

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

Regulation of trade

GUIDANCE FOR MAKING LEGAL ACQUISITION FINDINGS

1. This document has been submitted by the Standing Committee.\*

Background

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.122 to 18.124 on *Guidance for making legal acquisition findings* as follows:

***Directed to the Parties***

**18.122** *Parties are invited to:*

- a) *provide to the Secretariat any relevant information, experiences, or examples regarding the use of guidance in Annex 1 to Resolution Conf. 18.7 on Legal acquisition findings for verifying legal acquisition of CITES specimens to be exported and any relevant information regarding the applicability of the guidance in Annex 1 to the additional circumstances in Annex 2 to Resolution Conf. 18.7; and*
- b) *offer, on request, assistance to developing countries, for the improvement of their capacity to verify legal acquisition, based on nationally identified needs.*

***Directed to the Secretariat***

**18.123** *The Secretariat shall:*

- a) *issue a Notification to the Parties requesting input pursuant to paragraph b) of Decision 18.122;*
- b) *report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.7 on the basis of information, experiences and examples submitted by the Parties;*
- c) *subject to external funding, maintain a dedicated webpage regarding the verification of legal acquisition on the CITES website and update it regularly; and*
- d) *subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.7 and disseminate training material for the verification of the legal acquisition of CITES specimens.*

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\* *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.*

### ***Directed to the Standing Committee***

**18.124** *The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.7, and, assess the report submitted by the Secretariat regarding the implementation of the Resolution by the Parties and where appropriate, make recommendations for improving the verification of legal acquisition by the Parties for submission to the 19th meeting of the Conference of the Parties.*

3. At its 74th meeting (SC74, Lyon, March 2022), the Standing Committee considered and noted document [SC74 Doc. 40](#) that included information relating to the implementation of Decisions 18.122 and 18.123.

#### Implementation of Decision 18.122:

4. Pursuant to paragraph b) of Decision 18.122, Parties were invited to offer, upon request, assistance to developing countries for the improvement of their capacity to verify legal acquisition, based on nationally identified needs. On the basis of the information received in response to Notification to the Parties [No. 2021/060](#), such offers and requests for assistance are rare. Only the United States of America has indicated having provided such assistance, and only within general capacity-building programmes. In addition, the Center for International Environmental Law (CIEL) has developed a Legal Acquisition Finding (LAF) Guidelines Pilot Programme, through which it delivers assistance to several States.

#### Implementation of Decision 18.123

5. In accordance with paragraph a) of Decision 18.123, the Secretariat issued Notification to the Parties No. 2021/060 on 11 October 2021, seeking information on Parties' experience regarding the use of the guidance contained in Annex 1 to Resolution Conf. 18.7 on *Legal acquisition findings* and the applicability of this guidance to the additional circumstances described in Annex 2 of Resolution Conf. 18.7. Nine Parties and a non-governmental organization responded to the Notification. These responses are available upon request.
6. A summary of the responses was reported to the 74th meeting of the Standing Committee (SC74, Lyon, March 2022) and can be found in document [SC74 Doc. 40](#). A majority of the nine respondent Parties indicated that the guidance on legal acquisition findings set out in Annex 1 to Resolution Conf. 18.7 has been implemented in relevant national laws or regulations. Because of the limited number of responses received, it is difficult to assess to what extent this is representative.
7. Thanks to generous funding from the United Kingdom of Great Britain and Northern Ireland, the Secretariat will soon publish and maintain a dedicated webpage regarding the verification of legal acquisition on the CITES website as mandated by paragraph c) of Decision 18.123.
8. Pursuant to Decision 18.123, paragraph d), the Secretariat secured funding for and organized several workshops related to the implementation of Resolution Conf. 18.7. Those workshops were implemented in close collaboration with the Food and Agriculture Organization of the United Nations (FAO). These included a two-day online workshop on LAFs for timber and other wood products in the Lower Mekong Region held in May 2021; an online workshop to strengthen the application of the Convention in the region of Central America in October 2021; and a three-day online training workshop to support national authorities of selected Pacific Island countries in meeting their obligations under the Convention in November 2021, jointly organized by the CITES Secretariat and the FAO [through the Development Law Service (LEGN) of the Legal Office]. At time of writing, the Secretariat is in the process of organizing international workshops on LAFs with the help of funding provided by the United Kingdom, the European Union and Switzerland. The aims of the workshops include *inter alia* providing an opportunity for Parties to discuss the revised rapid guide presented by the Secretariat in the Annex to document SC74 Doc. 40 and for Parties to exchange on the potential development of a digital application for the automatization of relevant steps. The focus will vary depending on the regions from marine species in the Americas to tree species in West Africa.
9. During their report to SC74, the Secretariat noted that Forest Trends and the Center for International Environmental Law developed a *Handbook on Legal Acquisition Findings* that brings together information and guidance on how to prepare and develop national LAF guidelines and on the process of making a legal acquisition finding in practice.
10. Additionally, the Secretariat presented to the Standing Committee an initial revision of the rapid guide for making legal acquisition findings in the Annex to document SC74 Doc. 40. The revised rapid guide was designed in a manner that is sufficiently standardised to be applicable by all Parties for all transactions. The

revisions to the rapid guide were largely based on what is contained in paragraph 5 of the Annex 1 of Resolution Conf. 18.7. It also contains elements of the Handbook on Legal Acquisition Findings mentioned above. A digital application is under consideration to further assist interested Parties in the automatization of relevant steps.

11. The Standing Committee noted the 'Rapid guide for the making of legal acquisition findings' in the Annex to document SC74 Doc. 40. The revised rapid guide builds upon the version presented by the Secretariat in the Annex to document SC74 Doc. 40 by incorporating the outcome of discussions held at international workshops on LAFs mentioned in paragraph 8 above. The Committee further noted that the Secretariat will organize a workshop to review the 'Rapid guide for the making of legal acquisition findings' and agreed to submit to CoP19 the 'Rapid guide for the making of legal acquisition findings' as revised at the workshop. The revised rapid guide will be presented by the Secretariat in an addendum to the present document for the adoption by the Conference of the Parties.
12. The Committee agreed to submit to the 19th meeting of the Conference of Parties (CoP19) the draft decisions in Annex 1 to the present document.

#### Recommendations:

13. The Conference of the Parties is invited to adopt draft decisions 19.AA to 19.CC contained in Annex 1 to the present document.

### COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties:
  - a) adopt the draft decisions 19.AA to 19.CC contained in Annex 1 to the present document;
  - b) adopt the revised 'Rapid guide for the making of legal acquisition findings' contained in the addendum to the present document, along with any necessary changes to Resolution Conf. 18.7 on *Legal acquisition findings*, including its Annexes, that such adoption might require; and
  - c) consider for discussion and adoption any other elements and outcomes of the international workshop on legal acquisition findings held in Oxford, United Kingdom, from 30 August to 1 September 2022 that are contained in the addendum to the present document.
- B. Legal verification is one of the key requirements for the issuance of a CITES export permit and the text of the Convention leaves it to the Parties to decide how to determine whether the specimen was acquired legally. Given the need to prevent the use of CITES permits for fraudulent purposes and to ensure that legal certainty is maintained, the Conference of the Parties has adopted Resolution Conf. 18.7 on *Legal acquisition findings* to adopt guidance for the verification of legal acquisition of CITES specimens.
- C. During its deliberations on this agenda item, the Conference of the Parties is invited to consider the main characteristics of effective guidance, namely that it should be flexible, user-friendly, standardized, practical, cost-effective and rapid (agile). The guidance should be part of a Legal Acquisition Finding (LAF) package that includes databases, handbooks, digital tools and training material as explained in the addendum to the present document. Careful consideration should also be given to how to ensure that the NDF and the LAF guidance are mutually supportive to increase the reliability of the CITES permit system as proof of legality and sustainability. The Secretariat considers that these two pillars of the Convention go hand in hand and that good cooperation between Management and Scientific Authorities is at the heart of the Convention and the LAF and NDF processes.
- D. The Secretariat is very grateful for the financial, technical and logistical support provided by the United Kingdom of Great Britain and Northern Ireland in organizing the international workshop on legal acquisition findings held in Oxford from 30 August to 1 September 2022. The Secretariat is also grateful for the financial support provided by the European Union and Switzerland in support of the legal and compliance related work of the Secretariat.

- E. The Secretariat takes the opportunity to express its thanks for the fruitful, constructive, and open exchanges during the discussions of the rapid guidance which is meant to provide options for the Parties to consider when verifying legal acquisition, rather than a rigid or prescriptive framework.
- F. The Secretariat considers that Decisions 18.122 to 18.124 have been implemented and recommends that they be deleted.

DRAFT DECISIONS ON *LEGAL ACQUISITION FINDINGS*

***Directed to the Parties***

**19.AA** Parties are invited to test the 'Rapid guide for making legal acquisition findings' developed by the Secretariat and offer, upon request, peer assistance to other Parties for the improvement of their capacity to verify legal acquisition for different taxa.

***Directed to the Secretariat***

**19.BB** The Secretariat shall:

- a) subject to external funding, develop digital solutions to automate relevant parts of the 'Rapid guide for making legal acquisition findings' and maintain a dedicated webpage regarding the verification of legal acquisition for different taxa and specimens on the CITES website and update it regularly;
- b) subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.7 on *Legal acquisition findings* and disseminate training material for the verification of the legal acquisition of CITES specimens; and
- c) report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.7 on the basis of information, experiences and examples submitted by the Parties.

***Directed to the Standing Committee***

**19.CC** The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.7, assess any reports submitted by the Secretariat as per Decision 19.BB., paragraph c) and, where appropriate, make recommendations for improving the verification of legal acquisition by the Parties for submission to the 20th 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.

The Secretariat considers that the implementation of the draft resolution has implications workload for the Secretariat and the Standing Committee that can be absorbed within the existing allocated budgetary and human resources. Additionally, the Secretariat proposes the following tentative budget for the implementation of some associated activities subject to the availability of external funds.

<b>Decision</b>	<b>Activity</b>	<b>Indicative costs (USD) (excludes Programme Support Costs)</b>	<b>Source of funding</b>
<b>19.BB a)</b>	Development of digital solutions and maintenance of a dedicated webpage on the CITES website	40,000	Extrabudgetary funds
<b>19.BB b)</b>	Organization of workshops and other capacity-building activities related to the implementation of this Resolution	120,000	Extrabudgetary funds
	Development and disseminate training materials on the verification of legal acquisition	40,000	Extrabudgetary funds