

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



Joint sessions of the 33rd meeting of the Animals Committee and
the 27th meeting of the Plants Committee
Geneva (Switzerland), 12 - 13 July 2024

Strategic matters

Capacity building

COUNTRY-WIDE REVIEW OF SIGNIFICANT TRADE

1. This document has been submitted by the co-chairs of the joint intersessional working group on *Country-wide Review of Significant Trade*.*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.47 and 19.48 on *Country-wide Review of Significant Trade*, as follows:

Directed to the Animals and Plants Committees

19.47 *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, in consultation with the Secretariat

19.48 *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.*

3. At the 26th meeting of the Plants Committee (PC26; Geneva, June 2023) and the 32nd meeting of the Animals Committee (AC32; Geneva, June 2023), the Committees considered document [PC26 Doc. 14 / AC32 Doc. 13](#) which was submitted by the Chairs of the Animals and Plants Committees and proposed the establishment of a joint intersessional working group to assist in the implementation of Decision 19.47.

* *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*

4. The Plants and Animals Committee established a joint intersessional working group with a mandate to (see summary records [PC26 SR](#) and [AC32 SR](#)):
 - a) review the progress updates on the Compliance Assistance Programme (CAP) in document [SC74 Doc. 29](#), document [CoP19 Doc. 30](#) and [Resolution Conf. 14.3 \(Rev. CoP19\)](#) on *CITES compliance procedures*; and capacity-building activities in documents [SC74 Doc. 22](#), document [CoP19 Doc. 16](#) and [Resolution Conf. 19.2](#) on *Capacity-building*;
 - b) consider whether scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar and outlined in document [AC30 Doc. 12.3/PC24 Doc. 13.3](#) are sufficiently addressed through existing mechanisms or, if appropriate, propose amendments to [Resolution Conf. 12.8 \(Rev. CoP18\)](#) or other existing resolutions, develop a new resolution, or propose a new mechanism to undertake such reviews; and
 - c) present its findings and recommendations to the joint session of the 33rd meeting of the Animals Committee and 27th meeting of the Plants Committee in 2024
5. The membership of the working group was agreed as follows:

Co-Chairs for AC: Chair of the Animals Committee (Mr. Lörtscher) and alternative representative for North America (Mr. Leuteritz);

Chair for PC: representative for Europe (Ms. Smyth);

AC Members: representative of Oceania (Mr. Robertson)

Parties: Canada, China, Democratic Republic of the Congo, European Union, Germany, Madagascar, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America; and

IGOs and NGOs: United Nations Environment Programme – World Conservation Monitoring Centre, International Union for Conservation of Nature, Association Technique Internationale des Bois Tropicaux, ForestBased Solutions, Humane Society International, Species Survival Network, TRAFFIC, World Wide Fund for Nature.
6. The joint intersessional working group worked through electronic means to implement the mandate and considered in its deliberations several factors that are outlined in paragraphs 7 to 18 below.

Discussion

7. 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.
8. The Annex to document SC74 Doc. 31 presented a review of RST cases that were current at the time, 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.
9. In document SC74 Doc. 31, the Secretariat had concluded that the scientific and management issues identified in the country-wide Significant Trade Review for Madagascar could be integrated into other existing mechanisms or programme activities, in particular the Compliance Assistance Programme, and invited the Standing Committee to support its conclusion.
10. However, at SC74, 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.

Compliance Assistance Programme (CAP)

11. As reported at the 74th meeting of the Standing Committee (SC74; Lyon, March 2022), the primary objective of the Compliance Assistance Programme (CAP) is to support Parties in achieving or restoring compliance (see document SC74 Doc. 29). The CAP provides tailored support to address recommendations by the Standing Committee and the Conference of the Parties and take action under specific compliance mechanisms. This includes the Article XIII process, the National Legislation Project, annual reporting, the Review of Significant Trade process, the review of trade in specimens reported as captive-bred and processes such as the National Ivory Action Plans process. The details of the CAP are outlined in Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*.
12. This support can take various shapes, such as direct mentoring and expert advice, training workshops, experience sharing between Parties and short-term personnel placements. Examples of activities that are being carried out through the CAP include but are not limited to: the making of non-detriment findings (NDFs) and legal acquisition findings (LAFs); advice and good practice in developing legislation on CITES; support on CITES permits procedures; guidance for data management and preparation of annual trade reports and fulfilment of other reporting requirements; support to Parties' efforts to combat illegal trade and ensuring effective enforcement of the Convention; and good practices for the management and disposal of seized and confiscated specimens of CITES-listed species.
13. The Secretariat presented an update on the implementation of Resolution Conf. 14.3 (Rev. CoP19) and the CAP in document [SC77 Doc. 24](#) but noted that "overall, financial and technical support for the implementation of the CAP is still limited. There are clearly gaps in the compliance assistance to meet the needs of all Parties, and stable and regular funding will be required to bridge these gaps".
14. To-date, six countries have been selected to conduct a pilot phase of the CAP, namely Guinea, Nigeria, Solomon Islands, Suriname and Togo, as well as Lao People's Democratic Republic, who is planning its second phase of CAP activities. However, according to the most recent overview of cases subject to RST, presented in the Annex to document [SC77 Doc. 35.1 \(Rev. 1\)](#), there are currently 119 cases (species or taxa/country or range State combinations). Of these cases, 80 relate to fauna and 39 relate to flora. A total of 50 countries are currently included in the review. It should be noted that this including the 21 species/country combinations that were selected by the Animals Committee and the 20 species/country combinations selected by the Plants Committee for inclusion in Stage 2 of RST at their 32nd and 26th meetings respectively (AC32 and PC26; Geneva, June 2023). It is also worth noting that the list of cases is updated on a regular basis, with new cases selected for possible review at the first meetings of the Animals and Plants Committee after each CoP.

Capacity-building framework

15. CoP19 also adopted Decision 19.41 on *Capacity-building*, which reads as follows:

Directed to the Standing Committee with inputs from the Animals and Plants Committees, the Finance and Budget Subcommittee, and the Secretariat

19.41 *The Standing Committee shall:*

- a) *continue the development of an integrated capacity-building framework, including a common language and clear definitions, to improve the implementation of the Convention, with inputs from the Animals and Plants Committees, the Finance and Budget Subcommittee, and the Secretariat;*
- b) *in doing so, ensure the representation of perspectives and contexts of different regions and stakeholders (including from Parties that fund and Parties that receive capacity-building support) and consider developing a mechanism for Parties to identify the specific needs that, if met, would allow them to achieve full capacity to implement CITES; and*

- c) *provide a draft integrated capacity-building framework (which may include conceptual models, tools and guidance), along with its recommendations, for consideration of the Conference of the Parties at its 20th meeting.*

16. At the 77th meeting of the Standing Committee (SC77; Geneva, November 2023), the Secretariat provided an update on the implementation of Decision 19.41. The Secretariat indicated that it intends to organize, in consultation with the Chairs of the Standing Committee and the Animals and Plants Committees, as well as the Chair of the Finance and Budget Subcommittee, one or more regional technical consultations that would facilitate the implementation by the Standing Committee of this decision. To-date, no funding has been identified for these regional consultations and it is not clear how the Standing Committee intends to engage with the Animals and Plants Committee on the development of an integrated capacity-building framework.

New guidance on making Non-Detriment Findings (NDFs)

17. Since CoP19, the implementation of Decision 19.132 has led to the development of comprehensive new guidance on making Non-Detriment Findings, which should serve as a useful new resource for those range States that are currently subject to review under Resolution Conf. 12.8 (Rev. CoP18).
18. The CITES NDF guidance is available on the [NDF webpage](#) of the CITES website and further details will be provided to this meeting of the Animals and Plants Committees.

Conclusions of the working group

19. The development of an integrated capacity-building framework remains ongoing, it is therefore not yet possible to determine if this will sufficiently address the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar.
20. While the CAP will provide much needed targeted assistance to Parties facing persistent challenges, including measures to assist Parties in addressing its obligations under RST, it relies on significant levels of funding and a country struggling with RST may not be selected as a priority country for assistance. At present, only 6 Parties have received targeted assistance under the CAP, while there are currently 50 countries subject to RST.
21. Continued consideration of a country-wide Significant Review process should focus on ways that the Animal and Plant Committees can support those Parties with re-occurring issues regarding NDFs for multiple species and who are not currently eligible for the CAP program. An additional Decision directed to the scientific Committees could be proposed to facilitate this discussion on the possible role of the scientific Committees.
22. To address the desire of the Animals and Plants Committees to assist range States that are struggling with meeting the recommendations under RST, the working group agreed to propose the following draft decisions for consideration by the Animals and Plants Committees:

Directed to Parties subject to recommendations under the Review of Significant Trade

20.AA *Parties subject to recommendations under the Review of Significant Trade are encouraged to make use of the Guidance on the making of non-detriment findings (NDFs) developed under Decision 19.132; and provide feedback on the use of this guidance to the Secretariat.*

Directed to the Secretariat

20.BB *Subject to the availability of resources, the Secretariat shall provide targeted capacity-building support at a national level to Parties currently subject to recommendations under the Review of Significant Trade, including the application of the new NDF Guidance produced under Decision 19.132.*

Directed to the Animals and Plants Committees

20.CC *The Animals and Plants Committees shall, taking into account the progress made under the Compliance Assistance Programme and the development of a Capacity-Building Framework:*

- a) *consider whether a complementary new mechanism should be developed to provide targeted support to Parties with recurring issues in making non-detriment findings for multiple species as highlighted through the Review of Significant Trade Process and on the possible role of the Scientific Committees in facilitating this; 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, in consultation with the Secretariat

20.DD *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 21st meeting of the Conference of the Parties.*

Recommendations

23. The Animals and Plants Committees are invited to:
- a) note the conclusions of the working group as outlined in paragraphs 19 to 21; and
 - b) agree to propose replacing Decisions 19.47 and 19.48 with the draft decisions in paragraph 22 for consideration by the Standing Committee.