

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



Seventy-fifth meeting of the Standing Committee
Panama City (Panama), 13 November 2022

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

Application of Article XIII: Reports of the Secretariat

APPLICATION OF ARTICLE XIII IN THE DEMOCRATIC REPUBLIC OF THE CONGO

1. This document has been prepared by the Secretariat.

Introduction

2. At its 66th (SC66, Geneva, January 2016), 67th (SC67, Johannesburg, September 2016), and 69th meetings (SC69, Geneva, November 2017), the Standing Committee reviewed the effective implementation of CITES in the Democratic Republic of the Congo (DRC), in accordance with the provisions of Article XIII of the Convention. Based on document SC69 Doc. 29.2.2 prepared by the Secretariat and on information provided by the DRC, the Standing Committee, at its 69th meeting, reviewed a number of recommendations on the management of quotas and the issuance of export permits, the management of trade in African grey parrots (*Psittacus erithacus*), illegal trade, trade of afrormosia (*Pericopsis elata*) and technical and financial assistance (see document SC69 SR).
3. At the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), the DRC submitted to the Secretariat a report on progress made in the implementation of these recommendations (see SC70 Doc. 27.3.2.1). At the end of the meeting, the Standing Committee issued a number of recommendations on the setting and management of quotas, the management of trade in *Psittacus erithacus*, trade in pangolin stockpiles, trade in timber of *Pericopsis elata*, illegal trade and support for the implementation of the Convention. The DRC was asked to report to the Secretariat on progress made in the implementation of these recommendations by 31 December 2019, in order for the Secretariat to provide its report and its comments to the 73rd meeting of the Standing Committee. In March 2021, the DRC submitted to the Secretariat a report on the implementation of these recommendations. However, due to the disruptions associated with the COVID-19 pandemic, the Standing Committee was not able to review that document at its 73rd meeting (SC73, online, May 2021).
4. On 2 March 2022, the DRC submitted to the Secretariat a new report on the implementation of these recommendations (see information document SC74 Inf. 17). However, because of the late submission of this document, the Secretariat was not able to review it in time. The report provided by the Secretariat to the 74th meeting of the Standing Committee (SC74, Lyon, March 2022) was based on the report submitted by the DRC in March 2021 [see document SC74 Doc. 28.2.2 (Rev. 1)]. Considering this report as well as the oral report of the DRC (represented by the Republic of the Congo) at that meeting, the Standing Committee adopted a series of recommendations (see document SC74 SR). Among these recommendations, the Committee invited the Secretariat to review the new information provided by the DRC in information document SC74 Inf. 17 and to submit any revised relevant recommendations to the 75th meeting of the Standing Committee. The Standing Committee also invited the DRC to report to the Secretariat on progress

in the implementation of these recommendations by 31 December 2022, in order for the Secretariat to convey its report and its comments to the 77th meeting of the Standing Committee.

Review of the report submitted by the DRC on 2 March 2022 (information document SC74 Inf. 17)

Regarding quota setting and management

5. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee made the following recommendation:
 - a) *The Democratic Republic of the Congo (DRC) shall strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science.*
6. At its 74th meeting (SC74, March 2022), the Standing Committee made the following recommendation:
 - a) *The Democratic Republic of the Congo (DRC) shall continue to strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science, particularly considering the species of wild fauna and flora in DRC that are currently included in the Review of Significant Trade process;*
7. Between the report submitted to the Secretariat by the DRC in March 2021 and that of March 2022, no significant measures were taken to build the capacity of the Scientific Authority. Therefore, the Secretariat recommends to uphold the recommendation made by the Standing Committee at its 74th meeting about the setting and management of quotas.
8. It should be noted that, in parallel to the recommendations made under Article XIII, the DRC is currently included in the Review of Significant Trade (RST) for the species *Prunus africana* (see document PC23 SR). In line with the recommendation applicable under this process, since 2019, the DRC has submitted non-detriment findings and complementary information on the setting of proposed quotas for this species to be reviewed by the Secretariat and the Chair of the Plants Committee. The quotas were approved and published on the CITES website for the years 2019 to 2022. The context, updates and progress made in the implementation of the recommendations under the Review of Significant Trade for *Prunus africana* in the DRC are presented in detail in document SC75 Doc. 8. The DRC is also included in the Review of Significant Trade (RST) for the species *Pericopsis elata*, as explained in document SC75 Doc. 8.

Regarding the management of trade in *Psittacus erithacus*

9. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee made the following recommendations:
 - b) *Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from DRC pending compliance with the recommendations made at SC69.*
 - c) *Donors and cooperation agencies are encouraged to support DRC in the undertaking of population surveys and development of management plans for *Psittacus erithacus*.*
10. At its 74th meeting (SC74, March 2022), the Standing Committee made the following recommendation:
 - a) *Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the DRC pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017);*
11. Between the report submitted to the Secretariat by the DRC in March 2021 and that of March 2022, no significant measures regarding management of trade in *Psittacus erithacus* were reported. Therefore, the Secretariat considers that it is not necessary to review the recommendation made by the Standing Committee at its 74th meeting about this issue.

Regarding trade in pangolin stockpiles

12. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee made the following recommendation:

- d) *Parties shall suspend trade in stockpiled specimens of *Manis spp.* from DRC, until further guidance is provided by the Conference of the Parties at its 18th meeting (CoP18).*

13. At its 74th meeting (SC74, March 2022), the Standing Committee made the following recommendations:

- c) *Parties shall not authorize trade of specimens from stockpiles of *Manis spp.* held in the DRC, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).*

- d) *The Standing Committee urges the Management Authorities of the DRC and the Republic of the Congo to provide the information requested by the Secretariat on 17 June 2021 about the repatriation of pangolin scales.*

14. The DRC recalled its intention to put an end to trade in stockpiles of pangolin scales, officialized on 30 September 2018 by the President of the Democratic Republic of the Congo with the burning of 1197 kg of pangolin scales in Kinshasa. Since then, the DRC has reported that no commercial trade has taken place and no export permits have been issued. The CITES Trade Database has no records of legal trade of *Manis spp.* since SC70.

15. On 5 June 2021, the Secretariat became aware¹ of the repatriation of a significant amount of pangolin scales from the Republic of the Congo to the DRC. These scales, which originated from Kinshasa (DRC), had been seized between 21 and 28 June 2018 by the Brazzaville Police (Republic of the Congo). The repatriation took place in the framework of a joint operation between the INTERPOL National Central Bureau (NCB) of the Republic of the Congo and the INTERPOL NCB of the Democratic Republic of the Congo, with no involvement of the CITES Management Authority of the DRC.

16. Pursuant to paragraph 4 of Article III of the Convention:

The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- a) *a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;*
- b) *a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;*
- c) *a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.*

It should be noted that these provisions also apply to seized or confiscated specimens. However, as far as the Secretariat understands, no import permits or reexport certificates have been issued for this purpose by the CITES Management Authorities of the countries concerned.

17. Moreover, according to paragraph 2 a) of Resolution 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, which deals with the disposal of dead and accumulated specimens, the Conference of the Parties recommends that *Parties dispose of confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable.*

18. In this context and in the framework of the procedure under way in accordance with Article XIII of the Convention, the Secretariat sent a letter on 17 June 2021 to the CITES Management Authority of the DRC

¹ [Official communiqué of the ICN, 5 June 2021, problematic return of pangolin scales seized in 2018](#)

requesting more information on the repatriation of pangolin scales from the Republic of the Congo to the DRC, specifically:

- a) the documents issued by the authorities of the Republic of the Congo and the authorities of the DRC for the repatriation of these specimens;
 - b) the exact volume of scales repatriated from the Republic of the Congo to the DRC (in kg);
 - c) the authorities involved in this repatriation and the expenses of repatriation;
 - d) the purpose and goal of the repatriation as well as the final destination planned for the specimens;
 - e) the current place of storage of the pangolin scales (18 bags) and the control measures taken to ensure the safety of the specimens stored (e.g. marking, registration); and
 - f) information on the seizure and confiscation of these specimens by the authorities of the Republic of the Congo and the possible outcomes of the legal actions taken in this context;
19. On the same date, the Secretariat sent a similar letter to the CITES Management Authority of the Republic of the Congo, requesting additional information such as the international agreements and cooperation protocols that exist between the Republic of the Congo and the DRC.
20. In accordance with Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures* and Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, the Management Authorities of the DRC and the Republic of the Congo were asked to provide this information to the Secretariat within one month, that is, by 17 July 2021, or to propose a later date on which this information could be submitted to the Secretariat. However, at the time of the SC74 meeting, despite several reminders, the Secretariat had not received any answers from the Management Authorities of the DRC or the Republic of the Congo.
21. Following SC74, the Republic of the Congo and the DRC provided information to the Secretariat to address the concerns raised. According to this communication, on 2 June 2021, 1798 kg of pangolin scales were transferred from the Republic of the Congo to the DRC under the responsibility of the INTERPOL National Central Bureaus (NCBs) of both countries. Reportedly, the transfer of the seized specimens between the NCBs of both countries was authorized by the High Court of Brazzaville. In this case, two individuals were ordered to pay USD 35,000 in damages. In fact, no re-export permits had been issued when the specimens were sent from the republic of the Congo to the DRC. Reportedly, the specimens are currently stored in the General Directorate of Criminal Records of the DRC National Police. The DRC also reported that the specimens would be destroyed by burning in a ceremony organized by the *Institut Congolais pour la Conservation de la Nature* (ICCN, Congolese Institute for Nature Conservation) in cooperation with the stakeholders. The Secretariat invites the DRC to provide an update of this information at the present meeting.
22. In this context, the Secretariat recommends to revise the recommendation made by the Standing Committee at its 74th meeting regarding trade in pangolin stockpiles, maintaining paragraph c) and deleting paragraph d) of this recommendation.

Regarding illegal trade

23. At its 74th meeting (SC74, March 2022), the Standing Committee made the following recommendation:
- f) *DRC shall intensify efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary investigative teams involving all relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory.*
24. Between the report submitted to the Secretariat in March 2021 and that of March 2022, the DRC states that it has continued to fight illegal trade of CITES-listed species at several levels:
- a) Data analyses: the DRC sent scientific samples to laboratories based in the United States of America for criminal analysis to identify organized criminal groups operating in its territory and abroad. The results and outcomes of the analyses have not been shared with the Secretariat.

- b) Meeting of multi-disciplinary teams: the Task force against illegal wildlife trade (*Task Force contre le commerce illégal d'espèces sauvages*) established at the national level is reported to still be operational in the DRC. It includes the CITES Management Authority of the DRC, the corps in charge of ensuring the protection of national parks and nature reserves (CORPPN), the *Direction Générale des Douanes et Accises* (Customs Authority), the *Office Congolais de Contrôle* (national government agency responsible for controlling exports), the *Autorité de l'Aviation Civile* (civil aviation authority), the *Autorité de Régulation de la Poste et des Télécommunications du Congo* (authority in charge of regulating the postal and telecommunications service), the *Société Congolaise de Poste and Télécommunications* (postal and telecommunications service), the *Régie des Voies Aériennes* (publicly-owned airways operator), the *Direction Générale de Migration* (Department of Migration), the specialized intelligence services (*Agence Nationale des Renseignements, Cellule Nationale des Renseignements Financiers, Etat Major du Renseignement*), the Civil and Military Prosecutor's Offices, the National Police (i.e. border police), the *Commissariat Fluvial* (river agency) and the INTERPOL-NCB, as well as the Plant Production and Protection Division of the Ministry of Agriculture and the Animal and Fish Quarantine Service of the Ministry of Fisheries and Livestock (*Direction des Prévention et des Protection des Végétaux du Ministère de l'Agriculture et du Service de Quarantaine Animale et Halieutique du Ministère de Pêche et Élevage*). These government services cooperate with the Management Authority to dismantle the networks of wildlife traffickers.
- c) Investigations and operations: The DRC has reported large seizures of ivory (about 1300 kg) and pangolins (2 live specimens) as well as the arrest and conviction of poachers and traffickers of these species. Among these convictions, a notorious poacher who led a major ivory trafficking network was sentenced to twenty years' imprisonment and the payment of USD 25,000 in damages. Most other cases are currently under investigation. The Secretariat was also informed of the seizure by the authorities of the DRC of one and a half tonnes of ivory in May 2022, amounting to the killing of 150 elephants. Three alleged traffickers were arrested and handed over to the prosecutor's office of Lubumbashi.²

25. The Secretariat notes that the report of the DRC does not mention the adoption of a decree regulating the implementation of CITES in the DRC with the specific aim of strengthening the powers of the authorities. The Secretariat invites the DRC to submit an update of this process at the present meeting.
26. In addition, since April 2021 the DRC is receiving support from the United Nations Office on Drugs and Crime (UNODC) to build the capacity of the players of the criminal justice system. A summary of the technical and financial support provided to the DRC in terms of law enforcement and combating illegal trade is available in document CoP19 Doc. 17.5.
27. In this context, the Secretariat recommends that the Standing Committee highlight the significant efforts made by the DRC to fight illegal wildlife trade, particularly of pangolins and elephants. Considering the scope of this trafficking and the recent seizures made (i.e. more than one and a half tonnes of ivory seized in May 2022), the multiplication of initiatives such as data analysis for identification of criminal groups, multi-disciplinary collaborations between the authorities and operations to dismantle these networks remain essential. The Secretariat recommends to delete the recommendation adopted by the Standing Committee at its 74th meeting considering that it is addressed more specifically by the National Ivory Action Plans process (document SC75 Doc. 7.4) and wildlife crime enforcement support in West and Central Africa (document CoP19 Doc. 36.1).

Regarding compliance assistance

28. At its 70th meeting (SC70, Sochi, October 2018) and its 74th meeting (SC74, Lyon, March 2022), the Standing Committee made the following recommendation:
- g) *Parties, partners and donors are encouraged to provide joint and coordinated financial, technical and logistical support to DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance.*
29. Given that this recommendation is necessary to implement the recommendations of the Standing Committee as a whole, the Secretariat recommends to maintain it without any changes.

² *RFI, May 2022, DRC: record seizure of one and a half tonnes of smuggled ivory in Lubumbashi*

Conclusion

30. The Secretariat wishes to congratulate the authorities of the DRC for their efforts to implement the recommendations of the Standing Committee in general and to thank the Parties, partners and donors for the technical and financial support provided to the DRC for their implementation.

Recommendations

31. The Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC74 as follows:

Regarding quota setting and management

- a) The Democratic Republic of the Congo (DRC) shall continue to strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science, particularly considering the species of wild fauna and flora in DRC that are currently included in the Review of Significant Trade process;

*Regarding the management of trade in *Psittacus erithacus**

- b) Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the DRC pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017);

Regarding trade in pangolin stockpiles

- c) Parties shall not authorize trade of specimens from stockpiles of *Manis* spp. held in the DRC, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).

Regarding compliance assistance

- d) Parties, partners and donors are encouraged to provide coordinated financial, technical and logistical support to the DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance;

Regarding reporting

- e) The DRC should report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2022, in order for the Secretariat to convey its report and its comments to the 77th meeting of the Standing Committee.