

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

General compliance issues

NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION

1. This document has been prepared by the CITES Secretariat pursuant to Decision 11.132.
2. The National Legislation Project (NLP), having started in 1992, is currently in Phase 4. In this phase a number of Parties whose legislation had been first classified in Category 2 or 3 have been moved to Category 1. Such re-classification was the result of improved laws adopted in compliance with Decisions 11.15 to 11.21 of the Conference of the Parties.
3. It should be noted that nine countries have adhered to the Convention since the 11th meeting of the Conference of the Parties (Gigiri, 2000) and most of these are still in the process of identifying or adopting implementing legislation.
4. In spite of the important progress achieved, a majority of Parties still need to adopt or strengthen their legislative, regulatory and institutional measures to implement the Convention adequately.

Type of legislation

5. It is the prerogative of each Party to decide how it incorporates CITES obligations into national legislation, taking into account its needs and legal practice. In very broad terms, the NLP has identified three main options:
 - a) amend existing provisions in various legislative texts related to wildlife, Customs, import/export and environment;
 - b) include a CITES chapter or CITES provisions in comprehensive wildlife or biodiversity legislation; or
 - c) enact CITES-specific legislation. All of these options involve one or more legally-binding and enforceable instruments – Constitution, parliamentary laws, subsidiary legislation, decrees, orders, norms, codes – through which governments comply with the requirements of the Convention.
6. Currently, a majority of Parties with legislation in Category 2 and 3 rely on their general wildlife protection legislation, and sometimes on Customs legislation or foreign-trade legislation, to control trade in specimens of CITES-listed species. Existing sector-based legislation, however, is rarely suited to fulfil the four minimum requirements of the Convention, especially if it was adopted before CITES entered into force in the country concerned (as is often the case). Most wildlife laws are limited in scope and only cover certain categories of species, products or transactions.
7. There is a tendency to believe that general administrative authority and discretion can be used to adapt such existing legislation to CITES requirements without the need for legislative changes. The use of

such administrative discretion, however, is not a solution to adequate legislation and can give rise to a variety of problems (e.g. unpredictability, arbitrariness, inconsistency with the Convention or national law and questionable legality of government action not based on clear legal authority).

Legislative analysis process

8. Phase 4 of the NLP has enabled a number of Parties to review in more detail the four minimum legislative requirements for implementing CITES. Moreover, the two regional CITES legislation workshops held so far (Abidjan, December 2001, and Hong Kong SAR, April 2002) have shown that Parties would benefit from further clarification of what is meant by "CITES-implementing legislation" and how the four basic requirements are defined and analysed. It is hoped that the following explanatory paragraphs will assist Parties in analysing their own legislation and working with the Secretariat to ensure that they have adequate and enforceable legal authority for implementing the Convention.
9. The four requirements are stated in a general way in Resolution Conf. 8.4, but the practical implementation of each requirement actually involves considering and addressing several components. These components clarify what is meant by each requirement and serve as a set of criteria for determining whether the requirement is met by particular legislation. In the legislative workshops, Parties have asked that the components be made more clear so they know more precisely what is needed for their legislation to be placed in Category 1. The following paragraphs are a response to that request and will be further elaborated in the course of Phase 5 of the NLP.

a) Designation of national CITES authorities

In analysing the first requirement, the NLP looks at the legislative designation of both a Management Authority and a Scientific Authority responsible for the implementation of CITES in accordance with Article IX, paragraph 1 of the Convention. This is different from the simple administrative decision communicated by the Parties when they deposit their instruments of ratification, acceptance, approval or accession in pursuance of Article IX, paragraph 2. The analysis considers the legal instrument (law, regulation, decree) that authorizes designation of both CITES authorities or expressly designates those authorities. For example, the legislation of some Parties makes no provision for the designation of a Scientific Authority. The analysis further considers whether legislation clearly and precisely gives CITES authorities the necessary powers to carry out their responsibilities (power to grant permits and certificates, power to establish export quotas, etc.), separates the functions of each authority and provides mechanisms for coordination and communication between these bodies as well as with other government agencies with relevant competence (e.g. Customs, police, ministry responsible for foreign trade, etc.).

b) Prohibition of trade in violation of the Convention

The second requirement encompasses a set of components laid down in Articles II, III, IV, V, VI and VII of the Convention and constitutes the core of the CITES trade regime. The analysis considers whether the legislation covers all specimens of all species (animals and plants, live and dead, and parts and derivatives) included in the three Appendices of the Convention and whether it provides for any annexes or schedules to be amended as necessary. It further considers whether all types of transactions are covered, including exports, imports, re-exports, introduction from the sea, and transit and transshipment between Parties and non Parties. The analysis determines whether there are conditions relating to: the granting of permits and certificates for all types of transactions in all CITES-listed species, or at least an express provision that subordinates the issuance of permits and certificates to the provisions of the Convention; the standardized form and validity of permits and certificates; and exemptions or special procedures allowed by the Convention. The analysis further determines whether there is a general clause prohibiting any transactions without a valid permit.

c) Penalization of illegal trade

The legal basis for the third requirement is stated in Article VIII, paragraph 1 (a), which includes also the possession of CITES specimens acquired in violation of the Convention. The analysis verifies that domestic legislation clearly lists the activities that are prohibited and specifies that the breach of any prohibition constitutes an offence. These include at a minimum the import or export of CITES specimens without a permit, the use of invalid or forged permits and the possession of and trade in specimens that were illegally imported or otherwise acquired. It also considers the nature and level of penalties which may be imposed for violation of CITES provisions and the procedures that must be followed.

The analysis verifies also that the departments and agents responsible for enforcing the Convention are clearly designated by the legislation and that enforcement agents are appointed and given the necessary powers to carry out their tasks. Such powers typically include powers to search persons, baggage and other property and vehicles; powers to search premises or, where the law requires the prior grant of a search warrant by a magistrate, to apply for such a warrant; powers to request information, to inspect documents and to take samples of specimens for identification purposes; powers of arrest; and powers to seize specimens when there are grounds to believe that they are being or have been illegally imported or otherwise obtained.

Finally, given that illegal trade in CITES specimens may be sanctioned by different laws, in particular the penal code, Customs legislation or foreign trade laws, it is important to specify which specific legal provisions apply to CITES-related offences and penalties.

d) Authorization to confiscate specimens illegally traded or possessed

The legal basis for the fourth requirement is given in Article VIII, paragraph 1(b). The analysis verifies that domestic legislation provides for the confiscation or return of specimens illegally traded or possessed. Other aspects taken into consideration are: which authorities may confiscate; the extent of their confiscation powers (e.g. specimens, containers, equipment and vehicles involved in an offence); the procedures that must be followed; and the final disposal of confiscated specimens. These matters are closely connected with constitutional or general criminal law requirements, which vary from one country to another. Again, it is important to specify which specific legal provisions apply to the confiscation of specimens of CITES-listed species.

10. CITES-implementing legislation should not be seen as a burdensome and stand-alone obligation but rather as the necessary framework for defining and implementing national wildlife trade policies for the conservation of and non-detrimental trade in all CITES-listed species. Legislation sets forth what citizens and enterprises are allowed to do in relation to the international trade in such species, that is, what behaviour is legal or illegal in the context of CITES.

Wildlife trade policy

11. Perhaps the most useful step in understanding the necessity of CITES-implementing legislation is the recognition that wildlife policy development is an essential precursor to drafting adequate legislation. A clear policy basis facilitates the introduction of procedures and practices to ensure:
- a) coherence and predictability of the legislation;
 - b) transparency of legal rights and obligations;
 - c) consistency, fairness and due process in legislative application; and
 - d) efficiency of management and ease of implementation.

12. Effective legislation should be developed thoughtfully with an eye towards a country's particular needs and the capacity that is available or has to be developed in order to implement it. Of course, the enactment of legislation that fulfils the four minimum requirements to implement CITES (e.g. Category 1) does not mean a country effectively controls international wildlife trade. The adoption of legislation is only the beginning of a continuous process to apply, enforce, assess and adjust such legislation. Experience with this process should be shared among Parties, so problems can be avoided in the first instance and successful approaches can be emulated wherever possible. This is the aim of the annotated legislative checklist (i.e. containing examples of existing legislative provisions) that has been developed since CoP11 and now forms part of the CITES legislative guidance package.

Legal drafting

13. The drafting of CITES-implementing legislation calls for special skills to convert the basic obligations under the Convention into practicable, effective and clear legal provisions that use appropriate CITES concepts and terminology, and follow the prevailing drafting standards as to legislative structure, form and style. This is properly the task of legal drafters.
14. Without early and regular input from legal drafters, efforts to develop adequate legislation may result in drafts that: are incompatible with the provisions of the Convention or other legislation; use inappropriate language; and draw heavily upon legislative precedents from other countries, with little consideration for their suitability under local conditions. It is only after the draft has been made law that the shortcomings become evident. The Secretariat encourages Parties to involve legal drafters throughout the legislative development process and to consult with the Secretariat before the enactment of CITES-implementing legislation. Parties also are encouraged to adopt plain-language legislative texts that are easily understandable to the regulated community and the public.

Parties identified in Decision 11.15

15. Decision 11.15 refers to four Parties whose legislation was analysed during Phase 3 of the National Legislation Project, namely Fiji, Turkey, Viet Nam and Yemen, which were found to have high volumes of international trade in specimens of CITES-listed species and national legislation that was believed generally not to meet the requirements for implementation of CITES (Category 3).
16. Decision 11.16 states that, if so advised by the Standing Committee, all Parties should refuse any import of specimens of CITES-listed species from, and any export or re-export of such specimens to, the Parties listed in Decision 11.15, if, in spite of receiving any assistance that may have been requested from the Secretariat, the Parties concerned had not adopted the legislation required under the text of the Convention before 31 October 2001.
17. The Secretariat informed the Standing Committee, at its 45th meeting (Paris, June 2001), about the progress made by the countries concerned to implement Decisions 11.15 and 11.16. The Standing Committee agreed that the Secretariat should seek a legal opinion regarding the flexibility that the Standing Committee had in the timing of the decision to be taken in accordance with Decisions 11.16 and 11.77, and that, if the legal opinion indicated that a decision may be delayed, then the date of entry into effect of the Committee's recommendation would be amended to 31 December 2001. Having considered the subsequent report of the Secretariat, the Standing Committee delayed until 31 December 2001 its advice to suspend trade in specimens of CITES-listed species with those countries.
18. By 31 December 2001, only Turkey had provided to the Secretariat a copy of its enacted legislation, this having been published in Official Gazette No. 24623 of 27 December 2001. Fiji, Viet Nam and Yemen were unable to adopt the necessary legislation before the deadline established.
19. Consequently and pursuant to Decision 11.16, the Secretariat issued Notifications to the Parties Nos. 2002/003-005 of 14 January 2002 stating that, from the date of the Notifications, all Parties

should refuse any import from and any export or re-export to Fiji, Viet Nam and Yemen of specimens of CITES-listed species, until further notice.

20. On 23 January 2002, Viet Nam informed the Secretariat that Government Decree No. 11/2002/ND-CP for implementing CITES had been signed by the Prime Minister on 22 January 2002. On 22 February 2002, it further advised the Secretariat that this decree had taken effect on 7 February 2002. With Notification to the Parties No. 2002/016 issued on 11 March 2002, the Secretariat informed the Parties that the recommendation to suspend trade with Viet Nam was withdrawn.
21. In light of the commitment of Fiji to table national legislation for the implementation of CITES at its next parliamentary session in June 2002, and to have such legislation enacted before the end of 2002, as well as to implement a plan of action to address the concerns over the unsustainable levels of trade in corals, the Standing Committee agreed, at its 46th meeting, to withdraw temporarily its recommendation to suspend trade, contained in Notification to the Parties No. 2002/005. However, the recommendation remains in effect owing to the country's failure to fulfil the coral-trade-related actions agreed at the 46th meeting of the Standing Committee.
22. Yemen has enacted 'Prime Minister's Resolution N° (104) for the year 2002 regarding the protection of endangered species of fauna and flora and the regulation of its trade' and has provided an English translation to the Secretariat. The Secretariat provided comments on draft legislation, transmitted electronic versions of the CITES legislative guidance materials in Arabic and conducted a mission to Yemen from 6 to 11 May 2002 to support the adoption of legislative measures. Nevertheless, the recommendation to suspend trade remains in effect until Yemen clarifies the designation of a Scientific Authority and the procedures for confiscation of CITES-listed species illegally traded or possessed.

Parties identified in Decision 11.17

23. Decision 11.17 refers to remaining Parties and overseas territories whose legislation was analysed during Phase 3 of the National Legislation Project, namely Antigua and Barbuda, Belarus, Cambodia, Dominica, Georgia, Jamaica, Latvia, Mauritania, Mongolia, Myanmar, Saudi Arabia, Somalia, Swaziland, Uzbekistan and three United Kingdom overseas territories, namely Pitcairn Islands, Saint Helena and Dependencies, and South Georgia and the South Sandwich Islands, which do not have high volumes of international trade in specimens of CITES-listed species but have legislation that is believed generally not to meet the requirements for implementation of CITES (Category 3).
24. By 31 July 2002, eight Parties, namely Antigua and Barbuda, Belarus, Cambodia, Jamaica, Latvia, Mauritania, Mongolia and Myanmar, had indicated to the Secretariat the actions planned to enact adequate legislation. Jamaica is the only one of these countries that had enacted specific legislation for implementation of the Convention.

Parties identified in Decision 11.18

25. Decision 11.18 applies to those Parties with high volumes of international trade in specimens of CITES-listed species, whose legislation was analysed during Phase 1 or 2 of the National Legislation Project and placed in Category 2 or 3, namely Cameroon, the Dominican Republic, Mozambique, Panama, Poland, Romania, the Russian Federation, Singapore, South Africa and Thailand.
26. By 31 July 2002, Poland, Romania, Singapore and Thailand had enacted specific legislation to fulfil the requirements of the Convention and provided to the Secretariat a copy of their legislation in one of the working languages. The legislations of Poland, Singapore and Thailand have been reclassified in Category 1 and Romania has been asked for clarification of certain provisions.
27. The Russian Federation provided English translations or summaries of relevant provisions of existing legislation in support of its contention that its current legislation meets the four minimum requirements under CITES. The Secretariat has requested additional clarification of these legislative provisions and

English translations of several additional legislative texts related to CITES that were adopted after the initial legislative analysis.

28. Three countries in category 2 (Cameroon, Panama and South Africa) and two countries in category 3 (the Dominican Republic and Mozambique) have not sent to the Secretariat the enacted legislation required under Decision 11.18. However, Cameroon, the Dominican Republic and Panama have prepared draft legislation for implementing CITES and have made a commitment to adopt legislation before the end of 2002; South Africa has submitted a legislation plan indicating that CITES legislation is expected to be promulgated in the fourth quarter of 2002; and Mozambique informed the Secretariat that it has approved through decree 12/2002 of 6 June 2002 a Resolution to implement the Forestry and Wildlife Law (Law 10/99).

Parties identified in Decision 11.19

29. Decision 11.19 concerns Parties whose national legislation was reviewed in Phase 1 or 2 of the National Legislation Project and is believed not to meet one or more of the requirements for implementation of CITES (Categories 2 and 3), and that do not have high volumes of international trade in specimens of CITES-listed species.
30. Forty-four Parties with legislation in Category 2 were identified: Bangladesh, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Chile, China, Congo, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Gambia, Greece, Guinea, Honduras, Hungary, India, Indonesia, Israel, Kenya, Madagascar, Malawi, Malaysia, Mauritius, Monaco, Namibia, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sudan, Suriname, Togo, Trinidad and Tobago, Tunisia, the United Republic of Tanzania, Uruguay, Venezuela and Zambia.
31. Twenty-nine Parties with legislation in Category 3 were identified: Algeria, the Bahamas, Barbados, Belize, Bolivia, Brunei Darussalam, Burundi, the Central African Republic, Chad, the Comoros, Côte d'Ivoire, Cyprus, Djibouti, Gabon, Ghana, Guinea Bissau, Jordan, Liberia, Mali, Morocco, Nepal, Niger, Pakistan, Rwanda, Seychelles, Sierra Leone, Sri Lanka, Uganda and the United Arab Emirates.
32. On 10 August 2001, the Secretariat sent Notification to the Parties No. 2001/059 giving a list of the Parties concerned. It reminded them of the need to adopt legislation meeting the criteria specified in Resolution Conf. 8.4 and that they may request technical assistance from the Secretariat to prepare such legislation.
33. Six of these Parties have made a commitment to adopt specific legislation for the implementation of CITES in the near future, namely Bolivia, El Salvador, Eritrea, Kenya, Sierra Leone and the United Republic of Tanzania.
34. Fifteen of these Parties have prepared draft legislation for implementing CITES, namely the Bahamas, Barbados, China, Ecuador, Ghana, Monaco, Namibia, Papua New Guinea, Peru, Saint Lucia, Seychelles, Togo, Trinidad and Tobago and Uganda.
35. Four of these Parties have enacted new legislation, namely Brazil, Indonesia, Malaysia and the Philippines and the legislation of United Arab Emirates is in its final stages of adoption.
36. In support of its contention that its legislation meets the requirements for Category 1 status, Greece has been asked to provide an English translation of Common Ministerial Decision 331794 (1999) that apparently incorporates into Greek law the European Union legislation related to CITES, designates the CITES Management Authority(ies), penalizes illegal CITES trade and addresses the confiscation of CITES specimens illegally traded or possessed. It also has been asked for an English translation of recent legislation renewing the designation of a Scientific Authority.

CITES Legislation Plan

37. At its 46th meeting (Geneva, March 2002), the Standing Committee agreed that the Parties mentioned in paragraphs 30 and 31 above should provide a CITES Legislation Plan, that is, an outline of their programme to comply with the obligation to adopt adequate legislation to implement the Convention. The purpose of this plan is to establish and commit to a time-frame for developing, approving, enacting and implementing CITES-implementing legislation in pursuance of Article VIII, Resolution Conf. 8.4 and Decisions 11.18 and 11.19.
38. The CITES Legislation Plan should specify the entire legislative process from the date the proposed legislation is drafted until the date it is signed, published in the official gazette and sent to the Secretariat in one of the working languages of the Convention. It should include:
- a) the legal form of enactment (legislative or regulatory);
 - b) the precise scope and content of the proposed legislation;
 - c) the schedule for transmittal of the draft legislation to the Secretariat for comments;
 - d) the legislative and administrative steps that must be taken to adopt the legislation; and
 - e) the time in which the Party can achieve the proposed form of enactment in accordance with its own legal system (time-frames for initiating and completing each stage of the law-making process).
39. On 9 April 2002, the Secretariat sent Notification to the Parties No. 2002/023 requiring the Parties concerned to submit CITES Legislation Plans to the Secretariat by 31 May 2002. In addition, legislation was to be adopted in accordance with the following timetable determined by the Standing Committee:
- a) for Parties with legislation in Category 3, concerned by Decision 11.18, the CITES Legislation Plan should include the agreed steps needed to adopt adequate legislation by 31 October 2002. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003;
 - b) for Parties with legislation in Category 2, concerned by Decision 11.18, the CITES Legislation Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 January 2003. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003; and
 - c) for Parties with legislation in Categories 2 and 3, concerned by Decision 11.19, the CITES Legislation Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 December 2003.
40. By 31 May 2002, Barbados, Cameroon, Chile, China, Cyprus, the Dominican Republic, Ecuador, El Salvador, Indonesia, Namibia, Nepal, Panama, Peru, Saint Lucia, South Africa, and the United Republic of Tanzania had submitted specific CITES legislation plans to fulfil the requirements agreed at the 46th meeting of the Standing Committee. Kenya submitted a CITES legislation plan after 31 May 2002.

Other relevant matters

Regional workshops on the legal aspects of the implementation of CITES

41. Pursuant to the "legal capacity-building strategy for implementing CITES obligations in the domestic sphere" endorsed at the 11th meeting of the Conference of the Parties, the Secretariat, in cooperation

with the Regional Office for West Africa of IUCN, organized the first regional workshop on the legal aspects of the implementation of CITES in francophone Africa, held in Abidjan, Côte d'Ivoire, from 3 to 5 December 2001. A second workshop for East, South and Southeast Asia was organized jointly with the CITES Management Authority of Hong Kong SAR during the week of 22-26 April 2002. In each workshop, participants and the Secretariat jointly examined the current state of legislative and regulatory measures for implementing CITES.

42. The objectives of the legislative workshops were:

- a) to enhance the legislative skills of each Party for the development and enactment of CITES legislation;
- b) to promote implementation of Resolution Conf. 8.4 and Decisions 11.18 and 11.19;
- c) to achieve harmonization of laws and procedures to implement and enforce the Convention in the region; and
- d) to refine and assess the usefulness of the legal material and the methodology developed by the Secretariat to support the adoption of effective CITES-implementing legislation.

43. The Secretariat believes the legislative workshops provided a good opportunity for CITES authorities to review the adequacy of their national legislation and undertake the arrangements that may be necessary to adopt appropriate legislation for the implementation of CITES.

Other workshops

44. The Secretariat organized with UNEP and the Secretariats of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo) and Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters a regional workshop for the five Caspian littoral States on the incorporation of these three Conventions into national law (Baku, December 2001). The Secretariat also made presentations on the requirements for adequate and effective CITES-implementing legislation to the more than 50 legal officers and policy makers who participated in UNEP's Fifth Global Training Programme on Environmental Law and Policy (Nairobi, November-December 2001).

Translation of guidance documents into Arabic and Russian

45. In order to provide more effective legal assistance to some of the countries for which none of the three working languages of the Convention is a national language, the Secretariat translated three legislative guidance documents into Russian and Arabic, namely the model law, the legislative checklist and the format for the legislative analyses.

Recommendations

46. The four phases of the National Legislation Project have provided the necessary information for the review of CITES-implementing legislation and have contributed decisively to enhancing the national regulatory frameworks for international trade in wild fauna and flora. Phase 5 of the National Legislation Project will continue with the provision of advice and assistance for the development and strengthening of CITES-implementing legislation, the organization of regional workshops as funding is identified and the analysis of new legislation. The Secretariat believes, however, that Phase 5 should start assessing the effectiveness of legislation adopted by the Parties with legislation in Category 1. To achieve this task Parties with legislation in this Category are reminded to submit in their biennial reports (see document CoP12 Doc. 22.2) information about the application of legislative, regulatory and administrative measures, as well as any assessment of the effectiveness of existing legislation and any plans to amend that legislation as a result of the assessment.

47. The experience under the National Legislation Project shows that the failure to adopt adequate legislation often is a question of political will. The inadequacy of national legislation has repeatedly been brought to the attention of the Management Authorities of the Parties concerned. The recommendations to suspend trade, the legal basis of which is contained in Article XIII of the Convention, often draw high-level political attention to CITES issues and result in action being taken quickly to enact legislation. The Secretariat believes that these temporary measures aimed at accelerating the law-making process should be maintained.
48. The Secretariat recommends that the Conference of the Parties require the submission of a CITES Legislation Plan to the Secretariat by 31 March 2003 with respect to the Parties and dependent territories listed in paragraph 23. Such a Plan, as described in paragraph 38, should include the agreed steps needed for each Party to adopt adequate legislation by 30 June 2004.
49. The Secretariat recommends to the Conference of the Parties the adoption of the draft decisions in Annexes 2 and 3 to this document.

National legislation project by countries

ISO	State	Category	Region	Entry into force
AF	Afghanistan	3	Asia	28/01/86
DZ	Algeria	3	Africa	21/02/84
AG	Antigua and Barbuda	3	C.S.A.C.	06/10/97
AR	Argentina	1	C.S.A.C.	08/04/81
AU	Australia	1	Oceania	27/10/76
AT	Austria	1	Europe	27/04/82
AZ	Azerbaijan	Pending	Europe	21/02/99
BS	Bahamas	3	C.S.A.C.	18/09/79
BD	Bangladesh	2	Asia	18/02/82
BB	Barbados	3	C.S.A.C.	09/03/93
BY	Belarus	3	Europe	08/11/95
BE	Belgium	1	Europe	01/01/84
BZ	Belize	3	C.S.A.C.	21/09/81
BJ	Benin	2	Africa	28/05/84
BO	Bolivia	3	C.S.A.C.	04/10/79
BW	Botswana	2	Africa	12/02/78
BR	Brazil	Under review	C.S.A.C.	04/11/75
BN	Brunei Darussalam	3	Asia	02/08/90
BG	Bulgaria	2	Europe	16/04/91
BF	Burkina Faso	2	Africa	11/01/90
BI	Burundi	3	Africa	06/11/88
KH	Cambodia	3	Asia	02/10/97
CM	Cameroon	2	Africa	03/09/81
CA	Canada	1	N. America	09/07/75
CF	Central African Republic	3	Africa	25/11/80
TD	Chad	3	Africa	03/05/89
CL	Chile	Under review	C.S.A.C.	01/07/75
CN	China	2	Asia	08/04/81
CO	Colombia	1	C.S.A.C.	29/11/81
KM	Comoros	3	Africa	21/02/95
CG	Congo	2	Africa	01/05/83
CR	Costa Rica	1	C.S.A.C.	28/09/75

ISO	State	Category	Region	Entry into force
CI	Côte d'Ivoire	3	Africa	19/02/95
HR	Croatia	Pending	Europe	12/06/00
CU	Cuba	1	C.S.A.C.	19/07/90
CY	Cyprus	3	Europe	01/07/75
CZ	Czech Republic	1	Europe	01/01/93
CD	Democratic Republic of the Congo	1	Africa	18/10/76
DK	Denmark	1	Europe	24/10/77
DJ	Djibouti	3	Africa	07/05/92
DM	Dominica	3	C.S.A.C.	02/11/95
DO	Dominican Republic	3	C.S.A.C.	17/03/87
EC	Ecuador	2	C.S.A.C.	01/07/75
EG	Egypt	1	Africa	04/04/78
SV	El Salvador	2	C.S.A.C.	29/07/87
GQ	Equatorial Guinea	2	Africa	08/06/92
ER	Eritrea	2	Africa	22/01/95
EE	Estonia	2	Europe	20/10/92
ET	Ethiopia	1	Africa	04/07/89
FJ	Fiji	3	Oceania	29/12/97
FI	Finland	1	Europe	08/08/76
FR	France	1	Europe	09/08/78
GA	Gabon	3	Africa	14/05/89
GM	Gambia	2	Africa	24/11/77
GE	Georgia	3	Europe	12/12/96
DE	Germany	1	Europe	20/06/76
GH	Ghana	3	Africa	12/02/76
GR	Greece	Under review	Europe	06/01/93
GD	Grenada	3	C.S.A.C.	28/11/99
GT	Guatemala	1	C.S.A.C.	05/02/80
GN	Guinea	2	Africa	20/12/81
GW	Guinea-Bissau	3	Africa	14/08/90
GY	Guyana	2	C.S.A.C.	25/08/77
HN	Honduras	2	C.S.A.C.	13/06/85
HU	Hungary	2	Europe	27/08/85
IS	Iceland	Pending	Europe	02/04/00
IN	India	2	Asia	18/10/76

ISO	State	Category	Region	Entry into force
ID	Indonesia	Under review	Asia	28/03/79
IR	Iran (Islamic Republic of)	1	Asia	01/11/76
IE	Ireland	Pending	Europe	08/04/02
IL	Israel	2	Asia	17/03/80
IT	Italy	1	Europe	31/12/79
JM	Jamaica	Under review	C.S.A.C.	22/06/97
JP	Japan	1	Asia	04/11/80
JO	Jordan	3	Asia	14/03/79
KZ	Kazakhstan	Under review	Asia	19/04/00
KE	Kenya	2	Africa	13/03/79
LV	Latvia	3	Europe	12/05/97
LR	Liberia	3	Africa	09/06/81
LI	Liechtenstein	1	Europe	28/02/80
LT	Lithuania	Pending	Europe	09/03/02
LU	Luxembourg	1	Europe	12/03/84
MK	Macedonia	Pending	Europe	02/10/00
MG	Madagascar	2	Africa	18/11/75
MW	Malawi	2	Africa	06/05/82
MY	Malaysia	Under review	Asia	18/01/78
ML	Mali	3	Africa	16/10/94
MT	Malta	1	Europe	16/07/89
MR	Mauritania	3	Africa	11/06/98
MU	Mauritius	2	Africa	27/07/75
MX	Mexico	1	N. America	30/09/91
MC	Monaco	2	Europe	18/07/78
MN	Mongolia	3	Asia	04/04/96
MA	Morocco	3	Africa	14/01/76
MZ	Mozambique	3	Africa	23/06/81
MM	Myanmar	3	Asia	11/09/97
NA	Namibia	2	Africa	18/03/91
NP	Nepal	3	Asia	16/09/75
NL	Netherlands	1	Europe	18/07/84
NZ	New Zealand	1	Oceania	08/08/89
NI	Nicaragua	1	C.S.A.C.	04/11/77
NE	Niger	3	Africa	07/12/75

ISO	State	Category	Region	Entry into force
NG	Nigeria	1	Africa	01/07/75
NO	Norway	1	Europe	25/10/76
PK	Pakistan	3	Asia	19/07/76
PA	Panama	2	C.S.A.C.	15/11/78
PG	Papua New Guinea	2	Oceania	11/03/76
PY	Paraguay	1	C.S.A.C.	13/02/77
PE	Peru	2	C.S.A.C.	25/09/75
PH	Philippines	Under review	Asia	16/11/81
PL	Poland	1	Europe	12/03/90
PT	Portugal	1	Europe	11/03/81
QA	Qatar	Pending	Asia	06/08/01
KR	Republic of Korea	1	Asia	07/10/93
MD	Republic of Moldova	Pending	Europe	27/06/01
RO	Romania	Under review	Europe	16/11/94
RU	Russian Federation	2	Europe	01/01/92
RW	Rwanda	3	Africa	18/01/81
KN	Saint Kitts and Nevis	2	C.S.A.C.	15/05/94
LC	Saint Lucia	2	C.S.A.C.	15/03/83
VC	Saint Vincent and the Grenadines	2	C.S.A.C.	28/02/89
ST	Sao Tome and Principe	Pending	Africa	07/11/01
SA	Saudi Arabia	3	Asia	10/06/96
SN	Senegal	Under review	Africa	03/11/77
SC	Seychelles	3	Africa	09/05/77
SL	Sierra Leone	3	Africa	26/01/95
SG	Singapore	1	Asia	28/02/87
SK	Slovakia	1	Europe	01/01/93
SI	Slovenia	Under review	Europe	23/04/00
SO	Somalia	3	Africa	02/03/86
ZA	South Africa	2	Africa	13/10/75
ES	Spain	1	Europe	13/10/75
LK	Sri Lanka	3	Asia	02/08/79
SD	Sudan	2	Africa	24/01/83
SR	Suriname	2	C.S.A.C.	15/02/81
SZ	Swaziland	3	Africa	27/05/97
SE	Sweden	1	Europe	01/07/75

ISO	State	Category	Region	Entry into force
CH	Switzerland	1	Europe	01/07/75
TH	Thailand	1	Asia	21/04/83
TG	Togo	2	Africa	21/01/79
TT	Trinidad and Tobago	2	C.S.A.C.	18/04/84
TN	Tunisia	2	Africa	01/07/75
TR	Turkey	1	Europe	22/12/96
UG	Uganda	3	Africa	16/10/91
UA	Ukraine	2	Europe	29/03/00
AE	United Arab Emirates	Under review	Asia	09/05/90
GB	United Kingdom	1	Europe	31/10/76
TZ	United Republic of Tanzania	2	Africa	27/02/80
US	United States of America	1	N. America	01/07/75
UY	Uruguay	2	C.S.A.C.	01/07/75
UZ	Uzbekistan	3	Asia	08/10/97
VU	Vanuatu	1	Oceania	15/10/89
VE	Venezuela	2	C.S.A.C.	22/01/78
VN	Viet Nam	1	Asia	20/04/94
YE	Yemen	Under review	Asia	03/08/97
YU	Yugoslavia	Pending	Europe	28/05/02
ZM	Zambia	2	Africa	22/02/81
ZW	Zimbabwe	1	Africa	17/08/81

C.S.A.C.: Central, South America and the Caribbean

Category 1: legislation that is believed generally to meet the requirements for implementation of CITES

Category 2: legislation that is believed generally not to meet all requirements for the implementation of CITES

Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES

Under review: legislation that is being reviewed as result of new information provided by the Parties concerned

Pending: legislative analyses under preparation, normally for new Parties or Parties that have not responded to the Secretariat.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES
(to replace Decision 11.132)

Directed to the Secretariat

Regarding implementation of Resolution Conf. 8.4

12.xx The Secretariat shall:

- a) consider the information on specific legislative measures adopted by the Parties to fulfil the requirements laid down in the text of the Convention and the Resolutions of the Conference of the Parties and amend the analyses of national legislation and the categories according to the criteria stated in Resolution Conf. 8.4;
- b) advise the Parties concerned of any amendments to the analyses of their legislation and to their categories, specifying in the case of legislation in Categories 2 and 3 the requirements that are not yet met;
- c) provide technical assistance to Parties requesting advice in the formulation of legislative proposals for CITES implementation by providing, to the extent resources are available:
 - i) legal guidance in the preparation of necessary legislative measures;
 - ii) training of CITES authorities and other relevant bodies responsible for the formulation of wildlife trade policies or legislation; and
 - iii) any specific support relevant to the fulfilment of the legislative requirements for the implementation of CITES;
- d) report to the Standing Committee on Parties' progress in enacting legislation and, if necessary, recommend the adoption of appropriate compliance measures, including suspension of trade pursuant to the decisions agreed at the 46th meeting of the Standing Committee (see annex);
- e) identify for the Standing Committee any countries that require priority attention under the National Legislation Project; and
- f) report at the 13th meeting of the Conference of the Parties on:
 - i) the legislation adopted by the Parties to implement the Convention and any recommendations relating to Parties that have not adopted adequate legislation for implementation of the Convention; and
 - ii) any progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES.

Annex

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

DECISIONS RELATED TO THE NATIONAL LEGISLATION PROJECT

Parties identified in Decision 11.18

The Standing Committee agreed:

- a) For Parties in Category 3, that:
 - i) The Dominican Republic and Mozambique should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 October 2002.
 - ii) The Secretariat shall issue a notification recommending a suspension of commercial trade in specimens of CITES-listed species with any of these Parties that fails to submit a CITES Legislation Plan by 31 May 2002 or to adopt adequate legislation by 31 October 2002. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003.
- b) For Parties in Category 2, that:
 - i) Cameroon, Panama, Poland, the Russian Federation, South Africa and Thailand should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 January 2003.
 - ii) The Secretariat shall issue a notification recommending a suspension of commercial trade in specimens of CITES-listed species with any of these Parties that fails to submit a CITES Legislation Plan by 31 May 2002 or to adopt adequate legislation by 31 January 2003. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003.

Parties identified in Decision 11.19

The Standing Committee agreed that:

- a) Parties listed in paragraphs 22, 23, 24 and 25 of document SC46 Doc. 11.1¹ should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 December 2003.

¹ *Afghanistan, Algeria, the Bahamas, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei-Darussalam, Bulgaria, Burkina Faso, Burundi, the Central African Republic, Chad, Chile, China, Comoros, Congo, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guinea Bissau, Honduras, Hungary, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritius, Monaco, Morocco, Myanmar, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Peru, the Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Suriname, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Venezuela and Zambia* [list added by the Secretariat]

- b) the Secretariat shall issue a notification recommending the following compliance measures: if an affected Party fails to submit a CITES Legislation Plan by 31 May 2002, the Standing Committee shall consider further action at its 47th meeting. The Standing Committee expects the affected Parties to meet the above deadlines so that further measures, which may include restrictions on commercial trade, will not be required. If an affected Party fails to adopt adequate legislation by 31 December 2003, the Standing Committee shall recommend restrictions on commercial trade at its first meeting after that date unless a Party can show good cause for its lack of adequate progress.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Regarding implementation of Resolution Conf. 8.4

Directed to the Parties

- 12.xx. a) Parties and overseas territories identified in Decision 11.17¹ should submit a "CITES Legislation Plan" to the Secretariat by 31 March 2003.
- b) The CITES Legislation Plan should include the agreed steps needed for each Party to adopt adequate legislation by 30 June 2004. It should specify the entire legislative process from the date the proposed legislation is drafted until the date it is signed, published in the official gazette and sent to the Secretariat in one of the working languages of the Convention. It should include:
- i) the legal form of enactment (legislative or regulatory);
 - ii) the precise scope and content of the proposed legislation;
 - iii) the schedule for transmittal of the draft legislation to the Secretariat for comments;
 - iv) the legislative and administrative steps that must be taken to adopt the legislation; and
 - v) the time in which the Party can achieve the proposed form of enactment in accordance with its own legal system (time-frames for initiating and completing each stage of the law-making process).
- c) Parties that are preparing national legislation to fulfill the requirements established by the text of the Convention may request technical assistance from the Secretariat.

Directed to the Standing Committee

- 12.xx With respect to Parties referred to in the Decision above that have not complied with paragraph a), the Standing Committee shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.

¹ *Antigua and Barbuda, Belarus, Cambodia, Dominica, Georgia, Latvia, Mauritania, Mongolia, Myanmar, Saudi Arabia, Somalia, Swaziland, Uzbekistan and three United Kingdom overseas territories, namely Pitcairn Islands, Saint Helena and Dependencies and South Georgia and the South Sandwich Islands*