

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 GUINEA

1. This document has been prepared by the Secretariat.

Background

2. At its 61st meeting (SC61; Geneva, August 2011), the Standing Committee asked the Secretariat to undertake a mission to Guinea (see summary record [SC61 SR](#)). The mission took place in September 2011 and revealed significant problems in the implementation of the Convention. At its 63rd meeting (SC63; Bangkok, March 2013), the Standing Committee instructed the Secretariat to issue a Notification to the Parties recommending a suspension of trade in specimens of CITES-listed species with Guinea ([Notification to the Parties No. 2013/017 of 16 May 2013](#)).
3. At its 69th meeting (SC69; Geneva, November 2017), the Standing Committee noted the progress made by Guinea and asked the Secretariat, subject to the availability of resources, to conduct a technical mission to Guinea pursuant to Article XIII of the Convention (see summary record [SC69 SR](#)). The technical mission took place in January 2019 and the Secretariat reported its results and conclusions to the Standing Committee at its 71st meeting (SC71; Geneva, August 2019) in document [SC71 Doc. 10.2](#). At that meeting, Standing Committee members and Parties congratulated Guinea on its progress and many of them supported the recommendations made by the Secretariat and requested more detailed information on the safeguard measures planned for the export of the stockpile of pre-Convention *Pterocarpus erinaceus* to ensure that such exports do not encourage the illegal harvest of timber. Some Parties spoke in favour of lifting the trade suspension and allowing the export of the stockpile. The Committee adopted recommendations, which were published in [Notification to the Parties No. 2019/075 of 19 December 2019](#). The Standing Committee's recommendation to suspend commercial trade in specimens of CITES-listed species with Guinea was also reissued.
4. In 2020, Guinea requested the Secretariat to provide support under the Compliance Assistance Programme (CAP). The programme is aimed at providing overall support at the institutional, scientific, legal and enforcement level to the Guinean authorities (see [SC74 Doc. 29](#)).
5. Through [Notification to the Parties No. 2021/033 of 26 April 2021](#), the Secretariat announced the result of a decision-making procedure under Rule 20 of the Standing Committee's Rules of Procedure. The Committee had decided to exceptionally allow the export and import of the stock of pre-Convention specimens of *Pterocarpus erinaceus* from Guinea with a maximum volume of 14,000 m³, subject to the safeguard measures in Note de Service 200051 adopted by Guinea on 16 November 2020, including the following:
 - a) the inventory of the pre-Convention stock of *Pterocarpus erinaceus* located at two different sites is updated with the quantity of timber that can be exported;
 - b) the loading and sealing of the containers (approximately 824) take place on-site in presence of representatives of the CITES Management Authority (National Directorate of Water and Forests), Office Guinéen du bois, Customs Services, Gendarmerie, Interpol/National Central Bureau (Guinea Conakry) and international observer(s);

- c) each shipment is accompanied by a pre-Convention certificate issued by the CITES Management Authority of Guinea in accordance with CITES and national legislation. The pre-Convention certificates include a specific reference to the inventory. A copy of each pre-Convention certificate is sent directly to the Management Authority of the importing Party and to the Secretariat prior to departure of the containers;
 - d) no pre-Convention logs are authorized for export from Guinea twelve months after the date of the Notification; and
 - e) forty per cent of the proceeds from the export will be transferred to the Ministry of Environment, Water and Forests of Guinea to be allocated towards the conservation of species of fauna and flora in Guinea;
6. At its 74th meeting, the Standing Committee reviewed the implementation of these recommendations regarding exports of pre-Convention specimens of *Pterocarpus erinaceus*, national legislation, the management and issuance of CITES permits and certificates, and compliance and enforcement. The Committee requested Guinea to submit a report to the Secretariat on the implementation of these recommendations before its 77th meeting. The Committee noted the coup d'état in Guinea in September 2021, which delayed the export process, and granted Guinea an additional period of six months (until 13 November 2022). The Committee also took note of the inventory of the stockpile of pre-Convention *Pterocarpus erinaceus* made by the Guinean authorities on 7 June 2021, that is, a total volume of 12,882 m³ of exportable wood of the 14,000 m³ originally estimated; the Committee also invited importing Parties to exert due diligence when CITES permits or certificates from Guinea are submitted, if they have reason to believe that the specimens of CITES-listed species may not have been traded in accordance with the decision adopted by the Standing Committee on 21 April 2021. Finally, the Committee adopted the recommendations on the implementation of the Convention listed in the Annex to the present report.
7. At its 75th meeting (SC75; Panama City, November 2022), Morocco provided an update on behalf on Guinea on the progress of the export of the stockpile of pre-Convention specimens of *Pterocarpus erinaceus*, based on a report submitted by Guinea. Through Morocco, Guinea requested the lifting of the suspension of commercial trade, the acceleration of the financing for the CAP programme and its implementation, and the organization of training workshops for forestry officials in order to improve their effectiveness in the field. The Standing Committee noted the oral report of the Secretariat and the additional information provided by Morocco on behalf of Guinea (see summary record [SC75 SR](#)), including the fact that the expedited procedure pursuant to Article XIII is not applicable to Guinea for its pre-Convention stocks of specimens of *Pterocarpus erinaceus*, which are the subject of a separate decision (see [Notification to the Parties No. 2022/023](#)).

Technical support

8. Pursuant to Decision 18.69 and thanks to the financial support provided by the European Union and Switzerland, the Secretariat has established a Compliance Assistance Programme (CAP) aimed at providing targeted support to Parties facing persistent compliance challenges. A full description of the programme including definitions, principles, methodologies, a budget and timelines can be found in document [CoP18 Doc. 28](#).
9. The objective of the CAP in Guinea is to provide overall support to the authorities of Guinea at the institutional, scientific, legal and law enforcement levels (see document [SC74 Doc. 29](#)): the implementation of the activities began in May (see document [SC77 Doc. 24](#), paragraph 11). Guinea provides implementation reports every three months: the report for the period from May to July 2023 has been submitted to the Secretariat ([see document SC77 Doc. 24](#)).
10. The measures undertaken in the first quarter of 2023 involved the technical capacity-building of the Management Authority (i.e., institutional capacity building); the technical capacity-building of national authorities in general (in the framework of law enforcement); and the revision of legislation to implement the Convention.
11. As regards the activities of the second quarter of 2023, the plan is to continue building the technical capacity of the Management Authority; build the technical capacity of the Scientific Authority; develop revised legislation in compliance with the Convention. In this context, the workshop on the ICCWC Indicator Framework will take place on 11 and 12 October 2023 in Conakry. The CITES Secretariat will conduct a mission to Guinea at that time to participate in the workshop. The Secretariat intends to take this opportunity to support Guinea in its implementation of the CAP with the national consultant in Guinea.

Report on the implementation of the recommendations

12. The recommendations adopted by the Committee at its 74th meeting are listed in the Annex to the present document. Pursuant to the request of the Committee, Guinea submitted a brief report on the implementation of the recommendations at the end of August 2023. Consequently, the present report is based on the progress report submitted by Guinea and on the regular exchanges between the Secretariat and the Guinean authorities under the CAP.

*Regarding export of pre-Convention specimens of *Pterocarpus erinaceus* – recommendations a) to c)*

13. Guinea's report on progress in the export of the pre-Convention specimens of *Pterocarpus erinaceus* is as follows:
14. Pre-Convention certificates for a volume of 13,991 m³ have been issued and sent to the Secretariat and the CITES Management Authority of the importing country (China), in accordance with Notification to the Parties No. 2021/033 of 26 April 2021. Guinea reports that the export process is progressing well, despite a few considerable difficulties.
15. The difficulties mentioned are related to the lack of experience of certain partners involved in the export process; the poor condition of the transport vehicles and the roads leading to the site (considering the rainfall in Guinea); and a difficulty of some players to identify the numbers of delivery slips. Guinea reports that it has set up and implements an organization, monitoring and control system that enables it to enforce all the safeguard measures.
16. The Secretariat notes that the stockpile inventory was estimated at 12,882 m³ in June 2021 and that the Standing Committee took note of this volume at its 74th meeting. The Secretariat is very concerned about the issuance of pre-Convention certificates for a volume of 13,991 m³, which exceeds the volume of the stockpile inventory, estimated at 12,882 m³. The Secretariat has shared its concerns with the Management Authority of China. China has confirmed that it wishes to respect the Secretariat's instructions on the volumes whose import can be accepted. The Secretariat has also asked the Management Authority of Guinea to explain the difference in volume. The Management Authority of Guinea has confirmed in writing that the volume had been underestimated by the team in charge before the coup d'état of September 2021 and that the correct amount was 13,991 m³. When it conducts its mission to Conakry in October 2023, the Secretariat expects to learn more about this exceedance and compliance with the other conditions set by the Committee and report on these issues to the present meeting.

Regarding national progress in the implementation of domestic legislation – recommendation d)

17. Thanks to the support of the CITES Secretariat, through the CAP, Guinea has undertaken a process of analysis and amendment of its legislation. The objective of this process is to develop legislation that complies with CITES, particularly by recruiting a legal advisor. Guinea expects to finalize and adopt legislative measures that comply with the Convention before the end of the CAP project (planned for mid-2024).

Regarding management and issuance of CITES permits and certificates, recommendations e) to i)

18. Concerning recommendation e), Guinea plans to establish a system enabling the reception and management of applications for CITES documents as well as the delivery, submission and monitoring of CITES documents, involving the use of security paper and stamps. To do so, the Management Authority, under the CAP project, intends to follow the example of Côte d'Ivoire with the implementation of the CITES Convention, particularly the structure of the national CITES Management Authority and the processing of applications for permits and certificates. Under the CAP, the Management Authority of Guinea has conducted a mission to Abidjan to learn from and be inspired by the systems in place in Côte d'Ivoire. The head of the CITES Management Authority intends to propose that the competent ministerial authority take action to restructure the CITES Management Authority and update the relevant decrees. The update will deal with the roles and responsibilities of the national authorities in charge of managing and monitoring the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Guinea.
19. Guinea also plans to ensure the development and installation of software allowing the team in charge to receive applications and monitor CITES documents, under the coordination of the Focal Point. To do so, Guinea is in the process of recruiting a national consultant to develop and install this software in the framework of the CAP. A standard CITES permit format has already been submitted. Once the suspension has been lifted, Guinea will consider issuing electronic permits.

20. Concerning the development of a Protocol for the Making of Non-Detriment Findings (NDFs) by the CITES Scientific Authority, the CAP provides for workshops to build the capacity of the Scientific Authority for making NDFs. These workshops are scheduled to take place the second quarter of the CAP. Hence, it will be possible to attach the NDFs to the permits issued by the CITES Management Authorities once the trade suspension has been lifted.
21. Regarding recommendation g), Guinea is planning capacity-building activities to address the shortcomings of the Scientific Authority by providing relevant technical assistance.
22. Regarding recommendation h), Guinea plans to base its work on the CAP project and particularly the capacity-building workshop for the Scientific Authority in charge of species of fauna, flora and marine species. These capacity-building initiatives can enable the preparation of proposed quotas. The list of species suitable to be traded could be used as a case study during the training.
23. Regarding the submission every six months to the CITES Secretariat of copies of CITES permits and certificates issued for information and monitoring, Guinea reports that the Focal Point respects the deadlines for submitting national reports set by CITES Notifications as well as the report formats provided in the latter. Except for the pre-Convention certificates mentioned above, Guinea has not submitted copies of permits or certificates issued in 2022 and 2023 to the Secretariat.

Regarding compliance and law enforcement, recommendations j) to m)

24. Regarding recommendation j), the brigade in charge of combatting illegal trade in species of fauna, flora and marine species is committed to reporting to the Focal Point the results of all legal proceedings. A new project to combat wildlife crime, poaching and illegal trade has recently been approved by the European Union and will be launched in the coming weeks. The project will support Guinea in the implementation of recommendations on law enforcement.
25. Regarding the recommendation to establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information, Guinea intends to use the CAP project as a basis. Under the project, a coordination workshop has been planned between the Management Authority and the Customs Service; a formal cooperation agreement will be signed during the workshop.
26. Regarding recommendation l), a workshop for implementation of the ICCWC *Indicator Framework for wildlife and forest crime* will be organized by the United Nations Office on Drugs and Crime (UNODC) in Conakry on 11 and 12 October 2023.
27. Regarding recommendation m), the CAP project provides for technical capacity-building of all national authorities, namely the Management Authority, the Customs Service, the Police, etc. The objective is to improve the effectiveness of law enforcement.
28. Under the CAP project, a container has been purchased to store dead specimens that have been seized and confiscated. Guinea reports that the inside of the container is being fitted at the time of drafting the present report.

Conclusions and recommendations

29. The Secretariat notes that Guinea has made very little progress in implementing the recommendations of the Standing Committee. It appears that the new team of the Management Authority has been too busy with the process of exporting the stockpile of *P. erinaceus* to pay enough attention to the other tasks. In this context, the Secretariat reminds the Standing Committee of its concerns regarding the respect of conditions to export the stockpile of pre-Convention timber. It should be noted that, once all this stockpile has been exported, the Management Authority will be more able to concentrate on the other aspects of the implementation of the Convention. The Secretariat also notes that the new Management Authority team established after the coup d'état continues to have difficulties and to show a lack of experience. A national consultant has been recruited by the Secretariat to provide *in situ* technical support to the Management Authority and assist with the management of the CAP. However, the Secretariat believes that it is too early to consider lifting the trade suspension. The Secretariat recommends that the Committee uphold this suspension and revisit the issue at its 78th meeting.

30. The Secretariat invites the Standing Committee to consider the following recommendations:

Regarding the recommendation to suspend trade

- a) The Standing Committee recommends that the Parties continue to suspend all commercial trade of CITES-listed species with Guinea until the following recommendations have been met;

Regarding national legislation

The Standing Committee recommends that Guinea:

- b) adopt legislative measures that meet the CITES minimum requirements of CITES set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Management and Scientific Authorities;

Regarding management and issuance of CITES permits and certificates

The Standing Committee recommends that Guinea:

- c) implement a computer system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of security paper and stamps;
- d) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- e) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- f) consider establishing voluntary national export quotas for CITES-listed species expected to be in trade once the recommendation to suspend commercial trade has been lifted;
- g) every six months, submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring;

Regarding compliance and law enforcement

The Standing Committee recommends that Guinea:

- h) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with the *Guidelines for the preparation and submission of the CITES annual illegal trade report*;
- i) establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information; and
- j) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

31. The Secretariat also recommends that the Standing Committee ask Guinea to submit a report to the Secretariat on the implementation of these recommendations 90 days before the 78th meeting of the Standing Committee so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting.

32. Finally, the Secretariat recommends that the Standing Committee instruct the Secretariat to publish a Notification to the Parties to replace Notification No 2022 /082, recommending that the Parties maintain the

suspension of commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Standing Committee.

RECOMMENDATIONS MADE BY THE STANDING COMMITTEE AT ITS 74TH MEETING
(SC74, LYON, MARCH 2022) REGARDING THE APPLICATION OF ARTICLE XIII IN GUINEA

Document SC74 SR – paragraph 28.2.3

The Committee agreed the following recommendations.

Regarding export of pre-convention specimens of Pterocarpus erinaceus

- a) The Committee noted the inventory of the stockpile of pre-Convention *Pterocarpus erinaceus* made by the Guinean authorities on 7 June 2021, that is, a total volume of 12,882 m³ of exportable wood of the 14,000 m³ originally estimated;
- b) The Committee recommended that Guinea take all the necessary measures by 13 November 2022 to implement the Standing Committee decision adopted on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021);
- c) The Committee invited importing Parties to exert due diligence when CITES permits or certificates from Guinea are submitted, if they have reason to believe that the specimens of CITES-listed species may not have been traded in accordance with the decision adopted by the Standing Committee on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021) and in accordance with the provisions of the Convention [paragraphs 1 c) and 2 of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*].

Regarding national legislation

The Standing Committee recommends that Guinea:

- d) adopt legislative measures that meet the CITES minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Scientific and Management Authorities;

Regarding management and issuance of CITES permits and certificates

The Standing Committee recommends that Guinea:

- e) implement a system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of secure paper and security stamps;
- f) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- g) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- h) consider establishing voluntary national export quotas for CITES-listed species expected to be in trade; and
- i) every six months, submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring;

Regarding compliance and law enforcement

The Standing Committee recommends that Guinea:

- j) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with existing guidelines;
- k) establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information;
- l) consider the implementation of the ICCWC *Indicator Framework for wildlife and forest crime* and request support from the CITES Secretariat in this regard; and
- m) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

The Committee requested Guinea to submit a report to the Secretariat on the implementation of these recommendations before the 77th meeting of the Standing Committee so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting.

The Committee instructed the Secretariat to provide capacity building and training to Guinea, subject to the availability of resources. This could include another mission to Guinea before the 77th meeting of the Standing Committee.

The Committee instructed the Secretariat to publish a Notification to the Parties to replace Notification No. 2021/037 of 6 May 2021, recommending that the Parties maintain the suspension of commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Secretariat.