

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

Species specific matters

Elephants (Elephantidae spp.)

REVIEW OF THE NATIONAL IVORY ACTION PLAN PROCESS

1. This document has been submitted by Malawi, Senegal and the United States of America.*

Background

2. At its 62nd meeting (SC62; Geneva, July 2012), the Standing Committee (SC) adopted a number of recommendations concerning elephant conservation, illegal killing and ivory trade on the basis of information provided in Document SC62 Doc. 46.1 (Rev. 1). These included the following recommendations, which laid the groundwork for the National Ivory Action Plan Process:
 - a) Parties identified in the [Elephant Trade Information System] ETIS analysis as being involved in substantial illegal ivory trade as a source, transit, or destination country are requested to submit a written report, by the deadline for the submission of documents for consideration by the Standing Committee at its 63rd meeting (1 January 2013), on their implementation of the provisions of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* and Decision 13.26 (Rev. CoP15) concerning their controls of trade in ivory, including measures to control domestic ivory trade.
 - b) The Secretariat shall evaluate the reports submitted in compliance with the recommendation in paragraph [6. D) of Document SC62 Doc. 46.1 (Rev. 1)], and convey its findings and recommendations to the Standing Committee at its 63rd meeting
3. In response to recommendations endorsed by the Standing Committee at its 63rd and 64th meetings (Bangkok, March 2013), which recognised the need for urgency to address elephant poaching and ivory trafficking, National Ivory Action Plans (NIAPs) were developed and finalised in May 2013 by eight Parties of 'primary concern' in the poaching of elephants and the illegal trade in ivory. At SC65 and SC66, the Standing Committee endorsed recommendations directing certain Parties of 'secondary concern' and of 'importance to watch' to develop NIAPs. All Parties included in the NIAP Process were requested to submit progress reports highlighting implementation of their action plans, in the form of self-assessments and using a reporting template developed and distributed by the Secretariat.
4. At its 67th meeting (SC67; Johannesburg, September 2016), the Standing Committee agreed to keep the process of developing and implementing NIAPs under review. Also at SC67, the European Union and the United States, while noting that the NIAPs were a useful tool against poaching and ivory trafficking, cautioned that the process could be improved to avoid becoming a mere paperwork exercise.
5. At CoP17, the Conference of the Parties considered Document CoP17 Doc. 24 (Rev. 1), revisited the NIAP Process, and adopted a new set of Guidelines to the NIAP Process as well as Decisions 17.70-17.82 on

* *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.*

National ivory action plans process (NIAP), which *inter alia*, called for the continued implementation and refinement of the NIAP Process and directed the Secretariat to convene a meeting of Parties and relevant experts to review the development and implementation of NIAPs; exchange experiences and best practices; identify opportunities for cross-border collaboration and regional cooperation, joint actions, and resource mobilization; and discuss shared challenges and technical assistance needs.

6. At CoP18, the Conference of the Parties considered Document CoP18 Doc. 69.1, and adopted minor amendments to the Guidelines to the NIAP Process, found in Annex 3 to Resolution Conf. 10.10 (Rev. CoP18).

Rationale for a review of the NIAP Process

7. A review of the NIAP Process is warranted for the following reasons:
 - a) The development of the NIAP Process was expedited to respond to an urgent crisis driven by the poaching of elephants and trafficking of their ivory. It therefore has not been systematically evaluated for key gaps.
 - b) Parties have raised concerns about the efficiency and efficacy of NIAP Process, however there is no “built-in” process within the NIAP Guidelines contained in Annex 3 to Resolution Conf. 10.10 (Rev. CoP18) for such a review. As such, review of the NIAP Process would need to be initiated by a separate decision of the CoP.
 - c) Of the 14 Parties currently included in the NIAP Process at the time of writing, five NIAP Parties (Cambodia, Cameroon, Congo, Ethiopia, and Gabon) have not been requested nor required to update their NIAPs since 2013. As a result, several NIAPs are years out of date and thus may not accurately reflect current trends in elephant poaching and ivory trafficking. In comparison, several Parties have been requested to update their NIAPs on a more regular basis, creating disparity across reporting Parties. It is in the interests of all Parties in the NIAP Process for a more transparent and equitable reporting process to be implemented.
 - d) Since its inception, the effectiveness of the NIAP Process has been diminished by low compliance rates. The Secretariat has noted at each of the last four meetings of the Standing Committee that Parties continuously fail to submit progress reports in time for assessment at the relevant Standing Committee meetings, in contravention of the NIAP Guidelines. For example, since 2016, a total of 24 progress reports were not submitted in time by NIAP Parties for consideration at Standing Committee meetings. Since 2018, the Secretariat has twice recommended trade suspensions with Nigeria for non-reporting under the NIAP Process and at the most recent SC74 meeting, six of the 14 NIAP Parties were issued warnings for failure to submit their progress reports in time for consideration at the meeting and were requested to do so within 60 days of the end of the meeting. Furthermore, since 2016 the Secretariat has repeatedly highlighted that NIAP Parties are failing to report on progress using the agreed templates.
 - e) Following consistent failures to submit progress reports in accordance with the Guidelines, the Secretariat has begun requesting that NIAP Parties that fail to submit their reports on time provide oral updates at Standing Committee meetings, even though this is contrary to the NIAP Guidelines. It also deprives the Committee, observer Parties, and observer organizations of the opportunity to review progress ahead of the meeting and formulate responses accordingly.
 - f) There is a need for better alignment and integration between the compliance proceedings under the NIAP and other Article XIII processes, which are currently operating as parallel processes. Following the last meeting of the Standing Committee (SC74), there are now four countries undergoing other Article XIII proceedings that are also NIAP countries (Democratic Republic of Congo, Lao PDR, Nigeria, and Viet Nam).
 - g) To avoid duplication of effort, there may be benefits from better alignment and integration between the reporting requirements for Parties in the NIAP process with for example, the annual illegal trade report, the Elephant Trade Information System, and stockpile reporting.
 - h) The NIAP Process does not fully integrate new tools that have been developed since the NIAP Process began, namely the International Consortium on Combating Wildlife Crime (ICWC) framework for assessing gaps in responses to wildlife crime.

- i) Evaluation of the NIAP progress reports remain largely a self-assessment exercise, and the consultation with independent external experts contemplated in the Guidelines contained in Annex 3 to Resolution Conf. 10.10 (Rev. CoP18) is only “if needed.”

Recommendations

8. The Conference of the Parties is invited to:

- a) note the above rationale for the need for a review of the NIAP Process;
- b) note that the NIAP Process is approaching its ten-year anniversary;
- c) note that the current Guidelines in Annex 3 to Resolution Conf. 10.10 (Rev. CoP18) do not contain provisions for a regular review of the process; and
- d) adopt the following draft decisions:

Directed to the Secretariat

19.AA Subject to external funding, the Secretariat shall, in consultation with the Standing Committee through its Chair, contract a consultant to undertake the following:

- a) conduct a review of the National Ivory Action Plan Process and the associated Guidelines to ensure that they continue to meet the goals of Resolution Conf. 10.10 (Rev. CoP18) and effectively and efficiently improve national and international responses to elephant poaching and ivory trafficking, in a way that appropriately incorporates the use of existing tools and mechanisms available to Parties and avoids duplication of effort. The review of the National Ivory Action Plan Process and its Guidelines should *inter alia*:
 - i) with reference to the above rationale, consider the need for the systematic, regular, and independent review to ensure equity in the application of the NIAP Process and Guidelines for all Parties; and
 - ii) provide recommendations to facilitate and standardize reporting obligations under the NIAP Process, as well as the improved integration of the NIAP Process into existing tools and mechanisms, and alignment of compliance mechanisms; and
- b) provide the Standing Committee with a report on the results of the review for consideration at SC77.

19.BB The Secretariat shall undertake any additional tasks directed to it by the Standing Committee under Decision 19.CC, paragraph a).

Directed to the Standing Committee

19.CC The Standing Committee shall:

- a) at its 77th meeting, review the report called for in Decision 19.AA, determine if further evaluation of the NIAP Process is needed and if so, outline any elements requiring further evaluation and direct the Secretariat to undertake the additional tasks as necessary and provide a report to the Committee at its 78th meeting; and
- b) prepare a report, along with its recommendations for updating the NIAP Process, for consideration for the Conference of the Parties at its 20th meeting.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat supports a review of the NIAP process and recommends a few editorial changes to the draft decisions in paragraph G below.
- B. The Secretariat considers that the NIAP process has proven to be an effective response to combat illegal trade in ivory, as evidenced by the declining trends in elephant poaching and ivory trafficking since the inception of the NIAP process in 2013 (see documents [CoP19 Doc. 66.5](#) and [CoP19 Doc. 66.6](#)). Since then, several Parties most affected by illegal ivory trade have successfully implemented their NIAPs and exited the NIAP process, while other Parties were added to the process. The Secretariat therefore does not concur with the rationale expressed in paragraph 7 d) of document CoP19 Doc. 66.7 that the effectiveness of the NIAP process has been diminished by low compliance rates. Although some NIAP Parties have over the years missed deadlines to report on progress with NIAP implementation to the Standing Committee, or did not use the correct reporting template, the measures agreed by the Standing Committee to address this enabled continued progress and implementation.
- C. Concerning paragraphs 7 f) and g) of the rationale, the Secretariat agrees that there is a need for better alignment and integration between the compliance proceedings under the NIAP and Article XIII processes, and between the reporting requirements for Parties in the NIAP process with other reporting requirements. The Secretariat also agrees that this should be considered in the suggested review of the NIAP process. In this context, the Secretariat points out that it is suggesting a way forward to better align reporting for the Elephant Trade Information System (ETIS) and the annual illegal trade reports in the Secretariat's comments on document [CoP19 Doc. 21](#).
- D. Concerning paragraph 7 h), the Secretariat agrees that tools developed since the NIAP process began (such as the Indicator Framework for Combating Wildlife and Forest Crime, developed by the International Consortium on Combating Wildlife Crime) are of great value. The Secretariat notes, however, that the implementation of these tools can only be encouraged, and not be imposed on Parties. Implementation of such tools is at the discretion of Parties. The Secretariat welcomes that several NIAP Parties have or are already implementing these tools as part of their NIAPs, and the Secretariat will continue to encourage others to do the same.
- E. Regarding paragraph 7 i), the Secretariat notes that in accordance with Step 4, paragraph c), of the *Guidelines to the NIAP Process*, the reports on progress with NIAP implementation are evaluated by the Secretariat, based on Parties' self-assessments and in cooperation with experts, if needed. As required by Step 4, paragraph c), the Secretariat makes the Parties' self-assessments, its evaluations and associated recommendations to the Standing Committee publicly available on the NIAP webpage. The Secretariat believes that opening up the evaluation of the progress reports beyond the Secretariat would make the NIAP process unwieldy and potentially unmanageable (under the current funding and staffing constraints).
- F. Considering that the review will be subject to external funding, the Secretariat is of the view that it may not be feasible to provide the 77th meeting of the Standing Committee with a report on the results of the review and that the 78th meeting of the Standing Committee would be more realistic.
- G. The Secretariat supports a review of the NIAP process, with editorial changes to the proposed draft decision 19.AA, as shown below.

Added text shown underlined and deleted text shown in ~~strike through~~.

Directed to the Secretariat

- 19.AA Subject to external funding, the Secretariat shall, in consultation with the Standing Committee through its Chair, ~~contract a consultant to undertake the following:~~
- a) Conduct ~~carry out~~ a review of the National Ivory Action Plan Process and the associated Guidelines to ensure that they continue to meet the goals of Resolution Conf. 10.10 (Rev. CoP18) and effectively and efficiently improve national and international responses to elephant poaching and ivory trafficking, ~~in a way that appropriately incorporates the use of existing tools and mechanisms available to Parties and avoids duplication of effort.~~ The review of the National Ivory Action Plan Process and its Guidelines should *inter alia*:

- i) ~~with reference to the above rationale,~~ consider the need for the systematic, and regular, ~~and independent~~ review of the National Ivory Action Plan Process to ensure equity in the application of the NIAP Process and Guidelines remain up to date with future developments for all Parties; and
 - ii) provide recommendations to facilitate alignment and standardize reporting obligations under the NIAP Process, as well as the improved integration of the NIAP Process with into existing tools and mechanisms, and alignment of compliance mechanisms; and
- b) provide the Standing Committee with a report on the results of the review for consideration at SC778.

[...]

**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 review called for in Decision 19.AA will be undertaken subject to external funding, and we anticipate that additional support from the Secretariat to implement Decisions 19.AA - 19.CC contained in the present document can be accommodated within the work of existing Secretariat staff.

The Secretariat proposes the following tentative budget and source of funding:

Decision	Activity	Indicative costs (USD) (excludes Programme Support Costs)	Source of funding
19.AA	Review of the National Ivory Action Plan Process and the associated Guidelines to ensure that they continue to meet the goals of Resolution Conf. 10.10 (Rev. CoP18) and effectively and efficiently improve national and international responses to elephant poaching and ivory trafficking.	50,000	Extrabudgetary