

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



Seventy-seventh meeting of the Standing Committee  
Geneva (Switzerland), 6–10 November 2023

Compliance

APPLICATION OF ARTICLE XIII IN THE DEMOCRATIC REPUBLIC OF THE CONGO

1. This document has been prepared by the Secretariat.

Introduction

2. The Democratic Republic of the Congo was the first country to participate in the Article XIII process, following new approach to compliance matters that has led to a separate and targeted use of Article XIII as a specific procedure (see document [SC66 Doc. 28](#)). Triggering Article XIII is considered to be a serious indication of apparent systemic or structural problems with the implementation and enforcement of the Convention. An Article XIII process will often include an inquiry being made by the Secretariat in the country concerned, upon invitation from the Party, leading to detailed recommendations being made by the Secretariat on actions to be taken by the Party. Such recommendations will cover all issues relevant for the effective implementation of the Convention.
3. At its 66th meeting (SC66; Geneva, January 2016), the Standing Committee reviewed the effective implementation of the Convention in the Democratic Republic of the Congo and made a number of recommendations. In particular, the Democratic Republic of the Congo was encouraged to consider relocating the CITES Management Authority to more secure premises (see summary record [SC66 SR – p. 32](#)). Following this recommendation from the Standing Committee, the Management Authority was transferred from the Ministry of the Environment to the *Institut Congolais pour la Conservation de la Nature* (ICCN, Congolese Institute for Nature Conservation).
4. At its 67th (SC67; Johannesburg, September 2016), 69th (SC69; Geneva, November 2017), 70th (SC70; Sochi, October 2018) and 74th meetings (SC74; Lyon, march 2022), the Standing Committee re-examined the effective implementation of the Convention in the Democratic Republic of the Congo and revised a number of recommendations on quota management and issuance of export permits; management of trade in African grey parrots (*Psittacus erithacus*); illegal trade; trade in pangolin stockpiles; trade in Afrormosia (*Pericopsis elata*) and international technical and financial assistance.
5. At the 75th meeting of the Standing Committee (SC75; Panama City, November 2022), the Secretariat presented document [SC75 Doc. 7.2. 3 \(Rev. 1\)](#), underlining that the Democratic Republic of the Congo had recalled its intention to put an end to trade in pangolin scales and to destroy the remaining stockpiles, and that significant progress had been made in combating illegal trade of pangolins and elephant ivory. The Democratic Republic of the Congo submitted a report on the progress made in the implementation of the Standing Committee's recommendations on 30 January 2023.

Review of the report submitted by the Democratic Republic of the Congo on 30 January 2023

***Regarding quota setting and management***

6. At its 75th meeting (SC75; Panama City, November 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 the Democratic Republic of the Congo that are currently included in the Review of Significant Trade process.*
7. According to the report submitted by the Democratic Republic of the Congo, the Scientific Authorities in charge of making non-detriment findings (NDFs) for *Pericopsis elata* and *Prunus africana*, two species included in the Review of Significant Trade process, received capacity building support under a project funded by the CITES Tree Species Programme (CTSP) that was implemented from 2019 to June 2022. The training focused on the making of NDFs for the above-mentioned species.
8. The report also mentions the capacity building provided some time ago to the Scientific Authorities in charge of *Pericopsis elata*, *Guibourtia demeusei* and *Prunus africana* in the framework of the regional training workshop on the practical application of the Convention's guidance on the making of NDFs, organized by the *Agence Nationale des Parcs Nationaux* (ANPN, National Agency for National Parks) of Gabon in cooperation with TRAFFIC, with the financial support of the German Federal Agency for Nature Conservation. The training took place from 12 to 13 December 2018 in the site known as "Baie des Tortues" of Pongara National Park in Libreville, Gabon, and dealt with the nine-step process for making NDFs for tree species. Apart from the above-mentioned Scientific Authorities, those of Cameroon, the Congo and Gabon also participated. A similar training workshop took place at Dar es-Salaam, United Republic of Tanzania, from 10 to 15 March 2019, under the CTSP.
9. Apart from these two workshops, the CITES Management Authority of the Democratic Republic of the Congo reported providing training to the Scientific Authorities at meetings of the CITES National Committee (from 24 to 30 January 2023 in Kinshasa) on the setting of export quotas for specimens of species of wild fauna and flora for the year 2023. The workshop brought together university lecturers and representatives of national non-governmental organizations and is reported to have made it possible to set export quotas for species of fauna and flora based on scientific data (see the [CITES web page on export quotas](#)).

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

10. At its 75th meeting (SC75; Panama City, November 2022), the Standing Committee made the following recommendation:
- b) *Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the Democratic Republic of the Congo pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017).*
11. According to the report submitted by the Democratic Republic of the Congo, no commercial trade of specimens of *Psittacus erithacus* (African grey parrot) have been authorized in the Democratic Republic of the Congo since the decision to suspend trade was made, although the reservation entered by the Democratic Republic of the Congo at CoP17 on the transfer of this species from Appendix II to Appendix I is still in force.
12. No official population surveys of *Psittacus erithacus* have been undertaken to date due to the lack of financial resources. The Democratic Republic of the Congo stated that it was ready to work with donors and cooperation agencies to receive their support for conducting the population surveys and preparing management plans for *Psittacus erithacus*.
13. According to information received by the Secretariat from non-official sources, African grey parrots continue to be captured and transported in large numbers in the Democratic Republic of the Congo (according to some estimations, in numbers that may exceed 1000 individuals per month) and this takes place in an organized and structured way.

#### **Regarding trade in pangolin stockpiles**

14. At its 75th meeting (SC75; Panama City, November 2022), the Standing Committee made the following recommendation:

- c) *Parties shall not authorize trade of specimens from stockpiles of Manis spp. held in the Democratic Republic of the Congo, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).*
15. According to the report, the Democratic Republic of the Congo decreed the end of trade in stockpiles of pangolin scales, officialized on 30 September 2018 by the President of the country with the burning of 1197 kg of pangolin scales in Kinshasa. Since then, the Democratic Republic of the Congo 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.
16. In this context, the Secretariat recommends revising the recommendation made by the Standing Committee at its 75th meeting on trade in pangolin stockpiles by deleting paragraph c) of this recommendation concerning the Democratic Republic of the Congo.

#### **Regarding compliance assistance**

17. At its 75th meeting (SC75; Panama City, November 2022), the Standing Committee made the following recommendation:
- d) *Parties, partners and donors are encouraged to provide coordinated financial, technical and logistical support to the Democratic Republic of the Congo to support the implementation of the above recommendations with a particular focus on scientific-related assistance.*
18. Apart from the CTSP project funded by the European Union, focused on *Pericopsis elata*, *Prunus africana* and *Guibourtia demeusei*, the report mentions the training provided by the United Nations Office on Drugs and Crime (UNODC) and the African Wildlife Foundation (AWF) during the capacity building workshop on enforcement through species and specimen identification and the respect of human rights, held from 12 to 16 December 2022 in Kinshasa. The Democratic Republic of the Congo also benefitted from several training workshops organized by UNODC and the World Bank to build the capacity of the players of the criminal justice system.
19. In its report, the Democratic Republic of the Congo requests to be considered among the beneficiary countries of the Compliance Assistance Programme (CAP).

#### **Regarding illegal trade**

20. At its 75th meeting (SC75; Panama City, November 2022), the Standing Committee made the following recommendation:
- f) *The Democratic Republic of the Congo shall continue its 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. These actions should become incorporated into the national measures of the Democratic Republic of the Congo.*
21. The report states that the Democratic Republic of the Congo has strengthened its efforts to combat illegal trade in CITES-listed species at several levels:
- a) Numerous cases of seizures of elephant ivory and pangolin scales are documented in the illegal trade report submitted by the Democratic Republic of the Congo to the Secretariat for the year 2022. According to the report, apart from the seizures, arrests and convictions involving elephant ivory and pangolin specimens, in May 2022, the authorities of the Democratic Republic of the Congo seized a tonne and a half of ivory, representing the killing of 150 elephants. Three alleged traffickers were arrested and handed over to the prosecutor of Lubumbashi. Most of the other cases are still under investigation by the relevant prosecutors' offices and the courts.
- b) Meeting of multidisciplinary 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 Democratic Republic of the Congo. 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 National Central Bureau, 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.

22. Moreover, the Democratic Republic of the Congo receives support from UNODC to build the capacity of the players of the criminal justice system. The country also receives support from Forest and Biodiversity Support Activity of USAID, the U.S. Agency for International Development, to prepare the National Strategy for Combating Wildlife Crime. A consultant has been recruited in the framework of this programme to facilitate the implementation of this strategy.
23. In this context, the Secretariat recommends that the Standing Committee highlight the significant efforts made by the Democratic Republic of the Congo 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 upholding the recommendation made by the Standing Committee at its 75th meeting in the light of illegal trade, noting that the recommendation is also more specifically related to the National Ivory Action Plan (NIAP) process (see document SC77 Doc. 34).

#### Additional considerations

24. As mentioned in paragraph 9 of document [SC77 Doc. 39.1](#) on enforcement matters, on 16 August 2023, the United States of America issued a [press statement](#) on the designation of officials of the Management Authority of the Democratic Republic of the Congo ineligible for entry into the United States of America in relation to alleged corruption. Following this press statement, the CITES Management Authority of the DRC wrote to the Secretariat requesting information about the matter and data regarding trade in chimpanzees, gorillas and okapis from the DRC to China. The Secretariat provided a response regarding the trade data requested but noted in its reply to the Democratic Republic of the Congo that matters related to the designations made by the United States must be taken up with the relevant authorities of the United States directly. In its response to the Democratic Republic of the Congo, the Secretariat stated that regarding export statistics for chimpanzees and gorillas from the Democratic Republic of the Congo to China (the okapi not being a species listed in the Appendices of the Convention), the Secretariat has consulted the CITES legal database and found no records of transactions from the Democratic Republic of the Congo to China for the mentioned species for the period from 2003 to 2023.
25. On 18 August 2023, the Secretariat received a letter signed by the Minister of the Environment and Sustainable Development, Ms. Eve Bazaiba Masudi, communicating the designation of a new CITES Management Authority for the Democratic Republic of the Congo, in accordance with Ministerial Decree No. 003/CAB/MINETAB/MIN-EDD/EBM/TSB-PDK/01/2023 of 28 June 2023 transferring the CITES Management Authority from the *Institut Congolais pour la Conservation de la Nature* (ICCN) to the Department of Nature Conservation (*Direction de la Conservation de la Nature*) of the Ministry of the Environment. In response to this communication, the Secretariat updated the contact details of the national authorities of the Democratic Republic of the Congo on the CITES website.
26. On 25 September 2023, the Ministry of Foreign Affairs and Francophonie of the Democratic Republic of the Congo sent to the Secretariat the Order No. ROR677 issued by the country's Council of State "reinstating Professor Agustin Ngumbi Amuri in his position of Director-Coordinator of the DRC CITES Management Authority and immediately suspending all the effects of the decisions included in Ministerial Decree No. 003/CAB/MINETAB/MIN-EDD/EBM/TSB-PDK/01/2023". In response to the letter from the Ministry of Foreign Affairs communicating the judicial decision of the Council of State, the Secretariat updated the contact details of the national authorities of the DRC again on 2 October 2023 on the CITES website.

27. In addition, the Secretariat notes that the report of the Democratic Republic of the Congo does not mention the adoption of a decree regulating the implementation of CITES in the Democratic Republic of the Congo with the specific aim of building the capacity of the authorities. The Secretariat invites the Democratic Republic of the Congo to clarify the situation of the designation of the Management Authority and to provide an update of this process to the present meeting.

### Conclusion

28. After seven years in the framework of the Article XIII process, the Secretariat wishes to congratulate the authorities of the Democratic Republic of the Congo for the efforts made to implement the recommendations of the Standing Committee in general. The Secretariat also wishes to thank the Parties, partners and donors for the technical and financial support provided to the Democratic Republic of the Congo for the implementation of the recommendations and for their cooperation with the Secretariat sharing information and tangible evidence in cases of presumed irregularities.

### Recommendations

29. The Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC75 as follows:

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

- a) The Parties maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the Democratic Republic of the Congo pending compliance with the following recommendations:
- i) on the basis of the reservation entered by the Democratic Republic of the Congo for the species *Psittacus erithacus*, this State is considered as a non-Party with respect to trade in this species. However, Resolution Conf. 4.25 (Rev. CoP14) states that a State not a Party to the Convention for *Psittacus erithacus* should treat that species as if it were included in Appendix II for all purposes, including obligatory documents and controls, and suspend the issuance of export permits for commercial and non-commercial trade in specimens of *Psittacus erithacus* of wild origin until it is in a position to make scientifically based non-detriment findings;
  - ii) the Standing Committee notes again the moratorium announced by the Democratic Republic of the Congo at the 69th meeting of the Standing Committee (SC69; Geneva, November 2017) to suspend trade in *Psittacus erithacus* and its announcement that it will not implement its reservation on the listing of the species in Appendix I, and it invites the Democratic Republic of the Congo to adopt a regulatory act to implement the moratorium;
  - iii) the Democratic Republic of the Congo take steps to implement Decision 17.256 (Rev. CoP19) on *African grey parrots* (*Psittacus erithacus*);
  - iv) the Democratic Republic of the Congo not establish experimental export quotas as part of scientific surveys of the species in the country;
  - v) the Standing Committee also notes the commitment by the Democratic Republic of the Congo to undertake population surveys and develop a management plan for *Psittacus erithacus*.

#### *Regarding illegal trade*

- b) The Democratic Republic of the Congo shall continue its efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary 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 illegal trade in *Psittacus erithacus* (African grey parrots), *Manis* spp. (pangolins) and elephant ivory.

#### *Regarding legislation and law enforcement*

- c) The Democratic Republic of the Congo shall strengthen the regulatory framework for the implementation of CITES in the country, aiming at institutional consolidation and the clear division of responsibilities between CITES authorities, so as to build their capacity and avoid any gaps that might result from a duplication of competences between the different institutions concerned;

- d) The Democratic Republic of the Congo shall implement a strategy and policies to fight corruption associated with illegal wildlife trade at all levels and strengthen its efforts to ensure the full implementation of Resolution Conf. 17.6 (Rev. CoP19) on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*. The strategy should protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats.

*Regarding reporting to the Secretariat*

- e) The Democratic Republic of the Congo shall report to the Secretariat on progress made in the implementation of these recommendations 90 days before the 78th meeting of the Standing Committee (SC78), in order for the Secretariat to convey its report and its comments to the Standing Committee.