

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters

General compliance and enforcement

COUNTRY-WIDE SIGNIFICANT TRADE REVIEWS

1. This document has been submitted by the Standing Committee and incorporates draft decisions proposed by the Chairs of the Animals and Plants Committees.*
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.71 to 18.73 on *Country-wide Significant Trade Reviews* as follows:

Directed to the Secretariat

18.71 *The Secretariat shall:*

- a) *consider the 'Outlook and recommendations' regarding country-wide significant trade reviews, as articulated in the Annex to document AC30 Doc. 12.3/PC24 Doc. 13.3, and the resources required to undertake such reviews, and provide advice as to whether the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar can be integrated into other existing CITES mechanisms or programme activities, including capacity-building activities the proposed Compliance Assistance Programme, or whether a new mechanism should be developed to provide targeted support to Parties at a national level;*
- b) *determine how Parties might qualify or apply for support under a 'country wide review' under existing mechanisms or any new mechanism; and*
- c) *prepare a report on its findings and recommendations, for consideration by the Animals and Plants Committees at their 32nd and 26th meetings respectively, and subsequently for the Standing Committee at its 74th meeting.*

Directed to the Animals Committee and the Plants Committee

- 18.72** *The Animals and Plants Committees shall review the report by the Secretariat and provide recommendations to the Standing Committee or the Conference of the Parties, as appropriate.*

Directed to the Standing Committee

- 18.73** *The Standing Committee shall review the report and the recommendations of the Animals and Plants Committees at its 74th meeting, and in consultation with the Secretariat, make recommendations for consideration at the 19th meeting of the Conference of the Parties, which may include proposals for amendments to Resolution Conf. 12.8 (Rev. CoP18) on Review of*

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

Significant Trade in specimens of Appendix-II species *or other existing resolutions, or a new resolution.*

3. At CoP18, the Parties also adopted Decisions 18.39 to 18.46 on *Capacity-building*, and Decisions 18.68 to 18.70 on the *Compliance Assistance Programme (CAP)*, which are presented in Annexes 2 and 3 to this document respectively. There is interdependence and complementarity among the three sets of Decisions on *Country-wide Significant Trade Review*, *Capacity-building* and the *CAP*.

Background

4. Country-wide significant trade reviews may be a way to address systemic problems in making non-detriment findings at the national level, related more to institutional or other wider challenges than to species-specific issues (further details in the Annex to document [AC30 Doc. 12.3/PC24 Doc. 13.3](#))
5. Madagascar was reviewed between 2001-2008, having been selected as a country afflicted by number of systemic issues that had resulted in serious concerns from the Animals and Plants Committees. The Annex to document AC30 Doc. 12.3/PC24 Doc. 13.3 provides an overview of the country-wide Review of Significant Trade for Madagascar; outlines successes and challenges; extracts lessons learned; and provides recommendations for future country-wide significant trade reviews.
6. In the 'Outlook and recommendations' regarding country-wide significant trade reviews, in the Annex to document AC30 Doc. 12.3/PC24 Doc. 13.3, consultants made a number of recommendations for any future such reviews as summarized below:
 - a) need for a voluntary capacity-building approach, and a clear needs-assessment;
 - b) establishment of a structured funding mechanism at the outset with the necessary funds identified in advance;
 - c) consideration of the development of a mentoring system, where external experts work with the CITES Authorities of the focus country to develop non-detriment findings (NDFs) for key species and to define models of good CITES implementation practice;
 - d) possibility of *in-situ* external guidance, in the form of a mixed committee, consisting of appointed national representatives working alongside external independent reviewers;
 - e) involvement by the Standing Committee and established links to other relevant mechanisms of the Convention would therefore be pertinent. This may include, for instance, measures under Article XIII of the Convention and links to Resolution Conf. 3.4 on *Technical cooperation*, Decisions 17.31 to 17.35 on *Capacity-building* and Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*.
 - f) establishment of a clearly defined, structured timeline, with agreed milestones and a required end point;
 - g) need to take a long-term sustainability approach (e.g. focus on building institutional capacity, implementing regulatory amendments where necessary, and developing manuals and standard operating procedures), to address the problem of staff turnover in CITES Authorities and minimise the risks of capacity loss;
 - h) indicators should be established to measure the success of the Reviews, and data should be collected before, during and after the Reviews in order to feed into those indicators;
 - i) longer-term monitoring and evaluation to ensure that improvements are sustained in time; and
 - j) eligible countries should meet certain selection criteria to ensure that resources are directed where most needed.

Implementation of Decisions 18.71 to 18.73

7. Progress on the implementation of Decisions 18.71 to 18.73 was presented to the joint sessions of the 31st meeting of the Animals Committee and the 25th meeting of the Plants Committee (AC31/PC25, online, June 2021) in document [AC31 Doc. 13.5/PC25 Doc. 15.6](#), which also included an update on the implementation of Decisions 18.68 to 18.70 on *Compliance Assistance Programme (CAP)*. Progress on the implementation

of Decisions 18.39 to 18.46 was presented at the same meeting in document [AC31 Doc. 10/PC25 Doc. 11](#) and its [Addendum](#).

8. Decision 18.71, paragraph c), envisaged that the Secretariat would prepare a report on its findings and recommendations, for consideration by the Animals and Plants Committees at their 32nd and 26th meetings respectively, and subsequently for the Standing Committee at its 74th meeting. However, due to the COVID-19 global pandemic, there was only a single meeting of the Animals and Plants Committee during the current intersessional period (AC31 and PC26, online, June 2021) prior to the 74th meeting of the Standing Committee (SC74, Lyon, March 2022). The progress updates on the CAP and capacity-building activities through the Standing Committee working group on capacity-building would only be reported at SC74, which would take place after AC31 and PC25. In light of the interdependence and complementarity with the work under the CAP and capacity-building activities, the Animals and Plants Committees agreed at AC31/PC25 that it was premature for them to evaluate whether the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar could be addressed through the CAP, or whether a new mechanism should be developed to provide targeted support to Parties in relation to RST at a national level.
9. The Committees requested the Chairs of the Animals and Plants Committees to consult their Members and the leads on Decision 18.72 as per their respective workplans (AC31 Doc. 7.2 and PC25 Doc. 7.2) to represent the views of the Committees on these issues through the Standing Committee's intersessional working group on capacity-building and at the 74th meeting of the Standing Committee and to work with the Secretariat to develop recommendations on country-wide Significant Trade Reviews and present the outcomes of this work to the Conference of the Parties at its 19th meeting.
10. At SC74, the Standing Committee considered the report by the Secretariat on the implementation of Decision 18.71 and 18.72 in document [SC74 Doc.31](#), which presented a review of existing CITES mechanisms and programme activities, including the Compliance Assistance Programme (CAP) and the ongoing work on capacity-building, with regard to how these mechanisms could provide targeted support to Parties identified as requiring assistance in relation to the Review of Significant Trade at a national level.
11. The Annex to document SC74 Doc. 31 presented a review of current RST cases, categorising each country into one of three categories (Category A are those countries most in need of assistance; Category B are those Parties in need of some assistance and Category C countries that are the subject of ongoing cases that have not yet resulted in a recommendation to suspend trade). Of the 12 countries identified as being most in need of assistance, five have been identified as priority countries under the CAP and one is proposed for removal from RST at this meeting. The Secretariat indicated that some funding was available from the United States of America to provide some direct assistance to the remaining six countries that were identified as being most in need of assistance, but not selected as priority countries under the CAP.
12. The Secretariat concluded that the scientific and management issues identified in the country-wide Significant Trade Review for Madagascar can be integrated into other existing mechanisms or programme activities, in particular the Compliance Assistance Programme, and invited the Standing Committee to support its conclusion.
13. The Chair of the Animals Committee, speaking on behalf of the Animals and Plants Committees, noted that the CAP could not fully replace a dedicated country-wide RST process and suggested that further time be taken to consider whether a new mechanism for targeted support to Parties at a national level should be developed. For example, the Animals and Plants Committees could provide inputs into the integrated capacity-building framework to be developed as proposed in draft decision 19.CC of document [SC74 Doc. 22](#), to ensure that any Parties in need of capacity-building on this topic could benefit from such support.
14. The Standing Committee noted the progress updates on the CAP in document [SC74 Doc. 29](#) and capacity-building activities through the SC working group on capacity-building in document SC74 Doc. 22. It agreed with the Animals and Plants Committees that it was premature to conclude on the need to develop a new mechanism to provide targeted support to Parties at a national level based on the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar.
15. The Standing Committee further agreed that the Chairs of the Animals and Plants Committees should, in consultation with the Secretariat, and if appropriate, propose to CoP19 draft decisions, possibly as part of the draft decisions on the capacity-building framework, in order to ensure this work be continued.

16. The Chairs of the Animals and Plants Committee propose in Annex 1 to the present document draft decisions for adoption at CoP19.

Recommendations

17. The Conference of the Parties is invited to adopt the draft decisions contained in Annex 1 to the present document.

DRAFT DECISIONS ON *COUNTRY-WIDE REVIEW OF SIGNIFICANT TRADE*

Directed to the Animals and Plants Committees

19.AA The Animals and Plants Committees shall:

- a) taking into account the progress made under the Compliance Assistance Programme and the development of a Capacity-Building Framework, consider whether the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar are sufficiently addressed, or whether a new mechanism should be developed to provide targeted support to Parties at a national level; and
- b) provide recommendations, including possible amendments to Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species* or other existing resolutions, or the development of a new resolution; for consideration by the Standing Committee.

Directed to the Standing Committee

19.BB The Standing Committee shall review the report and the recommendations of the Animals and Plants Committees, and in consultation with the Secretariat, make recommendations for consideration at the 20th meeting of the Conference of the Parties.

DECISIONS ADOPTED BY THE 18TH MEETING OF THE CONFERENCE OF THE PARTIES
ON CAPACITY-BUILDING

Directed to the Parties

18.39 Parties are invited to:

- a) provide information to the Secretariat regarding capacity-building materials and efforts that could be shared among Parties;
- b) utilize the CITES Virtual College to support capacity-building activities and provide the Secretariat with inputs and financial support to update and improve its services, including translation of the contents into national languages;
- c) use the CITES implementation reports, as well as direct expression of interest, to inform the Secretariat about their capacity needs;
- d) support the capacity-building efforts of other Parties by providing scholarships for in- person training or training opportunities, and by translating materials into non- working languages of the Convention; and
- e) share ideas, experiences, and information related to the development of a capacity building framework in response to the Notification to Parties issued by the Secretariat under Decision 18.46, paragraph a).

Directed to the Animals Committee and the Plants Committee

18.40 The Animals and Plants Committees shall review the report of the Secretariat called for in Decision 18.46, paragraph c), and provide input and make recommendations to the Standing Committee.

Directed to the Standing Committee

18.41 The Standing Committee shall establish a working group on capacity-building to advise the Standing Committee on the actions outlined in Decisions 18.42 and 18.43 for the development of an integrated capacity-building framework to improve implementation of the Convention. The working group shall include, but not be limited to, participation of: members of the Standing Committee, the Animals and Plants Committees, the Budget and Finance Sub- Committee, and the Secretariat. The working group shall also include a balanced representation of Parties from each region, as well as Parties that are donors and Parties that are recipients of capacity support.

18.42 The Standing Committee shall provide guidance to the Secretariat to refine and consolidate the areas of capacity-building efforts, taking into account the discussions on the Compliance Assistance Programme and Country-wide Significant Trade Reviews, as well as the discussion on the development of an integrated capacity building framework outlined in Decision 18.41.¹

18.43 The Standing Committee shall undertake the following:

- a) review Resolution Conf. 3.4 on Technical cooperation with the view to incorporating capacity-building needs;
- b) consider the inputs and recommendations of the Animals and Plants Committees pursuant to Decision 18.40; and

¹ The Secretariat believes that the intention was to refer to Decision 18.41 and not 18.43.

- c) *make recommendations, including a possible new or revised draft resolution as well as models, tools and guiding documents on capacity building, as appropriate, based on the outcome of the work in Decision 18.46 as well as documents CoP18 Doc. 21.2 and Doc. 21.3, for consideration by the Conference of the Parties at its 19th meeting.*

Directed to the Secretariat

18.44 *The Secretariat shall:*

- a) *collect information on capacity-building materials and efforts from Parties and others, and make them available to Parties through the CITES website;*
- b) *subject to the availability of external funding, undertake the revision and enhancement of the CITES website and of the CITES Virtual College, including selected online courses, to update the content and to improve their effectiveness in providing access to capacity-building resources to Parties;*
- c) *subject to the availability of external funding, provide compliance-related and other general capacity-building support to Parties;*
- d) *inform the Standing, Animals and Plants Committees when needs arise for their review or inputs on capacity-building materials; and*
- e) *subject to the availability of external funding, further cooperate with institutions and organizations to provide Parties with joint capacity-building assistance of relevance to CITES, and provide scholarships for in-person training or training opportunities, and translate materials into non-working languages of the Convention, for example through: the Food and Agriculture Organization of the United Nations (FAO), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the International Consortium on Combating Wildlife Crime (ICWC) (including each of its partners), the International Trade Centre (ITC), the International Tropical Timber Organization (ITTO), the International University of Andalusia (UNIA), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the World Organisation for Animal Health (OIE); and the World Trade Organization (WTO).*

18.45 *In carrying out capacity-building activities, the Secretariat shall pay particular attention to the needs of Parties identified through compliance procedures, recently acceded Parties, developing country Parties, and Small Island Developing States.*

18.46 *The Secretariat shall:*

- a) *based on document CoP18 Doc. 21.3 Annex 5 and in consultation with the Standing Committee, develop a questionnaire and issue a Notification to Parties transmitting the questionnaire to gather input to inform the development of an integrated capacity-building framework;*
- b) *liaise with other Multilateral Environmental Agreements to collect information regarding how their capacity-building efforts are targeted, accomplished, and tracked;*
- c) *prepare a report summarizing the outcomes of its implementation of Decision 18.46, paragraphs a) and b), the outcomes of the needs assessment working group summarized in document SC66 Doc. 20.2 (Rev.1), and the information on capacity-building needs provided by Parties through their implementation reports, for consideration by the Animals and Plants Committees; and*
- d) *subject to the availability of external funding and in consultation with the Standing Committee, Animals and Plants Committees, and the Budget and Finance Sub- Committee, organize a workshop that would facilitate the Standing Committee's tasks set out in Decisions 18.42 and 18.43.*

DECISIONS ADOPTED BY THE 18TH MEETING OF THE CONFERENCE OF THE PARTIES
ON THE COMPLIANCE ASSISTANCE PROGRAMME (CAP)

Directed to Parties

18.68 Parties are invited to:

- a) *provide financial or technical support to Parties subject to compliance mechanisms and other related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures to further strengthen their institutional capacity, including the possibility of deploying short-term 'placements' or 'secondments' to the Parties concerned and peer capacity-building activities as part as the Compliance Assistance Programme (e.g. bilateral cooperation and mentoring by fellow authorities of another Party); and*
- b) *provide to the Secretariat any relevant information on bilateral or multilateral financial or technical assistance provided to Parties subjected to CITES compliance measures to ensure the effective implementation of the provisions of the Convention and the recommendations of the Standing Committee.*

Directed to the Secretariat

18.69 The Secretariat shall establish, subject to the availability of external funding, a Compliance Assistance Programme (CAP) and:

- a) *issue a Notification to the Parties requesting information on any compliance assistance currently provided by governmental, intergovernmental and non- governmental entities;*
- b) *upon request, conduct technical missions and facilitate the organization of in-country assistance coordination mechanisms to selected Parties eligible to benefit from the Compliance Assistance Programme;*
- c) *in consultation with the Masters Course in 'Management and Conservation of Species in Trade, the International framework' hosted by the International University of Andalucía and other relevant masters, explore the possibility and feasibility of training and deploying short term consultants or interns to assist Parties benefiting from the Compliance Assistance Programme;*
- d) *in consultation with the Secretariat of the Global Environment Facility (GEF) and development aid agencies of potential donor countries, explore the possibility and feasibility of strengthening the compliance-based component of the GEF Global Wildlife Program and other relevant programmes, by developing a subprogramme on CITES Compliance Assistance taking into account the recommendations of the Standing Committee and the needs of the Parties concerned;*
- e) *in collaboration with the Montreal protocol and other relevant multilateral environment agreements, conduct a rapid assessment of the lessons learnt from the implementation of a Compliance Assistance Programme under the Multilateral Fund for the implementation of the Montreal Protocol and any other similar initiatives that specifically provide compliance-related assistance; and*
- f) *report to the Standing Committee on the progress made in the implementation of Decisions 18.68 and 18.69 and on the feasibility of mainstreaming a compliance assistance component in the Global Wildlife Program of GEF and other relevant programmes.*

Directed to the Standing Committee

18.70 The Standing Committee shall monitor progress in the implementation of the Compliance Assistance Programme (CAP); consider whether Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures should be amended to reflect the creation of a CAP and assess the report submitted by the Secretariat regarding the collaboration with the Masters Course in 'Management and Conservation of

Species in Trade, the International framework' hosted by the International University of Andalucía and other relevant masters; the feasibility of mainstreaming a compliance assistance component in the Global Wildlife Program of GEF and other relevant programmes; and report its findings and recommendations to the 19th meeting of the Conference of the Parties.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.