representatives, to business people, to those alleged to have been involved with the commission of wildlife offences.

The sections which follow present information relating to each of the protected areas visited and are broken down in to sections covering, in turn the situation inside a particular National Park or Reserve, and the situation in areas bordering that National Park or Reserve. Attention is also paid to particular issues relating to border controls and other matters with relevance to CITES compliance. Some detail is also given about wildlife protection incidents reported to one or more members of the project team during interviews conducted as part of a field visit.

### **Koshi Tappu Wildlife Reserve**

Koshi Tappu Wildlife Reserve, located in the south east of Nepal is primarily a wetland and riverine habitat. There is very little jungle or forest cover, and this is reflected in the absence of Tiger, rhino or bear. The reserve was established to protect one of the world's few surviving herds of wild buffalo, and is also one of the primary bird watching sites in the sub continent – particularly for migratory and water birds. Very few tourists visit, partly due to the absence of 'jungle' animals, and partly due to the difficulty of transport and access. There are two wildlife lodges, one inside the reserve and one just outside.

The reserve is close to Biratnagar, a major city of Nepal and a major transit point between India and Nepal. There are also a number of other road crossings to India along the border near the reserve. The reserve itself does not border on India, but its' southern border is an area containing the Koshi River

Barrage. This Barrage was built by India to control water flow downstream into Bihar State, and is largely responsible for the existence of the reserve due to the damming effect on the river. The Barrage has been built on Nepalese territory, but this land has been leased to India on a 99 year contract. Nepalese authorities interpret this as meaning that Indian authorities also administer the area, so the reserve effectively borders on a “No-Man’s Land” on the south.

### **Situation inside the protected area**

The warden of the reserve acknowledges some problems concerning illegal fishing and grazing. Poisoning to catch fish and birds occurs, and there have been incidents of poaching of terrestrial mammals – mostly *nilgai* – and freshwater dolphins. However he considers these incidents to be under control and declining, in large part due to the influence of the Buffer Zone community development work. He says that the incidence of poaching inside the park is virtually nil, and most incidents occur around the park edge. The Koshi river runs through the reserve and is used for transporting illegal timber by floating it down the river. The warden had used informer information to organise the capture of timber smugglers and timber during 1998. The warden has 5 informers, whose identity is known only to him, in the local community.

The staff and facilities available to the warden are limited, and he relies on the army presence for patrol and control work. The owner of the tourist lodge outside the park, who is an environmentalist with considerable experience in the area, considers the army to have been very effective particularly during 1998 [footnote: see notes of interview with Rajendra Suwal in Appendix 3 below]. He considers that previous army units were very variable in effectiveness, and indeed were suspected of violating rules themselves. However the current army unit has controlled poaching (including an incident of shooting a poacher in 1998), and also effectively controlled domestic buffalo who endanger the wild population through interbreeding by shooting. This contrasts with an account given to the authors by a Canadian tourist who claims to have seen senior army personnel engaged in shooting birds for sport in December 1998 [footnote: as to which see the notes of interview in Appendix 3 below]. One of the authors of this report was in Koshi Tappu during the grass cutting season in 1997 and 1998, and saw numerous violations including grass cutting in restricted areas, setting of fires to burn cut stubble, illegal grazing of domestic stock, and locals staying in the park overnight. The District Forest Officer of nearby Morang District claimed there is regular poaching of *nilgai* within the reserve, but did not have evidence.

There is no reliable independent survey of implementation of regulations in the reserve, so it is impossible to give a definitive account of the situation.

### **Situation outside the protected area**

The District Superintendent of Police, Eastern Region Assistant Forestry Officer and the District Forest Officer of Sunsari District all claimed there was no significant mammal poaching. They all also independently suggested that this was because there were so few mammals left in the area.

All police officials said that wildlife was a low priority for them, they were more concerned with drugs and arms brought from the neighbouring Indian state of Bihar, which is currently in some turmoil, and there is little effective law enforcement on the Indian side.

The Deputy Inspector General of Police and the Assistant Regional Forestry Officer, both of whom have a responsibility for the entire Eastern region said that wildlife issues were more serious in Makalu Barun and Sagarmatha National Parks in the north of the region as compared to the Koshi Tappu area.

All forestry officials said that non-timber Forest Products and illegal timber were more important items of trade than other wildlife items. However all forestry officials also stated that former Nepalese

soldiers from the Indian and British Armies were the main hunters. It is claimed that many of these ex-soldiers, particularly from the Dharan area had guns and would go hunting for meat and recreation.

The Morang District Forest Officer said that in 1998 he siezed illegally shot deer (3 incidents), wild pig (1 incident) and elephant (1 incident). He said that where wild animal meat is sold, it is usually taken to the Indain side for a better price. He considers it very easy to move such material over the border into India.

The Sunsari District Forest Officer considers that poaching incidents have decreased significantly recently due to the good local relations built up through the PPP activities around Koshi Tappu. He gave an example of a *nilgai* that had been caught by local people outside the park that week. The locals had handed the animal over and it was released into the reserve. He considered that previously the animal would have been killed and eaten.

A local ornithologist and tourist lodge owner showed the study team where wild birds (mostly duck species) were caught for sale as food. These birds are caught in the Indian-leased land near the Indian border and sold in markets in Nepal and India. He claimed that birds were also frequently caught inside the reserve area. The authors of this report saw what was offered as wild duck in a restaurant near Koshi Barrage, and locals said they could obtain birds to order. Wild duck fetches a higher price than domestic duck, being sold at NRs.200 per duck at the Barrage.

In a recent incident a freshwater dolphin was caught by a fisherman in the Indian-leased area. According to some sources there are only 5-8 dolphins left on the Nepalese side of the border. Oil is extracted from dolphins and sold for medicinal purposes in India and Nepal. This capture was accidentally discovered by a tourist group, and the fisherman in question was obviously unaware that it was an illegal act. The animal was taken to the Indian side of the border, so no action could be taken. The Koshi Tappu warden organised a community meeting in order to raise awareness about the issue.

## **Summary**

The situation is unclear as to the actual degree of illegal wildlife activity in and around the Koshi Tappu reserve, but there are clear violations of the law, particularly in the case of dolphin and wildfowl trade. There was no evidence of well organised trading, but clear evidence of regular local use and consumption. There is a clear need for further investigation, particularly as regards the prevalence of transborder trade.

## **Parsa Wildlife Reserve**

The Parsa Wildlife Reserve is an annex of the main Chitwan National Park (RCNP). It borders the RCNP, and also has an extensive open border with India. The park is little visited by tourists.

The Birgunj/Raxaul border area with India is one of the major trading and transit routes between India and Nepal, and has a reputation as a major route of women trafficking from Nepal to Indian Brothels. Around 200 vehicles cross the border per day, mostly trucks carrying industrial goods. Western tourist traffic can be described as “negligible”.

Customs and police at the border area acknowledge cases of drug and arms smuggling, but have no record or recollection of any wildlife incidents (District police records date only from 1995). The personnel at the border area have no training or specific awareness in regard to wildlife articles in general or to CITES in particular. However, both police and customs were certain that illegal wildlife articles could not be moved through the border post, and expressed their opinion that such goods would be simply moved over the open border at some other point that was not controlled. It was felt that it was “next to impossible” to effectively monitor the open border.

One interesting incident was related by the Forest Ranger posted to the Customs post – primarily to look for timber and Non-Timber Forest Products being illegally transported. The post should have been occupied about 5 years ago, but the Customs post did not provide space for the Ranger – he only took up his position around 5 months previously. During this time, a shipment of 1800 yak tails was brought to the customs post en route to India (where they are used for religious purposes by the Tibetan community). This is a legal trade item, as they are from domestic stock. The Forest Ranger cleared the shipment as per his responsibility for wildlife items but customs officials delayed the shipment and allegedly required a payment. After a number of days delay, the shipment was simply driven to another crossing point and entered India without problems. This incident implies a problem with the arrangements for coping with wildlife items at the Birgunj customs post, and also raises the possibility of awareness among those transporting cargoes of the relative ease or not of transport through different crossing points on the border.

### **Outside the protected area**

Both the Parsa District CDO and Forestry officials said there was no professional wildlife hunting. The CDO was not aware of any wildlife offenses committed, but later acknowledged being offered dried wild animal meat by locals. The CDO was also unaware of the value of Tibetan antelope wool, and, although he knew that rhinoceros horn was valuable, he did not know what it was used for. The DFO was not aware of any transboundary trade. He had been involved in the seizure of tiger bone, but did not know what market the bone was intended for.

All local district officials considered Deer poaching to be relatively common, for meat. Wild animal meat (deer and pig) was alleged to be regularly available in the local market. The DFO believed this hunting was done by local traditional hunters such as Chaudarys; Musahars; Dhaugadas. However, the Assistant Forest Officer in adjoining Bara District believed the hunters to be mostly semi-resident landlords, Ranas and Shahas. Distilling of tiger and jackal meat was also alleged to occur, to produce a liquor for treating rheumatism (in the case of jackal meat) and for giving strength and vitality (in the case of tiger meat). There was no evidence or attested incidents of this occurring.

The Parsa DFO felt strongly that more support should be given to him in dealing with wildlife issues in the area surrounding the protected area. He particularly considered tiger protection to be necessary, and considers that the estimate of 25 tigers living outside the reserve area is too low.

### **Situation inside the protected area**

The Chief Warden of Parsa Wildlife Reserve considered this area to be one of major incidence of transboundary wildlife trafficking. He particularly felt that the long open border between India and the adjoining Chitwan and Parsa reserves to be heavily used by poachers. He was also acting as the local organiser for the Parks and People Project, and had travelled throughout the buffer zone area in the course of this work. This opinion was later confirmed by the Vice Chairman of Nirmal Basti VDC, within the protected area and near to the Indian border. He claimed that Indian poachers used to regularly come to shoot wildlife within the reserve (mostly deer and pigs) but that this had been greatly curtailed due to the formation of forest user groups by the PPP.

The Parsa Chief warden had been involved in local seizures of tiger, rhino and *gaur* parts, and also in arrests of poachers in this connection. He also said there was a relatively sophisticated trade in rhino horn. A real rhino horn would be shown to prospective buyers during daylight. The actual transaction would take place at night, when the buyer would be provided with a fake horn (often made from *gaur* horn). This makes no difference in legal terms, as Nepal law provides the same penalty for possession of fake or real rhino horn. However, this type of trade implies the presence of a number of potential buyers of rhino horn, and hence a large market demand.

The experience of the Parsa warden in other protected areas during his career also led him to provide other comments on wildlife trading in Nepal. He considers that Kathmandu is the main market for tiger and rhino parts, though he did not know about specifics, prices etc.. He also claimed there is a well organised trade of Tibetan antelope wool moving through Barbise and Sindhupalchowk to India. He suggests that Tibetan monks or people dressed as such are involved in the trade, as they can carry items without being checked. He also commented that Forestry officials are frequently involved in hunting.

### **Incidents inside the protected area**

In 1996, 2 tigers were poisoned outside the protected area. It is believed the tigers were killed because they were preying on domestic livestock. The tiger skins were later recovered, but a quantity of bone was not found. In February 1998, the APU got information about the location of the tiger bone, and the situation was kept under observation for almost a year. Eventually the suspect was persuaded to sell the bone to an informer, and the suspect and the bone were seized while delivering the bone. (see interview details for an interview with the tiger bone handler). This incident implies that there was not a ready market for the tiger bone, as it was kept so long, and then “sold” to an informer.

Other prisoners imprisoned in connection with wildlife offences were also interviewed. One local man was arrested for killing rhinos and trading in horn – as well as hunting deer and *gaur*. The Park staff allege he killed 8 rhinos in his career, although there is no evidence for this. Another prisoner is an Indian national convicted of tiger bone trading. He claims that Motihar in Bihar, India is the main place where wildlife items from Nepal are taken and sold. He said Tiger bone sold for 2000 Indian Rupees per Kg.

### **Summary**

In terms of the observed situation, it seems clear that there is a porous border with India as regards wildlife goods. There is activity in terms of poaching, though the evidence is conflicting as to whether there is an established illegal market and trade route. This is reflected in widely differing opinions among local officials about the presence of a significant illegal wildlife trade. Certainly there is significant potential for such organised trading.

The anti-poaching regime can be seen to be demonstrably effective, although there is concern about the awareness, training and effectiveness of the border control authorities.

### **Royal Chitwan National Park**

Royal Chitwan National Park (RCNP) is one of the largest reserve in the Nepalese Terai, and is the most heavily visited by tourists. There are many lodges and hotels surrounding the park, and a number of luxury tourist resorts within the park itself. For this reason, there is a much greater presence of permitted personnel within the park than in other sites, Therefore it can be expected that illegal activity will be either deterred or better monitored than in other areas. There are a number of legal and illegal village sites within the park.

### **Situation within the protected area**

The authorities in the Park are active and visible. There is a well developed Buffer Zone project, KMT, WWF and Parks and People Project Personnel are involved in assorted training and awareness programmes for local people and wildlife personnel. Various other NGOs are active in areas such as ornithology, wildlife guide training. The poaching control regime is also very active. There is a good informer network, APUs are set up and functional, the army has a strong presence, and WWF and KMT are active in anti-poaching efforts. While the authors of this report were interviewing the Chief

Warden, he was involved in coordinating by radio an APU raid on houses in the western edge of the park. The warden had vehicles and radios (handheld and fixed), but considered that the main constraints in his work were the need for more vehicles, communication equipment, staff and better roads in order to better carry out patrol activities. RCNP has better such facilities than other protected areas in Nepal, but the warden still feels these are the most urgent requirement for improvement.

The Chief Warden is certain that there is no transboundary wildlife trafficking in RCNP. He says the main issues are illegal timber removal during the grass cutting season and local poaching. However, in his 4 months in office he has sent 12 people to jail, all for handling tiger and rhino parts. It is unlikely that these goods were for a local market only. He states that wildlife products are highly prized by the local Tharu people – particularly rhino and tiger. He was aware of the significance of wildlife products in local communities, but did not know about specific usages of such materials. The warden was also aware of a prominent local citizen widely held to be involved in wildlife hunting and trading who could not be arrested due to good political connections

A prominent and experienced manager of one of the luxury lodges also maintained that there were no serious wildlife issues in the area, only local trading in wildlife meat and materials. He acknowledged that some articles may find their way to Kathmandu. The opinion of the RCNP Chief Warden conflicts with that of the Parsa Wildlife Reserve Chief Warden. Parsa adjoins Chitwan along the open southern border with India, and the Parsa warden considers that this open border is a major route for transboundary wildlife trafficking over and above local usage. The PPP representative was not aware of any major wildlife issues in RCNP, but acknowledged that there was no active research into the situation.

Two persons in jail for poaching inside the park area were interviewed. Both claimed to be innocent of the charges.

### **Situation outside the protected area**

The District Superintendent of police considered that there was no significant transboundary wildlife traffic in Chitwan District but he acknowledged that wildlife trade was a low police priority, and was never discussed in crossborder discussions. He also pointed out the need for specialist knowledge in identifying such materials. There was only one recorded police case of wildlife trafficking. This involved tiger bone seized from a truck in 1995. The tiger bone was believed to be from India and on its way to Kathmandu, and so is evidence of transborder trade.

Other interviewees disagreed with this assessment as regards transborder trade. The Chitwan District Forest Officer [footnote: see notes of interview with Tika Ram Dhakal in Appendix 3 below] was aware of local hunting of deer, tiger and rhino – citing 16 cases since 1993. He had investigated cases up to 4 levels of buyer and seller but still had only found local people. He considers that there is potential for more organised wildlife trading, and gave as an example the arrest and release of an ex MP some years before, and the capture of a trader selling fake rhino horn in Mugling Bazaar (the main market area between Chitwan and Kathmandu). He felt that better training and support for intelligence activities against wildlife traders would produce more results.

The most dramatic information was provided by the owner of a major hotel in Sauraha – a village outside the RCNP which is the main destination for tourists visiting the park [footnote: see notes of interview with Trilokya Chitrakar in Appendix 3 below]. He related two incidents strongly implying significant international trading. In one case an Indian national came and tried to sell his hotel a rhino horn for 10,000 Nepalese Rupees. After being refused, the seller went to another Sauraha lodge and sold the horn for the same price. The lodge owner was later arrested. The other incident occurred when a Chinese national showed him a ‘floating bone’ of a tiger, and said he would pay US\$10,000 for similar specimens. The hotel owner was unaware of the value of such bones, and the Chinese buyer left.

## **Summary**

There is an interesting disparity in the perceptions of the state of wildlife trade in the area. While there is wide agreement that there is a local market for goods, there are markedly differing views about the state of trade on a national or international scale. Also, while local officials are aware that wildlife products are in demand, there is almost no concrete knowledge of precisely what for or in which way these products are used. The local RCNP authorities are relatively well organised and equipped, and have had enough success to show that there is significant local trading in wildlife goods. The strong indications of more organised trading uncovered by the current research, combined with the lack of results in arrests or convictions in this regard, implies the need for more research into the wildlife market demand and supply in terms of local, national and international markets.

Awareness of wildlife trade issues and knowledge of species and related products among police and customs is low. This may explain why there have been very few cases involving wildlife trafficking on the part of these authorities.

## **Royal Bardia National Park**

Royal Bardia National Park (RBNP) is a largest terai reserve, incorporating lowland grass and forest as well as a significant area of low hills. The reserve has no border with India, unlike the other terai reserves Parsa, Chitwan, and Suklaphanta. There is much less tourism than in Chitwan, though this is increasing and there are tourist lodges outside the park, and limited luxury tourist accommodation inside the park. Tourists are mostly restricted to the area near the park HQ, with little activity in the greater part of the reserve, especially in the hilly areas. Rhino was hunted to extinction here this century, but was reintroduced in the mid 1980s and are reproducing well. There are few reliable wildlife surveys, but the area has a reputation as a good site for observing tiger, although tiger density is believed to be lower than Chitwan. There is an active buffer zone project, with KMT, Parks and People Project, WWF and Bardia Integrated Conservation Project (BICP) being actively involved.

## **Situation inside the protected area**

All interviewees felt that there is good cooperation between all those involved in anti-poaching activities. The army particularly received praise for being active in controlling illegal fishing and poaching. There had been recent incidents where a poacher had been killed by army patrols following an incident of a rhino being shot inside the park a week before the interviews. The poachers had escaped but all local organisations had responded to requests from the park authorities and were conducting joint patrols and intelligence gathering in the hope of finding the culprits. Similarly the Buffer Zone work – mostly involving community awareness raising and support was felt to be effective in preventing poaching by locals through raising awareness about the value of the wildlife resource for local people.

The Project Director for KMT, a person of considerable experience in the reserve, believes that the incidence of poaching has reduced in recent years, and that there is now no significant problem [footnote: see notes of interview with Deepak Gyawali in Appendix 3 below]. A tiger was killed inside the park last year in a wire snare trap. However it is thought the animal was caught in a trap intended for deer, and the body was untouched when found. Also, while he recognises the possibility of illegal trade with India, he believes that illegal activities were probably entirely on a local level. He considered that poachers were either ordinary local people who carry out some hunting, or soldiers returned from serving in the Indian or British Armies, who have a reputation for acquiring guns and hunting wild animals for recreation. This view was shared by the Chief Warden and the chief Ranger of the Park authorities.

The Chief Warden felt that anti-poaching efforts should be strengthened, specifically with arms and communication facilities. Both the Chief Warden and the head of the Anti Poaching Unit said there

were poaching incidents – mostly of deer and rhino- but that most of the incidents were actually outside the park. The knowledge of illegal local activities by the park staff seemed very comprehensive, and while they were involved in APU operations in control of these activities, the cases were usually handed over to the Forestry office to process as they mostly occurred outside the park boundary. There seems to be a significant number of incidents of wild animals leaving the park area and damaging crops and/or being killed by poachers. There were no figures available for such instances, but were starting to be collected as part of buffer zone activities.

### **Situation outside protected area**

As stated above, much information about illegal activity outside the park actually came from the park officials. They identified the village of Taratal as a place near the Indian border where tiger bone, leopard skin and rhino horn are traded. The warden also identifies Kohalpur as a trading place for rhino horn. This town is on a main highway to India, and so could be a staging post for transport to Kathmandu or India. The head of the APU said that it was rumoured that rhino horn mostly goes to India, whereas tiger bone is sold in Nepal. He suggested that powdered tiger bone was regularly smuggled inside cigarettes for concealment.

The suggestions of the park officials was supported by evidence from the Forestry office and customs post. The only person in Gulariya jail for wildlife offenses at present was caught trying to cross into India on a bicycle with tiger bone and elephant bone. He claimed to have found the bones in a field.

Other incidents include: (1) in 1991, 5 people were arrested for killing a rhino, but a hired lawyer overturned the case on a technicality; (2) in 1996 a man was convicted of deer poaching; (3) in 1997 a poacher was arrested with a rhino horn following a long investigation into the killing of a rhino outside the park. The offender comes from a very poor family, yet someone came forward and posted bail of 100,000 Rupees. This case implies that there is some significant organisation in terms of rhino horn supply and sale; and (4) in 1998 2 persons in possession of a rhino horn were handed over to nearby Banke District Forest Office.

In September 1998 a person was taken off a bus en route to Kathmandu and was found to be carrying what was thought to be 2 bear gall bladders. He claimed he had bought them from a stranger for 500 Rupees and was going to sell them at a profit in Kathmandu. The items were sent to Kathmandu for analysis, but they were then sent to India for testing due to lack of equipment. The case is pending.

Bardia DFO said that sometimes Indian authorities contact them and ask them to arrest named Nepalese individuals on charges of poaching. Unfortunately, only names are supplied as details, and it is very common for many people in a given village to share a name. Consequently they have not responded favourably to any of these requests. He acknowledges that Nepalese poachers do hunt in Indian forest and bring back deer meat which sells in the local market for 400 Rupees per kg. However he says it is too difficult to prove cases in these instances.

Forestry officials said that local people were particularly keen to collect shed deer antlers and deer velvet. This was mostly collected from the park during the grass cutting season when local people are allowed in for a few days. The horn and velvet would then be bartered for domestic goods to Indians who come over the border for this particular purpose. The officials did not know the market value of these products, or what they were specifically used for, apart from as “medicine”. The forestry officials also stated that local Tharu people placed a high value on various rhino parts, though they did not know specific details. Dried deer and wild pig meat is highly valued in the local market. The Assistant Forest Officer for Bardia District was certain there was significant cross border trade in wildlife articles. He considered that goods were coming from India to Nepal, and that the main markets for wildlife goods were in Delhi, Pakistan, United States, Japan, and Kathmandu (his order of listing).

There is also a widely accepted account of local people and wildlife products. In the 1980s there was a nearby road building project which employed a number of South Koreans. These expatriates apparently expressed an interest in obtaining bear gall bladders, and local people supplied them with a range of organs from dogs at a considerable profit. All tellers of this story chose not to go on record, and all were sure that no genuine bear gall bladders were supplied.

### **Summary**

There is ample evidence of local, national, and transborder trade in wildlife products in this region. There is also evidence that there could be relatively well organised and financed illegal activity (eg. posting of bail for poor offenders). There is also very little knowledge among officials about what the end market or uses of the smuggled products are. There would seem to be significant local uses for wild animal products, particularly rhino, as well as markets in the rest of Nepal and in India for certain products. More information is needed in all these areas, but there is sufficient evidence that there is significant illegal wildlife trade.

The strong anti-poaching presence in the park itself, and the lesser incidence of illegal activity in the park as compared to the surrounding area is significant. This situation suggests that poaching is being kept under control in the protected areas, but is still actively carried out where there is less official control, including over the border in India. This in turn implies a strong potential for increased illegal wildlife activity should the regime inside the park relax. For example, the army units are moved every 2 years, and their effectiveness very much depends on the local commanders. At the time of interview the army unit was regarded as very effective and dedicated. If this is a variable commitment, it means an unstable situation as regards poaching activity over the longer term and the potential for dramatic increase in illegal wildlife activity.

### **Suklaphanta**

Suklaphanta is in the Far West of Nepal, and is hence very remote and little visited. It is characterised by huge areas of flat grassland – believed the largest in the Indian Subcontinent, which are in turn home to the biggest herd of Swamp Deer in the world. There is only one rhino, and no (or very few) bears. This means it is a very safe reserve when on foot, possibly encouraging greater transgression by local people into the reserve area. Very few tourists visit the reserve, probably no more than 50 western visitors a year. This is due to the difficulty of reaching the site. A new road due to be completed in 1999 should give easier access to Delhi (7 hours) and Kathmandu (11 hours?), and may result in more visitors. There is one luxury camp for tourists inside the reserve.

At present the area is renowned as being unpopular for a posting in an official position, often resulting in difficulties obtaining and retaining staff. The PPP are very active in a buffer zone project, and are working with the local community on awareness of wildlife resources, preventing crop damage by wild animals, and income generation projects. Local people are a mix of indigenous Tharu people and Hill families that have migrated down to begin farming in the Terai.

### **Situation inside the protected area**

The current warden had only been in the post for a matter of weeks, and so could give no personal insight into the reserve, although he was very helpful in providing documented data. Therefore the information in this section of the report is based on indirect reports. Many interviewees were also reluctant for their comments to be attributed. Consequently some information has been included from anonymous sources where the informer was deemed credible.

The previous warden has been implicated in illegally dealing with tiger bone, and in addition various allegations of fraud and bribery on the part of the reserve staff were made to the authors of this report. There was general scepticism among interviewees about the conservation role of the reserve and army

staff. This in no way reflects on the current warden, as his appearance has been viewed very favourably by all respondents. While in the reserve on different occasions, one of the authors saw significant illegal wood cutting by local villagers, and setting of fires in the grassland. Army guards were present but did not attempt to interfere. Similarly one of the authors heard a gunshot inside the reserve which was attributed to a local poacher. The manager of the tourist camp in the reserve spoke of locals fishing illegally in the reserve – up to 50 individuals at one time – and of illegal wood cutting by villagers. Ecologically the reserve appears in reasonable condition, so the transgressions by locals do not seem to be excessively damaging. However it is clear that the local population often regard the reserve area as a reserve of wildlife products for their own use.

### **Situation outside the protected area**

Responses given about the wildlife regime outside the reserve were completely contradictory, and so are best listed:

The District Superintendent of Police said he had heard of wildlife smuggling gangs when he worked in other areas, but was not aware of any activity in this District. He was not aware of any transborder wildlife trade. He stated that civil order was their main priority, and wildlife was relatively less important.

The local head of the customs post had not come across or heard of any instances of wildlife trafficking [footnote: see notes of interview with Prem Bahadur Thapa in Appendix 3 below]. He also had no specific knowledge of wildlife regulations or CITES.

The Chief Development Officer said that when he last met an Indian District Magistrate they complained that Nepalese poachers were killing animals on the Indian side of the border. The Indians requested that the CDO arrest a particular individual, but he did not, saying that the allegations were untrue. The CDO said there was virtually no hunting of wild animals by Indians on Nepali territory. He said he had observed Indians bringing tiger bone from India to Nepal, then taking it back to India and claiming it originated in Nepal. He said this particularly occurs in Darchula District.

A prominent local individual – politician and Lawyer – claimed to have heard of Indians coming to hunt in Nepalese forests many times [footnote: see notes of interview with Ramesh Lekhak in Appendix 3 below]. He claimed that Indians are more aware of the market value and saleability of wildlife items than are Nepalese, and take advantage of this.

The local forest officials stated that there was no illegal hunting in the area.

During the study the authors of the report travelled to to Dodhara and Chadani Village Development Committees. These are very remote areas, on an island in the Mahakali river, adjoining India. Local people from the Forest User Group said there used to be a lot of hunting of wildlife for meat, but this had been greatly reduced following Buffer Zone activities. They said dried wild deer meat was still available in the market (250 Rupees per kg), but it was not locally caught. They said there was a group of Bangladeshi refugees living on the Indian side of the border who regularly came and poached wild animals from Nepal, but it was not possible to verify these claims in the available time.

A very credible local source gave a great deal of first hand information as to illegal wildlife activities. This source had lived in the area for many years but was unaware about illegal wildlife activities until he actively began investigations. He knows a local who possesses and is trying to sell 60 musk deer pods. As yet this person has not found a buyer. The source says there is a significant trade in collecting shed velvet from Swamp Deer (mostly illegally collected from the reserve) and selling it in India. The source claims that the main trade involves Leopard and Tiger bone. He says that there are very well organised gangs who collect bone (interestingly, the source claims that 95% of the bone collected is leopard bone) in centres all along the terai, including Dhangadi and Kanchenpur. Bone is brought from all over the hill region by local trappers. These gangs then transport the bone ( half crushed for easy

packing) to the northern border of Nepal, where it is sold to Tibetans or exchanged for Tibetan Antelope wool (Shatoush).

### **Summary**

The relevant authorities are clearly very confused about the state of wildlife trade and illegal activity in this area. As in other areas of the Terai, there clearly seems to be a local market for wildlife goods, and also a transboundary market in India. Additionally the regulatory regime is relatively weak here. Certainly there is an urgent need for further research into what actual trade and illegal activities are occurring.

In addition there is credible evidence for a significant and at least semi-organised international trade involving large cat bones and Tibetan Antelope wool. The reference found here to widescale trading in leopard bone is the first one brought to the attention of the authors. The source of information is very credible and was absolutely certain on the identification. This situation deserves further study.

### **Kodari**

Kodari, on the north east border of Nepal is the lowest pass into Tibet, and so has always been the preferred trading route between Kathmandu and Lhasa. The route is now the only motorable road between Tibet and Nepal, and is the main route for Chinese goods entering the country. There is a customs post on the Nepal side which monitors traffic crossing the border.

The customs officials stated that their main job was controlling western electronic goods being brought into Nepal from Hong Kong. There is little drug trafficking.

There are 3 recorded cases of wildlife goods being illegally traded. Two of these seizures are of Shatoush – very fine wool from the necks of Tibetan Antelope. The officials stated that the shatoush is imported from Tibet and transited to Kashmir where it is woven into highly prized and expensive shawls.

In 1995 119 kg of shatoush was seized, hidden in a truck shipment of sheep wool. Sheep wool can be imported duty free. A further 200 kg of shatoush was seized from a truck load of sheep wool bound for a carpet factory in Kathmandu in 1998. The driver escaped as soon as the truck was searched. The customs officials believe the carpet factory was not implicated in the smuggling.

Recently around 150 kg of shatoush bound for Nepal was seized on the Tibetan side of the border.

The other seizure on the Nepal side was of 1040 kg of elephant bone being transported to Tibet in 1989. This was believed to have come from 4 elephants. The bones were very fresh and were brought from Nepalgunj. There is a portage path a few kilometres from the motorable road. Porters hired to carry the elephant bone demanded higher wages for crossing the border. On being refused the money, the porters deposited the cargo at Khukundol, near the customs post, and informed the police.

The customs officials also suggested that they had information about a shipment of snake skins recently successfully smuggled into Tibet via the Kodari route, but would not supply further details.

The officials acknowledged that they were limited in their search procedure of trucks, acting on information received and random searches. They also acknowledged that other goods were probably transported on the same route as the elephant bone, bypassing the custom post. However, they are very limited in terms of facilities and could only rarely monitor this route. At the time of the interview their telephone was broken, and they stated it was frequently out of commission. They have no radio or computer equipment.

Customs Officials from Tatopani regularly contact their counterparts on the Tibetan side, and were also concerned about the “sensitive” nature of this border crossing. They stated that they were only judged on results of seized goods, not on prevention or information gathering. Hence they make efforts to gather a wider picture of the smuggling activity but are forced to concentrate on searches at the post itself.

## **Other Areas**

During the preparation of this report, field visits were made to the protected areas in the southern part of Nepal described in the sections above, and to the customs post at Kodari on the northern border with Tibet. These visits, together with interviews of relevant personnel in Kathmandu also provided details of wildlife incidents in other parts of the country. This information is now presented in order to give a wider picture of the situation as regards wildlife in Nepal.

## **Eastern Nepal**

The Morang District Forest Officer said that when he was posted in Ilam district he seized a Snow Leopard skin from two Indian nationals. These individuals claimed they were delivering the skin to a customer in Kathmandu.

The warden of Koshi Tappu Wildlife Reserve said that Kakarvitta, - a crossing point on the southwestern border of Nepal – is a main trade route for wildlife articles coming from India to Nepal. Wildlife officials in India also informed one of the authors that shatoush (Tibetan Antelope wool) was transited through Nepal to India at Kakarvita – based on evidence of a seizure in 1997. It appears that a suspect held by Nepalese authorities in this area after this incident managed to escape from custody.

The warden at Koshi Tappu also stated that Assam State in India is a major source for wildlife goods which then enter Nepal over the eastern border.

In view of evidence gathered in other parts of the country demonstrating an active cross border illegal trade, it is likely that wildlife goods do cross the eastern border. Further field research is necessary in order to understand the nature of such trade.

## **Northern Nepal**

The field visit to Kodari demonstrates that wildlife goods (specifically Tibetan antelope wool and elephant bone) are certainly traded across the northern border with Tibet. It is likely that trade also occurs in other parts of this long border. The Northern border is, of course, characterised by mountainous and high plateau terrain along the Himalayan chain.

The Deputy Inspector General of the Eastern Region of Nepal acknowledged that the northern border in this region can be crossed relatively easily without detection by the authorities. There are limited police and customs officials along this border – fewer than on the southern border.

The 130 kg of Tiger bone from a parcel posted from the south of Nepal and seized in Humla was probably bound for Tibet eventually. As this seizure was fortuitous and not based on any information received it is possible that other materials are transported in this way and cross the border. The warden of Parsa Wildlife Reserve said that Tibetan monks or people dressed as such carry wildlife articles over the borders as they are unlikely to be searched. This is also a possible route of regular trade. The elephant bone seized at the Kodari customs post was simply being carried over the pass to Tibet and bypassing the customs post. This seizure was also fortuitous, being due to a pay dispute among the porters, and so implies that other successful trips are made. Porterage of illegal cargo could also occur at many other points on the long northern border.

There is ample evidence of other illegal wildlife activity in the northern region that produces materials that may or may not be transported across the national border. The Joint Secretary at the Ministry of Forests and Soil Conservation – who also has considerable practical experience in the northern protected areas – considers that bear gall bladders and musk deer glands are regularly obtained and traded from the mountain areas. A Ranger at Koshi Tappu Wildlife Reserve described how he dramatically seized 20 musk deer pods when working in the Sagarmatha National Park. The collectors of these pods were from Dhading in central Nepal.

The extent and nature of the trade in this area is little understood at present, although further research will certainly find more evidence of illegal wildlife activities. Due to the length and remote nature of the northern border such research should be undertaken as a priority.

### **Kathmandu**

The capital city of Kathmandu is by far the biggest residential and commercial centre in Nepal. There is no doubt that there is a significant illegal wildlife trade in the city, and all relevant interviewees concurred with this. The extent of the wildlife market is unknown, though the easy availability of wildlife products in the city, and seizures at the international airport imply a significant traffic. Kathmandu was formerly known as a market place for large cat furs, though this is less visible following an expose and police crack down [footnote: see Traffic 1994 and other fur trade reports].

The Kathmandu District Forest office has records of 23 wildlife seizures between 1990 and 1998 – mostly concerning leopard and tiger fur and tiger bone. These incidents include: (1) 1994 - 2 tiger skins seized, 2 people arrested but later released for lack of evidence; (2) 1994 - 9kg of tiger bone seized. 1 arrest, later released on 50,000 Rupees bail; and (3) 1996 – 7 leopard skins, 1 otter skin seized, no arrests.

The enforcement and informer regime in the Forest office in Kathmandu is not well developed, and this is very likely to mean that there are many other undetected instances of dealing in illegal items.

Customs officials acknowledge that wild birds from Indonesia have been transited through Tribhuvan International airport to Pakistan in 1998. Fourteen falcons from Pakistan and en route to Dubai were seized at the airport in 1998. Three live clouded leopard cubs were seized at the airport and sent to the zoo in 1994. Many wildlife and forestry officials consider the International airport to be a major exit point for wildlife items.

Sources who are credible but wish to remain anonymous also alleged to the authors that prominent business people in Kathmandu are engaged in trading in musk deer gland, bear bile and tiger fur trading. One of the authors received credible information that a Kathmandu trading house had recently contacted European pharmaceutical companies stating that they had bear gall bladders available for research into medicinal uses. Customs and Police officials acknowledge that wildlife issues are a low priority, and that they also lack awareness and training to effectively control illegal wildlife activities in Kathmandu. There is no regular monitoring of such trade.

During January and February 1998 one of the authors posed as a western tourist in Kathmandu and Patan and recorded wildlife articles on sale or offered for sale. Details of this short investigation will not be given as it was unsystematic and published details could endanger later, more intensive research. However the author saw python skin, rhino skin, tiger claw and alleged ivory articles in tourist areas. In addition the author was told that shatoush, bear fur, leopard fur and tiger teeth could be obtained on request.

### **Other urban centres**

The fact of Kathmandu being a major area of illegal wildlife activities raises the question of the extent of such trade in other urban centres in Nepal. There has been no study of such urban areas in this

respect, but evidence gathered in the course of this study implies that there is a need for further investigation.

The shipment of 130 kg of Tiger bone seized by the Post Office in Humla was posted from the city of Nepalgunj. Similarly the 1041 kg shipment of elephant bone seized at Kodari en route to Tibet originated in Nepalgunj. The Director General of Customs noted that 93 kg of *tahr* skin was recently seized in Nepalgunj. Other major urban centres such as Biratnagar, Birgunj and Pokhara have not been studied in respect of wildlife trade, but it can be expected that such activity will occur. International flights have recently started from Biratnagar to Calcutta, and the experience of Tribhuvan International Airport suggests that this could also be used as a trade route.

Further investigation of wildlife trade in Nepalese urban centres is urgently necessary and recommended. The local use of wildlife products within Nepal is also little understood. Wild animal products including those from rhino, deer, crocodile and Tiger are used in Ayurvedic medicine which is a traditional medical treatment throughout Nepal. The actual use of wild animal products in this medical system is entirely unknown. There are widely held beliefs in the efficacy of various wildlife products throughout Nepal. Alcohol distilled from tiger and bear meat are frequently held to be powerful treatments.

All parts of a rhino, including dung, blood, horn, skin are held in high esteem by the indigenous Tharu people of the Tarai. Killing a rhino and offering the blood to dead ancestors is a recent former part of the royal coronation ceremony. Many Nepalese believe that a libation of water to ancestors poured from a rhino horn is highly auspicious. Eating the windpipe of a peacock is often held to be an effective cure for a sore throat. Other indigenous castes and groups have specific beliefs as regards religious and medical value of using wild animals parts. The knowledge of these beliefs and the extent of their use in practice is very limited, and further research is recommended.



On the basis of the findings contained in the information presented above, the following recommendations are made for future action to ensure greater compliance in Nepal with the obligations contained in CITES. Some of the recommendations made below will have implications for Nepal's compliance with CITES as a whole – such as the creation of a central CITES monitoring unit – even though this report has been concerned only with wildlife.

## 6.1 Central CITES Monitoring Body

### (1) **a Central CITES Monitoring Body should be set up to coordinate Nepal's efforts to comply with its obligations under CITES**

The DPC has identified the creation of such a body as a major need if Nepal is to meet its obligations under CITES. Research for this report revealed a serious lack of coordination and information-gathering within the current regime. An example of this lack of coordination concerns the current status of a draft bill relating to CITES compliance prepared by a firm of lawyers in Kathmandu on behalf of WWF. During interviews it emerged that individuals in different institutions had wildly different perceptions of the status of this work: (1) a representative of WWF believed that the draft bill was complete and approved and merely awaited tabling in Parliament; (2) the D-G of the DPC believed that the draft bill was awaiting final approval from the Ministry of Forests and Soil Conservation before being sent to the Parliament Secretariat; (3) representatives of IUCN believed that the work in progress related to a set of new regulations under the National Parks and Wildlife Conservation Act and was not a new bill at all; and (4) the Director-General of the Customs Department had no information at all about any such work.

Another example concerned the relationship between the Department of National Parks and Wildlife Conservation as the Management Authority and RONAST as the Scientific Authority for CITES in Nepal. Coordination between the two bodies seems to be limited and during interviews it emerged that representatives of RONAST were not fully aware of their obligations as Scientific Authority under CITES. The location of the forensic labs in which any scientific analysis must be undertaken in the Ministry of Law and Justice adds extra potential for a lack of coordination, and incidents were related during interview of samples for analysis going astray and inadequate equipment leading to a failure of identification.

There is a pressing need for coordination at all levels, and for leadership to be taken on all CITES issues and only the creation of a Central CITES Monitoring Body will provide that leadership and coordination. Many of those interviewed during this research expressed support for such an institution (including police officers, and heads of government departments). Without such an institution, other government departments will find it all too easy to wait for the DPC to take a lead on CITES when, for its part, the Department has neither the financial nor human resources to perform its CITES compliance tasks effectively.

The need for a Central Body is particularly pressing in relation to situations where wildlife goods are transited through the country since it is not possible at present for any one body to act effectively against the trade except where and when incidents occur within the local area of jurisdiction of that body. This jurisdiction is at present limited eg. to within a National Park boundary, within a District, at a customs point, and so on. Coordination between bodies is currently ineffective in instances where goods are moved across all these areas. Similarly, at the present time such illegal activity cannot be effectively monitored because of the poor data collection and coordination. A central CITES monitoring body could approach such issues more effectively.

**(2) senior representatives of all concerned agencies and institutions should be part of the Central CITES Monitoring Body**

The precise nature and functions of a Central CITES Monitoring Body would need to be carefully worked out by the Department of National Parks and Wildlife Conservation as the lead agency, in consultation with all interested parties. Experience from use of such a Body in the territories of other States Parties to CITES would also need to be studied before the final shape of such a Body was determined. Even so certain minimum requirements would need to be met. Some suggestions are made in the paragraphs which follow.

For any such Monitoring Body to be truly effective, the heads of all relevant government departments, regulatory authorities and other interested institutions would need to be involved. This would include as a minimum: (1) the Director-General of the Department of National Parks and Wildlife Conservation as the representative of the CITES Management Authority in Nepal and of the government department with responsibility for wildlife issues more generally; (2) the Director-General of the Forests Department; (3) the Director-General of the Customs Department; (4) the Inspector-General of Police; (5) the Vice-Chancellor of Ronast as the representative of the CITES Scientific Authority; (6) the Head of the WWF Nepal Programme; (7) the Head of the IUCN Nepal Country Office; and (8) the head of the King Mahendra Trust for Nature Conservation.

Other individuals would be required to sit as members of the Monitoring Body for discussion of specific issues. The head of UNDP's People and Parks Project, for example, might expect to be a part of any discussion of CITES-related issues as they concerned Buffer Zones, and the head of the Wildlife Watch Group might be expected to be part of any discussion of national awareness raising on CITES issues, and the use of the media for this purpose. Similarly, senior representatives of the International Trust for Nature Conservation (ITNC) who provide funding for anti-poaching and other wildlife activities in Nepal, should be involved in discussions relating to those activities.

Similarly, different levels of staff might be deputed to sit on committees for specific issues. Wardens from the designated National Parks and Wildlife Reserves might be deputed to meet together with regional representatives from the Forests Department and relevant law enforcement agencies to coordinate strategy on a particular issue.

**(3) the CITES Monitoring Body should be properly funded**

The main problem facing the DPC at the moment is that it lacks funding to be able effectively to ensure that Nepal complies with its obligations under CITES. Present estimates suggest that the shortfall for all of the Department's wildlife activities (including CITES compliance) is as much as US\$70 to 80 million [footnote: see notes of interview with Teertha Man Maskey and Narayan Poudel in Appendix 3 below]. The same difficulties would be faced by any Central CITES Monitoring Body which could not secure a guaranteed income over time.

To secure such income, consideration will need to be given to methods of funding which do not depend solely on direct funding from central government resources. With the pressing development problems facing Nepal the ability to divert proper funding to wildlife conservation issues is extremely limited (and is nearly always controversial wherever it is possible). A trust-type mechanism funded by bilateral and multilateral donors (such as that being set up in relation to the Biodiversity Convention) could be one option, and a major conservation and development project focusing on CITES-related issues (similar to the Parks and People Project funded by UNDP) might be another.

Using a single fund into which outside donors placed funds specifically for CITES compliance work could be the only way to avoid political pressure on scarce resources. The profile of such endangered species as tigers, rhinos and elephants, and their presence in Nepal, could help to encourage western donors which regularly exhort developing countries to conserve their wild animals to contribute to such a fund. There is potential for significant and effective donor input to setting up and establishing a central monitoring body.

**(4) there should be a Central CITES Database on wildlife trade, anti-poaching, prosecution, professional and amateur hunters and wildlife poaching.**

Interviews and field visits during this research revealed a serious lack of information about wildlife incidents and a lack of a centralised reporting system. At present wildlife incidents are recorded separately by Park staff, District Forest Offices, Customs posts, and Police posts. There is little central collection of information from within each of these bodies, and no attempt to coordinate information from these different sources.

The need for States Parties to keep accurate records is a key feature of the CITES regime [footnote: CITES Art.VIII(4), (5) and (6); and Art.VIII(7) and (8)]. Officials generally recorded the bare minimum information required in relation to any incident and no Annual Report prepared by Nepal for submission to the CITES secretariat was seen at any stage during the research. Very often where recorded information existed it was not readily available or in a useable format. Confiscated items seemed to be stored in a haphazard manner in different offices and there was no clear information about what was being held at any given time.

Part of the work of a Central CITES Monitoring Body, therefore, would be to create and maintain a central database for statistics and other information on CITES-related issues including: recorded incidents of trade in animals and their parts; details of the activities of anti-poaching units and other such initiatives; figures for the numbers of prosecutions for wildlife offences (together with the nature of the prosecution, the manner of its execution and its outcome); details of all seizures of wildlife trophies and other confiscations, including the current location and/or fate of all confiscated items. The Central Body would also have responsibility for preparing Nepal's annual report for submission to the CITES Secretariat.

All relevant authorities in each District (including wildlife officials, forest officials, customs officials, police and other law enforcement officials) should be required to comply with standard CITES reporting formats and to submit information so compiled to the central database on a regular basis. The information collected and catalogued should be available to

the general public on demand, together with reports containing discussion and/or analysis of the information.

**(5) the Central Body should have links to relevant media for the exchange and publication of information**

An essential element of the work of the Central CITES Monitoring Body would be to coordinate the work of raising public awareness which is already being undertaken by different agencies and institutions. The work of IUCN in curriculum design and judicial sensitisation, and the work of the DPC as part of the UNDP People and Parks Project are good examples of such awareness raising.

The DPC has effectively used media derived information to monitor wildlife trade and direct operations, and information from conservation groups in India and Nepal has also provided valuable information on the status of the wildlife trade. The current research suggests significant illegal wildlife activity that the authorities are unaware of. Media and conservation bodies could help bring such issues to the attention of authorities through a CITES monitoring unit.

Part of the process of awareness-raising by a Central CITES Body would be to cultivate, maintain and develop effective links with relevant journalists and other media personnel. A public relations professional would be an essential member of the staff of the Central CITES Monitoring Body to perform this role.

**(6) the Central Body should organise and/or conduct relevant trainings for wildlife personnel and all of those officials with responsibility for one or more CITES-related issues**

The work of the Central CITES Monitoring Body would necessarily include organising and (at least in the initial stages) conducting trainings for relevant wildlife protection personnel. Some of this work could be delegated in due course to organisations and institutions with experience of conducting such trainings (such as IUCN and WWF). The content and frequency of all trainings would need to be recorded for storing in the Central CITES Database, and follow-up trainings for all personnel would need to be arranged as a matter of course.

## 6.2 Personnel

**(1) training should be given on a regular basis to all officials concerned with CITES compliance issues (forestry personnel, wildlife personnel, regulatory and law enforcement personnel) and updated**

During interviews and field visits it emerged clearly that very little information or training about CITES-related issues was given to any personnel with responsibility for those issues. Many of those interviewed referred back to trainings which took place years ago, such as the US Fish and Wildlife Service training in 1995 [footnote: in this connection see the notes of interviews with Teertha Man Maskey and Narayan Poudel of the DPC, with Tirtha B Shrestha and Narayan Belbase of IUCN and with Ukesh Raj Bhujju of WWF in Appendix 3 below]. Such references only served to illustrate that very little training has been given in recent years. For Nepal to be able to comply fully with its obligations under CITES, proper and regular training must be given to all of those with some responsibility for CITES-related incidents

about exactly what is expected of them, and how they are expected to meet those responsibilities.

Part of this process of training must be the preparation and dissemination of awareness materials to all concerned officials. WWF has taken some steps in this regard with the preparation of posters which tell potential offenders “Don’t Buy Trouble”, but the detail on these posters in terms of information on identification of animals and their parts and the action which should be taken by relevant officials is extremely limited. There was also evidence that these posters were not widely distributed to wildlife offices or regulatory bodies.

IUCN is in the process of preparing a set of wildlife identification posters [footnote: see notes of interview with Teertha B Shrestha and Narayan Belbase in Appendix 3 below] and if effectively distributed these could help to provide valuable information on identification techniques. WWF and the DPC, in conjunction with relevant experts and other institutions is also preparing a CITES Manual. Again, publication of this manual should help to train relevant officials in CITES-related issues if it is effectively distributed and instructions on its use given to all those who may need to come into contact with it.

**(2) personnel with relevant experience of an issue should not be posted out of an area where that experience can be used effectively**

Interviews with different individuals revealed that frequent posting of staff from one region to another was not helpful in terms of ensuring that Nepal complied with its obligations under CITES. One DFO interviewed [footnote: see notes of interview with XX Chausariya, DFO of Sunsari District in Appendix 3 below] had been posted no fewer than six times in ten years. Similarly, a Police Officer who had attended a training on wildlife protection issues in the USA when Superintendent of the Nawalparasi District Police Office near Chitwan National Park, had been posted soon afterwards to a new job near Pokhara, away from any protected area [footnote: see notes of interviews with Ramkajee Bantuwa in Appendix 3 below].

It is acknowledged that for personal reasons, or for reasons of professional development government officials may need to be posted more frequently in Nepal (where terrain differs widely in different parts of the country, and where travel between Districts for family reasons is difficult) than in other countries. For consistency to be maintained and progress to be meaningful, however, staff with detailed knowledge of a particular geographical area or CITES-related issue should not be posted more frequently than personal or professional circumstances demand.

If for any reason an official with specialist knowledge of a particular area or a particular CITES-related issue must be posted from one area to another, all steps should be taken to ensure that his successor has received such training as will allow him to continue the work in that area or relating to that issue, and that a proper hand-over to his successor is effected. Part of the hand-over process must be to ensure that all physical records of activities are available to the successor as well as being lodged in the Central CITES Database (as to which see above).

**(3) coordination between wildlife and forestry personnel in dealing with offenders is essential**

In dealing with CITES-related issues, it is essential that there is full cooperation and coordination between wildlife officials and forest officials. The nature of the structural and legal frameworks for wildlife protection in Nepal is such that an incident one foot inside the boundary of a designated National Park or Wildlife Reserve will fall within the jurisdiction of

a warden and other Park officials, whereas an incident one foot outside the Boundary will fall to be dealt with by forest officials or other government officials (such as a CDO).

In the absence of effective coordination, incidents falling just inside and just outside the boundary of a National Park or Wildlife Reserve could be dealt with very differently by the relevant officials with jurisdiction. Such disparity could have a serious negative on Nepal's ability to comply with its obligations under CITES. Thus, effective coordination between forest and wildlife staff, at all levels of the government hierarchy is essential. This should include regular meetings between relevant counterparts to discuss CITES-related issues, and the exchange of full and intelligible information about relevant incidents.

**(4) there should be frequent interaction between representatives of different line agencies and departments including wildlife officials, forestry officials, customs officials, local government officials and law enforcement agents.**

In addition to coordination between wildlife and forest officials, it is essential that there is coordination between these two sorts of officials on the one hand, and officials representing regulatory bodies and law enforcement agencies on the other. There was some evidence during interviews and field visits that wildlife officials were able to call on assistance from the police and army whenever needed, but the nature of the call made and the assistance given in response seemed to depend very much on the particular individuals involved, and there was no evidence of a formal or structured system for liaison.

Regular contact should be maintained between all agencies with some responsibility for CITES-related issues, and all officials should know exactly what is expected of them in the context of their relationships with other officials. Regular meetings should be held and minuted, and the minutes submitted for inclusion in the Central CITES Database (as to which see above).

## 6.3 Law Enforcement

**(1) the law relating to wildlife offences should be applied equally and should be seen to be applied fairly**

There was some evidence during field visits and in interviews of concern in some sections of the communities visited that the law relating to wildlife offences was not applied equally in all situations, and that different sorts of alleged offenders were treated differently according to their status or their ability to post bail.

It is essential if Nepal is to fulfil its obligations under CITES that the domestic law relating to wildlife offences, just as any other law in Nepal, is applied equally to all individuals and that there is full equality before the law as required by the Constitution of the Kingdom of Nepal 1990. Every tribunal must be seen to treat all alleged offenders with scrupulous fairness and a complete lack of discrimination. This equality before the law is different from the consistency in sentencing which should be aimed for by different tribunals with jurisdiction for dealing with similar offences in different circumstances or in different parts of the country (as to which see further immediately below).

Individuals with what are perceived to be powerful connections or immense wealth should not be dealt with any more leniently than any other individual in relation to the same offences. The ability to hire and retain a lawyer should not be the difference between conviction and acquittal.

**(2) guidelines must be produced for courts and other adjudicating authorities to guarantee effective implementation of the law and compliance with the rules of natural justice in hearing and deciding cases**

There was much evidence during interviews and field visits of discrepancies in the approach to wildlife offending between different authorities with responsibility for dealing with alleged offenders. It was widely perceived, for example, that DFOs were generally less harsh in their sentencing than wardens, and that any alleged offender with legal representation would be able to walk free from a charge of wildlife offending in some tribunals.

IUCN has done some work in sensitising judges to wildlife issues [footnote: see note of interview with Tirtha B Shrestha and Narayan Belbase in Appendix 3 below], but much more detailed work needs to be undertaken to educate all wildlife tribunals on the nature of their judicial and quasi-judicial powers, and of the need for consistency in sentencing. For whilst it is important that wardens and DFOs have powers in relation to the apprehension and initial processing of alleged wildlife offenders, indiscriminate use of sentencing powers could lead to the image of wildlife protection powers being weakened if a particular sentence is significantly reduced on appeal or a conviction is quashed.

Training should therefore be given to court officials on how to process wildlife cases, and as a matter of course cases should be passed up to the relevant District Court for adjudication and not left to individual wardens and DFOs to hear. All tribunals must also ensure that the fundamental principles of justice enshrined in the Constitution are fully applied in the course of processing alleged wildlife offenders (particularly as they relate to the rules of natural justice) and that the fundamental rights of an individual are not denied in the course of hearing a complaint relating to an alleged wildlife offence (particularly those relating to rights to criminal justice including the right of access to a lawyer, and freedom from torture, and from cruel and unusual punishment).

## 6.4 Monitoring activities

**(1) ongoing visits should be made to accessible locations with significance for wildlife protection**

Easily accessible areas should be regularly visited in order to gather information from DPC, Forestry, CDOs, Customs, Police, Army units inside protected areas, and other relevant sources about illegal wildlife activity in the immediate area. This would include customs points accessible by road, protected areas and the majority of Districts in the Terai, which has are more easily contacted than in the more mountainous parts of Nepal. The present research found that such information was only available in the local area. Such monitoring activity could be the responsibility of the proposed Central CITES Monitoring Body, or could be set up and funded separately.

**(2) investigations should be carried out of trade in urban centres**

Investigation and monitoring of illegal wildlife activity in Kathmandu and other urban areas or suspected wildlife trade centres such as Nepalgunj, Biratnagar, Pokhara, Narayanghat and Bhairahawa should be undertaken in order to assess the extent and nature of trading activities in Nepal. Such research should include tourist areas, local markets, and utilisation of wildlife products by religious and medical practitioners.

Methods of research would depend partly on the nature of what is being investigated, but some undercover work, intelligence gathering, and posing as buyers would be necessary. No government organisation currently has the facilities, expertise, capacity or motive to carry out such work. For this reason international and national non-governmental organisations could play a significant role, in full cooperation with government authorities.

**(3) follow up investigations should be undertaken of wildlife incidents**

A number of previous incidents of illegal wildlife activity have not been satisfactorily concluded by investigation. In cases where suspects have been freed on legal technicalities or have been released on bail could provide useful information about wildlife trade status if more fully investigated, as well as helping to ensure that equality of justice prevails in incidents of wildlife abuse.

## 6.5 Further baseline research

**(1) interviews should be conducted with of alleged offenders in secure conditions**

During the course of the research, a number of convicted and alleged wildlife traders were interviewed. Interviews took place under the observation of jailers and police, and interviewees were naturally reluctant to provide full details in those circumstances. Interviewing such prisoners in secure and confidential conditions could provide valuable information about wildlife trading in Nepal.

**(2) studies of wildlife activities in mountainous areas should be undertaken**

It has already been suggested that regular monitoring takes place in easily accessible areas of Nepal, and this would primarily mean coverage of the southern part of the country. The present study found substantial evidence of wildlife trading in the Northern and Eastern parts of Nepal. No comprehensive study has been done of wildlife activity in these mountainous areas, largely due to remoteness and inaccessibility. A specific study should be made including extensive field visits to relevant District officials, border officials, protected areas, and relevant local organisations.

**(3) interviews should be conducted with former officials**

The present study found poor recording of wildlife incidents by all concerned authorities. Therefore there is a very weak institutional memory about past incidents and events and valuable experience and knowledge is lost. In order to regain some of this knowledge former senior officials of DPC, Forest, Police and Customs should be interviewed regarding their experience of wildlife trade.

**(4) analysis of the motivation for wildlife offending should be prepared**

Evidence suggests that there are very many different motivational factors among individuals who kill wildlife. Motives suggested include people trying to make money without knowing how to sell articles once obtained; obtaining articles for a specific demand or individual; hunting for meat; for recreation; for fashion items; for religious; for cultural, or for medical purposes. It also appears that some poachers risk the very stiff penalties of being caught without being aware of what those penalties are. It is also as yet unclear to what extent wildlife activities in Nepal are influenced by international demand for products or professional traders, and how much motivation is from local demand or individual initiative.

In order to control illegal wildlife activities it is essential to understand the motives and expectations of those who are or who may become involved in the trade. Extensive research into the uses and demand for wildlife articles among the people of Nepal is urgently required to fill in the extensive gaps in current knowledge.

**(5) surveys of existing wildlife trophies should be compiled**

It was alleged by many interviewees that wildlife trophies, fashion products derived from wildlife, and other articles are frequently found in the homes of aristocrats, and wealthy and prominent people in Nepalese society. Investigation into the extent of this being the case is necessary. It may be that awareness raising and voluntary surrender of such items by prominent individuals could be very helpful in improving public perceptions of prevention of wildlife trading. Alternatively legal action may be necessary in order to demonstrate equality in law in all sections of society as regards wildlife products.

**(6) smuggling techniques should be studied**

Police and Customs officials have had little experience in seizing illegally traded wildlife products. While this may be because such activities are rare, evidence suggests it is due to failure to detect the trade on the part of those authorities. Many of those interviewed had training in techniques of narcotics smuggling, and considered that the same techniques would apply to wildlife smuggling. However, there are techniques suggested during the study – such as inclusion of wildlife articles among similar legal domestic shipments, concealment of ground tiger bone in cigarettes – that suggests specialist wildlife smuggling techniques may be eluding official controls. A study of such actual or potential techniques should be carried out, incorporating lessons from other countries facing similar issues.

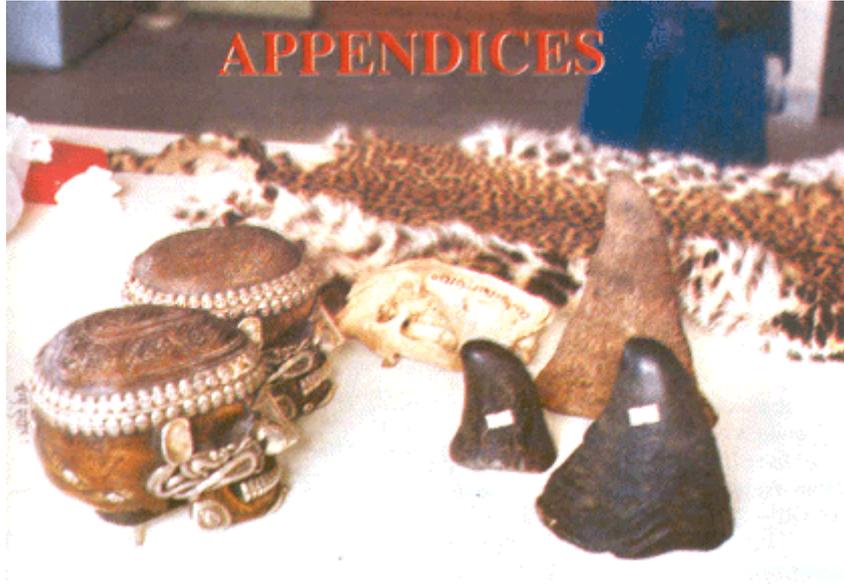
**(7) there should be liaison with officials from foreign missions**

Interviews should be conducted with officials from the Chinese, Indian and North and South Korean, United States, Japanese Embassies, and all other members of foreign (governmental and non-governmental) agencies in Nepal with a responsibility for or concern for CITES compliance issues. This could be in addition to, or as part of, regular transboundary meetings such as already take place between Nepal and India every two years.

**(8) surveys of public awareness should be conducted**

As mentioned above, the motives of wildlife poachers and traders in Nepal is little known. Similarly the state of public knowledge in Nepal about awareness of wildlife protection issues and attitudes towards wildlife products is virtually unstudied and research should be undertaken to gather this information.

# APPENDICES



# APPENDIX 1

## List of Materials

This is a list of all materials studied specifically for the purposes of this report. The list does not include individual newspaper reports (in English or Nepali) or other journalistic materials. Translations into English of some recent articles in the Nepali language press appear separately as Appendix 6 to this report.

The lists of Nepal Statutes and Nepal Regulations and Orders are presented in chronological order. All of the Nepal Statutes, Regulations and Orders whose names appear in the list below have been used in translations prepared for the Nepal Recorder (an imprint of Regmi Research (P) Ltd).

The list of Other Materials is presented in alphabetical order of authors' names. Where there is more than one author, the name of the first listed author is given here. Where an author works for, or is writing on behalf of, a particular organisation, that organisation's name is given in brackets after the author's name. Where an organisation itself has produced a publication without attributing authorship, the name of the organisation is given.

### Conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna; Washington DC 1973 (as amended in Bonn, June 1979)

### Constitutions

Constitution of the Kingdom of Nepal 1990

### Nepal Statutes (as successively amended in each case)

Export/Import Control Act 1957

Customs Act 1962

National Parks and Wildlife Conservation Act 1973

Nepal Treaty Act 1991

Forest Act 1993

Environment Conservation Act 1997

Local Self-Government Act 1998

### Nepal Regulations and Orders

Customs Rules 1970

National Parks and Wildlife Conservation Rules 1974

Export Import Rules 1978

Export and Import Controls 1992

Import Licence Fees 1992

Board of Trade Formation Order 1993

Forest Research Board Formation Order 1994

Forest Rules 1995

Environmental Conservation Council Formation Order 1995

National Parks and Wildlife Conservation Rules Licences Order 1995

Environmental Impact Assessment Forest Guidelines 1995

Buffer Zone Management Rules 1996

Conservation Area Management Rules 1996

Bardiya National Park Rules 1996

Environment Conservation Rules 1997

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## APPENDIX 2

### Lists of Meetings

These lists contain the names of almost all of those people with whom the research team (or some members of it) conducted semi-structured interviews during the period of this research.

The names are listed in two different ways: (1) in chronological order; and (2) District-wise. It is hoped that these respective listings will help readers to follow the process by which interviews were conducted over time, and also to gain a sense of the range of individuals in a particular District with responsibility for wildlife protection issues.

The interviews with all of those listed were semi-structured in the sense that there was no fixed list of questions for any interview. All interviews attempted, however, to cover certain common themes, including: the nature of the respondent's work; what the respondent perceived to be the main constraints on that work; the nature of the respondent's understanding of CITES and compliance issues; and coordination between the respondent and others relating to CITES compliance.

All interviews were conducted by Colin Pringle and Mangal Man Shakya except those indicated which were conducted by: (1) Colin Pringle, Chris Murgatroyd and Mangal Man Shakya; or (2) Chris Murgatroyd and Mangal Shakya; or (3) Colin Pringle alone.

#### List of people interviewed in chronological order

1. Tika Ram Dhakal, District Forest Officer - Chitwan District
2. Laxmi Manandhar, Chief Warden – Royal Chitwan National Park
3. Chandra Bahadur Khing, imprisoned for alleged wildlife offences
4. Dal Bahadur Kumal, imprisoned for alleged wildlife offences
5. Dev Kumari Neupane [Thapa?], imprisoned for alleged wildlife offences
6. Bijaya Dev Pandey, DSP – Chitwan District Police
7. Gobinda Basnet, Buffer Zone Development Officer – Royal Chitwan National Park
8. Basanta Raymaji, Camp Manager – Gaida Wildlife Camp
9. Trialokya Chitrakar, Owner – Royal Park Hotel, Suraha
10. Suresha Adhikari, Jailor – Parsa Jail
11. Laxman Mahato [Majhi?], imprisoned for alleged wildlife offences
12. Man Bahadur Blon, imprisoned for alleged wildlife offences
13. Kul Bahadur Blon, imprisoned for alleged wildlife offences
14. Ramji Mahato, imprisoned for alleged wildlife offences

15. Gauri Shankar Bhagat, Senior Gamescout – Parsa Wildlife Reserve
16. Surya Bahadur Pandey, Acting Chief Warden – Parsa Wildlife Reserve
17. Bhuvan Nepal, Sub-Inspector – Birgunj Customs Area
18. Rajdev Prasad Yadav, DFO – Parsa
19. Tulsi Prasad Bhattarai, CDO – Parsa District
20. Yagya Mani Dahal, Assistant Forest Officer – Bara District
21. Khadga Bahadur Shrestha, Vice-Chairman – Nirmal Basti VDC (Thori Border Area)
22. Lt CB Karki – Royal Nepal Army
23. Narendra Man Shrestha, Chief Customs Officer – Birgunj Customs Area
24. Damodar Prasad Upadhaya, Ranger – Birgunj Customs Area
25. Indra Mani Bhandari, Assistant Forest Officer – Bara District
26. Gehendra Giri, Senior Case Officer – Bardiya District Forest Office
27. Jaya Narayan Jha, Ranger – Guleria Customs Office (Bardiya District)
28. Ramesh Thapa, Ranger and APU Chief – Royal Bardiya National Park
29. Shiv Raj Bhatta, Acting Chief Warden – Royal Bardiya National Park
30. Shekhar Yadav, DFO – Bardiya District
31. Anonymous (Canadian Tourist)
32. Shanta Raj [Deepak?] Gaywali, King Mahendra Trust for Nature Conservation – Bardiya
33. Ramji Shivakoti, Warden – Royal Bardiya National Park
34. Ramprit Yadav, Chief Warden – Suklaphanta Wildlife Reserve
35. Hemanta B.C., Buffer Zone Development Officer – Suklaphanta Wildlife Reserve
36. Thaneshwor Devkota, CDO – Kanchanpur District
37. Ramesh Lekhak, Politician and Lawyer – Kanchanpur District
38. Prem Bahadur Thapa [Subba?], Section Head – Kanchanpur Customs
39. Hikmat Bista, Silent Safari – Suklaphanta Wildlife Reserve
40. Amber Newang, Superintendent of Police – Kanchanpur District Police
41. Chitrang Thapa, Local Journalist – Kanchanpur

42. Khem Bahadur Thapa, Chairman – Srijana Forest Users Group
43. Ukesh Raj Bhujyu, Conservation Programme Director – WWF Nepal (2)
44. Teertha Man Maskay, Director-General – Dept of National Parks and Wildlife Consn (1)
45. Narayan Poudel, Chief Ecologist – Department of National Parks and Wildlife Consn (1)
46. Naryan Belbase, Environment Law and Policy Programme Coordinator – IUCN Nepal (1)
47. Tirtha B Shrestha, Biodiversity and NRM Coordinator – IUCN Nepal (1)
48. Bansi Dhar Ghimire, Director-General – Customs Department (1)
49. Ramkajee Bantuwa, Additional Inspector-General – Nepal Police (1)
50. Sabitri Raj Bhandari, Chief Customs Administrator – Tribhuvan International Airport (1)
51. Dayananda Bajracharya, Vice-Chancellor – RONAST
52. Sewak Ram Bhandari, Executive Director – Forensic Labs, Ministry of Law and Justice
53. Indra Singh Karki, Director-General – Forests Department
54. Raj Narayan Sah, Assistant Forest Officer – District Forest Office, Kathmandu
55. Uday Sharma, Joint Secretary – Ministry of Forest and Soil Conservation
56. Keshab Shrestha, Director – Natural History Museum
57. Kedar Paneru, Customs Officer – Tatopani Customs Area
58. Bodharaj Niraula, Chief Custom Officer – Tatopani Customs Area
59. Govinder Bahadur Shrestha, Forest Officer – East Regional Forest Directorate, Biratnagar (1)
60. Prakash Nath Pyakurel, DFO – Morang District (1)
61. Ananta Bhattarai, Dy Insp. General of Police – Eastern Regional Directorate, Biratnagar (1)
62. Shambhu Prasad Churasia, DFO – Sunsari District (1)
63. Bijaya Kumar Lal Karna, Ranger – Sunsari Customs Department (1)
64. Basudev Aryal, Ranger and sometime Acting Warden – Kosi Tappu Wildlife Reserve (1)
65. Jagganath Singh, Warden – Kosi Tappu Wildlife Reserve (1)
66. Rajendra Suwal, Ornithologist and Naturalist – Aqua Birds Unlimited, Kosi Tappu (1)
67. Khumraj Punjali, Assistant CDO – Sunsari District (1)
68. Binod Gaywali, CDO – Sunsari District (1)
69. Bishnau Sundar Rimal, DSP – Sunsari District Police (1)
70. Shreedhar Gautam, Chief Postmaster – General Post Office

71. Mukunda Sharma Poudel, Director General – Department of Postal Service
72. Santosh Bisht, Manager – Suklaphanta Tented Camp (3)
73. Jim Edwards, Director – ITNC (3)
74. Lisa Choegel, Secretary – ITNC (3)

## APPENDIX 3

### Notes of selected interviews from different districts

The interviews with all of those listed below were semi-structured in the sense that there was no fixed list of questions for any interview. All interviews attempted, however, to cover certain common themes, including: the nature of the respondent's work; what the respondent perceived to be the main constraints on that work; the nature of the respondent's understanding of CITES and compliance issues; and coordination between the respondent and others relating to CITES compliance.

The information contained in each interview is detailed. No attempt has been made to categorise the information within any interview or between any two or more interviews. Information is simply presented in the order in which it was given by each respondent. Some of the information presented also appears in relevant places in the main body of the report and readers should cross-reference where necessary.

All interviews were conducted by Colin Pringle and Mangal Man Shakya except those indicated which were conducted by: (1) Colin Pringle, Chris Murgatroyd and Mangal Man Shakya; or (2) Chris Murgatroyd and Mangal Shakya; or (3) Colin Pringle alone.

The interviews are listed as nearly as possible in chronological order.

1. Respondent: Tika Ram Dhakal; District Forest Officer - Chitwan District  
Date: 8 January 1999  
Venue: Chitwan DFO Headquarters

The DFO said that there were 16 cases of wildlife offending between 2049 and 2054.8.15. Cases related to tiger bone, tiger skin, rhino horn, and poaching, amongst other things. Hunting of spotted deer is growing in the community forest. The local Anti Poaching Units are coordinated by a ranger, with one informer, two armed members and two forest guards. Police are given a standing order to help the DFO when necessary. Wildlife offenders have been interrogated but only four links in the chain have ever been found: (1) Poacher (2) first middle man (3) second middle man and (4) third middle man. The implication is that there is a big Kathmandu market which has not yet been discovered.

The Chitwan District Forest Office staff often use undercover techniques, posing as buyers of wildlife parts, to trap poachers and traders. When buying material as part of these operations, a wad of plain paper cut to the size of paper money is presented with a few real notes on the outside to make it look genuine. He felt that this type of operation is very risky and one has to provide one's own security. Personnel have not received any training in undercover or intelligence work, or in self defence. He feels such training would be very useful and that communication equipment is needed in order to keep in touch with personnel when an operation is in progress.

A man was apprehended in 1997 at Mugling Bazaar for sellinn "rhino horn" for NRs.800 which proved to be fake. A former parliamentarian from Chitwan District was arrested two years ago but was released on bail of NRs.50,000.

The DFO felt that No CITES literature was available to him. He also felt that the communication system between the line agencies should be improved.

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2. Respondent: Laxmi Manandhar, Chief Warden - Royal Chitwan National Park  
Date: 8 January 1999; 9 January 1999  
Venue: Sauhara, Park sub-Headquarters; Kasara Headquarters

Mr Manandhar has been in Chitwan since late 1998 after having served in every other National Park in the country except Dhorpatan Hunting Reserve. He has received no specific training. KMT run all training for park staff, but the warden has no plans to attend any training himself.

Investigations in different cases had revealed up to three links in a trading chain but no more. All participants are local people up to that level. He is aware of a prominent resident of Hetauda Bazaar who is well known for wildlife trading and hunting. No-one can arrest him due to his alleged links to a powerful politician and former Cabinet Minister.

In November 1998, a rhino was killed in a pit trap and the horn was removed by the poachers. Twelve people were arrested of whom three were released on bail, and one was not granted bail. Following this incident, the Warden was approached by an MP who tried to influence him to release the prisoners. The Warden did not feel that he could be pressured in this way because he had followed correct procedure.

On 6 January 1999 a rhino died fighting with another male rhino. The Warden collected its horn, toes, and four skin folds. He left the meat and bones for the local villagers (who took everything)

In four months he has jailed 11 people, all for tiger or rhino offences. All together 18 people are in Bharatpur jail for different wildlife offenses. The warden said that there were various items locked in the safe in the Park Headquarter at Kasara, including: (1) Rhino horns 18+3; (2) Rhino hoof 451; (3) Tiger and leopard bone 138 kilos; and (4) 16.4 kilos of the bones of a newly shot man-eater tigress, possibly the biggest in Nepal.

He felt that the power to punish wildlife offenders given to a warden (up to fifteen years in jail for the more serious offences) was more than enough, and tougher than any other comparable powers in South Asia, but that more vehicles were needed to tackle the poaching problem. He has 6 Motorola FM handsets, and is hoping to receive 12 more. At present the system doesn't work at night as the solar power unit is not effective. There are also some fixed radio sets. There are 3 pick up trucks of which two were in working order but not in good condition. The warden felt that that he needed transport available 24 hrs per day. On the day of interview, for example, he was monitoring an operation to raid houses in the western sector of Chitwan.

He said that his main liaison activities are with the Ministry of Forest and Soil Conservation and King Mahendra Trust for Nature Conservation. He occasionally works with the Forest Department, the Soil Development Department, and the Department of Plant Resources. He also works with the local Army battalion commander for protection purposes and the Parks and People Project, particularly on the Buffer Zone Development Council. There should be 39 posts in the Buffer Zone unit – but all are currently vacant – therefore this takes up most of his time day to day at present.

The warden has 3 assistant wardens (only 1 in post at the time of interview, with the other 2 on study leave). He also has 11 rangers, although some are currently deputed to ACAP, and only 7 were present.

Chitwan has 37 guard posts, with 1 senior Game Scout and 4 Game Scouts in each. There are 8 entrance points to the park.

The Warden said he believed that there was no transboundary wildlife trade and considered the main problems to be illegal wood trading during the grass cutting season and the large increase in the rhino population leading to greater rhino damage to crops and greater temptation to poach for locals. Anti poaching programmes started 4 years ago, and there are now five APUs in the protected area and 2

APUs in the buffer zone. The Warden considers them to be effective, but acknowledges that poaching is increasing – mostly of deer and pig

In addition to extra vehicles, the Warden would like to see more road and better road maintenance, and wants more staff and a bigger budget to support patrolling activities. He considers that local people are now less hostile to the Park authorities and believes this is due to the Parks and People Project. Fifty percent of Park income now goes to buffer zones for schools, irrigation, fencing projects etc. This type of activity has improved relations with local people in his opinion.

In response to a specific question on CITES the Warden admitted that he did not know if he had any CITES literature and that he was not aware of what is on the CITES protection list, other than tiger and rhino. He said that he would contact his head office in Kathmandu if he had a query at any stage.

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3. Respondent: Chandra Bahadur Khing, imprisoned for alleged wildlife offences  
Date: 9 January 1999  
Venue: Bharatpur Jail

Mr Khing is from Makwanpur District, Panasi VDC and has been in jail for four years. He is 36 years old and is accused of killing a tiger and trading the bone. He has never been convicted nor imprisoned in relation to any other charge. He denies the charge and claims to have been set up. His wife has divorced him since he was imprisoned.

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4. Respondent: Dal Bahadur Kumal, imprisoned for alleged wildlife offences  
Date: 9 January 1999  
Venue: Bharatpur Jail

Mr Kumal is 27 years old and from Baghmara Sauraha. He was a caretaker at Chitwan elephant camp, and thus a Park employee. He is accused of killing a rhino at the Amrite post of the Park. He denies the charge but accepts that he had seen the dead rhino before he was arrested. He was arrested by an Army jamadar, together with the cook from the Elephant Camp, and placed in custody at the Park headquarters. He is married with a ten year old daughter.

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5. Respondent: Dev Kumari Neupane, imprisoned for alleged wildlife offences  
Date: 9 January 1999  
Venue: Bharatpur Jail

Mrs Neupane, is 60 years old and from Amrite. She is accused of killing a rhino and trading in its horn. She denies the charge claiming that her son used to meet with different at her house but that she had no idea what business her son was involved in. When Park officials raided her house they found rhino horn in the house and arrested her. Her son escaped. After interrogating her for one month in prison in Kasara, she was placed in Bharatpur jail.

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6. Respondent: Bijaya Dev Pandey, DSP – Bharatpur Police Headquarters  
Date: 9 January 1999  
Venue: Bharatpur Police Headquarters

According to Mr Pandey, Bharatpur Police has record of only one seizure of tiger bone from a lorry on the highway in 2052. There are records of firearm possession but it is not known how many of these are poachers. The police in that area has received on specific training on CITES and Mr Pandey confessed frankly that wildlife trade monitoring was not a priority for the police. He said that he was aware of different wildlife regulations through their publication in the Nepal Gazette and that he called on the concerned line agencies if he needed assistance with a particular wildlife issue.

Mr Pandey had no information about transboundary wildlife trade in Chitwan, and said that when he meets with his counterparts from the Indian police in border areas, discussion of wildlife trading is not on the agenda.

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7. Respondent: Trialokya Chitrakar, Owner – Royal Park Hotel, Suraha  
Date: 9 January 1999  
Venue: Bharatpur Police Headquarters

According to Mr Chitrakar, there have been two occasions when guests have asked for wildlife products. One incident concerned an Indian national with a rhino horn who came to his hotel and asked for ten thousand rupees. Mr Chitrakar declined to buy it. The trader then went to another hotel where he sold the rhino horn to the hotel owner who was later arrested by Park officials. The other incident involved some Chinese guests who were looking to buy a piece of tiger “floating bone” (or baju, from the collar bone of the tiger) and told Mr Chitrakar that it could be worth US\$10,000. On his expression of surprise at such sums, the guests refused to discuss the matter further with Mr Chitrakar.

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8. Respondent: Man Bahadur Blon, imprisoned for alleged wildlife offences  
Date: 10 January 1999  
Venue: Birgunj Jail

Mr Blon is 60 years old and from Hadikhola VDC, Makawanpur District. He has been in jail for two years on charges of killing rhino and trading the horns. His 20-year-old son, Kul Bahadur was also charged in relation to the same offences. Man Mahadur Blon has been sentenced by the warden to 11 years imprisonment with a fine of NRs.50,000 but claims never to saw an animal called a rhinoceros. He also claimed that he had been subjected to cruelty and torture by Park officials during his detention at Park headquarters, prior to conviction for a crime which he didn't commit.

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9. Respondent: Ramji Mahato, imprisoned for alleged wildlife offences  
Date: 10 January 1999  
Venue: Birgunj Jail

Mr Mahato is an Indian national from west Champaran in the state of Bihar. He is 50 years of age, with four children, and has been convicted by the warden of tiger bone trading in Nepal. He claims to have been given a package to look after for a friend, but was caught, convicted and sentenced. He said that he was aware that Motihari in Bihar is a place where many wildlife parts from Nepal are smuggled across the border and that the local price in India for tiger bone is two thousand Indian rupees per kilo (US\$40 per kilo).

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10. Respondent: Laxman Mahato, imprisoned for alleged wildlife offences

Date: 10 January 1999  
Venue: Birgunj Jail

Mr Mahato, is 28 years old and from Batarwa VDC of Parsa District. He is the first man in Nepal to be sentenced to the highest available punishment after conviction by a Warden for wildlife offences (ie. 15 years imprisonment and a fine of NRs.100,000). It is alleged that he was caught red-handed by Park officials on the information of a Parsa APU informant. He admitted on arrest to being in possession of a bag given to him by another individual (who evaded capture by the authorities), but claimed not to know what it contained.

Mr Mahato has three children and has never been imprisoned before. He is unable to raise bail and if he is unable to pay the fine he faces up to an extra ten years in prison (ie. a total of 25 years – effectively a life sentence).

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11. Respondent: Gauri Shankar Bhagat, Senior Gamescout – Parsa Wildlife Reserve  
Date: 10 January 1999  
Venue: Parsa Wildlife Reserve

According to Mr Bhagat, Ramji Mahato had had tiger bone for two or three years before he was arrested in possession of it. Mr Bhagat claims that Mr Mahato had been given it by another person who later contacted an undercover buyer. Mr Bhagat claims that the other person involved gave Mr Mahato a new bicycle and NRs.2,000 to sell the tiger bone to the undercover buyer.

Mr Bhagat was not sure from which tiger the bone in Mr Mahato's possession had come. In Chaitra 2053, two tigers were poisoned at Manahari, outside the protected area as a tiger had attacked the livestock of some villagers. A tiger skin was found later, but neither the bone nor the people behind the incident were identified at the time. In Marg/Pousha 2054 an Anti-Poaching Unit located the tiger bone in Paterwa Sugauli VDC and it has been kept under constant surveillance ever since. Attempts were made for more than one year to arrest the people involved with the bone before Mr Mahato was finally apprehended. A total of NRs.67,000 was spent on the surveillance operation. According to Mr Bhagat Park officials also confiscated Shamber deer horn and dried meat, Bison horn and dried meat, and four fake horns when they arrested Mr Mahato. He claimed that Mr Mahato used to camp out for two to three weeks in the park whilst hunting.

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12. Respondent: Bhuban Nepal, Sub-Inspector – Birgunj Customs Area  
Date: 10 January 1999  
Venue: Birgunj Customs Area

Mr Nepal has been posted to Birgunj for two years and claimed not to know of a single event of wildlife trading or of people trying to smuggle wildlife products between Nepal and India in that time. He stated the belief that since there are hundreds of places along the open border with India where there were no customs officials from either country, people would not take the risk of smuggling wildlife parts through the main Customs Area. He did say, though, that Customs officials normally unloaded every vehicle that passed through the Customs Area to check for illegal items and that he didn't think there was any possibility of hiding wildlife products from Customs officials.

He admitted that wildlife was a low priority for him, and that he was more concerned with industrial shipments. He had received no specific wildlife or CITES training. He said that the police only check the road traffic and act on information received. They do not patrol outside the crossing point. The police have informal relations with officials on the Indian side, but do not have formal meetings.

Mr Nepal said that he had no records of any incidents in the year before he was posted to Birgunj, and that no records were even available of incidents more than three years old. He added that he thought Kathmandu was the destination for wildlife parts from the terai, because he had seen lots of people arrested in connection with the wildlife trade in Kathmandu.

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13. Respondent: Rajdev Prasad Yadav, DFO – Parsa  
Date: 10 January 1999  
Venue: Parsa Wildlife Reserve

Mr Yadav said that the District Forest Office had captured, during a joint operation with officials from Parsa Wildlife Reserve, 9.5 kg of tiger bone in the Sugauli Paterewa VDC in Marg 2055. He also said that in the previous two years some deer poachers carrying firearms had been arrested. These people were mostly from the Bashantapur-Thori area, and the Nirmal Basti and Busdilwa-Barnihar areas.

Mr Yadav said he felt that a better wireless communication system was necessary for wildlife trade to be properly monitored but that he hadn't noticed any transboundary wildlife trade during his time in Birgunj. He accepted that local communities – like Chaudhary, Musahar, Dhaugada and others – were traditional hunters, but said that there were no professional hunters in Parsa District.

Mr Yadav had never been able to persuade any poacher to reveal the identity of those on whose behalf they were acting even with inducements of leniency in sentencing. He said that this could be either because their superiors promised to take care of the poacher's family, or because the poacher was acting alone.

Mr Yadav said that when he had been stationed in Dang as DFO, the skin of a snow leopard had been found in 2048 in the possession of a woman in Pyuthan. When arrested, she claimed she didn't anything about it and that she had simply been given NRs.1,000 to hand a bag to a person in Ghorahi.

Mr Yadav said that the District Forest Office had no special budget to allow it to look after wildlife issues and that it was important for there to be special wildlife projects relating to wildlife outside National Parks and other protected areas.

He noted that WWF, UNDP etc, have an agreement with the wildlife authorities, but not with the Forest Department. He feels that such support should also be given to the Forest authorities in order to improve their capacity to deal with wildlife issues. He has frequently seen tigers in his forest areas, and considers that these forests have more wildlife resources than are acknowledged. He stated that wildlife is a national resource and that he is happy to make efforts to protect that resource.

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14. Respondent: Lt. CB Karki, Royal Nepal Army  
Date: 10 January 1999  
Venue: Parsa District Headquarters

In the time of grass cutting villagers collect the shed deer horns, deer velvet, and any animal bones that are lying inside the protected areas. He didn't know what they were used for.

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15. Respondent: Tulsi Prasad Bhattarai, CDO – Parsa District  
Date: 10 January 1999  
Venue: Parsa District Headquarters

Mr Bhattarai has been CDO in Parsa District since June 1998 and had had to deal with no complaints or cases regarding wildlife offences in that time. He said that he had not received any information about CITES or training. Wildlife issues are never on the agenda when cross border issues are discussed with his Indian counterparts. As a CDO he had often been offered dried wildlife meat by people, but always told them of the dangers of trading in wildlife.

He did not know about Tibetan Antelope wool being woven into valuable shawls. He was aware that rhino horn is valuable, but did not know what it was used for.

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16. Respondent: Yagya Mani Dahal, Assistant Forest Officer – Bara District  
Date: 10 January 1999  
Venue: Bara District Forest Office

Mr Dahal said that he had been involved in no cases of illegal wildlife poaching or trading in his twelve months in Bara. He said that local people often hunted for the meat of spotted deer and wild boar in areas like Halkhoriya and Kolvi, and that there were some aristocratic landlord families who hunted in the District. He also claimed that in Tangya Basti poachers roamed with the guns

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17. Respondent: Surya Bahadur Pandey, Acting Chief Warden – Parsa Wildlife Reserve  
Date: 10 January 1999  
Venue: Parsa Wildlife Reserve

Mr Pandey considers that there is a major issue of illegal transborder wildlife activity in his area. He says that the long open border area with India is easily crossed by poachers and traders, and that there is illegal activity through Parsa and Chitwan reserve areas, and outside the protected areas. There is inadequate enforcement on both sides of the border. He claims that Buddhist monks, or people dressed as such, frequently carry wildlife goods over the border as they can travel without being checked at crossing points. The police are not very active in terms of wildlife trade, they concentrate on drug and arms issues.

He wants the Parsa reserve area to be extended in order to increase his ability to deal with illegal activity. He also suggested that Shivapuri area on the Kathmandu Valley rim should be declared a protected area, thus giving authority to wildlife officials to be more active in Kathmandu and in the International Airport. He considers that Kathmandu is a major market and transit point for various illegal wildlife articles, and these dealers act openly because there are no wildlife officials with authority to act in the city.

Mr Pandey said that traders sometimes used fake rhino horn to cheat buyers. He said that during the day traders show real horn, and that when negotiations are complete for the real horn the traders ask the buyers to come at night to conclude the transaction. At that stage the buyers are given fake horn in exchange for the money. After cheating a number of buyers in this way a trader may eventually sell the real horn.

Mr Pandey claimed that Man Bahadur Blon (currently in prison on charges of rhino killing) had killed eight rhinos, and countless bison. When Park officials raided his house eight people were arrested along with five bison horns, and three rhino hooves. Out of those eight, five were sent to jail.

Mr Pandey said he thought that tiger bone was worth four or five thousand Indian rupees per kilo (about US\$100).

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18. Respondent: Khadga Bahadur Shrestha, Vice-Chairman – Nirmal Basti  
VDC (Thori Border Area)  
Date: 11 January 1999  
Venue: Thori Border Area

Mr Shrestha said that people used to kill deers and wild boar for their own consumption but that that had been stopped with the formation of a Buffer Zone Committee. He said that Indian poachers had also used to come to Nepal for hunting, but that too had been stopped.

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19. Respondent: Narendra Man Shrestha, Chief Customs Off – Birgunj Customs Area  
Date: 12 January 1999  
Venue: Birgunj Customs Area

Mr Shrestha was posted to Birgunj in the summer of 1997. He said that one of his officials is a Ranger from the office of the DFO whose main job is to check illegal wildlife trade. He said that he didn't think smugglers used the Customs Area for smuggling since they could cross at any point of the open border. He suspects that people would try to take wildlife items to India in order to get a higher price in the markets there. He stated it was virtually impossible to effectively control the open border.

Mr Shrestha described an incident which took place when he was stationed at Tribhuvan International Airport in which he found a tourist carrying goods made of monkey skull as curio items. He said that he stopped the items being exported but that the tourist became angry asking why, if trade was illegal, vendors in Freak Street in Kathmandu sold those items freely without fear of arrest by the police? Mr Shrestha said that that incident highlighted a fundamental lack of coordination between the different line agencies with responsibility for CITES issues. He also said that more information about trading incidents and confiscated items was available from No.3 Godown at TIA.

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20. Respondent: Damodar Prasad Upadhaya, Ranger – Birgunj Customs Area  
Date: 12 January 1999  
Venue: Birgunj Customs Area

Damodar Prasad Upadhaya has been ranger since 35 years. He said that he was first aware in 2050 that the Cabinet had decided to put a ranger in the following main custom points of the country: Jhapa, Kanchanpur, Sunsari, Siraha, Mohattari, Ilam, Bardia and Parsa. He said that at that time he was posted to Birgunj but that it was only in the summer of 1998 (nearly five years later) that the Customs Officials recognised his status in the Customs Area.

Mr Upadhaya said that towards the end of 1998 there was one case involving some yak tails. He said that a lorry with 950kg of yak tail, 1800 units attempted to pass through the Customs Areas. The tails were intended for religious use in the Tibetan community. The shipment was legal as they were from domestic animals, so the ranger approved the shipment as per his authority in regard to wildlife products. Customs officials had refused to allow it to pass, however, and Mr Upadhaya believes that there was a demand for payment before the truck could be released. After three days the driver and owner decided to pass instead through a different point of the open border.

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21. Respondent: Mr. Indra Mani Bhandari, AFO Bardia District Forest Office, Guleira  
Date: 13 January 1999  
Venue: Bardia District Forest Office

Mr Bhandari gave his opinion that the main markets for wildlife products are in Delhi, Pakistan, United States, Japan and Kathmandu. He considers that wildlife articles regularly cross the Indian border, mainly items being taken to the Indian market. He has had no wildlife or CITES information or training. The antipoaching units are active in his area and Forest Rangers take part in their activities.

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22. Respondent: Gehendra Giri, Senior Case Officer – Bardia District Forest Office  
Date: 13 January 1999  
Venue: Bardia District Forest Office

Mr Giri said that there was one person in Guleria jail who had been convicted of a wildlife offence. He said that a man aged 40 had been caught with elephant bone and 3 pieces of tiger bone, while he was trying to cross the border by the police. Mr Giri said that the accused had kept the bones in the carrier of a bicycle. He was sentenced to jail for five years two years ago. When the man was asked how he got the bones, he simply said that he had found it on cropland, and refused to discuss the matter further.

In 2047, five persons were convicted for rhino killing, Mr Girisaid and sent to jail but in 2050 the Appellate Court dismissed the case and set them free.

In another case in a place called Patabhar, Mr Giri said that the carcass of a rhino had been found without the horn. After pursuing the case for a long time the real poacher had been found living in Taratal, Sanoshree. He was bailed after making a payment of NRs.100,000 even though he comes from a very poor family. He could not afford to lodge that amount himself, and in most cases offenders like to stay in prison rather than to raise bail, so officials are puzzled as to where the money came from, and from whom.

At the end of 1998 police arrested a man on the bus route to Kathmandu with two samples of bear bile. Mr Giri alleged that the accused had claimed to have bought the bile from a stranger for NRs.500 and to be going to Kathmandu to sell it at a better price. The case is still pending. Meanwhile the Bardia District Forest Office has sent the bile to the Department of National Parks and Wildlife Conservation which in turn has sent it to the forensic lab under the Ministry of Law and Justice for analysis (a job previously done by RONA). The DFO of Bardia, Shekhar Yadav was puzzled when he got a report from the lab saying that they couldn't say whether the sample was bear bile or something else entirely because of a lack of appropriate technology. As a result the DFO is at a loss as to how to process the case of Mr. Chanda.

According to Mr Giri, people from India come to Nepal to collect spotted deer and sambar deer horns from local people who normally get it from inside the Park (mainly in the grass cutting season). Arrested poachers and traders never disclose the names of those on whose behalf they are acting.

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23. Respondent: Jay Narayan Jha, Ranger – Guleria Customs Office (Bardia District)  
Date: 13 January 1999  
Venue: Guleria Customs Office

Mr Jha is a ranger posted to the Guleria Customs Office. He was posted in December 1998. He didn't recall any incident of people trying to smuggle wildlife products during the month that he had spent in Guleria, but he suspected that tiger bone and skins might be smuggled through the Taratal area as this area is linked with Indian forest.

He said that poachers and hunters from Achaam, Surkhet, Dailekh and Jajarkot used to hunt wildlife in the forest area around Guleria up to the 1970s but that such activities have now stopped.

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24. Respondent: Ramesh Thapa, Ranger and APU Chief –Bardia National Park  
Date: 13 January 1999  
Venue: Royal Bardia National Park

Mr Thapa said that one man from Guleria Municipal Area had recently been convicted for shooting rhino in the babai valley and samber deer in the same area. Another man was arrested during 1998 with rhino horn along with another who is alleged to have given him the rhino horn in the first place. Both men and the horn were handed over to the District Forest Office in Banke, since the incidents occurred in Banke District just outside the park. Likewise, a person arrested with leopard skin outside the park had been handed over to the the Bardia DFO for further legal process.

Mr Thapa said that Taratal, Sanoshree is a place where people go to sell tiger parts and rhino horn. People from Chandigadh in India also travel to Nepal to buy wildlife products. He added that it is rumoured that rhino horns mostly go to India whereas tiger bone goes to different parts of Nepal. It is thought that sometimes traders and smugglers will make a powder of a piece of tiger bone and put it into a cigarette so that nobody could see it.

Mr Thapa stated that there were many layers of buyers and sellers when dealing with illegal wildlife items on the local market. If a poacher obtains an item then buyers will use a sequence of middlemen rather than buy an item directly. He suspects that some local lodge owners are involved in such trade.

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25. Respondent: Canadian Tourist who wished to remain anonymous  
Date: 13 January 1999  
Venue: Royal Bardia National Park

The tourist stated that he had been in Koshi Tappu Wildlife Reserve in December 1998 and saw a group of Nepalese shooting birds with shotguns inside the reserve. The shooting party was waited on by uniformed soldiers. He was told that the shooting party comprised senior army officers who were visiting the army post in the reserve.

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26. Respondent: Dr Deepak Gyawali, Project Director, KMT Office, Bardia  
Date: 17 January 1999  
Venue: Royal Bardia National Park

Dr Gyawali is an experienced environmentalist and professional biologist who has worked in the Bardia reserve since 1989. He stated that the role of KMTNC is assistance to the park through conservation and research. This includes programmes on long term monitoring of tigers and prey through camera trapping studies, supporting visiting researchers and students and status studies of animal populations. KMTNC also provide training for tourist guides and for local youth. This work corresponds with the Buffer Zone development work also being carried out by other organisation in the area (WWF, BICP, NORAD). He notes that there is no systematic census of wildlife status in the park.

KMTNC assist the park authorities when requested to do so. They are not directly involved in antipoaching work, but do help occasionally. Recently (in the last week) he and other KMTNC staff had participated in night patrols in the park in order to find poachers who had shot a rhino.

He believes that the incidence of poaching in the park has gone down significantly, and is now not a serious problem. The last 2 years particularly has seen few incidents, and Dr Gyawali feels the army have been particularly effective in this time. The army are currently very committed and cooperative. He gives an example that recently army patrols had stopped fishing activities in the park, which would previously have been ignored.

Dr Gyawali also feels that community development work has been successful in improving the awareness amongst local people of the wildlife resource. The antipoaching units and buffer zone committees are effective in building a relationship with local people, and this has contributed to the decrease in poaching incidents. Around 3 years ago, local people were quite hostile to the park authorities, but now there is a much better relationship.

He is not aware of any serious wildlife trafficking. He acknowledges that it would be possible to move articles over the Indian border, but has no knowledge of this occurring.

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27. Respondent: Shiv Raj Bhatta, Acting Chief Warden – Royal Bardia National Park  
Date: 17 January 1999  
Venue: Royal Bardia National Park

The Warden claimed that he was lacking trained personnel to serve in the Anti-Poaching Unit. He said that a unit member had to be physically strong with firearms and a proper communication system, but that all these things were currently lacking.

In relation to investigations, Mr Bhatta said that even when officials reached the third link in a chain of trading, people were still local and could afford to pay necessary bail. He said that Taratal is the main area for leopard skin poachers and traders, where as Kohalpur is the main area for rhino horn. He added that Indian nationals had been seen travelling to villages near the park to barter deer horn with domestic goods. He was unable to say whether the horn had any great value.

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28. Respondent: Shekhar Yadav, DFO – Bardia District  
Date: 18 January 1999  
Venue: Bardia District Forest Office

According to the DFO, Nepali poachers were sometimes named by Indian foresters with a request for their arrest from Indian police. He said that it was very hard to respond to such requests when only a name with no address was supplied since sometimes ten people in the area would have the same name.

He is aware that Nepalese hunters do travel to India and poach deer. They then bring back the meat, which is dried and sells for 400 Rupees per kg in the local market. However he says it is very difficult to catch such poachers. In terms of people dealing in wildlife articles, there are many layers of buyers and sellers at the local level. It is very hard to find out origin and destination of items.

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29. Respondent: Thaneshwor Devkota, CDO – Kanchanpur District  
Date: 15 January 1999  
Venue: Kanchanpur District Headquarters

Mr. Devkota has been the CDO in Kanchanpur since July 1998 and recalls the death of a swamp deer during the grass cutting season in the reserve. He also said that when he had his last meeting with a

District Magistrate from India, the Magistrate had complained that Nepali poachers went to adjoining forests in India and killed animals there. In one particularly notorious case involving a person from Dhangadhi District, an Indian newspaper published a photograph purporting to show a poacher with the head of a sambar deer and claimed that he was selling swamp deer meat in broad daylight. Indian officials requested their Nepali counterparts to arrest him, but after investigating the claims and talking to the alleged poacher, the Dhangadhi CDO and District Police Office decided that the claims were untrue and decided to take no action.

The CDO was aware of virtually no incident of hunting in Nepali territory by Indians, but claimed to have observed Indian nationals bringing tiger bone and other products to Nepal, not for the purpose of selling them in Nepal but so as to be able to take them back to Indian and to claim that they came from Nepal. Such things happen mainly in Darchula District.

The CDO had no knowledge of Tibetan Antelope wool or shatoush, although he did note that Tibetans came to the area to trade. He was aware that deer antlers are traded locally, but he did not know what they were used for.

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30. Respondent: Ramesh Lekhak, Politician and Lawyer – Kanchanpur District  
Date: 15 January 1999  
Venue: Kanchanpur District

Ramesh Lekhak claimed to have heard many times about Indian poachers coming into Nepali reserves and forests. He added that local Nepali people generally didn't know about the value of wildlife parts, but that Indians did.

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31. Respondent: Prem Bahadur Thapa, Section Head – Kanchanpur Customs  
Date: 15 January 1999  
Venue: Kanchanpur Customs Area

Prem Bahadur Thapa was posted to the Kanchanpur Customs Area in the summer of 1997 and was aware of no seizures of wildlife products in that time, or of any person attempting to smuggle wildlife products. That said, Mr Thapa admitted that he knew nothing of CITES or of wildlife protection regulations.

All work is done in the customs area, there are no patrols or information gathering. There are regular coordination meetings with Indian counterparts, but wildlife issues are not discussed. The main issues he deals with is domestic goods and vehicles brought in from India.

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32. Respondent: Amber Newang, SP – Kanchanpur District Police  
Date: 15 January 1999  
Venue: Kanchanpur District Police Headquarters

Mr Newang claimed not to see any wildlife products going to India from Kanchanpur, or from any other way but that if anything of the sort was to come to the attention of the District Police, immediate action would be taken. He added that, in fairness, CITES was not the District Police Office's main priority when compared to other issues like the security of the population.

When he was Superintendent of Police in Bara Mr Newang had heard of a wildlife traders' gang, but no such similar reports had been in Kanchanpur during his tenure.

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33. Respondent: Khem Bahadur Thapa, Chairman – Srijana Forest Users Group  
Date: 16 January 1999  
Venue: Srijana Forest

Mr Thapa said that he was aware of Bangali refugees living in the Indian border areas between pillars number 18 to 25 who came to the Nepalese jungle to kill deer. He said that he was also aware of deer meat being sold for 250 Indian rupees. Two Gurung sisters had been involved in selling swamp deer meat and it had only come to light when their brother was arrested for illegal fishing.

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34. Respondent: Ukesh Raj Bhujy, Conservation Programme Director – WWF Nepal (2)  
Date: 27 January 1999  
Venue: WWF Nepal Office, Kathmandu

Mr Bhujy said that WWF heartily supported the CITES compliance agencies in Nepal and that the WWF approach was very much to raise the profile of flagship endangered species around the world and to develop conservation programmes around them. He went on to say that WWF undertook “a multitude of activities” in relation to CITES including species monitoring (such as Rhino counts), equipment purchase, and regular symposia.

He also said in addition to purchasing equipment and making other outlays, WWF was keen to give different sorts of people incentives to encourage them to protect wildlife. He said that one such incentive was topping up the salary of National Parks officials (such as game scouts, elephant drivers and boat drivers) to encourage them to become more efficient and conscientious in the face of the hardships they endured for a minimal government salary. These incentives were strictly regulated in accordance with information on relevant government pay scales.

Outside the National Parks WWF had direct links with the Forest Department and the regime under the NPWCA relating to non-protected areas. Some of this work was undertaken with KMT but in the last five years WWF had involved other agencies as well. Work was also undertaken in collaboration with the Ministry of Population and Environment, the Ministry of Tourism and other government agencies. WWF’s links with the regulatory authorities (police, army, customs officials) were only through these agencies and not directly.

In 1995, Mr Bhujy explained, there had been a major conference on CITES held in Kathmandu by the US Fish and Wildlife Service, and that since then WWF had been pressuring the Department to follow up the initiative. He also said that a “hotline” was required so that information could be passed to the Department as quickly as possible. Mr Bhujy added that once WWF’s CITES Identification Manual was published it would form the basis for all CITES trainings thereafter. It was being prepared by experts and would be put out for discussion and consultation as soon as possible. Mr Bhujy hoped that the programme would be finished by June 1999.

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35. Respondent: Teertha Man Maskay, D-G – Dept of National Parks and Wildlife Consn (1)  
36. Narayan Poudel, Chief Ecologist – Dept of National Parks and Wildlife  
Consn  
Date: 28 January 1999  
Venue: Department of National Parks and Wildlife Conservation, Kathmandu

Mr Maskey said that he felt that the CITES compliance regime was a very complex process. The Department had to liaise with the Department of Forests and the Police, as well as the customs office. The first check on illegal trade had to be with the Customs Office. He said that there had been a great deal of ignorance amongst Customs officers about their roles and responsibilities but that following a one-day workshop to educate law enforcement officials, including Customs officials, there had been much higher levels of awareness – to the extent that all illegal products had been removed from display in Kathmandu almost overnight.

Mr Maskey also said that the training held by the US Fish and Wildlife Service in 1995 which had lasted one week “had really worked”. Increased seizures from the airport had resulted as well as seizures of material from near the Chinese border. The problem was, though, that with rapid changes in departmental personnel the initiative had been lost. No follow up training had been given and institutional capacity had suffered as a result.

To make the situation better Mr Maskey said that there needed to be a Central CITES Monitoring Unit, led by the Department and with representation from the Department of Forests, the Customs Department and all responsible parties. This would allow proper monitoring to take place, including monitoring in the market which needed to be a key focus. Thus far only limited monitoring of the market had taken place. The Department, Mr Maskey said was under severe financial constraints. Follow training for all staff was essential, and there were still too few staff anyway. As an illustration he said that there were only two trained ecologists in the whole department. Manpower was slashed by 30 percent in 1993 and has never recovered since even though the Department’s responsibilities had increased significantly. Fortunately, 66 posts had recently been approved in the Makhalu Barun National Park. Rapid changes in personnel needed to be stopped as well.

On the question of financing generally, the Chief Ecologist replied that in his opinion an extra \$70 to 80 million would be required for the Department to do all of the things it was committed to doing, including ensuring compliance with CITES. A comprehensive gap analysis had been carried out by Dr Kharel of the Ministry. It was hoped that some money would come from the GEF via the World Bank (c. \$17 million) and that that might encourage other donors to become involved as well. Part of this money would be earmarked for CITES implementation.

Mr Maskey said that the WWF CITES identification manual was being put together with departmental involvement and input from IUCN, KMT, WWF, the Police, and the relevant government departments. Once finished the manual would be distributed to all customs posts.

The Anti-poaching unit (also funded by WWF) was making a major impact on preventing illicit trade Mr Maskey said. It had confiscated tiger bones, leopard skins, tiger skins and many other objects mostly coming up from India. Its work was significantly assisted by informants, he added. There was also a transboundary initiative between India and Nepal on wildlife issues to try to stop illicit trade and this was due to meet again soon. The first such meeting had been held in 1997 and the next meeting was scheduled to be in March 1999 in Delhi at Secretary level.

Without Indian assistance, Mr Maskey felt that CITES compliance in Nepal would be practically impossible. The open border on both sides of Nepal made the CITES compliance regime especially problematic. Watchdogs such as NEFEJ were urgently needed to draw attention to the problems. Mudslinging (such as by the Indian press alleging Nepali poachers working south of the border) was not helpful at all, he added.

The relationship between the Department as Management Authority and the Scientific Authority had not been ideal, Mr Maskey revealed. He said that some satoosh confiscated by the Department had been sent to RONAST for analysis some time ago but that it still had not been returned. Even samples sent to a lab in Dehra Dun for analysis to a lab which the Dept deemed to be more reliable had not yet been returned. Without proper analysis facilities, it would be impossible accurately to identify

confiscated samples. Bear bile was a major target for illegal trade but once suspected it was very difficult to prove without thorough analysis.

On the question of the Department's priorities, Mr Maskey said that they had a single priority: conservation of Nepal's endangered species. In this connection the differences in jurisdiction between protected National Parks and non-Park areas was not helpful. The wardens were doing a good job in punishing offenders but DFOs took less interest in conservation issues. The law was very strong and was there to be used.

The Chief Ecologist mentioned that there was still a requirement for the Department's officials to consult with a government lawyer before taking a case to the court. He conceded that constitutional principles (on equality and criminal justice) might also lead to some of the more high profile recent cases being subject to review in due course.

Mr Maskey agreed that the situation within National Parks was comparatively good but that outside the Parks enforcement was much less good. He said that there had to be an effective presence outside the National Parks because that area covered most of Nepal. At the moment an incident that occurs five inches outside a park will come under the DFO's jurisdiction and would be dealt with more leniently. Responsibility should not be capable of being avoided so easily, he said.

One major improvement in the whole CITES picture had been the investment by donors in Buffer Zone development projects. Mr Maskey said that 50 percent of the Department's budget now went in to these areas to try to encourage people to recognise the benefit of wildlife conservation to their use of Park buffer zones. A much higher level of enthusiasm was apparent now that people had understood the relevance to wildlife conservation to their incomes and lifestyles – not just because tourists will only come if there are animals to see.

Mr Maskey said that control of smaller species (including birds and butterflies) was inevitably much more difficult than the high profile endangered species (such as tigers and rhinos), and was hindered still further by the presence of unregistered scientists who bribed officials to get in to the park without departmental permission. This led to depletion of already low stocks of species as samples were taken for unauthorised research.

On the use of informants Mr Maskey said that the Department had recently received very good information about a truckload of turtles which was intercepted on the road to China east of Bhaktapur. The wild turtle population was anyway dwindling as a result of industrial activities, pollution (especially in the Narayani river) and dam construction, and poaching was accelerating the decline. The 300 confiscated turtles had been put in to the zoo where most had died because of a lack of facilities (reintroduction to places other than the precise ecosystems from which they had been taken might have done more harm than good). Rewards of up to NRs.50,000 for information about wildlife smuggling were therefore beginning to pay off. In addition to cash rewards, letters of appreciation and conservation awards were also handed out to informants. The rewards generally came from WWF and the ITNC.

On the zoo, CE said that if the Department had the money it would set up a specialist rehabilitation centre to try to prevent species from dying after they had been confiscated. This would have prevented the deaths of 13 falcons recently seized from TIA. Meanwhile conservation education on the tiger and other endangered species had raised the profile of wildlife conservation generally and was helping to make people more aware. Mr Maskey said that if you save the Tiger you will save the whole ecosystem and that this message was being taken up with enthusiasm across the country.

As for poachers, Mr Maskey said that the answer was to draw the sting of the potentially huge financial rewards available and to offer poacher jobs as gamekeepers. In that way they would directly appreciate the value of wildlife conservation. This approach had been tried during his time as Warden of Chitwan as part of a Ghariyal crocodile conservation project.

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37. Respondent: Naryan Belbase, Environment Law and Policy Coordinator – IUCN Nepal (1)  
38. Tirtha B Shrestha, Biodiversity and NRM Coordinator – IUCN Nepal  
Date: 28 January 1999  
Venue: IUCN Nepal Office, Lalitpur

Mr Shrestha said that whilst CITES compliance had two aspects to it (identification of endangered species, and control of their trade) IUCN had no role to play in relation to stopping trade as such. Instead it strove to educate different groups of people and the general public as a whole about biology and the law relating to endangered species, and to highlight the strengths and weaknesses of the system.

Mr Belbase said that IUCN was also concerned to ensure that a proper legislative regime was in place and to that end he was responsible currently for framing new legislation on endangered species specifically. He said that at present all of IUCN's work and contact on CITES was done through the DNPWC.

Mr Shrestha returned to the question of identification of CITES species and said that IUCN had prepared a series of posters on animals and plants for nationwide distribution which should significantly increase awareness about which species are endangered and protected. He said that the animal posters were ready to roll off the presses. He said that IUCN was keen as a next step to prepare comprehensive identification information on animal parts and trophies.

No direct contacts were maintained between IUCN and the regulatory authorities, Mr Shrestha said but IUCN kept abreast of developments (including confiscations) through the newspapers – including NEFEJ's regular review of the newspapers.

Mr Belbase said that the system of enforcement is changing slowly, not least because of the improvement in Buffer Zone since the Buffer Zone management rules were promulgated in 1995/6. The incentive given to people living in the new Buffer Zones had made them aware of the value of wildlife conservation to their own lives and this had a major impact. NGOs in this area had also taken a key role in awareness-raising.

Mr Shrestha conceded that in reality IUCN had no coherent programme on CITES implementation in Nepal but that it had a key role to play through its global international strategies and through constructive education programmes. Mr Belbase said that IUCN felt NGOs and other civil society groups to be a positive resource in nature conservation and that they are involved in IUCN's education programmes. He went on to say that IUCN's input on wildlife conservation into the national curriculum nationwide had been a great success and that textbooks on environmental education had been completed up to Grades 9/10. Informal education classes had also been conducted and been worthwhile.

Mr Belbase also said that he had conducted trainings ("sensitisations") for more than 90 judges across the country and that they had been a huge success. He said that judges had reported changing their individual behaviour on environmental issues in line with what they had learnt from IUCN. He conceded that there was a need for consistency on sentencing of wildlife offenders but added that CITES was not high profile amongst the legal profession. Very few cases concerning Wardens or DFOs ever made it into court.

Mr Shrestha said that he felt that the Management Authority and the Scientific Authority should both be strengthened if progress was to be made on CITES compliance generally. The existence of the present CITES cell in the Department was not enough, he said.

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39. Respondent: Banshi Dhar Ghimire, Director-General – Customs Department (1)  
Date: 1 February 1999  
Venue: Customs Department, Kathmandu

The Director-General said that conservation was not generally perceived as being a problem in Nepal – when people were hungry they preferred to kill a rabbit than to worry about conservation. He went on to say that whilst the customs office looked very seriously at illegal wildlife trading, it was not like normal trading. Seizures had been made but that he did not have comprehensive figures relating to seizures.

The main areas for confiscation by the Customs Department were the Tribhuvan International Airport and Tatopani near the Chinese border in the east of Nepal. Two hundred kilos of Tibetan Antelope meat had recently been confiscated at Tatopani he said. He added that whilst there was a desire in the department to coordinate wildlife issues but nobody was trained to do it. At present most confiscations and other wildlife issues were handed straight over to the wildlife department for action instead. To Mr Ghimire it made more sense for wildlife officials to deal with trophies than for animals to rot in customs' godowns.

Sometimes something is taken by customs and handed to a DFO but no accurate record is taken of what is seized and where it ends up. Nobody in the Department has specialist knowledge of these issues at all. If expert advice is needed Customs officials call on the wildlife department.

On the question of coverage Mr Ghimire said that there were 26 main customs offices in Nepal and 142 smaller offices. All of them were in border areas except TIA. A total of 1400 customs officers manned these posts but was unable to give a profile of different grades. He said he thought that there were about 75 senior customs officers, but that the figure of 1400 included senior and junior clerks, typists, computer operators and peons.

All smuggling methods were used to get wildlife products out of Nepal, he said, but he thought that smuggling by hand was the most common. Incidents of smuggling by truck were quite rare. He added that unless people had an excessive amount of jewellery, customs officers did not routinely stop and search people carrying through only one or two ornaments. He said he suspected that a lot of bone items thus made it across the border as bracelets, pendants and necklaces. He agreed that it was entirely possible that some products went south in consignments of legal domestic animal products.

On the question of informants Mr Ghimire said that customs officers very rarely acted on the advice of an informant or other tip offs. There was little incentive to inform on smugglers anyway since wildlife products could not be auctioned in the way that other contraband could (and for which informants were entitled to 20 percent of the proceeds of the auction sale). To increase the flow of information on wildlife smuggling it would be necessary to offer small cash rewards such as NRs.5,000 or 10,000 which would still be a lot of money to somebody living in a rural area.

Mr Ghimire said that there had been no trainings for customs officials either in Nepal or overseas during his time in the Department. He also said that the Department in Kathmandu had received one copy of the WWF "Don't Buy Trouble" poster, but that to his knowledge they had not been distributed widely throughout Nepal. He further confirmed that no one in his Department had held any discussion with WWF over their proposed Trade Control Bill, and that there was no annual report of his Department's activities. He said that he would like for his officials to be trained in wildlife enforcement and identification – maybe two or three specialist officers – and that his Department would want to be involved as part of any Central CITES Compliance Unit.

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40. Respondent: Ramkajee Bantuwa, Additional Inspector-General – Nepal Police (1)  
Date: 3 February 1999  
Venue: Nepal Police Headquarters, Naxal

Mr Bantuwa said that, frankly speaking, conservation was not a police priority. He said that there were cognisable offences in respect of which the Police had prime responsibility for taking action, and statutory offences which were created by Parliament and expressly made subject to some other regulatory regime. Wildlife offences, he said, were of this latter variety and the police were not responsible for taking a lead role.

He went on to say that despite the police's backseat role on wildlife conservation, some officers had attended trainings and seminars, and some seizures of wildlife products had been made. Some poachers had even been arrested by the Police.

It was also true to say that an awareness-raising campaign run by NEFEJ some months ago had resulted in the police forcing all contraband wildlife products from display in the shops of Kathmandu. What went on behind the doors of those shops, though, was another matter. Apart from the operation against the traders, however, seizures were few and far between, consisting mainly of some musk products and the odd tiger bone. There was also a tip off about some turtles making their way in a truck to China. The police intercepted the truck and arrested the turtles.

Most activity in relation to wildlife offences is based on what is passed on to the police – in relation to the export of birds, for example. There was some coordination with other agencies but only on a few occasions. Local police stations keep a weather eye on what is passing through their patch but there is no formal system of informants as such.

On staffing Mr Bantuwa said that the average length of a tour outside Kathmandu was two years, although he conceded that some tours were shorter than that, even for as little as one year. At the lower levels of the force in rural areas, officers come from "adjoining" areas. About ten to fifteen percent of officers were local to any area but senior officers were always posted in from Kathmandu. The concentration of posts and officers is denser in the southern border areas by a ratio of about 3:1 by comparison with the northern border area.

Mr Bantuwa said that the main focus for the police was on situations where either (1) contraband was known to be moving in or out of the country or (2) a chance encounter with a poacher required action. The Police were aware that Kathmandu was the focus for all illegal trading activities and that the airport in particular was a magnet for wildlife smugglers.

On training Mr Bantuwa said that he was aware that an officer named Jung Sahi had been on a special CITES training in the US when he was the Superintendent of Nawalparasi District (Chitwan), but that he had been posted out of that area since then. There were no specialist wildlife cells in the Police force at the moment. Mr Bantuwa said that a mass education campaign within the Police force was therefore necessary, and that incentives should be provided in big cases to encourage people to come forward with information. Without such education and incentives wildlife law would just "lie in the books".

Mr Bantuwa said that the Police Force would be happy to take part in a Central CITES Monitoring Unit if one was set up by the Department of Wildlife. He stressed, though, that it was for the Ministry to take a lead and that the Police could not be blamed if the Department of National Parks and Wildlife did not show leadership on these issues. He said that even without such a coordinated unit, information could be passed to the Police and would be acted on. The fax machine was always on, he said.

Mr Bantuwa said that whilst conservation might not be a present priority for the Police the people of Nepal understood the importance of safeguarding their natural assets. He said that even a simple information campaign (a poster in every police post) would go a long way to improving compliance with CITES.

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41. Respondent: Sabitri Rajbhandari, Chief Customs Adminr – Tribhuvan Intl Airport (1)  
Date: 4 February 1999  
Venue: Tribhuvan International Airport, Kathmandu

Ms Rajbhandari said that, frankly, the Customs Administration at TIA did not receive information of any sort about smuggling in wildlife products. In any event, the Administration was more concerned with ensuring that the rules and regulations covering legal imports and exports were properly observed. This was the main focus of the Administration's work since it was important that all due revenues were collected and accounted for. She said that revenue and revenue-leakage were the real priorities.

Having said that, she added that she was aware that wildlife smuggling was prohibited by law and that all efforts should be made to stop it. She said that she was pleased that officials had managed to stop a Pakistani national exporting a second load of rare eagles. The birds had not been visible to the naked eye. The birds' beaks had been tied, and they had been stored in a box with just enough airspace to allow them to breathe. The box was about to be cleared for departure when customs officers stopped it and intercepted it. Ms Rajbhandari said that the following day she had been put under severe pressure to allow the cargo to pass. Individuals had berated her saying that the authorities were happy to allow Rhinos to be exported, so why not birds? She had replied that if they brought her a clearance letter from the Department of National Parks and Wildlife she would willingly release the cargo, but not before then.

Ms Rajbhandari said that her officials had no training for identification of wildlife products. They simply scanned items prior to international departure and tried to intercept anything suspicious. In this respect, the interception off the birds was no more than a "lucky chance". She said that for commercial items, all checks were manual – there was no scanning equipment. Most exporters were known to the Administration and random manual checks were usually sufficient. An unknown exporter or an unusual looking package would be subjected to more rigorous checks.

Ms Rajbhandari said that very little was done to institute checks at the airport on personal items, such as jewellery. She said that whereas the customs officers responsible for checking hold luggage occasionally picked up some untoward items, the Police were solely responsible for checking handluggage and very rarely turned up anything of interest. In practical terms, neither the customs nor police were really interested in such small items, she said.

On the question of whether procedures used for the prevention of smuggling articles of antiquity or archaeological interest, TA said that officials were only concerned to see a letter of approval from the Department of Archaeology. No distinction was made between those antique items which contained bone and other animal parts and those which did not.

Ms Rajbhandari said that if assistance was needed with wildlife issues a call was put in to the Wildlife Department but that otherwise there was no formal relationship. Formal records were not kept at the airport.

Ms Rajbhandari said that she was aware that wildlife smuggling through the airport was a problem but that the customs officials responsible for stopping it did not know what was protected and what was not. Programmes should be arranged, she said, to educate officials and give training in identification. The Wildlife Department should also nominate individuals with whom the Customs Administration

could always get in touch for advice and assistance on wildlife issues. She expressed support for the idea of a Central CITES Monitoring Unit.

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42. Respondent: Dr Dianan Bajracharya, Vice-Chancellor – RONAST  
Date: 1 February 1999  
Venue: RONAST, Kathmandu

RONAST was formerly the body responsible for scientific identification of suspected wildlife items. The Vice Chancellor of RONAST stated that this role, along with the laboratory facilities, had been handed over to the Ministry of Justice in 1995. The Bardia District Forest Office had recently (1998) sent suspected bear bladders to RONAST for identification, and officials in the Ministry of National Parks and Wildlife had recently suggested that we contact RONAST – apparently considering it was still the statutory body for identification. The Vice Chancellor explained that many officials still sent materials to them mistakenly. He expressed the opinion that it would be better if RONAST still had the statutory role, as it would provide a more independent service for prosecution purposes.

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43. Respondent: Dr SR Bhandari, Exec Director – Forensic Labs, Ministry of Law and Justice  
Date: 3 February 1999  
Venue: Forensic Labs, Ministry of Law and Justice

The laboratory has been active for 12 years, and has been under the authority of the Ministry of Law and Justice for 3 years. From July 1997 – July 1998 the lab. had 11 cases of wildlife identification requests. Each case may include more than one sample. The vast majority of cases submitted are human forensic tests: in 1998-1999 only 3 cases out of 3016 concerned wildlife articles.

Of these cases most rhino horns proved to be fake, apart from one carved specimen. Most analysis is done by physical comparison from genuine samples. This allows adequate identification of Tibetan Antelope hair, Tiger hair and rhino horn. Bones can be identified from measurements compared to published data. For other species, analysis facilities are very poor. For example, bear bile identification can be done by testing with the appropriate antiserum. However this antiserum cannot be obtained in Nepal. Given more support in this area they could develop or obtain appropriate antisera and other materials.

The Director felt that specific training in wildlife issues was needed. At the moment lab. staff have adequate general knowledge but need specialised knowledge.

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44. Respondent: I S Karki, Director-General – Forests Department  
Date: February 1999  
Venue: Forests Department, Kathmandu

Mr Karki considers that coordination is a big problem in Nepal as regards wildlife issues. He believes that the department of National Parks and Wildlife Conservation (DPC) should be the focal point for related activities. He acknowledges that wildlife is a part of the forest environment generally, and so the Department of Forest (DoF) has a role to play, but degradation of forests means that they cannot play a central role. The DoF can act on wildlife issues according to information received but cannot be too proactive. DPC should take the initiative on wildlife issues, and DoF is prepared to support such action. DoF lacks resources to divert to city searches, intelligence gathering etc. This lack of resources means that DoF must concentrate its efforts within designated forest areas. There is no specific wildlife budget within the DoF, but there has still been considerable effort in this regard

through training, extension work, Anti Poaching Unit (APU) establishment etc. He would welcome more donor support in such activities.

At present, donor support is indirect e.g. through WWF for antipoaching activity and from USAID for the Parks and People Programme (PPP). IUCN is also indirectly supporting biodiversity work. He would like to see a specialist unit within DoF concentrating on wildlife, and suggests that donors could sponsor this. He cited an example of two rhinos that left the area of Chitwan National Park. These required DoF guards to constantly watch the animals which absorbed funds and resources. District Forest Officers are very overloaded with work, and have difficulty devoting more time to wildlife issues. For example, the success of Community Forestry programmes has increased the workload, and it is not always possible for a DFO to attend meetings on wildlife issues.

The DG also considers that coordination with surrounding countries, especially India is important. The open southern border results in many problems. The situation is improving through dialogue, but problems remain.

Customs posts are very important in controlling wildlife trafficking. For this reason a ministerial level decision was taken to place Forest rangers in important customs posts in 1994. Despite this, only three of the seven proposed posts have been occupied. The DG says this is due to reluctance on the part of Customs officials to have forest officials interfering in their work. He says the situation is improving, but slowly.

Coordination within Nepal is improving eg. through regional planning meetings conducted annually by the DoF where wildlife issues are always discussed. There are formal ministerial level meetings between Forest and Wildlife officials. The Buffer Zone projects are successful, but there is a problem of limited DoF staff and funds available to support these projects. Training is also needed to provide awareness of wildlife and legal issues.

The DG considers that Nepalese law as regards wildlife is not tough, but flexible. The range of sentences that can be applied for a given crime vary so widely that human nature will lead to excessive discrepancy in sentences. This also applies to other issues such as illegal timber cutting, not just wildlife issues.

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45. Respondent: Uday Sharma, Joint Secretary – Ministry of Forest and Soil Consvn  
Date: February 1999  
Venue: Sharma Residence

Dr Sharma has been involved in conservation and wildlife issues for many years, including holding the posts of Director General of National Parks and Wildlife, and Director General of Forests.

He expressed the opinion that there was organised wildlife trading in Nepal, including prominent business people and officials. In particular he considers there is organised international trade in rhino horn and bear gall bladders. In the case of Himalayan bear gall bladders, they can be obtained from outside protected areas and there is almost no chance of items being stopped from being exported. Because the trade routes are well established in these articles, there are few seizures of illegal articles. He said it is very difficult to obtain evidence of this degree of organisation, but that he is certain it exists.

Dr Sharma believes there is a Nepal market for wildlife articles in traditional medicine eg. dolphin oil, porcupine quills, etc, but believes the international market provides the major demand for wildlife products.

He considers that Customs personnel are crucial to the control of wildlife trade, stating that very junior officials have to decide on whether an article is legal or not without any adequate training. In the case of Tribhuvan International Airport, this official may also be subject to considerable pressure to allow a person to board a departing flight, not leaving time to call more senior staff. Training is essential for customs officials, but the regular movement of personnel around posts makes this difficult. He also pointed out that it is easy for smugglers to include illegal wildlife articles among shipments of legal exports eg. Yak tails, skins and bone.

Dr Sharma suggested that Nepal can learn from the example of India by designating a number of exit points at which trained staff could be concentrated. These measures should be supplemented by good awareness and technical training for relevant parties. In the case of Park wardens acting as judges in cases of wildlife trafficking, Dr Sharma considers there is a problem because the officials are not trained judges. Because of inexperience in the judicial process many cases can be overturned by a competent lawyer, therefore those accused who can afford legal support stand a very good chance of having cases overturned on technicalities. Many such examples can be found in Nepal, and Dr Sharma cited an instance that had happened to him when he was the first warden of Sagarmatha National Park early in his career.

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46. Respondent: Keshab Shrestha, Director – Natural History Museum  
Date: February 1999  
Venue: Natural History Museum

The Natural History Museum is the scientific authority under CITES for identification of relevant species. They have no role as regards trade status or permission for export or sale, but the personnel at the museum were very unclear as to what their role is in the CITES regime. They are not sure when this scientific status under CITES was applied to them, or what it means in law. They have asked the CITES secretariat to clarify their role, and are also planning to ask the DPC.

They estimate they are consulted by various bodies every two months or so on CITES issues. They are rarely contacted about larger animals such as mammals and reptiles. They were once asked to identify a leopard skin for the Department of Forests, and were asked to list butterfly specimens seized from a foreign collector in the Annapurna Conservation Area. When 2 young rhinoceros were transported to London Zoo in 1997, they were not contacted.

They have a taxidermy department, but recent specimens of Black Panther, Leopard and Tiger which died in Patan Zoo were mounted elsewhere. They did not know where.

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47. Respondent: Kedar Paneru, Customs Officer – Tatopani Customs Area  
Date: 12 February 1999  
Venue: Tatopani Customs Area

Mr Paneru explained that the main focus of the work at the Tatopani Cuastoms Area was stopping the import of electronic goods from China. There was little drug trafficking.

According to Mr Paneru there are three recorded cases of wildlife trade at Tatopani. Two of these relate to Shatoosh, a valuable fur taken from Tibetan antelope (an endangered species). In December 1996 customs took delivery of 119kgs of Shatoosh seized by police on its way from Tibet via the Kodari highway, the only highway that links Kathmandu and Tibet by road. As the government has granted duty-free status to sheep's wool, the shatoosh was brought in to the country hiding beneath sheep wool. The shatoosh is now in the Tribhuvan International Airport storehouse in Kathmandu.

The second seizure happened recently in November 1998. On this occasion the same smuggling method was applied. A total of 46 bags containing 200kgs of shatoosh were uncovered from sheep's wool in a lorry. The shipment was under the name of a carpet manufacturer in Baudhha, Kathmandu and the driver escaped immediately after Customs officers started to search the lorry. Neither the truck owner nor the owner of the sheep's wool shipment were aware of the smuggling said Mr. Paneru.

In 1988/89 with the help of informers and police 1040 KGs of elephant bone were confiscated near the border with Tibet. It was believed that four elephants would have to have been killed to yield that much bone. These bones later ended up in a Royal palace storehouse. The bones were very fresh and brought from Nepalgunj and were carried up by porters. There is a portage path a few km from the motorable road. The porters were supposed to cross the border but the porters demanded more wages and the leader refused to pay, so the porters refused to go further and informed the police about the nature of their cargo.

Mr. Paneru also had news of a shipment of snake skins smuggled to Tibet recently via the Tatopani Custom Area, which Customs officials unable to seize. Mr. Paneru refused to give any more about the incident.

The officials acknowledged that they limited capacity to search trucks and whilst aware that goods could move along the portage path, they had limited capacity to monitor this route. At the time of interview the telephone in the Customs Area was not working. Mr Panderu said that it was frequently out of order. There is no radio or computer equipment at the Customs Area.

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48. Respondent: Mr. Bodharaj Niraula, Chief Customs Offr – Tatopani Customs Area  
Date: 13 February 1999  
Venue: at the telephone from Tatopani Customs Area

Mr. Niraula explained about meetings that he had had with his Tibetan counterparts and was concerned about the sensitive nature of the border crossing. He stated that his customs area was judged by the Customs Department only on the amount of seized goods not on prevention measures or information gathering, so whilst efforts are made to gain a wider picture of smuggling activity, officers at Tatopani are forced to concentrate on searches at the post itself.

Every three months there is a joint meeting either in Tatopani or in Khasa to discuss bilateral issues concerning both borders. There is also an annual meeting either in Kathmandu or in Lhasa at top level. Before he confiscated the recent shipment of shatoosh at Tatopani, the Tibetan authorities also seized about 150kgs of Shatoosh which was being shipped to Kathmandu.

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49. Respondent: Govinda Bahadur Shrestha, Assistant Forest Offr – East Regional Forest Office (1)  
Date: 15 February 1999  
Venue: Eastern Regional Forest Office, Biratnagar

Mr. Shrestha has been in the regional directorate of the Ministry of Forests and Soil Conservation since 1994. There is no proper recording system in the Regional Directorate of the information that is sent from the Districts to the Ministry offices time to time, but it could be made available by asking the concerned district officers. He said that DFOs don't regularly send information on a particular event such as wildlife, only general information according to the reporting format of the government. The Regional Directorate doesn't do further analysis of the information received from the district offices.

The Regional Directorate only registered two kinds of case, illegal poaching and trophy hunting. There is no requirement on the Directorate to compile data on wildlife issues, it just keeps it anyway. The form for submission of information on wildlife issues gives no details of cases, just numbers and species.

Mr Shrestha was in Humla when 130kg of tiger bone was seized from a postal package. He came under political pressure after the seizure to allow the bones to pass but this was resisted.

After a short conversation, Mr Shrestha displayed some items alleged to be elephant tusks and elephant tail pieces.

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50. Respondent: Prakash Nath Pyakurel, DFO – Morang District (1)  
Date: 15 February 1999  
Venue: Saptari District Forest Office, Biratnagar

Mr Pyakurel said that there were no big wildlife trade or poaching incidents in his area but that he had some records for 1998-99 of wildlife poaching: four spotted deer killings, one wild boar killing, and one elephant killing (which has been buried with a view to sending the skull to the Ministry). If the District Forest Office found fresh meat of wildlife, instead of burying it the DFO put it up for auction. A total of NRs.5500 had recently been raised in this way for fresh deer meat. Despite concerns that this auctioning was illegal, the DFO said that if confiscated meat wasn't seen to be publicly disposed of, people might blame him for taking it.

He said the elephant was shot by a local homemade gun and after being shot the animal went 4km before dying. Forestry Officials then buried it and sent the Ivory to Kathmandu [note: but see notes of interview with Rajendra Suwal at No.56 below for a conflicting account of this incident]

Trading in the local market is zero, Mr Pyakurel felt, probably due to the relative lack of available wildlife, but there was a lot of trading of non-timber forest products (jadibuti). The main aim of anyone that has wildlife meat is to sell it in the Indian markets where it fetches a better price.

Mr Pyakurel expressed the view that Blue Bull poaching was very common in Koshi Tappu Reserve. Lots of ex-servicemen have guns, he said, and go hunting for recreation and meat. The Indian border is very easy to cross and Indian poachers come over, and meat from Nepal is taken to India. There is a lot of other smuggling activity including drugs and guns, and wildlife smuggling is small by comparison, but he conceded that there could well be much more going on.

Mr Pyakurel was in Ilam when an Indian couple with a snow leopard skin was arrested. They said they were taking it to Kathmandu for a customer but it was confiscated.

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51. Respondent: Ananta Bhattarai, Dy Insp. General of Police – East Regional Directorate, Biratnagar (1)  
Date: 15 February 1999  
Venue: Eastern Regional Police Headquarters, Biratnagar

Mr Bhattarai said that he didn't recall any wildlife incidents in the eastern region, but he admitted that wildlife hadn't been a matter of priority for police operations in the region. He also said that there were fewer police stations along the northern border of the region as compared with the southern border.

He had been in the post a year and had not come across any incidents. The Reserve areas of Makalu Barung and Sagarmatha had more wildlife activity he felt. Sometimes the police will help to shoot problem animals that stray out of the park. He had never discussed wildlife issues with Indian counterparts, his main concerns being drugs and illegal firearms. This focus is partly due to lawlessness in Bihar where guns are easily available and there is little law enforcement. These guns are more often used for violent crime than for poaching.

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52. Respondent: Sambaw Prasad Chaurasiya, DFO – Sunsari District (1)  
53. Bijaya Kumar Lal Karna, Ranger – Sunsari Customs Department  
Date: 15 February 1999  
Venue: Sunsari District Forest Office

Mr Chaurasiya said that whereas local people used to kill wild boar, spotted deer and leopard as a traditional hunting practice, the tradition had almost stopped. To illustrate the change he gave an example from February 1999 when local people rescued a blue bull and brought it back to the Koshi Tappu Wildlife Reserve.

There is a total of 24,865.4ha of forest in the District (which is nineteen percent of the total land area) in three main separate forest areas. There is a bit of a problem with ex-servicemen coming from Dharan to hunt for meat and recreation.

Mr Chaurasiya has been in his post for one year and in that time there have been no illegal wildlife incidents. He has been a DFO for ten years and posted to an area near Pokhara, Hetauda, Rolpa, Saptari, the far west of Nepal and Agrakati. In his view there are similar concerns in all these Districts except Kailali where there is more forest and he had not witnessed big differences in regard to wildlife conservation in any area. He is the Chairman of the Forestry Advisory Committee which includes adjoining DFOs and Wardens and Block Development Officers from the People and Parks Project. The Forest Advisory Committee makes policy about user group formation but there is no local representation on or input into the committee. Mr Chaurasiya said that he had no idea how long he would be in the post or what would happen after the election.

Speaking generally, Mr Chaurasiya said that no forest handed been over in his District to any forest user group, but he felt that the situation with regard to wildlife protection was improving enormously.

Lal Karna is a Ranger designated to serve as a member of the Customs personnel in Sunsari. His responsibility is to monitor the movement of forest products including wildlife that passes through the Sunsari Customs Area. He has been so posted for two years, serving at the Kosi Barrage customs post. In that time he has had only wood and jadibuti, but he admitted that he had only been looking for wood and jadibuti. He only works in the Customs post and never leaves it. Customs officers and the police do patrol outside the area, and he heard that before he joined them there was a seizure of wildlife products on the basis of information received from an informer, but Mr Karna said that he didn't know any details about that case. He has been in his current post for two years, and said that he didn't recall any incident involving wildlife in that time.

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54. Respondent: Basudev Aryal, Ranger (sometime Acting Warden) – Koshi Tappu Wildlife Reserve (1)  
Date: 16 February 1999  
Venue: Koshi Tappu Wildlife Reserve Headquarters

Mr Aryal said that he was deputed to Sagarmatha in 1990 when he received information about Musk Deer smuggling. He managed to get police officers to help him to hold up the plane carrying the

smugglers which was a private charter from RNAC. A total of five or six people were arrested and twenty musk pods were seized from them. According to his version of events, Mr Aryal assisted the apprehension of the offenders by standing in the middle of the runway with a gun and physically preventing the smugglers' aircraft from taking off. The people engaged in the smuggling were from Dharding in the Central region of Nepal. Following the incident he received death threats by telephone but the accused are now in jail.

Mr Aryal said that there used to be widespread poaching ten years or so ago inside the Koshi Tappu reserve of spotted deer, wild buffalo and wild boar but that this was still happening only in places like Bhagalpur. Poaching problems, especially of birds, are now prevalent outside the reserve in areas which are the principal responsibility of the DFO and CDO of the District. He said that whilst Park officials had talked to relevant line agencies on a number of occasions, action was very rarely taken in relation to such incidents. Most officers believe protecting wildlife is only the duty of reserve officials.

Mr Aryal went on to say that Park officials had no information about wildlife trading routes in the area, but that he believed there to be as few as 5 to 8 dolphins remaining in the Koshi river.

There were three "Don't Buy Trouble" posters in frames in one office on the floor.

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55. Respondent: Jagganath Singh, Warden – Koshi Tappu Wildlife Reserve (1)  
Date: 16 February 1999  
Venue: Koshi Tappu Wildlife Reserve Headquarters

Mr Singh acknowledged that there were problems in the Park concerning fishing and grazing and poisoning of birds and fish and that the river running through the reserve is also used for floating illegal timber. Now he considers that there is almost no poaching but there are incidents in the surrounding area (Buffer Zone). He acknowledged that he could not control the park effectively and was dependant on the Army and agreed that incidents could happen that were never brought to his attention. He has plans to extend the reserve up to the Kosi Barrage itself, adding 60,000ha. He has close coordination with forest, police and local administration officials and considers the situation to be improving.

As Warden he has five informers known only to him and in 1998 acting on their information timber was seized being floated through the reserve at night. There was a recent incident of a dolphin being killed in Nepal and being taken to India so that no action could be taken. This was only brought to his attention because tourists became aware of the incident. He called a special meeting near the site of the kill to raise awareness about the incident.

In relation to smuggling generally, Mr Singh said that Kakavita was a main wildlife trade route because it was easy to reach international markets from there, and that there was a lot of illegal wildlife trade in the Assam region.

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56. Respondent: Rajendra Suwal, Ornithologist and Naturalist – Koshi Tappu (1)  
Date: 15-16 February 1999  
Venue: Aqua Birds Unlimited, Koshi Tappu Wildlife Reserve

Mr Suwal mentioned that there is extensive wildlife trapping in the no-man's land leased to India around the barrage and that birds trapped were taken to India for sale as well as being sold in the local markets. One trader said a cooked wild duck cost NRs.200 rupees.

According to Mr Suwal, the army has been extremely effective, particularly in the last year, and controlled poaching, even shooting one individual during the course of the year. Army personnel had also successfully controlled unruly domestic buffalo by shooting them. In previous years the Army had been less efficient and there had been serious law and order problems including the attempted rape of a Japanese tourist by local people. The current head of the Army battalion is particularly keen on enforcing wildlife laws Mr Suwal felt.

In relation to the death of an elephant just outside the park, Mr Suwal said that it was shot at close range with a commercially produced firearm and managed to stagger 50 yds before dying [note: but see notes of interview with DFO Pyakurel at No.50, above, for a conflicting account of this incident].

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57. Respondent: Khumraj Punjali, Assistant CDO – Sunsari District (1)  
Date: 16 February 1999  
Venue: Sunsari District Headquarters, Ineruwa

Mr Punjali said that he was aware of no wildlife incidents during his time in Sunsari except the incident with the dolphin (as to which see notes of interview with Jagganath Singh, No.55. above).

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58. Respondent: Binod Jyawali, CDO – Sunsari District  
Date: 16 February 1999  
Venue: Sunsari District Headquarters, Ineruwa

Mr Jyawali had ben appointed to serve as CDO of Sunsari District only one month before the interview took place and so knew nothing of wildlife incidents in the District. He conceded, however, that wildlife protection issues were not a priority for him.

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59. Respondent: Bishnu Sundar Rimal, DSP – Sunsari District Police (1)  
Date: 16 February 1999  
Venue: Sunsari District Police Headquarters, Ineruwa

Mr Rimal has been posted to Sunsari District since 1998 and was only aware of incidents of duck and elephant poaching in that time. His main awareness in terms of trafficking over the border was in relation to domestic goods, electronics, food and buffaloes. The main function of his office as he saw it was maintenance of civil order. Wildlife was of secondary importance. He explained the structure of his District Police operation and that there was a greater concentration of officers in the southern border areas of the District.

Mr Rimal said that he was aware that lorries passing through the area did drive away with wildlife bones which their drivers or owners claimed to be buffalo bones, and conceded that the District Police were unable to search because they don't have the expertise to distinguish those bones which are being transported illegally from those that are being transported legally. No information and training had yet been given to District Police Offices relating to CITES.

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60. Respondent: Shreedhar Gautam, Chief Postmaster – General Post Office  
61. Mukunda Sharma Poudel, Director General – Department of Postal Service  
Date: 20 February 1999  
Venue: General Post Office, Kathmandu

In 1996 the largest seizure of illegal tiger bone ever made in Nepal was made in Humla District when 130 kg of bone was found in a parcel posted within Nepal. It is believed that the bone came from India and was en route to Tibet (the package was registered in Nepalgunj on the southern border and posted to Humla on the Northern border), but there is no direct evidence for this. The Assistant Regional Forest Officer for the Eastern Region was interviewed during the current research, and he was posted in Humla at the time of the tiger bone seizure. He claimed that political pressure was brought to bear at the time to release the shipment after it was seized, but this pressure was resisted.

The Director general of Postal Services is aware of the above case, and stated that his service is in regular contact with the Customs Service in order to try and control such abuses of the system. Parcels entering the country are checked by customs before they reach the internal postal system. In the above case, the parcel was posted from inside Nepal. However, he is not in contact with the Police or Wildlife Services.

The Postmaster General stated that before packages over 200g can be sent, they must be opened in the presence of a postal official. He suggested that the tiger bone shipment involved corruption at a local post office. He stated that around 3000 parcels are posted outside of Nepal each year, with more posted internally, but figures were not available for this. He is aware that dried meat is posted out to Nepali expatriates, and was aware of smuggling of items in cut out books. He was not aware of other wildlife trafficking incidents involving the Postal service.

The Post Office was recently invited to participate in a joint WWF/DPC meeting on production of a CITES awareness manual (February 1999). This was the first such invitation to the Postal Services.

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62. Respondent: Santosh Bisht, Manager – Suklaphanta Tented Camp (3)  
Date: 21 February 1999  
Venue: Suklaphanta Tented Camp

Mr Bisht said that he had been brought up in Suklaphanta and lived and worked there for 11 years. He provided information on the effectiveness of the Warden and Army personnel in Suklaphanta and gave details of significant violations of Park rules by local people. He also gave details of the activities of some previous Park officials.

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63. Respondent: Jim Edwards, President – ITNC (3)  
Date: 9 March 1999  
Venue: The White House, Maharajganj

Mr Edwards is the President of the International Trust for Nature Conservation which was instrumental in promoting the wildlife informer programme when it started, and has been active in anti-poaching activities ever since.

He has great experience of wildlife protection issues in Nepal over a long period, and has information relating to incidents and individuals with relevance to CITES compliance.

## **APPENDIX 4**

### **FULL TEXT (excluding Appendices) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

Preamble

Article I: Definitions

Article II: Fundamental principles

Article III: Regulation of Trade in Specimens of Species included in Appendix I

Article IV: Regulation of Trade in Specimens of Species included in Appendix II

Article V: Regulation of Trade in Specimens of Species included in Appendix III

Article VI: Permits and Certificates

Article VII: Exemptions and Other Special Provisions Relating to Trade

Article VIII: Measures to be Taken by the Parties

Article IX: Management and Scientific Authorities

Article X: Trade with States not Party to the Convention

Article XI: Conference of the Parties

Article XII: The Secretariat

Article XIII: International Measures

Article XIV: Effect on Domestic Legislation and International Conventions

Article XV: Amendments to Appendices I and II

Article XVI: Appendix II and Amendments thereto

Article XVII: Amendment of the Convention

Article XVIII: Resolution of Disputes

Article XIX: Signature

Article XX: Ratification, Acceptance, Approval

Article XXI: Accession

Article XXII: Entry into Force

Article XXIII: Reservations

Article XXIV: Denunciation

Article XXV: Reservations

## **Convention on International Trade in Endangered Species of Wild Fauna and Flora**

*Signed at Washington, D.C., on 3 March 1973*

*Amended at Bonn, on 22 June 1979*

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

### **Article I:        *Definitions***

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
  - (i) any animal or plant, whether alive or dead;
  - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
  - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) "Trade" means export, re-export, import and introduction from the sea;
- (d) "Re-export" means export of any specimen that has previously been imported;
- (e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- (f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- (g) "Management Authority" means a national management authority designated in accordance with Article

IX;

(h) "Party" means a State for which the present Convention has entered into force.

**Article II: *Fundamental Principles***

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

**Article III: *Regulation of Trade in Specimens of Species Included in Appendix I***

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for

primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
- (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
- (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

**Article IV:      *Regulation of Trade in Specimens of Species Included in Appendix II***

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
- (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
- (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either

an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

(b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

#### **Article V:       *Regulation of Trade in Specimens of Species Included in Appendix III***

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

#### **Article VI:       *Permits and Certificates***

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

**Article VII:     *Exemptions and Other Special Provisions Relating to Trade***

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
  - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
  - (b) in the case of specimens of species included in Appendix II:
    - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
    - (ii) they are being imported into the owner's State of usual residence; and
    - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens; unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

- (a) the exporter or importer registers full details of such specimens with that Management Authority;
- (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
- (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

**Article VIII: *Measures to Be Taken by the Parties***

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.

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

- (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
- (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
- (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

- (a) the names and addresses of exporters and importers; and

(b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

(a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and

(b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

#### **Article IX:       *Management and Scientific Authorities***

1. Each Party shall designate for the purposes of the present Convention:

(a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and

(b) one or more Scientific Authorities.

2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depository Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.

4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

#### **Article X:       *Trade with States not Party to the Convention***

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

#### **Article XI:       *Conference of the Parties***

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.

2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.

3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

(a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;

(b) consider and adopt amendments to Appendices I and II in accordance with Article XV;

(c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;

(d) receive and consider any reports presented by the Secretariat or by any Party; and

(e) where appropriate, make recommendations for improving the effectiveness of the present Convention.

4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

## **Article XII:     *The Secretariat***

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

(a) to arrange for and service meetings of the Parties;

(b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;

(c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;

(d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;

- (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
- (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
- (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
- (i) to perform any other function as may be entrusted to it by the Parties.

**Article XIII: *International Measures***

1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

**Article XIV: *Effect on Domestic Legislation and International Conventions***

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
  - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
  - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.
4. A State party to the present Convention, which is also a party to any other treaty, convention or international

agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

#### **Article XV:     *Amendments to Appendices I and II***

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

(b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

(c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h) , (i) and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depository Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

#### **Article XVI: *Appendix III and Amendments thereto***

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.

2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depository Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.

4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or

any interpretations as they are adopted.

**Article XVII: *Amendment of the Convention***

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depository Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

**Article XVIII: *Resolution of Disputes***

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute can not be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

**Article XIX: *Signature***

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

**Article XX: *Ratification, Acceptance, Approval***

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depository Government.

**Article XXI: *Accession***

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depository Government.

**Article XXII: *Entry into Force***

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depository Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

**Article XXIII: Reservations**

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
  - (a) any species included in Appendix I, II or III; or
  - (b) any parts or derivatives specified in relation to a species included in Appendix III.
3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

**Article XXIV: Denunciation**

Any Party may denounce the present Convention by written notification to the Depository Government at any time. The denunciation shall take effect twelve months after the Depository Government has received the notification.

**Article XXV: Depository**

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depository Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depository Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.
3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depository Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

*In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.*

*Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.*

## APPENDIX 5

### NATIONAL PARKS AND WILDLIFE CONSERVATION ACT 1973

#### Schedule 1

##### Protected Wildlife

###### Mammals

Assamese Red Monkey	<i>Macaca assamensis</i>
Pangolin (scaly anteater)	<i>Manis crassidata</i> ; <i>m. petadactyla</i>
Hispid hare	<i>Caprolagus hispidus</i>
Sons	<i>Platenista gangetica</i>
Wolf	<i>Canis lupus</i>
Himalayan Brown Bear	<i>Ursus arctos</i>
Red Panda	<i>Ailurus fulgens</i>
Pingsang	<i>Praonodon pardicler</i>
Stripped Hyena	<i>Hyanena hyanena</i>
Leopard cat	<i>Felis bengalensis</i>
Lynx	<i>Felis lynx</i>
Clouded leopard	<i>Neofelis nebulosa</i>
Tiger	<i>Panthera tigris</i>
Snow Leopard	<i>Panthera uncia</i>
Wild Elephant	<i>Elephas maximus</i>
Rhinoceros	<i>Rhinoceros unicornis</i>
Small Boar	<i>Sus salmanus</i>
Musk-deer	<i>Moschus moschiferus</i>
Swamp Deer	<i>Cervus duvauceli</i>
Bison	<i>Bos garnus</i>
Yak, nak	<i>Bos grunniens</i>
Wild Buffalo	<i>Bubalus bubales</i>
Nayan	<i>Ovis ammon</i>
Chiru	<i>Pantholops hodgsoni</i>

Black Buck

*Antelope cervicapra*

Four-horned antelope (chauka)

*Tetracerus quadricornis*

### Birds

Black Stork

*Ciconia nigra*

White Stork

*Ciconia ciconia*

Sarus Crane

*Grus grus*

Chir Pheasant

*Catrius wallichii*

Impeyan Pheasant

*Lophophorus impeyanus*

Crimson-horned Pheasant

*Tragopan satyra*

Peafowl (kharmajur)

*Thapodotis bengalensis*

Small Peafowl

*Ciphi otides indica*

Grey Hornbill (thulo dhanesh)

*Buaerus wicarnis*

### Reptiles

Python (ajingar)

*Python species*

Bhariyal gohi

*Gavialis gangeticus*

Sungohoro

*Varanus flamesens*