

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



Seventy-eighth meeting of the Standing Committee  
Geneva (Switzerland), 3-8 February 2025

Compliance

National ivory action plan process

REVIEW OF THE NATIONAL IVORY ACTION PLANS PROCESS

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19, Panama, 2022), the Conference of the Parties adopted Decisions 19.68 to 19.70 on *Review of the national ivory action plans process*, as follows:

***Directed to the Secretariat, in consultation with the Standing Committee through its Chair***

**19.68** *Subject to external funding, the Secretariat shall, in consultation with the Standing Committee through its Chair:*

- a) *contract a consultant to conduct a review of the National Ivory Action Plan Process and the associated Guidelines in accordance with the following terms of reference:*
  - i) *review current updating practices of NIAPs and propose options to ensure that NIAPs remain up to date when circumstances on the ground have changed;*
  - ii) *provide a better understanding of the reasons behind the lack of reporting or late reporting and consider ways to facilitate timely reporting;*
  - iii) *consider the relationship between the NIAP process and other Article XIII processes in case there are Parties subject to both processes in parallel, and provide insights thereon;*
  - iv) *review the different reporting requirements and advise in particular whether and how the NIAP process could benefit from strengthened annual illegal trade reports under Resolution Conf.11.17 (Rev. CoP19) to avoid duplication of efforts of reporting Parties; and*
  - v) *analyze the different tools under ICCWC and advise whether and how they could be used for enhancing the NIAP process; and*
- b) *provide the Standing Committee with a report on the results of the review.*

***Directed to the Secretariat***

**19.69** *The Secretariat shall undertake any additional tasks directed to it by the Standing Committee under Decision 19.70, paragraph a).*

***Directed to the Standing Committee***

**19.70** *The Standing Committee shall:*

- a) review the report called for in Decision 19.68; 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

### Background

3. At CoP19, the Conference of the Parties agreed that a review of the NIAP process should be carried out as proposed in document [CoP19 Doc. 66.7](#) submitted by Malawi, Senegal and the United States of America. The terms of reference (ToRs) of this review can be found in Decision 19.68.
4. In accordance with Decision 19.68, the Secretariat contracted a consultant through an open competitive process in accordance with United Nations rules and regulations. The Secretariat facilitated the communication between the consultant and relevant Parties. Ten of the 13 Parties currently in the NIAP process responded to the interview request, consisting of five African and five Asian Parties. Two Parties that have exited the NIAP process were also interviewed. In addition, the consultant met with four non-governmental organizations to gather their input on the elements of Decision 19.68. The Secretariat would like to thank the Parties and observer organizations for their inputs. The Secretariat appreciates the financial contribution of the United Kingdom of Great Britain and Northern Ireland, which made this work possible.
5. Key findings of the consultant can be found in the Executive Summary of the Review contained in Annex 2 to the present document. The full Review is included in Annex 3 in English only.

### Discussion

6. The Review summarizes its findings in a table (see pages 15 and 16 of the present document) with **short-term actions** indicated in bold. The table of findings also contains long-term considerations that are not immediately actionable. The Secretariat considers in the paragraphs below the short-term actions proposed under each of the elements in the terms of reference as set out in Decision 19.68. For each short-term action, the Secretariat proposes a way forward to the Standing Committee. In this context, the Secretariat proposes amendments to the *Guidelines to the National Ivory Action Plans Process* contained in Annex 3 to Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*, which can be found in Annex 1 to the present document.

*Decision 19.68, paragraph a), subparagraph i): review current updating practices of NIAPs and propose options to ensure that NIAPs remain up to date when circumstances on the ground have changed*

7. Thirteen out of 22 current and former NIAP Parties have updated and revised their NIAPs at least once. In nearly all instances, the production of an updated NIAP was in response to specific recommendations initiated by the Secretariat and agreed by the Standing Committee. However, in the *Guidelines* contained in Annex 3 to Resolution Conf. 10.10 (Rev. CoP19), there is no procedure for the Secretariat to initiate an update prior to Step 5. The Secretariat therefore proposes the following new paragraph e) under Step 3 to address this gap:

*e) If new or emerging elephant poaching or ivory trafficking trends or related matters so require, the Secretariat shall recommend to the Standing Committee that the Party update its NIAP to incorporate new critical actions needed to respond to such trends or related matters. If agreed by the Standing Committee, the Party shall prepare and submit an updated NIAP to the Secretariat within 60 days following the meeting of the Standing Committee.*

8. Among the proposed options to ensure that NIAPs remain up to date, the Review suggests that a request to update a NIAP can be triggered by some simple and universally applicable indicators, such as:
  - a) when a Party remains at Category A across two successive reports of the Elephant Trade Information System (ETIS) since its NIAP was accepted or last updated;
  - b) when a Party's category rises between two successive ETIS reports; or
  - c) when a Party is implicated in more than a certain number or a certain percentage of large-scale ivory seizures during an intersessional period as vetted by Parties.

In principle all NIAPs should remain up to date to the extent possible. As noted in the Review, while 6 of the 13 Parties that are currently included in the NIAP process have never updated their plans there is no evidence to conclude that these NIAPs – even if outdated on paper - are missing high-priority actions. The Secretariat therefore suggests that Parties that are already facing challenges with the implementation of their NIAPs within the agreed timeframe should focus on the implementation and fulfilment of set goals unless urgent changes are required to their high-priority actions. The concern would be that having to update their NIAPs may divert attention away from implementation of those high-priority actions.

9. Another recommendation in the Review is to institute a guideline that if an action is not achieved within the specified timeframe, it is expected that its achievement will be prioritized as a matter of urgency. Presently, however, all current NIAPs but one have exceeded the set timeframes, often by several years, and this measure would therefore only be applied when NIAPs and related timeframes are updated.

*Decision 19.68, paragraph a), subparagraph ii): provide a better understanding of the reasons behind the lack of reporting or late reporting and consider ways to facilitate timely reporting*

10. The reasons for missing or late submission of progress reports by NIAP Parties can be complex. The Report identifies procedural and capacity-related impediments as the main internal reasons for late reporting, while citing the lack of commitment in inter-agency cooperation (i.e. support of agencies and ministries outside the CITES Management Authority), technological capabilities, financial resources and structural obstacles as the root challenges for a timely submission. The Review suggests that efforts should be made to understand at a deeper level the challenges faced by Parties that repeatedly submit late NIAP progress reports on a routine basis. The Secretariat agrees that this is critical to address the specific challenges Parties face and will entail a country-specific and case-by-case approach.
11. The Secretariat concurs that the collection of examples of best practices will provide a source of possible solutions that would aid other Parties in their processes. The Secretariat would like to share the following findings through its missions in two Parties to put in perspective the specific challenges these Parties experienced.
  - a) Specific challenges: In April 2024, the Secretariat conducted a technical mission to Angola, which was under a recommendation to suspend trade in January 2024 due to lack of progress in the implementation of its NIAP as reported to SC77. The Secretariat also had a technical mission to the Democratic Republic of the Congo that had failed to submit its NIAP progress report to SC77. During the visit to Angola, the Secretariat was able to observe that progress had in fact been made in advancing various specific action points but these had not been included in the progress report. The Democratic Republic of the Congo informed the Secretariat that past NIAP progress reports had been prepared by or with assistance of non-governmental organizations and the new CITES MA staff tasked with preparing the progress report after SC77 had little understanding of the requirements in NIAP progress reporting. Similarly, the newly designated NIAP focal point in Angola also has little understanding of the NIAP process and reporting requirements.
  - b) Possible solutions: the Secretariat provided on-site and hands-on national training on the various guidelines, guidance and templates, with examples from other Parties, on the NIAP implementation and progress report preparation. This resulted in the submission of progress reports by both Parties immediately after the mission which showed significant improvement. The two country visits seemed to indicate that the commitment and understanding of the leading authority and NIAP focal point is essential as they are tasked to coordinate with all relevant agencies and stakeholders. This, coupled with application (or the possibility of application) of appropriate measures to ensure compliance with the NIAP process, may collectively deliver good results. The Secretariat notes that it does not currently have the capacity and resources to visit each NIAP Party. The Secretariat therefore plans to use other means to identify specific issues in other Parties, particularly those that are facing the most critical challenges, including through online capacity-building and face-to-face training on the margins of meetings such as those of the Standing Committee and the Conference of the Parties. Missions will be carried out to the countries when resources allow it to do so.
12. The Secretariat also would like to report some encouraging progress made by Parties in ensuring timely submission of progress reports for consideration at the present meeting. The table below from the Review (Table 3, page 25) shows the pattern of late and lack of progress reporting by Parties included in the NIAP process since its onset.

Meeting of the SC (associated CoP if applicable)	Year	Month	Months since the prior meeting	Number of Parties	Number of late/missing reports	% of Late/missing reports
SC65	2014	July	15	8	0	0%
SC66	2016	January	17	19	3	13%
SC67 (CoP17)	2016	September	7	20	5	20%
SC69	2017	November	14	19	4	21%
SC70	2018	October	11	22	4	18%
SC71 (CoP18)	2019	August	10	16	0	0%
SC74	2022	March	31	14	7	47%
SC75 (CoP19)	2022	November	8	14	0	0%
SC77	2023	November	12	13	10	77%
SC78	2025	February	15	13	0	0%

As shown in the table above, the rate of late or absent NIAP progress reports reached its worst level at SC77, representing 77% of the expected reports. In contrast, all 13 Parties that are currently in the NIAP process submitted their progress reports in time for the assessment of the Secretariat and consideration at the present meeting. This is also the first time since SC65 (2014) that all NIAP Parties submitted their progress reports to a regular meeting of the Standing Committee. SC71 and SC75 were not regular meetings of the Standing Committee and the NIAP progress reports considered at those meetings were those that were not considered at regular meetings due to late or non-submission. The Secretariat attributes this positive result to a combination of factors, including the decision taken at SC77 to use appropriate measures for poor reporting, the commitment of newly designated NIAP focal points, and the Secretariat's proactive approach in providing country-specific assistance.

*Decision 19.68, paragraph a), subparagraph iii): consider the relationship between the NIAP process and other Article XIII processes in case there are Parties subject to both processes in parallel, and provide insights thereon*

13. At the time of writing, there are four Parties that are subject to both Article XIII (excluding the expedited application of Article XIII for West African rosewood) and NIAP.

Party	Subject to Article XIII since	In the NIAP process since
Democratic Republic of the Congo	SC66, 2016	2013
Lao People's Democratic Republic	SC67, 2016	2013
Nigeria	SC70, 2018	2013
Cameroon	SC75, 2022	2013

14. The Review makes a few suggestions related to these Parties. The first suggestion is that, in its communication with the Party concerned, the Secretariat should highlight when a Party is subject to both processes. This is to a very large extent already implemented and will be further systematized in the future. The Secretariat will also advise them to ensure that the focal points in charge at the national level are fully informed and engaged in the various inter-agency meetings taking place.
15. The Review further suggests that the Secretariat should indicate when a Party identified as Category A, B or C in the ETIS report is under an Article-XIII process or is emerging to be in one, and that a Party that already has developed an accepted NIAP should always update the NIAP if a compliance procedure is engaged under Article XIII. Having reflected on these recommendations, the Secretariat proposes that such suggestions can be further nuanced or considered on a case-by-case basis.
- a) With regard to Parties identified as Category C, they are generally not recommended for participation in the NIAP process (Annex 3, Step 1, c). However, should the Party be already subject to an Article-XIII compliance process, the concerns with regard to illegal trade in ivory could be incorporated into the

Article-XIII recommendations without requesting a full NIAP. The Secretariat can note this in its report to the Standing Committee on compliance matter(s) with respect to the Party concerned.

- b) With regard to Parties identified as Category A or B, the Secretariat considers that the actions required under the NIAP process could be incorporated into a broader “Article-XIII Compliance Action Plan” (see document SC78 Doc. 33.1). The draft template for the Compliance Action Plan is similar to the NIAP template. The five pillars of the NIAP (legislation, enforcement, international collaboration, public awareness and resources) may also be relevant for illegal trade in other species/specimens. Combining the two processes this way would facilitate leveraging and pooling resources at the national level and allow for a holistic and comprehensive approach that will ensure long-term compliance.

16. In view of the relatively narrow scope of the NIAP as compared to the Article-XIII process, the Secretariat suggests the NIAP reporting continue to be additional to any reporting under Article XIII since this would only be relevant for a few Parties.

*Decision 19.68, paragraph a), subparagraph iv): review the different reporting requirements and advise in particular whether and how the NIAP process could benefit from strengthened annual illegal trade reports under Resolution Conf.11.17 (Rev. CoP19) to avoid duplication of efforts of reporting Parties*

17. Concerning the question of whether and how the NIAP process could benefit from strengthened annual illegal trade reporting under Resolution Conf.11.17 (Rev. CoP19) on *National reports*, the Review notes that it is not readily apparent that the NIAP process could draw substantive benefits from the annual illegal trade reports to avoid duplication of efforts. The Secretariat notes that the linkage between the annual illegal trade report and ETIS is addressed in document SC78 Doc. 65.5.

*Decision 19.68, paragraph a), subparagraph v): analyze the different tools under ICCWC and advise whether and how they could be used for enhancing the NIAP process;*

18. The last issue concerns the different tools developed under the International Consortium on Combatting Wildlife Crime (ICCWC) and the possibility of using these to enhance the NIAP process. Such tools include for instance the [ICCWC Indicator Framework for Combating Wildlife and Forest Crime](#). According to the Review, the rigorous approach to incorporating indicators used in the framework stands out as beneficial for enhancing the NIAP process rather than using the ICCWC tools *per se*. The results of the indicator framework could be relevant for ivory, but some Parties and observer organizations consider these to be too broad and vague since they are not specifically designed for the purpose of NIAPs and are intended to focus on wildlife and forest crime more generally. The Review focused on the usefulness of a NIAP Indicator Framework and proposed ways to improve how indicators can be more rigorously applied in the whole NIAP process. The Review notes that, while the use of ICCWC tools such as the ICCWC Toolkit and/or Indicator Framework are highly encouraged at the national level, the results may provide limited species-specific guidance related to the NIAP process. However, a more robust use of indicators throughout the NIAP process (from the development of NIAPs to the assessment of progress and the evaluation of conditions to enable the exit from the NIAP process) might add objectivity, consistency and rigour to the NIAP process. The Secretariat proposes adding text under Step 4 d) and Step 5 c) of the *Guidelines* in an attempt to reflect some of the suggestions:

Under Step 4:

- d) The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or, objectives and indicators to assess both the achievement and impact of the actions taken.

Under Step 5:

- c) In formulating recommendations for consideration by the Standing Committee in accordance with Step 5, paragraph b) above, the Secretariat should take into consideration the following elements, when relevant and appropriate, with a view to assess the achievement of the actions and the impact of the actions taken of a NIAP against set milestones and indicators:

19. The Review notes that expectations regarding NIAP completion are unclear in Step 5 of the *Guidelines* when paragraphs a), b) and c) are considered together since paragraphs a) and b) focus on achievement of the actions in the NIAP whereas paragraph c) includes additional elements that may be external to the achievement of the NIAP. The Secretariat proposes the following to address this by explaining how

paragraphs a) to c) combined influence the outcome and how achieving impact is integral to NIAP completion. The Secretariat proposes the following amendment to Step 5, paragraph a) as follows:

- a) Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as 'achieved' or 'substantially achieved' and all remaining NIAP actions as 'on track'. Subject to acceptance by the Secretariat, such progress ratings are a prerequisite for eligibility to be considered to exit from the process in conjunction with other factors as described in paragraphs b) and c).

#### *Additional considerations*

20. The Review considers that the Secretariat and the Standing Committee should provide explanations as to how the recommendations are made on the steps related to the exit from the NIAP process. In the past, the Secretariat has always provided detailed explanations in its report to the Standing Committee when recommending the exit of a Party from the NIAP process, or the contrary when a Party so requested, in line with Step 5 of the *Guidelines*. For clarity, the Secretariat proposes to add "with the rationale informing the recommendation" to Step 5 b) under the *Guidelines*.
21. As a long-term proposal, the Review also mentions the establishment of a NIAP advisory body as a possible mechanism to assist the Secretariat and the Standing Committee in their assessment of NIAP progress reports and to facilitate decision-making. According to the Review, such a collaborative mechanism could bring additional near-real time, country-specific information to the fore by offering a platform for a dialogue among advisory body members and the Secretariat. While this could potentially be considered in the long term, the Secretariat understands that the drawbacks of an advisory body, including with regard to the membership, the time constraints and the resource implications, outweigh the advantages and therefore considers that the current consultative process is sufficient. As required by the *Guidelines* in Annex 3, the Secretariat already consults relevant experts, including leading experts in this field, and ICCWC partner organizations to obtain the latest information on the ground before making its recommendations to the Standing Committee.

#### Overall forward-looking reflections on the NIAP process by the Secretariat

22. Recent ETIS reports and reports of the CITES Monitoring the Illegal Killing of Elephants (MIKE) and the 2024 [World Wildlife Crime Report](#) describe signs of progress with regard to illegal trade in elephant specimens, with the latter confirming that "*apparent progress with reductions in poaching and illegal trade in elephant ivory and rhinoceros horn over the past decade suggests that multifaceted interventions through policy engagement, law enforcement and market suppression can reap rewards.*" The NIAP process is one of such multifaceted interventions that may have contributed to this positive development. There are reasons to believe that the implementation of NIAP may also have benefited other species, as NIAP implementation contributes to the strengthening of national legislation and enforcement collaboration. However, the NIAP process can still be further improved and optimized, and the recommendations of the Review can assist with this, as appropriate.
23. While the NIAP process has helped some Parties raise the profile of a species-specific issue to such a level that it becomes an undeniable priority for governments, for others the measures agreed by the Standing Committee have been seen as too stringent when compared to measures in relation to other critical issues. For example, under the *Guidelines to the NIAP process*, a Category C Party in the NIAP process is not expected to develop a NIAP. However, once a Category C Party is in the process and has developed a NIAP, it becomes subject to the same measures to ensure compliance with the NIAP process as other NIAP Parties if it fails to submit a progress report that demonstrates sufficient progress. This may require further consideration in the application of the *Guidelines* by the Standing Committee.
24. Despite the overall progress on the ground with respect to addressing the poaching crisis and the illegal trade in ivory, slow progress by some Parties in achieving the goals set by their individual NIAPs is prevalent. As described above, when Parties are committed, and training and support are provided, coupled with potential measures to ensure compliance with the NIAP process, concrete progress is possible. Based on these considerations, the Secretariat proposes that the Standing Committee consider the recommendations as set out for each NIAP Party in the Secretariat's report to the Standing Committee on the *National Ivory Action Plan Process* (see document SC78 Doc. 33.13.1) aimed at expediting the implementation of priority NIAP actions,
25. The Secretariat seizes this opportunity to propose another amendment to the *Guidelines* in Annex 3 to Resolution Conf. 10.10 (Rev. CoP19). Since NIAP implementation concerns both range and

destination/consumer countries, the Secretariat proposes that the title of pillar 5 of NIAPs (as it appears in Step 2, paragraph iv) be changed from “Outreach, public awareness and education” to “Outreach, public awareness, ~~and education~~ and targeted demand reduction for illegal wildlife products” so that it is clear that the communication efforts in consumer countries should aim at achieving demand reduction for illegal wildlife products through behaviour change, where this is relevant. This is in line with Resolution Conf. 17.4 (Rev. CoP19) on *Demand reduction strategies to combat illegal trade in CITES-listed species*.

### Recommendations

26. The Standing Committee is invited to:

- a) take note of the present document, the *Review of the National Ivory Action Plan Process in CITES* in Annexes 2 and 3 to the present document, and the progress made in implementing Decision 19.68;
- b) review the draft amendments to Annex 3 of Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens* contained in Annex 1 to the present document and submit them for consideration by the Conference of the Parties at its 20th meeting; and
- c) agree that Decisions 19.68 to 19.70 have been implemented and can be proposed for deletion.

PROPOSED AMENDMENTS TO ANNEX 3 OF RESOLUTION CONF. 10.10 (REV. COP19) ON  
*TRADE IN ELEPHANT SPECIMENS*

Text proposed to be deleted is in ~~strike through~~. Proposed new text is underlined.

**Guidelines to the National Ivory Action Plan Process**

**Step 1: Identification of Parties to participate in the National Ivory Action Plan Process**

- a) The foundation for identifying Parties to participate in the National Ivory Action Plan (NIAP) Process, is the ~~ETIS~~ report of the Elephant Trade Information System (ETIS) submitted to each meeting of the Conference of the Parties (CoP) under this Resolution.
- b) For Parties identified through the ETIS report to CoP as requiring attention, as described in Step 1, paragraph a), above, the CITES Secretariat will, in cooperation and consultation with the Party concerned, determine whether there is additional information to be considered in developing its recommendation to the Standing Committee, on whether the Party should be included in the process or not. The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process.
- c) The Secretariat will prepare within 90 days from the submission of the ETIS report to CoP, in consultation with the Party concerned, using other relevant information and taking into account the purpose and intended outcome of the NIAP process, a recommendation to the Standing Committee as to whether a Party should be included in the process or not.
  - There is a presumption that Parties categorised as Category A Parties<sup>1</sup> are to be recommended for participation in the NIAP Process.
  - No presumption will be made for Category B Parties<sup>2</sup>.
  - Category C Parties<sup>3</sup> are generally not recommended for participation in the NIAP Process.
- d) Where the Standing Committee has determined that it is appropriate, it will recommend that a Party participate in the NIAP Process and request the Party to develop a NIAP, including by postal procedure.
- e) Where the Standing Committee has determined that it is not appropriate, it will recommend that a Party not participate in the NIAP process and document and communicate this decision.

**Step 2: Development of a NIAP**

- a) Upon the request by the Standing Committee, the Party concerned will develop an 'adequate' NIAP, ~~which is a NIAP~~ that:
  1. Addresses the specific issues (or gaps) identified in Step 1.
  2. Is structured along the following five pillars, as required:
    - i) Legislation and regulations;
    - ii) National level enforcement action and inter-agency collaboration;
    - iii) International and regional enforcement collaboration;

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<sup>1</sup> *Category A Parties consist of Parties most affected by illegal trade in ivory*

<sup>2</sup> *Category B Parties consist of Parties markedly affected by illegal trade in ivory*

<sup>3</sup> *Category C Parties consist of Parties affected by illegal trade in ivory*



- iv) Outreach, public awareness, ~~and~~ education and targeted demand reduction; and
  - v) Reporting.
3. Has the following characteristics:
- i) Clearly outlines the actions to be implemented;
  - ii) Is time-bound and clearly outlines the timeframe for implementation of each action;
  - iii) Is approved at a level that represents national commitment;
  - iv) Is developed through a consultative and participatory process and involves all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);
  - v) Indicates the costs and funding needs, as well as availability of such funds, as appropriate; and
  - vi) Includes performance indicators and targets directly related to the actions required and which measure the impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph 6. d) of this Resolution; changes to legislation; and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.
4. Is developed using the template for the development of a NIAP,<sup>4</sup> available on the NIAP webpage on the CITES Website.
5. Includes measures which are proportional to the problems they are intended to solve.
- b) Parties should submit a NIAP, to the Secretariat within a period of 120 days from the time the Standing Committee requested the concerned Party to develop a NIAP.
  - c) Parties are invited to, as appropriate, draw upon the *Guidance to Parties developing and implementing National Ivory Action Plans*,<sup>5</sup> available on the CITES Secretariat NIAP webpage, when developing and implementing their NIAPs.

### **Step 3: Assessment of the adequacy of a NIAP**

- a) Upon the development of a NIAP by a Party, the Secretariat will, in consultation with experts, if needed, assess the adequacy of the NIAP.
- b) If revisions to a NIAP are required, a Party should submit these within a period of 60 days from the time the Secretariat requested the concerned Party to revise its NIAP.
- c) The Secretariat will accept the Plan and the Party will approve its plan.
- d) If a Party wishes to revise and update its NIAP previously found to be adequate, to incorporate new actions needed to respond to any emerging elephant poaching or ivory trafficking trends or related matters, the Party shall submit the proposed revised and updated NIAP to the Secretariat, together with an explanation for revising and updating its NIAP. Where any actions in the NIAP previously found to be adequate were not yet 'Achieved' or 'Substantially achieved' but removed from the revised and updated NIAP, the Party should provide justification for the removal of these actions.
- e) If new or emerging elephant poaching or ivory trafficking trends or related matters so require, the Secretariat shall recommend to the Standing Committee that the Party updates its NIAP to incorporate new critical actions needed to respond to such trends or related matters. If agreed by the Standing Committee, the Party

<sup>4</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

<sup>5</sup> <https://cites.org/sites/default/files/common/prog/niaps/Maputo%20recommended%20actions.pdf>

shall prepare and submit an updated NIAP to the Secretariat within 60 days following the meeting of the Standing Committee.

- ef) The Secretariat shall assess the adequacy of any revised and updated NIAP received from a Party, in accordance with Step 3, paragraphs a) - c), above.
- fg) The Secretariat shall make any new, revised or updated NIAP accepted as 'adequate' publicly available on the NIAP webpage.

#### **Step 4: Monitoring of implementation**

- a) Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting, using the template for progress reports on NIAP implementation,<sup>6</sup> available on the NIAP webpage on the CITES Website;
- b) Parties should report on progress with the implementation, based on indicators that are mentioned in Step 2 a) subparagraph 3, vi) for each NIAP action using the template and allocating to each NIAP action one of the following ratings, as relevant:
  1. *Achieved* – item or action is completed.
  2. *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved.
  3. *On track* – there has been good progress with implementation and the specified milestones and timeframes appear to be on track or largely on track for achievement.
  4. *Partial progress* – there has been limited progress with implementation, and achievement of the specified milestones and timeframes appears unlikely. When this category is used, the reporting Party should provide an explanation on any reasons for the lack of progress or any challenges experienced in the implementation of the rated action.
  5. *Pending completion of another action* - the implementation of an action cannot start or the set milestones and timeframes for an action cannot be achieved unless another action in the NIAP is progressed or completed. When this category is used, the reporting Party should provide an explanation of the action that should be completed or progressed, and how it relates to the rated action.
  6. *Not commenced* – the action has, in accordance with the timeframe set for it in the NIAP, not been commenced. Where a Party achieves partial or limited progress due to limited capacity, it should communicate this to the Secretariat.
- c) The Secretariat will evaluate the reports, based on the self-assessments and in cooperation with experts, if needed, submit the reports to the Standing Committee at each of its regular meetings, make recommendations to the Standing Committee, as appropriate, and also make the reports publicly available on the NIAP webpage as soon as they are received.
- d) The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or objectives and indicators to assess both the achievement and impact of the actions taken.
- e) Upon the overall assessment by the Secretariat of a Party's progress report, the Standing Committee should consider the following ratings:
  1. *Achieved* – a minimum of 80% of NIAP actions have been assessed as 'achieved' or 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.

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<sup>6</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

2. *Partial progress* – a minimum of 50% of NIAP actions have been assessed as ‘on track’; any remaining actions have been assessed as ‘pending completion of another action’ and/or ‘partial progress’. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.
  3. *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.
- f) If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 (Rev. CoP19) on *CITES Compliance Procedures* to ensure compliance with the NIAP Process.

#### **Step 5: Completion of a NIAP and exit from NIAP Process**

- a) Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as ‘achieved’ or ‘substantially achieved’ and all remaining NIAP actions as ‘on track’. Subject to acceptance by the Secretariat, such progress ratings are a prerequisite for eligibility to be considered to exit from the process in conjunction with factors as described in paragraphs b) and c).
- b) The Secretariat will evaluate the progress reported by the Party concerned, and consider if sufficient detail is provided on the measures and activities implemented for each action in the NIAP to justify the allocated self-assessment progress ratings. The Secretariat is encouraged to engage relevant experts or conduct a country mission, to assist in this process, and formulate recommendations with the rationale informing the recommendation for consideration by the Standing Committee on whether:
  - i) there is a need for the Party to revise and update the NIAP and continue implementation;
  - ii) any other measures need to be taken; or
  - iii) the Party has ‘achieved’ its NIAP and can exit the NIAP Process.
- c) In formulating recommendations for consideration by the Standing Committee in accordance with Step 5, paragraph b) above, the Secretariat should take into consideration the following elements, when relevant and appropriate, with a view to assess the achievement of the actions and the impact of the actions taken of a NIAP against set milestones and indicators:
  - i) the provisions of Resolution Conf. 10.10 (Rev. CoP19);
  - ii) if the ETIS analysis continues to identify the Party as requiring attention;
  - iii) any significant measures implemented or policy developments effected by the Party to address, as applicable, elephant poaching and illegal trade in ivory; and
  - iv) any other information that may be available, for example a marked reduction in, as applicable, elephant poaching and illegal trade in ivory as it affects the Party, or any continued, new or emerging trends that may be of concern.

## Review of the National Ivory Action Plan Process in CITES

### EXECUTIVE SUMMARY

#### *Introduction, Background and Methods*

The Conference of the Parties (CoP) adopted Decision 19.68 on *Review of the National Ivory Action Plans Process* ('the decision') at its 19<sup>th</sup> meeting, directing that a consultant be recruited to conduct a review of the National Ivory Action Plan process ('NIAP process') and its associated guidelines contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP19) ('the Guidelines'). The decision addresses five elements related to the production of updated NIAPs, timely reporting of implementation progress ('NIAP reports'), possible alignment of NIAP reports with Annual Illegal Trade Reports, usefulness of International Consortium on Combatting Wildlife Crime (ICWC) tools for the NIAP process, and the relationship between the NIAP process and other Article XIII processes. This review provides a comprehensive analysis of the current practices of Parties and the CITES Secretariat ('the Secretariat') with regards to the elements listed in the decision. It also offers options, ways, insights and advice to optimize the NIAP process to support the ultimate goal of strengthening controls and combatting illegal ivory trade.

To provide needed context, the review begins with a basic introduction and background section on the launch of the NIAP process, its Guidelines and identification of Parties affected by illegal trade in ivory. A total of 22 Parties have participated in the process to date (2024). Thirteen Parties are currently in the process, five of which are Category A (*most affected*), four are Category B (*markedly affected*) and the remainder are Category C (*affected*). Eleven of these Parties have been a part of the process since its onset in 2013. No new Parties have entered the process since 2017. This timing may reflect the fact that the highest number of Parties in the NIAP process occurred in 2017; it also corresponds with improving trends in elephant poaching and ivory trafficking.

The review then provides a deeper examination of requirements, recent patterns and practices of Parties and the Secretariat related to the elements listed in the decision. Details about the NIAP process were first sought through an extensive review of CITES documentation. A thorough overview of the Guidelines is included. The review then incorporates input about the elements gathered directly from Parties in the process and those that successfully exited it, as well as Secretariat staff. It includes input gathered from other experts from nongovernmental organizations (NGOs) with domain knowledge related to investigating and mitigating illegal ivory trade issues. To gather such input, confidential, semi-structured interviews were conducted with these entities. Each element is discussed in turn below, with key findings consolidated as Table 5 of the report and also copied at the end of this summary.

#### *Discussion of the five elements of CITES Decision 19.68*

Part 5 of the review examines current updating practices of NIAPs and proposes options to ensure that NIAPs remain up to date when circumstances on the ground have changed. Thirteen of 22 Parties ever in the NIAP process (56%) have updated and revised their accepted NIAPs at least once. Of these, their duration in the process has ranged from 6 to 11 years. Six of the Parties currently in the NIAP process are working off of original NIAPs (that were first accepted 7 to 11 years ago). The production of an updated NIAP was in response to specific recommendations initiated by the Secretariat and agreed by the SC in nearly all instances. Most recommendations for updated plans occurred in accordance with Guidelines' Step 3.d (when producing an updated NIAP is voluntarily initiated by a Party) or Step 5.b.i (when prompted by the Secretariat upon evaluating a plan's completion and considering a Party's exit from the NIAP process).

The interviews revealed a number of issues and actionable opportunities for improving the NIAP process with respect to the ensuring NIAPs remain up to date, including an amendment of the Guidelines that describes conditions that should trigger a recommendation by the Secretariat that a Party produce an updated NIAP. Parties explained that using near real-time data about circumstances on the ground might be desirable to shape NIAP implementation and produce updated NIAPs but the realities of data lag times on many fronts complicated this. Therefore, many Parties described a reliance on ETIS reports to provide needed information on dynamics of illegal ivory trade (despite its own lag time issues). As such, possible conditions to trigger a recommendation to produce an updated NIAP, in part, relate to ETIS findings. In addition, increasing the clarity

and consistency of why and when a Party is recommended to produce an updated NIAP was important to Parties to improve their understanding of this aspect of the NIAP process. Lastly, although NIAPs are designed to be time-bound, it was recognized that nearly all NIAPs (of Parties currently in the process) appear to have timeframes that have passed on at least some actions and that this is worth addressing.

Part 6 addresses aspects related to the timely submission NIAP reports by Parties in the NIAP process. NIAP reports are the main vehicle that Parties use to demonstrate action, the Secretariat uses to evaluate progress and recommend next steps, and the SC considers for its application of progress ratings and appropriate measures (in accordance with Resolution Conf. 14.3 (Rev. CoP19) on CITES Compliance Procedures). Procedures related to NIAP reports are prescribed in Step 4.a. and b. of the Guidelines. Since the inception of the NIAP process, there have been six due dates for progress reports spread across nine years. The number of Parties that have missed an individual reporting due date has varied from 3 to 10, involving a combined total of 16 different Parties and resulting in 31 late NIAP reports over time. NIAP Parties that have had the problem of submitting a late NIAP report revealed that the root challenge in submitting them on time relates to gathering the needed information from the different agencies and ministries outside of the CITES Management Authority and Scientific Authority that collaborate to implement the NIAP. Additional points made by Parties and other experts included that: 1) verification of reports is needed beyond the current desk study, 2) an adjustment may be in order with respect to lack of/late reporting by Category C Parties, and 3) publishing reports on the CITES website on a rolling basis (for upcoming meetings of the SC) would be useful.

Part 7 advises whether the NIAP process could benefit from Annual Illegal Trade Reports to avoid duplication of efforts for those Parties that are also required to submit NIAP reports. The Annual Illegal Trade Report contributes valuable information to the understanding of trends in illegal trade, covering many species other than just elephants. The reporting requirements of Annual Illegal Trade Reports are briefly summarized. Of relevance to the NIAP process, both the ETIS report and the Annual Illegal Trade Report require ivory seizure data. For the NIAP process, it is important that such data and the analyses thereof are as complete as possible when the Secretariat carries out its roles in each step of the Guidelines. Thus, a Party's regular and timely submission of Annual Illegal Trade Reports could be included as an activity in the NIAP pillar 5 (Reporting), just as preparing and submitting ETIS reports are now. The function of the NIAP report goes above and beyond listing seizures and law enforcement data; it is a synthesis of a range of actions that together holistically attend to conditions that must be improved to combat illegal trade in ivory (i.e., each NIAP's goal). In this way, it would be difficult to consider the two reports to be anything but complementary. Overlap exists between the two items because both are concerned with ivory seizures; however, their objectives are distinct and the particulars of their reporting are different. Given the feedback from Parties and other experts, it is not readily apparent that the NIAP process could draw substantive benefits from the Annual Illegal Trade Reports to avoid duplication of efforts.

Part 8 identifies the different tools available under ICCWC and advises whether and how they could be used for enhancing the NIAP process. ICCWC aims to bring coordinated support to national wildlife law enforcement agencies and regional networks to mount a coordinated and strengthened response to wildlife and forest crime. ICCWC tools useful to the NIAP process that were identified by Parties and other experts included the *ICCWC Wildlife and Forest Crime Analytic Toolkit* (Second Edition, 2022; the 'Toolkit') and the *ICCWC Indicator Framework for Combatting Wildlife and Forest Crime* (Second Edition, 2022; the 'Indicator Framework'). An overview of both is provided; both attend to wildlife and forestry crime of all kinds and are not elephant- or ivory- focused.

Nearly all Parties in the NIAP process stated that they had carried out the Toolkit or the Indicator Framework. Views differed on the utility of the two tools for the NIAP process. Some Parties described the tools as broad, holistic, useful references, and supportive of a comprehensive approach to wildlife crime; many explained that they used actions or indicators from these two ICCWC tools in their NIAPs already. Others explained that the tools were less useful for the development of their NIAP because they were not ivory-specific and it was simply more straight forward to generate indicators when individually considering each specific NIAP-action. Considering these views, it is the rigorous approach to incorporating indicators, more so than any one attribute of these two ICCWC tools, that stands out as beneficial for enhancing the NIAP process. Currently, the way that indicators are included in the Guidelines, described in the guidance, incorporated in NIAPs and considered when evaluating progress is at least unclear, and in many ways, underdeveloped. A number of enhancements to the NIAP process related to the use of indicators and targets are offered to correct incongruencies and improve Steps 2, 3 and 4 of the Guidelines on their own accord but also because it appears consequential for the execution of Step 5.

Part 9 considers and provides insights on the relationship between the NIAP process and other Article XIII processes in case a Party is subject to both simultaneously. Since the NIAP process was launched, five Parties have been subject to both processes: Democratic Republic of Congo, Lao PDR, Nigeria, Togo and Cameroon

(although these last two countries are only subject to the expedited process on *Pterocarpus*). This includes all Parties presently in Category A. The five Parties entered the NIAP process in 2013 on the basis of findings in the ETIS report that used ivory seizure data for 2009 to 2011, with the exception of Togo that entered later. Most have updated their NIAPs at least once in the last decade. All have repeatedly submitted progress reports late.

Most Parties interviewed held the view that the two processes are interrelated yet distinct given their different objectives. That is, the Article XIII process provides an integrated compliance framework that elephant poaching and ivory trafficking issues, if occurring, will naturally fall within. Parties and other experts voiced that the NIAP process serves a specific purpose that could be lost or diluted if not maintained as a distinct process. They agreed that Step 4.f of the Guidelines (relating to the SC's consideration of *appropriate measures* to ensure compliance) is a vital aspect of the NIAP process as it signifies the seriousness and urgency of actions called for to combat illegal trade in ivory. Many went on to say that overlap between the two processes should be minimized by having the recommendations of the Article XIII process simply point to the need to implement the NIAP process for Parties subject to both rather than delve into the NIAP activities to any great degree. One obvious insight about the relationship of the two processes is that they should work in concert when a Party is subject to both so as to undoubtedly support the implementation of Resolution Conf. 10.10 (Rev. CoP19) among the compliance matters in question and avoid duplication of recommendations and efforts. Ways to achieve this are detailed in the report and summarized in the table of findings.

### *Conclusion*

In 2013, the CITES Secretariat expressed that *the organized and sophisticated nature of crimes against elephants deserves an equally organized and sophisticated law enforcement response* (CoP16 Doc. 53.2.1). In many respects, the NIAP process represents such a response by the Parties for addressing an urgent need to combat the illegal trade of ivory and ensure that the Convention is upheld in face of significant damage caused to elephant populations by transnational criminal syndicates. Many Parties and other experts appreciate that participation in the NIAP process raises the profile of the problem to such an extent that it becomes an undeniable priority for governments. This review provides a detailed look at varied aspects of the NIAP process to support its improvement and ultimately its goal of combatting the illegal ivory trade. Options, insights and advice are offered to help spur discussion by Parties, the Secretariat and the SC about ways to further develop the NIAP process to build on its successes and address gaps that have come to light over more than a decade of implementation.

**Table 5 from page 45. Findings from each review section pertaining to the five elements listed in Decision 19.68** (bold type are those that are likely actionable and feasible in the short term)

Decision element [section in the report]	Finding type	Finding
i. Production of updated NIAPs [5]	Option to ensure NIAPs remain up to date	<b>Inclusion in the Guidelines (e.g., Step 4) of the conditions that would trigger a recommendation by the Secretariat to a Party that it should consider producing an updated NIAP.</b>
i. Production of updated NIAPs [5]	Option to ensure NIAPs remain up to date	<b>Explanation by the Secretariat and the SC added when making their recommendations with respect to Step 5.b.i. and Step 5.c.i-iv. (i.e., steps related to NIAP process exit)</b> <b>AND/OR</b> <b>The Guidelines could be improved so that additional explanation is inherent in these steps.</b>
i. Production of updated NIAPs [5]	Option to ensure NIAPs remain up to date	<b>Consideration of instituting a guideline that if an action is not achieved within the timeframe specified, it is expected that its achievement will be prioritized as a matter of urgency.</b>
i. Production of updated NIAPs [5]	Option to ensure NIAPs remain up to date	Identification of factors and analysis of patterns causing the delay in achievement of actions that lead to stated time frames being surpassed. OR Maintain the current situation where time frames are out of date on some actions in most plans yet commitment and progress are made evident in successive progress reports.
ii. NIAP reports [6]	Way to facilitate timely reporting	<b>Understand at a deeper level the challenges Parties that repeatedly submit late NIAP reports face in their ability to communicate and cooperate with inter-agency partners on a routine basis (e.g., via a dedicated workshop).</b> <b>AND</b> <b>Solicit best practices from Parties in the NIAP process (past and present) that did not struggle with reporting on time.</b> <b>AND</b> <b>Devise and offer to deliver mechanisms that facilitate Parties' ability to communicate and cooperate with inter-agency partners on a routine basis.</b>
ii. NIAP reports [6]	Way to facilitate timely reporting	Understand at a deeper level how the addition of a CITES Law Enforcement Authority might improve implementation of NIAPs and Resolution Conf. 10.10 (Rev. CoP19) above and beyond what is indicated in Resolution Conf. 18.6.
ii. NIAP reports [6]	Related suggestion	Explore mechanisms for verifying responses in NIAP reports and the timing and frequency of such verifications to ensure quality control of reports, confirm stated progress and fortify the NIAP process with rigor and objectivity. A NIAP advisory body could provide such a mechanism with the advantage that continuity across time and across a number of NIAP-specific evaluative tasks could be gained.
ii. NIAP reports [6]	Related suggestion	Request that the Secretariat post country-specific NIAP reports on the CITES website on a rolling basis for the benefit of all stakeholders.
ii. NIAP reports [6]	Related suggestion	Emphasize the need for Parties in the NIAP process to submit reports to ETIS by the due date when evaluating NIAP reports (Step 4) and NIAP completion (Step 5).
iv. NIAP reports & Annual Illegal Trade Reports [7]	Advice on how to avoid duplication	Explore the concept of designing an online reporting mechanism for NIAPs with data migration features and inter-operability with other reports (e.g., Annual Illegal Trade Reports, ETIS reports).
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Clearly define the terms performance indicator, baseline and target; provide one set of standard examples of each and include fields in the templates for all three for each action.</b>
v. NIAP process & ICCWC tools [8]	Process enhancement	Collaboratively assess and agree on the most appropriate indicators and targets in each NIAP.
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Include in Step 4, monitor indicators (against targets) to assess a Party's progress toward its NIAP's goal (i.e., impact). Accordingly progress ratings would be updated to refer to both action achievement and impact.</b>
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Clarify in Step 5 the expectations of NIAP process exit by explaining how parts a- c combine to influence the outcome and how achieving impact is integral to NIAP completion.</b>

<p>iii. NIAP process &amp; Article XIII process [9]</p>	<p>Insight on relationship between the two processes</p>	<p><b>The two processes should work in concert;</b> options to facilitate cross-conversation and cross-reference between the two processes could include:</p> <ul style="list-style-type: none"> <li>• <b>Secretariat highlighting when a Party is subject to both in its letters, missions, reports and recommendations.</b></li> <li>• <b>ETIS reports highlighting when a Party identified as Category A, B or C is under an Article XIII process or is emerging to be in one.</b></li> <li>• Production of an updated NIAP be recommended as a matter of course when a Party enters the Article XIII process.</li> <li>• <b>Adding a provision to the NIAP report template to cross-reference materials from the Article XIII process and including a check for this integration when evaluating NIAP reports.</b></li> <li>• Parties inviting their government staff dedicated to Article XIII process to any of their required inter-agency meetings for NIAPs.</li> </ul>
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## Review of the National Ivory Action Plan Process in CITES

Report to the CITES Secretariat by the consultant as mandated by Decision 19.68

Kathleen Schuyler Gobush, PhD. Independent Consultant

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## Executive Summary

### *Introduction, Background and Methods*

The Conference of the Parties (CoP) adopted Decision 19.68 on *Review of the National Ivory Action Plans Process* ('the decision') at its 19<sup>th</sup> meeting, directing that a consultant be recruited to conduct a review of the National Ivory Action Plan process ('NIAP process') and its associated guidelines contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP19) ('the Guidelines'). The decision addresses five elements related to the production of updated NIAPs, timely reporting of implementation progress ('NIAP reports'), possible alignment of NIAP reports with Annual Illegal Trade Reports, usefulness of International Consortium on Combatting Wildlife Crime (ICCWC) tools for the NIAP process, and the relationship between the NIAP process and other Article XIII processes. This review provides a comprehensive analysis of the current practices of Parties and the CITES Secretariat ('the Secretariat') with regards to the elements listed in the decision. It also offers options, ways, insights and advice to optimize the NIAP process to support the ultimate goal of strengthening controls and combatting illegal ivory trade.

To provide needed context, the review begins with a basic introduction and background section on the launch of the NIAP process, its Guidelines and identification of Parties affected by illegal trade in ivory. A total of 22 Parties have participated in the process to date (2024). Thirteen Parties are currently in the process, five of which are Category A (*most affected*), four are Category B (*markedly affected*) and the remainder are Category C (*affected*). Eleven of these Parties have been a part of the process since its onset in 2013. No new Parties have entered the process since 2017. This timing may reflect the fact that the highest number of Parties in the NIAP process occurred in 2017; it also corresponds with improving trends in elephant poaching and ivory trafficking.

The review then provides a deeper examination of requirements, recent patterns and practices of Parties and the Secretariat related to the elements listed in the decision. Details about the NIAP process were first sought through an extensive review of CITES documentation. A thorough overview of the Guidelines is included. The review then incorporates input about the elements gathered directly from Parties in the process and those that successfully exited it, as well as Secretariat staff. It includes input gathered from other experts from nongovernmental organizations (NGOs) with domain knowledge related to investigating and mitigating illegal ivory trade issues. To gather such input, confidential, semi-structured interviews were conducted with these entities. Each element is discussed in turn below, with key findings consolidated as Table 5 of the report and also copied at the end of this summary.

### *Discussion of the five elements of CITES Decision 19.68*

Part 5 of the review examines current updating practices of NIAPs and proposes options to ensure that NIAPs remain up to date when circumstances on the ground have changed. Thirteen of 22 Parties ever in the NIAP process (56%) have updated and revised their accepted NIAPs at least once. Of these, their duration in the process has ranged from 6 to 11 years. Six of the Parties currently in the NIAP process are working off of original NIAPs (that were first accepted 7 to 11 years ago). The production of an updated NIAP was in response to specific recommendations initiated by the Secretariat and agreed by the SC in nearly all instances. Most recommendations for updated plans occurred in accordance with Guidelines' Step 3.d (when producing an updated NIAP is voluntarily initiated by a Party) or Step 5.b.i (when prompted by the Secretariat upon evaluating a plan's completion and considering a Party's exit from the NIAP process).

The interviews revealed a number of issues and actionable opportunities for improving the NIAP process with respect to the ensuring NIAPs remain up to date, including an amendment of the Guidelines that describes conditions that should trigger a recommendation by the Secretariat that a Party produce an updated NIAP. Parties explained that using near real-time data about circumstances on the ground might be desirable to shape NIAP implementation and produce updated NIAPs but the realities of data lag times on many fronts complicated this. Therefore, many Parties described a reliance on ETIS reports to provide needed information on dynamics of illegal ivory trade (despite its own lag time issues). As such, possible conditions to trigger a recommendation to produce an updated NIAP, in part, relate to ETIS findings. In addition, increasing the clarity and consistency of why and when a Party is recommended to produce an updated NIAP was important to Parties to improve their understanding of this aspect of the NIAP process. Lastly, although NIAPs are designed to be time-bound, it was recognized that nearly all NIAPs (of Parties currently in the process) appear to have timeframes that have passed on at least some actions and that this is worth addressing.

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## Conclusion

In 2013, the CITES Secretariat expressed that *the organized and sophisticated nature of crimes against elephants deserves an equally organized and sophisticated law enforcement response* (CoP16 Doc. 53.2.1). In many respects, the NIAP process represents such a response by the Parties for addressing an urgent need to combat the illegal trade of ivory and ensure that the Convention is upheld in face of significant damage caused to elephant populations by transnational criminal syndicates. Many Parties and other experts appreciate that participation in the NIAP process raises the profile of the problem to such an extent that it becomes an undeniable priority for governments. This review provides a detailed look at varied aspects of the NIAP process to support its improvement and ultimately its goal of combatting the illegal ivory trade. Options, insights and advice are offered to help spur discussion by Parties, the Secretariat and the SC about ways to further develop the NIAP process to build on its successes and address gaps that have come to light over more than a decade of implementation.

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<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	<b>Explanation by the Secretariat and the SC added when making their recommendations with respect to Step 5.b.i. and Step 5.c.i-iv. (i.e., steps related to NIAP process exit) AND/OR The Guidelines could be improved so that additional explanation is inherent in these steps.</b>
<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	<b>Consideration of instituting a guideline that if an action is not achieved within the timeframe specified, it is expected that its achievement will be prioritized as a matter of urgency.</b>
<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	Identification of factors and analysis of patterns causing the delay in achievement of actions that lead to stated time frames being surpassed. OR Maintain the current situation where time frames are out of date on some actions in most plans yet commitment and progress are made evident in successive progress reports.
<b>ii. NIAP reports [6]</b>	<b>Way to facilitate timely reporting</b>	<b>Understand at a deeper level the challenges Parties that repeatedly submit late NIAP reports face in their ability to communicate and cooperate with interagency-partners on a routine basis (e.g., via a dedicated workshop). AND Solicit best practices from Parties in the NIAP process (past and present) that did not struggle with reporting on time. AND Devise and offer to deliver mechanisms that facilitate Parties' ability to communicate and cooperate with interagency-partners on a routine basis.</b>

ii. NIAP reports [6]	Way to facilitate timely reporting	Understand at a deeper level how the addition of a CITES Law Enforcement Authority might improve implementation of NIAPs and Resolution Conf. 10.10 (Rev. CoP19) above and beyond what is indicated in Resolution Conf. 18.6.
ii. NIAP reports [6]	Related suggestion	Explore mechanisms for verifying responses in NIAP reports and the timing and frequency of such verifications to ensure quality control of reports, confirm stated progress and fortify the NIAP process with rigor and objectivity. A NIAP advisory body could provide such a mechanism with the advantage that continuity across time and across a number of NIAP-specific evaluative tasks could be gained.
ii. NIAP reports [6]	Related suggestion	Request that the Secretariat post country-specific NIAP reports on the CITES website on a rolling basis for the benefit of all stakeholders.
ii. NIAP reports [6]	Related suggestion	Emphasize the need for Parties in the NIAP process to submit reports to ETIS by the due date when evaluating NIAP reports (Step 4) and NIAP completion (Step 5).
iv. NIAP reports & Annual Illegal Trade Reports [7]	Advice on how to avoid duplication	Explore the concept of designing an online reporting mechanism for NIAPs with data migration features and inter-operability with other reports (e.g., Annual Illegal Trade Reports, ETIS reports).
<b>v. NIAP process &amp; ICCWC tools [8]</b>	<b>Process enhancement [8]</b>	<b>Clearly define the terms performance indicator, baseline and target; provide one set of standard examples of each and include fields in the templates for all three for each action.</b>
v. NIAP process & ICCWC tools [8]	Process enhancement	Collaboratively assess and agree on the most appropriate indicators and targets in each NIAP.
<b>v. NIAP process &amp; ICCWC tools [8]</b>	<b>Process enhancement [8]</b>	<b>Include in Step 4, monitor indicators (against targets) to assess a Party's progress toward its NIAP's goal (i.e., impact). Accordingly progress ratings would be updated to refer to both action achievement and impact.</b>
<b>v. NIAP process &amp; ICCWC tools [8]</b>	<b>Process enhancement [8]</b>	<b>Clarify in Step 5 the expectations of NIAP process exit by explaining how parts a-c combine to influence the outcome and how achieving impact is integral to NIAP completion.</b>
iii. NIAP process & Article XIII process [9]	Insight on relationship between the two processes	<p><b>The two processes should work in concert;</b> options to facilitate cross-conversation and cross-reference between the two processes could include:</p> <ul style="list-style-type: none"> <li>• <b>Secretariat highlighting when a Party is subject to both in its letters, missions, reports and recommendations.</b></li> <li>• <b>ETIS reports highlighting when a Party identified as Category A, B or C is under an Article XIII process or is emerging to be in one.</b></li> <li>• Production of an updated NIAP be recommended as a matter of course when a Party enters the Article XIII process.</li> <li>• <b>Adding a provision to the NIAP report template to cross-reference materials from the Article XIII process and including a check for this integration when evaluating NIAP reports.</b></li> <li>• Parties inviting their government staff dedicated to Article XIII process to any of their required inter-agency meetings for NIAPs.</li> </ul>

## 1. Introduction

The National Ivory Action Plan process ('the NIAP process') under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a framework adopted by Parties to support the implementation of Resolution [Conf. 10.10 \(Rev. CoP19\)](#) on *Trade in elephant specimens*, in particular actions to strengthen controls of the trade in ivory and combat the illegal trade in ivory. National Ivory Action Plans (NIAPs) are developed by the Parties concerned and their implementation is monitored by the CITES Secretariat ('the Secretariat') and the Standing Committee (SC) in accordance with the guidelines contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP19) ('the Guidelines') as well as other appropriate measures in accordance with Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*.

Each NIAP outlines time-bound measures that a Party in the process commits to deliver in order to make individualized progress on a goal of strengthening controls and combatting illegal trade in ivory. As per the Guidelines, each plan is typically structured along five pillars: legislation and regulations; enforcement action and inter-agency collaboration; international and regional enforcement collaboration; outreach, public awareness and education; and reporting. Each NIAP uniquely identifies the actions that are of highest priority for that Party to help it attain the plan's overall goal. Chosen actions vary depending upon the Party's own circumstances. Circumstances can relate to the scale and nature of illegal trade affecting the Party and specifically if it primarily functions as a source, transit or destination country for illegal ivory. Circumstances can also be shaped by the Party's capacity needs.

The Conference of the Parties (CoP) adopted [Decision 19.68](#) ('the decision') on *Review of National Ivory Action Plans Process* at its 19<sup>th</sup> meeting (CoP19, Panama City, November 2022) as follows: *Subject to external funding, the Secretariat shall, in consultation with the Standing Committee through its Chair:*

- a) contract a consultant to conduct a review of the National Ivory Action Plan Process and the associated Guidelines in accordance with the following terms of reference:
  - i) review current updating practices of NIAPs and propose options to ensure that NIAPs remain up to date when circumstances on the ground have changed;*
  - ii) provide a better understanding of the reasons behind the lack of reporting or late reporting and consider ways to facilitate timely reporting;*
  - iii) consider the relationship between the NIAP process and other Article XIII processes in case there are Parties subject to both processes in parallel, and provide insights thereon;*
  - iv) review the different reporting requirements and advise in particular whether and how the NIAP process could benefit from strengthened Annual Illegal Trade Reports under Resolution Conf.11.17 (Rev. CoP19) to avoid duplication of efforts of reporting Parties; and*
  - v) analyze the different tools under ICCWC and advise whether and how they could be used for enhancing the NIAP process; and**
- b) provide the Standing Committee with a report on the results of the review.*

This review serves to fulfill the consultant-provided aspects of the decision. It provides a comprehensive analysis of the current practices of relevant Parties, the Secretariat, the SC and other stakeholders with regards to elements of the NIAP process and its associated Guidelines as listed in the decision.

## 2. Background

At its 63rd meeting (SC63, Bangkok, March 2013), the SC requested that the Secretariat assist eight Parties to develop NIAPs during the course of the 16th meeting of the CoP (Bangkok, 2013). This took place against a backdrop of acute signs of unsustainable poaching of African elephants across the continent as reported by the CITES Monitoring the Illegal Killing of Elephants (MIKE) Programme and others on the ground (e.g., Cop16 53.1, CoP16 53.1 Addendum, Maisels et al. 2013, UNEP, CITES, IUCN, TRAFFIC 2013) and mounting numbers of multi-ton largescale ivory seizures reported by the Elephant Trade Information System (ETIS) by TRAFFIC (CoP16 53.2.2 (Rev. 1)) and other investigators (e.g., Gettleman 2012, Russo 2013). A report of ETIS identified Parties *most prominently implicated in the illicit trade in ivory so that appropriate interventions can be considered pursuant to the Convention*, resulting in eight Parties of most concern. The SC requested that these eight Parties develop NIAPs, take urgent measures to implement them and report their progress to the next regular meeting of the SC. Subsequently, the SC recommended that an additional 14 Parties (then considered as *secondary concern* and of *importance to watch*) also produce NIAPs.

Since its initial launch more than a decade ago, the NIAP process evolved in several ways to ensure it meets its goal. This can be described as an incremental maturation with new requirements, guidance and aids being adopted at different time points over the last 10 years. Key additions include definitive structure and procedural steps for identifying Parties to enter into the process, their subsequent plan production, their regular reporting on implementation progress and their eventual exit from the process, all outlined in the Guidelines that were first adopted in at the 17th meeting of the CoP (Johannesburg, 2016). It also includes the *Guidance and template for the development of a National Ivory Action Plan* and *Guidance to Parties developing and implementing National Ivory Action Plans* (SC70 Inf.20) ('the guidance') and a report template, all available on the CITES NIAP-dedicated webpage (<https://cites.org/niaps>). Refinements of the NIAP process also occurred at the 18th meeting of the CoP (Geneva, 2019) that included defining Categories A, B and C; specifying that Category C Parties are generally not recommended for NIAP process participation; referencing the NIAP webpage in several places in the process; and describing a sub-process, if a Party wishes, for updating a NIAP previously found to be adequate. Step 5, related to NIAP completion and exit of the NIAP process, was also made clearer and its part c developed further to include several more elements for the Secretariat to consider when formulating recommendations.

Alongside this process development dynamic, the illegal ivory trade and associated African elephant poaching dynamics have changed and shifted in the last decade. For example, some hotspots of poaching have ceded while other sites have gained prominence as evidenced by MIKE PIKE (proportion of illegal killed elephants) data and genetic origin assignment of seized ivory, as well as site-level population estimates, trends and carcass ratios (e.g., Chase *et al.* 2016, CoP16 Doc. 53.1, CoP17 Doc. 57.5, CoP18 Doc. 69.2, CoP19 Doc. 66.5, Gobush *et al.* 2021 and 2022, Schlossberg *et al.* 2021, Thouless *et al.* 2016, Wasser *et al.* 2015 and 2022, Wittemyer *et al.* 2014). How and where tusks are trafficked has also changed and shifted, as well as many aspects of the overall transnational criminal enterprise, as evidenced by ivory seizures, trade routes, arrests and ETIS analyses (CoP16 Doc. 53.2.2(Rev. 1), CoP17 Doc. 57.6 (Rev. 1), CoP18 Doc. 69.3(Rev. 1), CoP19 Doc. 66.6, EIA 2020 and 2022). Of note, ETIS synthesis of trans-national patterns of ivory trafficking is generated from data that lags in time by at least a year (and more often two to three years once analysis is complete and a report available) (e.g., CoP19 Doc. 66.6). Furthermore, the criminal and covert nature of illegally killing elephants and trafficking of ivory means that some data and information that would be useful is never detected, collected or discovered (e.g., as explained in Wasser *et al.* 2008, Underwood *et al.* 2013).



As a result, prescribing a process that is fit for purpose, clear and straight forward yet specific to the shifting circumstances on the ground is complex. Facilitating compliance as additional Parties with varying capacities enter the process can be a challenge. Therefore, addressing salient gaps in the NIAP process is all the more important given the multifaceted nature of the problem at hand. Decision 19.68 concerns inherent aspects of the NIAP process that could benefit from examination and it calls for options, ways, insights or advice about these in order to optimize the process. These aspects concern:

- Production of updated NIAPs given changing circumstances on the ground
- Timely submission of NIAP reports
- Possible alignment of NIAP reports with Annual Illegal Trade Reports
- Usefulness of International Consortium on Combatting Wildlife Crime (ICWC) tools for the NIAP process
- Relationship between NIAP process and Article XIII Process

### **3. Review Structure and Methods**

This review begins with a high-level overview of the NIAP process. It is then organized according to the five aspects listed above, with a separate section devoted to each. All sections include high-level findings that are offered as options or suggestions for clarifying, refining or improving the process where gaps are evident or concern has been expressed. A final brief section highlights a gap voiced by Parties and other individuals with relevant expertise that are in addition to those representing Parties ('experts' for simplicity) during the course of this review. The gap may warrant consideration because it may influence or ameliorate some of the issues emanating from the specific elements listed in the decision.

To carry out this review, details about the process were first sought through an extensive review of CITES documentation available at <https://cites.org> and the NIAPs webpage in particular. Video recordings of 74<sup>th</sup> and 77<sup>th</sup> meetings of the SC and the 19<sup>th</sup> meeting of the CoP were available and these were also viewed to gather information. Virtual meetings with Secretariat staff from the Enforcement Unit, Legal Unit, and Science Unit were made to gain a further understanding of the NIAP process and aspects of the elements listed in the decision. Additional meetings and follow up correspondence were made with past and present Secretariat staff and TRAFFIC's Senior Analyst focused on ETIS to obtain specific information about their practices for fulfilling the roles of each as stipulated in the Guidelines, including the Secretariat's evaluation obligations for a number of steps.

An attempt was made to conduct confidential, semi-structured, virtual interviews of all Parties currently in the NIAP process. Secretariat staff provided a list of contacts for each Party and facilitated the launching of the consultant-led interviews through an introductory email between the consultant and Party contacts. Ten of the 13 Parties currently in the NIAP process were successfully interviewed, five African and five Asian Parties. For the interviews, about 40 questions were developed; questions confirmed facts (from the document record) for each Party about their time in the process to date and obtained information about their practices, experiences, challenges, opinions and suggestions about the elements of the decision. Questions were prepared as a written questionnaire to facilitate the flow of the interview; these were provided to the Party ahead of time if requested. Some of the prepared questions were less relevant to some Parties; for example, those related to country-specific experiences and details of updating plans were less relevant to those Parties who had never updated their plans. In these instances, the focus was on broad questions related to an element rather than detailed questions that the Party could not meaningfully respond. Therefore, not all questions were asked of each Party, although there was an effort to ask as many of them as possible. In this way, the semi-structured

interview format was flexible yet covered all the elements. All interviews were conducted in English with the exception of three that were aided by French translators.

A similar attempt was made to gather general information, opinions and suggestions from a number of Parties that had successfully exited the NIAP process ('exited Parties'). Although several exited Parties were invited to assist in this review, only two (one from Africa and one from Asia) responded positively and made themselves available despite repeated attempts by the consultant to liaise with more Parties. The semi-structured interviews of these two exited Parties followed the same basic procedure using a subset of about 20 questions that emphasized gathering the exited Party's suggestions on NIAP process improvements given their past experience in the process.

Virtual meetings were also attempted with several other Parties and non-governmental organizations (NGOs) to understand their experiences in shaping the NIAP process and/or facilitating Parties in the NIAP process and to gather their expert input on the elements of the decision. Despite repeated invitations, no additional Parties agreed to meet. In total five meetings with staff from four NGOs were held.

Information offered by Parties, NGOs and the Secretariat was hand-recorded during the virtual meetings. Information collected helped inform each section of this review to generally be more accurate, comprehensive and creative with respect to suggestions for process improvements. An effort was made to summarize the variety of responses in order to report on the full range and diversity of responses. Sometimes similar views were expressed by Parties, the Secretariat and/or NGOs; such commonly held views or points were highlighted as such. Sometimes a particular view, that was not necessarily widely expressed, uniquely complemented or contrasted with a more commonly held view (as expressed by other interviewees). These valid responses were reported as well because of their potential to offer additional insight on topics. However, care was taken not to over-emphasize such views when synthesizing the collected information to form recommendations in each section. As interviews were confidential, responses reported do not refer to individually named Parties or organizations. However, summaries of reported facts about Parties that were collected via an examination of the documents available at the CITES website name Parties individually in many instances.

Of note, many of the findings and suggestions in this review either refer to or rely on findings from the ETIS analyses reported at each CoP. It is recognized that the ETIS programme was recently reviewed (e.g., SC74 Doc. 12), is continuously being refined and is the subject of concurrent CoP19 decisions (e.g., Decision 19.80 and Decision 19.97). It is also recognized that SC74 Doc.12 Annex 1 raise a number of supportive points with respect to the on-going use of ETIS findings in CITES decision-making (e.g., paragraphs 51, 52, 61, 62, 69, 72, 80, 81 and 83 of the same document). This is not to dismiss some concerns raised about the ETIS programme or ignore that the multi-year time lag associated with generating and reporting ETIS findings is not ideal. However, ETIS, as a unique data-driven system that includes transparent quality control measures, provides a needed analytic function with respect to transnational illegal ivory trade that is critical to the NIAP process. Therefore, it is assumed that the methodology and outputs of ETIS are appropriate and actionable for the purposes of this review.

#### **4. Overview of the Guidelines and Parties in the NIAP Process**

The NIAP process is structured along five steps as encapsulated in the Guidelines. Steps 1 and 2 focus on identifying Parties recommended to participate in the process and the development and submission of a NIAP by a Party. Step 3 parts a-c detail the determination of NIAP adequacy and

acceptance; Step 3 parts d-f pertain to procedure for revising and updating a NIAP. Step 4 goes into progress reporting, as well as evaluation and monitoring of implementation. Step 5 focuses on NIAP completion and a Party's exit from the NIAP process. Parts of Step 3 through 5 relate to elements of the decision which are discussed in more depth beginning in section 5. First though, a brief overview of all steps of the Guidelines follows to provide needed context.

The Guidelines were adopted at the 17<sup>th</sup> meeting of the CoP (Johannesburg, 2016) and amendments adopted at the 18<sup>th</sup> meeting of the CoP (Geneva, 2019). The first exit of Parties from the NIAP process occurred in 2018 (SC70, Sochi). Given this timeline of development of the process itself, each Party's actual experience in the process may have differed from what is captured by the Guidelines, namely its process entry, plan acceptance, plan update(s) and required progress reporting (but not its plan completion and process exit because the Guidelines were in place by the time the first Parties exited) (see Table 1, found at the end of this section).

In accordance with Step 1 of the Guidelines, a separate data-driven analytic process based on ETIS is applied to identify and categorize Parties based on the extent to which they are affected by the illegal ivory trade. This process is carried out by the non-governmental organization TRAFFIC in consultation with the MIKE-ETIS Technical Advisory Group (TAG) and in collaboration with the Secretariat. It is an agglomerative hierarchical cluster analysis of ivory seizure data and a number of metrics related to ivory trafficking that *serves the useful purpose of removing a lot of the 'background noise' and revealing the most important players and their roles in the illicit trade in ivory* (CoP16 Doc 53.2.2.(Rev. 1)). It informs a categorization of Parties prominently affected by illegal ivory trade as: Category A- those *most affected*; Category B- those *markedly affected*; or Category C- those *affected*. Of note, the three categories previously went by different labels which will not be used in this report for simplicity. Their presumed equivalent in the A,B,C labeling scheme is applied instead. Additional quantitative and qualitative information may supplement the cluster analysis results to also inform the categorization. A deeper examination of this categorization and draft criteria for it is called for in Decision 19.97. The Secretariat in consultation with the MIKE-ETIS TAG and TRAFFIC is developing this; it is not reviewed here as it is not yet available. It is acknowledged that it will be important to incorporate the outcomes of Decision 19.97 into the Guidelines as appropriate (e.g., at least Step 1.a. and c. and Step 5.c.ii.).

TRAFFIC produces a comprehensive ETIS report of the findings for each CoP based on a set of seizure data spanning three years that lags in time by two years. For example, the ETIS report's findings for CoP19 (Panama, 2022) were based on data from 2018 to 2020. Across successive ETIS reports to the CoP, results may point to a Party repeatedly or not, and their category can stay the same or else change to a higher or lower category. This information is foundational to the Secretariat's recommendation to initiate a Party in the process (or not) that is then decided by the SC (Step 1). ETIS findings also help inform the Secretariat's recommendation to have a Party exit the process (or not) that is then decided by the SC (Step 5, discussed below).

Illegal ivory flows are typically described as an illegal trade or supply chain that includes countries of ivory source (also described as origin), transit (also described as export/re-export) and destination (also described as consumer). Some of the NIAP Parties that are elephant range States may be a source country for ivory but not necessarily so (especially if the Party's national elephant numbers are already very low and difficult to target or are less of a target for poachers). These same Parties may also function as transit countries. Non-range States function as transit and/or destination countries. The A-B-C categorization scheme informed by the ETIS analysis does not differentiate among these functional

roles (i.e., there are no subcategories to A-B-C, such as Category A subcategory “source”). That said, it is also acknowledged that clear criteria for these categories are under development via Decision 19.97. However, NIAPs will account for the specific functional role(s) associated with that Party. For example, if a Party functions as an ivory source country, then actions in their plans will likely include efforts related to anti-poaching, elephant population management and tracking poaching indicators. PIKE trends as reported by the CITES MIKE Programme to each CoP are useful for the latter; however, a range State’s MIKE site(s) may not cover all sites where poaching is a problem, so additional elephant population trend analyses are often important supplements.

In accordance with Step 2 of the Guidelines, each plan is meant to be specifically tailored to meaningfully address the conditions that contribute to the Party being affected by the illegal ivory trade so that it can primarily improve the situation within its borders. Committing to such domestic measures is in line with Resolution Conf. 10.10 (Rev. CoP19) and is expected to help mitigate the Party’s role in any transnational illegal ivory flows. Parties generate their own plan. For the plan to be deemed adequate, it follows a specific template, is typically structured along five standard pillars of actions and possesses a number of other characteristics as listed in Step 2 of the Guidelines. Although findings from analyses of ivory seizure data primarily identify a Party as needing attention, a Party is expected to commit to increasing its effort and resources to strengthen controls and combat illegal trade across multiple areas of needed action that the five pillars represent. This holistic approach basically mirrors what is agreed by the CoP as important in Resolution Conf. 10.10 (Rev. CoP19).

Parties self-select measures or actions that fall under each pillar. These actions are to be achievable in short- and medium- timeframes (per the guidance) as they are primarily intended to address matters that are of an urgent nature, of immediate concern, and are high priority for and proportional to the problems they are intended to solve (per the Guidelines). Thus, intensity, frequency and scale of illegal ivory trade that affects a Party will likely influence the actions selected. Each action is clearly described with an implementation timeframe and milestones, performance indicator(s) and target(s).

In accordance with Step 3 of the Guidelines the adequacy of an initially developed NIAP is assessed as sufficient or not (as defined and described in Step 2.a.) by the Secretariat in consultation with other experts if needed. The Party may be asked to revise this draft plan if it is not initially deemed adequate by the Secretariat. Any such initial revising of a draft NIAP before it is officially accepted is not considered to be an updated plan *per se* and is not explored in this review. Once a NIAP has been accepted, a provision of Step 3 describes steps related to a situation in which a Party wishes to voluntarily produce an updated NIAP. This issue of revising and producing an updated NIAP (that was previously deemed adequate) is addressed more fully in section 5 of this review as it constitutes a main element of the decision.

Step 4 of the Guidelines describes sub-procedures for monitoring NIAP implementation and centers on each Party submitting progress reports to the Secretariat 90 days in advance of each regular meeting of the SC. The Secretariat evaluates these reports which the SC then uses to apply one of three ratings to the Party’s progress. Step 4 also includes conditions with which the Secretariat and SC should consider appropriate measures to ensure a Party’s compliance with the NIAP process along the procedures outlined in Resolution Conf. 14.3 (Rev. CoP19). As Step 4 involves the submission and use of reports, the use of indicators and the possible use of compliance measures, these aspects of the NIAP process are discussed more fully in subsequent sections of this review as they constitute main elements of the decision.

The procedure to exit the NIAP process is detailed in Step 5 of the Guidelines. In short, a decision by the SC to have a Party exit the process begins with the Party signaling to the Secretariat that it has met the requisite threshold level of achievement of actions listed in its NIAP. An evaluation of achievement is initially based on a Party's self-assessment that is then evaluated by the Secretariat in consideration of a number of elements as listed (Step 5.c.i.-iv.). A Party's exit from the process is not solely based on achievement of actions in its plan because, for example, its continued identification as needing attention via the ETIS analysis (among other things) is also meant to be considered before the Secretariat makes a recommendation of the Party's exit or not (Step 5.c.ii.). However, it is unclear how the requisite achievement of a NIAP's actions and each of the four elements of Step 5.c.i.-iv. are weighted to inform the recommendation for a Party to exit (or not) (this was voiced by some Parties and other experts as discussed in section 5 of this review).

As such, action achievement (at the threshold level) by a Party could be considered a minimum requirement to *begin to consider* its exit from the process. Given the dynamics of the illegal trade, lag time in ETIS analysis (although recent *data* from ETIS is requested and considered by the Secretariat) and the likely lag time in the impact of many actions in a NIAP, this is likely a conservative measure to ensure that the exit of a Party from the NIAP process does not occur prematurely before meeting the plan's goal (i.e., strengthening controls and combatting illegal ivory trade). Furthermore, these three sources of uncertainty are coupled with the fact that each NIAP is a best estimate but not a guarantee of what actions are needed to reach its goal. Thus, also integral to Step 5 is a provision that the recommendation may be for a Party to update its plan rather than exit the process. This may signal that the current NIAP (that is nearing completion by the Party) has not resulted in strengthening controls and combatting illegal ivory trade as intended or expected. This could be because new factors have arisen or new information has come to light that now need to be incorporated in the NIAP in order for its primary goal to be concretely achieved.

Evaluating a Party's achievement of individually-listed actions along with its progress toward its goal (i.e., impact) and encouraging plan refinement based on its outcomes and impact to date follows an adaptive management approach. Step 5 appears to basically follow such an approach. Generally-speaking this can be especially useful when there is substantial uncertainty regarding the most appropriate strategy for managing or protecting a resource. This type of uncertainty likely varies across Parties in the NIAP process. It may mirror the complexity of how a Party is affected by the illegal ivory trade and the dynamism of the trade itself. As a consequence, some Parties may have a longer pathway to exit the NIAP process than others even if their dedication and commitment to action achievement is strong.

A total of 22 Parties have participated in the process to date (2024). Thirteen Parties are currently in the process, five of which are Category A, four are Category B and the remainder are Category C (Table 1). Eleven of these 13 Parties have been a part of the process since its onset in 2013, although recommendations by the SC that they produce plans were staggered across 2013 to 2014. Their subsequent submission and acceptance of an adequate NIAP was also staggered (across 2013 to early 2016). As a result, the implementation period of this set of Parties ranges from around 8 to 11 years. The remaining nine Parties have exited, with a range of participation in the process of about 2 to 9 years each. No new Parties have entered the process since 2017. This timing corresponds with improving trends in elephant poaching and ivory trafficking. It also may reflect the fact that the highest number of Parties in the NIAP process occurred in 2017. Since this zenith, exits from the NIAP process rather than additions to it have been more commonplace.

**Table 1. NIAP Process Participation**

Party		Entry year	Current status
Angola		2014	Category C*
Cambodia		2014	Category B
Cameroon		2014	Category C*
China	Mainland	2013	Exited
	Hong Kong SAR	2013	Exited
Congo		2014	Category C*
Democratic Republic of Congo		2014	Category A
Egypt		2014	Exited
Ethiopia		2014	Exited
Gabon		2014	Category B
Kenya		2013	Exited
Lao PDR		2014	Category C*
Malawi		2017	Exited
Malaysia		2013	Category B
Mozambique		2014	Category B
Nigeria		2014	Category A
Philippines		2013	Exited
Qatar		2017	Category C*
Thailand		2013	Exited
Togo		2017	Category A*
Uganda		2013	Exited
Viet Nam		2013	Category A
United Republic of Tanzania		2013	Exited

\*These Parties did not arise in the latest ETIS analysis as needing attention (i.e., based on 2018-2020 data) rather it appears they retained the Category they were assigned previously (i.e., based on ETIS analyses prepared for CoP17 or CoP18 and data for years 2012-2014 or 2015-2017 respectively).

## 5. Production of Updated NIAPs

The purpose of this part of the review is to examine current updating practices of NIAPs and propose options to ensure that NIAPs remain up to date when circumstances on the ground have changed. Producing an updated NIAP is interpreted to be pertinent to the situation in which an initially developed NIAP has already been deemed adequate and accepted by the Secretariat, approved by the Party and implemented to some extent by that Party. Although what is meant by *circumstances on the ground* is not defined in the decision, the proposal for this review found in CoP19 Doc. 66.7 part 7.c states that *several NIAPs are years out of date and thus may not accurately reflect current trends in elephant poaching and ivory trafficking*. Therefore, it is assumed here that changed circumstances (on the ground) primarily refer to when new and/or increasing trends of either of these two illegal activities emerge or become evident in a country after the original NIAP was accepted.

Generally-speaking, a need to update any time-bound plan can be expected so as to ensure action timeframes remain accurate, that the plan continues to appropriately account for circumstances on the ground and that its actions remain proportional to the problems they intend to solve. In the case of NIAPs, Parties are not aware of their trajectory or the duration that they will be in the NIAP process at the onset so a need to extend plan horizons may be an obvious item that requires updating from time to

time. As illegal ivory trade dynamics shift, a need to augment the list of high priority actions may arise if a Party is to actually fulfill the overall goal of the NIAP. In addition, new tools, technologies, techniques and guidance may become available that could support progress toward the goal and Parties may decide to incorporate these in their NIAPs to increase efficiency or effectiveness of their efforts.

i. General Patterns

The majority of the Parties in the NIAP process developed their initial plans in 2013 to early 2016 (with the exception of three Parties that entered the process in 2017). Recommendations to revise and update their NIAPs occurred in 2014 to Parties of Category A after their first progress reports were evaluated by the Secretariat; this pre-dated the adoption of the Guidelines. With the adoption of the Guidelines in 2016, the following is explained with regard to producing updated plans:

*Step 3.d.*

*If a Party wishes to revise and update its NIAP previously found to be adequate, to incorporate new actions needed to respond to any emerging elephant poaching or ivory trafficking trends or related matters, the Party shall submit the proposed revised and updated NIAP to the Secretariat, together with an explanation for revising and updating its NIAP. Where any actions in the NIAP previously found to be adequate were not yet 'Achieved' or 'Substantially achieved' but removed from the revised and updated NIAP, the Party should provide justification for the removal of these actions.*

AND

*Step 5.b.i.*

*b) The Secretariat will evaluate the progress reported by the Party concerned, and consider if sufficient detail is provided on the measures and activities implemented for each action in the NIAP to justify the allocated self-assessment progress ratings. The Secretariat is encouraged to engage relevant experts or conduct a country mission, to assist in this process, and formulate recommendations for consideration by the Standing Committee on whether:*

- i) there is a need for the Party to revise and update the NIAP and continue implementation;*

Thus, the current practice of producing updated NIAPs can be voluntarily initiated by a Party or else essentially prompted by the Secretariat upon evaluating a plan's completion. The guidance explains the timeline for plan updating and revising as:

Timeline for developing a NIAP	
Stages 1- 4	120 days from date of request by Standing Committee to develop a NIAP or revise and update a NIAP previously found to be adequate
Stage 5	Secretariat assesses whether NIAP is 'adequate'
Stage 6	60 days from date the Secretariat provided feedback

Thirteen of 22 Parties (56%) have updated and revised their accepted NIAPs at least once during their time in the process (Table 2). Of these 13 Parties, their duration in the process has ranged from 6 to 11 years. The production of an updated NIAP was in response to specific recommendations initiated by the Secretariat and adopted by the SC in nearly all of the instances. Some of these recommendations predated the adoption of the Guidelines. Thereafter, most recommendations for updated plans occurred in accordance with Steps 3.d or 5.b.i of the Guidelines.

Of the nine Parties that have exited the process, seven Parties and Hong Kong SAR of China were requested to update their NIAPs at some point before they exited. An updated plan resulted in all but two of these cases. In 2014, six Parties (all the equivalent of Category A) were encouraged by the SC to revise their plans (i.e. about a year after they were first approved)(this also included current participants Viet Nam and Malaysia). The reason behind this request was *the ongoing high levels of elephant poaching and illegal ivory trade* that continued to affect these Parties despite the NIAPs they had in place. It included direction to revise milestones and timeframes and include indicators. Although the Secretariat was not mandated to make these NIAPs public (the originals nor the updated versions), it shared details of the extent of NIAP revisions in 2015 (SC66 Doc 29 (Rev. 1) Annex 1). Five Parties (plus current participants Viet Nam and Malaysia) chose to revise and update their NIAPs. Revisions were minor in some cases and primarily involved extending timeframes; others were more substantial and entailed added actions and/or removed ones that were unclear or unfeasible because they were reliant on external sources for completion. Most revisions appeared to be self-selected with only Thailand's aimed at addressing matters *set out* at the previous meeting of the SC. In 2018, Egypt was requested to revise and update its NIAP; however, it did not carry this out by the next meeting of the SC when it was agreed that Egypt could exit the NIAP process. The SC never made a recommendation that Malawi and Ethiopia update their plans.

Of the Parties currently in the NIAP process, seven of the 13 have produced updated plans since entering the process (with Viet Nam and Malaysia having done so twice, once as described above in 2014 and again as described below). Recommendations by the Secretariat and adopted by the SC prompted these revisions and updates in most of the cases. Exceptions occurred with DRC in 2017 and Lao PDR in 2020. Both Parties volunteered to make revisions and produce updated NIAPs per Step 3.d. of the Guidelines; at that time both Parties were Category C. Of note, both of these Parties have been subject to Article XIII processes for some time so this may or may not have influenced their decision to voluntarily produce updated NIAPs. DRC was subsequently requested by the SC to revise its updated NIAP to make it adequate according to Step 2 of the Guidelines. More recently, the SC requested that DRC update its plan again (detail below).

Three Parties (two in 2017 and one in 2018) informed the Secretariat that they met the threshold level of NIAP achievement required to be considered for NIAP completion and NIAP process exit as outlined in Step 5.a. of the Guidelines. After evaluation, the SC responded with requests that these Parties revise and produce updated NIAPs in accordance with Step 5.b.i. of the Guidelines as (paraphrased):

- Viet Nam, taking into account the Secretariat's recommendations on illegal ivory and rhino horn and a mission report in order to generate a NIRAP (National Ivory and Rhino Horn Action Plan), include actions related to the Penal Code, organized crime groups involved in cross-border trade, enhancing intelligence gathering and mapping criminal networks with regard to illegal domestic trade.
- Malaysia, focus on scaling up enforcement operations, intelligence gathering activities, improving risk assessment, enhancing targeting, etc. (examples were mentioned).
- Mozambique, taking in consideration the information contained in the ETIS report for CoP18 and with a focus to strengthen: detection of ivory and rhino horn consignments at ports, efforts to gather intelligence about criminal syndicates, mapping criminal networks, initiating intelligence driven operations and investigations to address them, and implementation and impact of its amended national laws and regulations.



The SC provided guidance to Angola (in 2017), Egypt (in 2018), Congo and DRC (in 2022) that *in case the Party wished to update and revise its plan* (that was previously accepted) that it should do so *in accordance with the Guidelines*. This prompt to Egypt was described as *in accordance with Step 3* retrospectively in at least one report by the Secretariat that summarized past SC recommendations. Presumably, the similar prompting to Angola and DRC was also in accordance with Step 3d.

In 2019, the SC requested that Nigeria revise and update its already accepted NIAP. It was stated that this was *in accordance with Step 2* of the Guidelines as (paraphrased):

- Nigeria, taking in consideration the information contained in the ETIS report for CoP18 and matters highlighted in SC71 Doc 11 Annex 2 p3-4. In brief, these matters related to Nigeria's prominence to the highest level in the ETIS analysis, evidence that transnational criminal syndicates previously operating in East Africa had shifted their operations to Nigeria and evidence in recent media reports of additional ivory seizures implicating the country.

Presumably, this request to Nigeria was actually made in accordance with Step 3.d (Step 2 was indicated in the recommendation, however, Step 2 does not have a provision in it that relates to updating *already accepted* NIAPs).

Six parties currently in the NIAP process have never updated their plans. Some of these Parties entered before the Guidelines were adopted, namely Cambodia, Cameroon, Congo and Gabon. Their plans diverge from the current template. Of these, Cameroon and Congo did not arise in the latest ETIS analysis as needing attention (reported at the 19<sup>th</sup> meeting of the CoP and involving data from 2018 to 2020). Two Parties currently in the NIAP process with non-updated plans, namely Qatar and Togo, entered after the Guidelines were adopted; these two Parties also did not arise in the most recent ETIS analysis as needing attention.

**Table 2. Patterns of the Production of Updated NIAPs**

Party		Process entry year	Current status	Year updated requested (Step)	Plan update submission year
Angola		2014	Category C	2017 (3.d.)	2018
Cambodia		2014	Category B	Not requested	No update
Cameroon		2014	Category C	Not requested	No update
China	Mainland	2013	Exited in 2018	2014	2015
	Hong Kong SAR	2013	Exited in 2022	2014	2015
Congo		2014	Category C	2022 (3.d.)	No update
Democratic Republic of Congo		2014	Category A	2022 (3.d.)	2018
Egypt		2014	Exited in 2019	2017 (3.d.)	No update
Ethiopia		2014	Exited in 2019	Not requested	No update
Gabon		2014	Category B	Not requested	No update
Kenya		2013	Exited in 2018	2014	No update
Lao PDR		2014	Category C	Not requested	2020
Malawi		2017	Exited in 2019	Not requested	No update
Malaysia		2013	Category B	2017 (5.b.)	2015 and 2018
Mozambique*		2014	Category B	2018 (5.b.)	2020*
Nigeria		2014	Category A	2019 (3.d.)	2020
Philippines		2013	Exited in 2018	2014	2015
Qatar		2017	Category C	Not requested	No update
Thailand		2013	Exited in 2018	2014	2015
Togo		2017	Category A	Not requested	No update
Uganda		2013	Exited in 2018	2014	2015
Viet Nam*		2013	Category A	2017 (5.b.)	2015 and 2018
United Republic of Tanzania		2013	Exited in 2019	2014	2015

\*Mozambique and Viet Nam were asked to develop NIRAPs (National Ivory and Rhino Horn Action Plans); Mozambique described their 2020 submission as a *new* plan in the NIRAP's Introduction and not as an updated plan.

## ii. Examination of Practices

Most Parties that had updated their NIAPs explained that changes made were focused on the SC's recommendations rather than a comprehensive needs assessment by the Party or other examination of changes in circumstances on the ground in their country. A needs assessment of some kind often occurred when they drafted their original NIAPs that they considered holistic. Given this and the fact that some original activities often remained outstanding, they explained that it made sense to rely on the SC's recommendations and primarily focus the update on matters listed by the SC. They explained that the consultative process and national-level commitment required to gain internal approval of a NIAP meant that undertaking the production of an updated NIAP is time and resource intensive; this may be why Parties do not often self-invoke Step 3.d.

In Decision 19.68, the concept of producing updated NIAPs is couched in a need to ensure that the action plans remain up to date when circumstances on the ground have changed. This begs the question of how can or does a Party detect or track that circumstances have changed. It also raises the question of what level of change warrants the revision of an already accepted plan. Parties' understanding of changes in circumstances on the ground relied on a combination of: 1) findings from

ETIS analyses and summaries, and 2) input (i.e., descriptions, lists and tallies) gathered from their law enforcement partners in-country (i.e., typically other agencies or ministries and NGOs in some instances). It was not obvious that these Parties routinely conducted comparative analyses on this input to draw deeper insights (although they certainly may be doing so in some countries). Conversely, a few exited Parties explained that they routinely conducted such analyses still today after exiting the process and one described it as a best practice and *part and parcel of their day-to-day work*.

Some Parties explained that using near real-time data about circumstances on the ground might be desirable to shape NIAP implementation and to produce updated NIAPs but the realities of data lag times on many fronts complicated this. Although it is exceedingly important for a Party's CITES Management Authority to routinely obtain information and data from internal-government partners for several reasons (this issue is discussed in section 6 of this review), many Parties agreed that it can be challenging. Therefore, many Parties rely on ETIS reports to provide needed information on dynamics of illegal ivory trade (despite its lag time issues). At least one Party explained that ETIS analyses are especially important for informing transit countries of their continued role or prominence in illegal ivory trade in a relative sense vis a vis other Parties affected by the illicit trade. Because a growing list of ivory seizures is a mixed indicator, it would be difficult to discern whether an increased number of ivory seizures in a national database meant an increase in illegal activity or a constant or basically unchanged rate of illegal activity with improved detection and confiscation. Then tallying or analyzing other data, like number of successful prosecutions, seemed to incur even longer lag times. Many Parties recognized that building prosecutorial evidence, conducting court cases and finalizing sentencing could take years in some of the most important cases involving large volumes of ivory and where prosecutions also include a list of associated financial or other crimes (that importantly can result in more robust sentencing).

This is not to say that country-specific gathering of data is not needed; to the contrary it is essential and required as described in the Guidelines (and further expounded in section 8 of this review). However, it does emphasize that ETIS analysis that includes multi-national information and integrates several pertinent metrics, bias correction and other quality control is able to provide insights to Parties in the NIAP process on a reliable basis that their own efforts may not as readily or reliably provide. This of course, though, depends on all Parties reliably reporting information to ETIS as expected per Resolution Conf. 10.10 (Rev CoP19) Annex 1.

Despite these data challenges, most Parties held the view that it is reasonable for a Party to produce an updated NIAP if they have been in the NIAP process for a long time. A long duration in the process suggests that the Party's progress is either stalled or illegal trade dynamics have or keep shifting for the Party so that a heightened need to combat it is sustained. One Party explained that keeping the task of updating open-ended was not useful, implying that the Guidelines should proactively attend to this need beyond what it currently stated (in Steps 3.d. and 5.b.i.). When asked, Parties responded that the production of updated NIAPs should occur on a conditional basis rather than according to a one size fit all directive. A Party with a non-updated plan viewed that flexibility in the NIAP process was important; as a sovereign nation their authorship and organization of their plan was paramount and the ultimate decision to update a NIAP should be theirs. This Party also seemed to indicate that they viewed the NIAP template and associated guidance as more of a suggested minimum standard rather than as an exact prescription. Another Party, that admitted that they have a lot of work to do to implement their

NIAP, seemed to indicate that producing an updated NIAP now would be disruptive. They suggested that it could be counter-productive given that many actions would be carried over to an updated plan anyways.

With regards to plan updating on a conditional basis, several Parties currently in the NIAP process recognized that countries with more routes of illegal ivory trade likely required more effort (e.g., time, staff, resources, data, etc.) to make progress on the goal of their NIAP (i.e., strengthening controls and combatting illegal trade of ivory) compared to others which had fewer routes. The number of illegal trade routes involving a country could be influenced by a number of factors, such as aspects of the country's geographical location, seaports vis a vis maritime shipping routes, length and configuration of its (land) borders, elephant populations, etc. This is by no means an exhaustive list and the range of factors was not discussed in interviews. Nonetheless, it may be that the number of possible routes of illegal trade correlate with the overall complexity of NIAPs and time required to complete them. Although this may seem like an obvious point, in practice this means that some Parties with relatively fewer likely routes of illegal ivory flow may be able to more swiftly move through the process, whereas others may need to make progress through stepwise implementation of actions across large spatial extents where pilot programs, trial, error and learning is integral. In these cases, the production of an updated NIAP may be especially sensible, particularly if successive ETIS analyses continue to point to their needing attention in particular areas of their implementation. Along these lines, one Party suggested that NIAP updating may not necessarily be useful if a Party's role in the illegal ivory trade was not complex. This particular Party recognized its own role as complex so this opinion was not self-serving.

From a data-driven perspective, the request (or not) to produce an updated NIAPs could consider the complexity of the Party's role in illegal ivory trade dynamics (as an addition to Step 4 for example). Possible data-led approaches for discerning the complexity of a Party's role in illegal trade dynamics is a separate issue and broached in section 10 of this review. Any updates could be encouraged or required to focus on activities that directly respond to the latest ETIS findings (versus other activities that likely do not). Such an addition to the Guidelines could offer an opportunity to customize updated NIAPs in a way to be more effective and efficient if they more diligently concentrate on the persistent problems the Party needs to continue to address. As such, it may be useful to take stock of some activities in some pillars that are tangential or peripheral and streamline or unburden the NIAPs of these. Several Parties and experts explained that tailoring or customizing updated NIAPs in these ways could improve efficiency and effectiveness of the NIAP process.

One expert pointed out that four of the six Parties (Cameroon, Congo, Qatar and Togo) that have not produced an updated NIAP yet could be considered less of a priority because these Parties are not rising to a level of relative prominence in recent ETIS analyses (i.e., they were not included as Category A, B or C in CoP19 Doc. 66.6). This is not to lessen the individual need of these four Parties to continue to implement their NIAPs and meet their obligations under Resolution Conf. 10.10 (Rev. CoP19). However, such prioritization of the production of updated NIAPs could take into account if any more recent, obvious signs of significant illegal activity are apparent.

### iii. Additional Comments

NIAPs are designed to be time-bound according to Step 2.a.3.ii. However, as one expert pointed out, nearly all the NIAPs of Parties currently in the process appear to have timeframes that have passed out, nearly all the NIAPs of Parties currently in the process appear to have timeframes that have passed out on at least some actions (an exception is Mozambique's updated NIRAP that extends to 2025). This is problematic when considering the temporal aspect of Step 4.f. in which there could be possible consideration of *appropriate measures* by the SC if a Party has not *achieved the goals identified in the NIAP within the specified time frame*. Generally-speaking, setting time frames appears to be an inexact exercise in predicting when an action could be achieved based on the best available information. Furthermore, the details of why a time frame was not met (i.e., what was achieved, what was not and why) is likely pertinent. Parties acknowledged that time frames stated in their plans had passed in some instances but explained that their commitment to delivering on the actions remained as evidenced in their progress reports.

One Party expressed frustration that it perceived that the *goalposts changed* when Step 5.b.i. was invoked because actions were completed yet the request for an update (instead of agreement to an exit) was not satisfactorily explained and the objectiveness of the decision assured. As such this Party felt that the NIAP process was a *never-ending* process. At the same time, the exited Parties interviewed explained that they continue to implement the efforts they established via the NIAP process and did not view their commitment to actions as *ending*.

Several Parties and experts remarked that the way in which the Secretariat and SC apply Step 3.d. (in terms of its prompts to some Parties to voluntarily produce updated NIAPs) and Step 5.b.i could benefit from more explanation.

### iv. Options to Ensure NIAPs Remain Up to Date

The patterns, practices and concerns described above reveal a number of issues and actionable opportunities for improving the NIAP process in the near term. Some of the issues are superficial and more readily remedied. Others are more profound and bring up fundamental questions about the NIAP process. Options for responding to each issue are offered below that attempt to synthesize suggestions and opinions offered by Parties and other experts in their interviews.

Issue 1: Six of 13 Parties are working off of original NIAPs first accepted 7 to 11 years ago. From an administrative perspective, such NIAPs likely have inaccurate time frames and nonstandard formats now. In terms of effectiveness, these original NIAPs may or may not be missing high-priority actions that would be responsive to any new or increasing trends in poaching and trafficking that have emerged in the last decade and/or may contain dated, obsolete or unnecessary provisions.

Option 1: Conditions could be determined that trigger a request by the Secretariat to a Party that it consider whether to produce an updated NIAP. This could be added to Step 4 of the Guidelines for example. In response, a Party could consider producing and submitting an updated NIAP according to the timelines already outlined in the guidance. These updated NIAPs should be tailored to concentrate on the significant problems identified after a Party has entered the NIAP process (and they could streamline

activities that are tangential) so that the Party's efforts focus on effectively and efficiently achieving impact as intended and expected.

Example conditions could include some combination of the following: 1) when a Party remains at Category A across two successive ETIS reports since it's NIAP was accepted or last updated; 2) when a Party's category rises between two successive ETIS reports (e.g., it was placed in Category B at CoP19 and it rose to be placed in Category A at CoP20); 3) when a Party is implicated in more than a certain number or a certain percentage of largescale ivory seizures during an inter-CoP interval as vetted through ETIS via the data validation process set in Annex 1 of Resolution Conf. 10.10 (Rev. CoP19). Negative PIKE and elephant population trends (e.g., as reported by the IUCN African Elephant Specialist Group) could also be considered for source countries. The MIKE-ETIS TAG could be consulted on the appropriateness of any conditions relying on MIKE or ETIS data.

Issue 2: Tracking changes to circumstances on the ground varies across Parties and thresholds of change to trigger the production of an updated NIAP are undefined and may be exceedingly context dependent.

Option 2: Tracking indicators is important to monitor and evaluate progress over time and should continue to be encouraged and further facilitated. This matter is addressed in detail in section 8 of this review. However, a consideration to produce an updated NIAP should be triggered by some easily applied universal conditions (as suggested in Option 1) as a best practice. Anything more specific could quickly become impractical, inoperable and invite more inconsistency in the process.

Issue 3: Increasing the clarity and consistency of why and when a Party is recommended to produce an updated NIAP could improve the Parties' understanding of this aspect of the NIAP process.

Option 3a: Additional explanation could be offered by the Secretariat and the SC when making their recommendations. For example, with respect to Step 5.b.i., a more detailed explanation could be made as to why action achievement is not enough to support exit and how information pertaining to Step 5.c.i.-iv. influenced the recommendation to initiate the production of an updated NIAP.

Option 3b: The Guidelines could be improved so that additional explanation is inherent. Using Step 5 as an example again, explanation could be added that clarifies that action achievement is a minimum requirement to consider NIAP completion and process exit. Step 5.c.ii. could be elaborated upon to better explain how and when ETIS findings outweigh action achievement of the current plan to point out that a need to update a NIAP is warranted rather than exit from the NIAP process. A few Parties suggested that understanding how Step 5.c.ii. is weighted in the overall formula would be beneficial. A description of how information pertaining to Step 5.c.i.-iv. is combined in formulating recommendations could be included in the Guidelines, although doing so may result in the NIAP process losing some of its flexibility. Several experts suggested that this be objective and data-driven to the extent possible.

Issue 4: Outdated time frames are listed in most NIAPs.

Option 4a: One option is to institute a blanket guideline that if an action is not achieved within the timeframe specified, it is expected that its achievement will be prioritized as a matter of urgency and it

will be at least *substantially achieved* by the next meeting of the SC. In this way, refreshing action time frames could occur within the rubric of progress reporting rather than a full plan update (i.e., the report template would include a field to indicate the new time frames once a previous time frame has been surpassed). However, an exception to this may be required in the case of activities of pillar 1 (i.e., those related to legislative processes) given those timelines can often run longer than anticipated.

Option 4b: Another, albeit research-intensive, option is to identify factors and analyze patterns causing the delay in achievement of actions that lead to stated time frames being surpassed. This information could be used to improve temporal predictions of action achievement and make them more accurate so that the need to refresh time frames is less prevalent.

Option 4c: A third option is to maintain the current situation where time frames are out of date on some actions in most plans yet commitment and progress is made evident in successive progress reports. The hazard of maintaining the status quo here is that in theory, Step 4.f. could be invoked at any time and potentially applied in an inconsistent manner; however, in practice this does not appear to pose much risk.

## **6. NIAP Implementation Progress Reporting**

The purpose of this part of the review is to address aspects related to implementation progress reports ('NIAP reports') submitted by Parties in the NIAP process. This section summarizes the requirements of NIAP reports and general patterns of reporting to date. It then goes on to list and examine possible, perceived and declared reasons behind lack of reporting or late reporting. Of note, lack of reporting applies to a situation where a Party never submits a NIAP report. Since the Guidelines were adopted, invoking Step 4.f. appears to have assured that written progress reports are *eventually* received from all NIAP Parties that must submit one. Therefore, this part of the review defines 'lack of/late reporting' as *any* report by a NIAP Party that is not submitted by the original due date. This includes initial non-submission of a report by a NIAP Party (by the last day of the relevant meeting of the SC) and that is only submitted after Step 4.f. is in fact invoked.

Generally speaking, reporting by Parties is a cornerstone of the Convention and an essential measure to be taken by Parties as explained in Article VIII. Resolution Conf. 14.3 (Rev. CoP19) Annex *Guide to CITES compliance procedures* paragraph 15 states that *Annual and biennial reports, legislative texts as well as other special reports and responses to information requests...provide the primary, but not exclusive, means of monitoring compliance with obligations under the Convention*. With respect to the NIAP process, reports are the main vehicle that Parties use to demonstrate action, the Secretariat uses to evaluate progress and recommend next steps, and the SC considers for its application of progress ratings and appropriate measures (in accordance with Resolution Conf. 14.3 (Rev. CoP19). Therefore, lack of/late reporting by Parties is a serious problem if the NIAP process is to be effective and considered a credible, reliable framework. At the same time, Parties are obligated to submit a variety of reports to CITES according to varying timelines. Streamlining and simplifying such work, if possible, could be of benefit, especially if a Party's CITES Management Authority lacks capacity whether in terms of human, financial or technical resources. Such streamlining and simplifying though only makes sense as long as the objectives that a given report is meant to serve remain supported.

## i. Requirements of NIAP Reporting

With the adoption of the Guidelines in 2016, procedures related to reports are prescribed in Step 4.a. and b. Parties' obligations include: submission of reports to the Secretariat 90 days in advance of each regular meeting of the SC following a report template (found at <https://cites.org/niaps>), reporting progress on each action in the plan based on that action's performance indicator(s) (introduced in Step 2.a.3.vi.+), and allocating a progress rating to each action. Six ratings of action progress are defined in Step 4.b.1.-6.: *achieved, substantially achieved, on track, partial progress, pending completion of another action* and *not commenced*. The template offers additional directions on information required in progress reports, including an implementation synopsis, a summary and detailed evaluations of actions (all of these are narratives). Together the ratings and narrative sections essentially function as a self-assessment or self-evaluation of progress toward achieving the actions.

Aside from these procedural aspects of completing and submitting a progress report, there appears to be an implicit expectation that implementation of each action will progress along the stated milestones and according to the stated time frame. Steps 4.c.-f. reflect this as they describe the evaluative and communicative obligations of the Secretariat and the follow-up rating and possible consideration of compliance measures by the SC if a Party *has not achieved the goals identified in the NIAP within the specified time frame*. Exceptions are if an action is dependent on another for its execution for completion or if it has not commenced. Of note, the use of the word *goals* in Step 4.f. is unclear and must be deciphered because a goal is not explicitly listed with each action in the reporting template. Therefore, the use of the word *goal* here may simply mean that the action was completed or it could refer to a performance indicator changing in an expected direction, presumably to meet the target (if that is listed) or achieve the desired impact (this issue is addressed further in section 8 of this review).

## ii. General Patterns

As the NIAP process launched, progress reports were requested from Parties of *primary concern* at the 65<sup>th</sup> meeting of the SC and all Parties in the NIAP process at the 67<sup>th</sup> meeting of the SC (that preceded the 17<sup>th</sup> meeting of the CoP). With the adoption of the Guidelines, progress reports were due 90 days in advance of the following six regular meetings of the SC: SC69 (2017), SC70 (2018), SC73 (2020), SC74 (2022) and SC77(2023). In practice, reports were combined for SC73 and SC74 because of issues related to the Covid pandemic influencing the agenda and a need to work virtually. For SC69 and SC74, NIAP Parties were advised to revise their most recent reports if needed. This amounts to six due dates for progress reports spread across nine years for Parties in the NIAP process (the number of which varied over time as Parties were added to the NIAP process and others exited) (Table 3).



**Table 3. Pattern of late/lack of progress reporting by Parties in the NIAP process, 2017-2023**

Meeting of the SC (associated CoP if applicable)	Year	Month	Months since the prior meeting	Number of Parties	Number of reports not on time	% of reports not on time
SC65	2014	July	15	8	0	0%
SC66	2016	January	17	19	3	13%
SC67 (CoP17)	2016	September	7	20	5 <sup>1</sup>	20%
SC69	2017	November	14	19	4 <sup>2</sup>	21%
SC70	2018	October	11	22 <sup>3</sup>	4	18%
SC71 (CoP18)	2019	August	10	16 <sup>4</sup>	0	0%
SC74	2022	March	31	14	7	47%
SC75 (CoP19)	2022	November	8	14 <sup>5</sup>	0	0%
SC77	2023	November	12	13	10 <sup>6</sup>	77%

<sup>1</sup>One Party of primary concern did not submit a report; however, the Secretariat was not mandated to review reports of Parties of this categorization for SC67 so it is difficult to discern if this is a reporting failure or not.

<sup>2</sup>Nigeria submitted its report as SC69 Inf 46 recorded with a date of 1 December 2017 (after SC67 had commenced).

<sup>3</sup>The report for Hong Kong SAR of China was included in People's Republic of China's report.

<sup>4</sup>This was not a regular meeting of the SC; reports were only due from two Parties newly added to the process and Parties indicated as late reporting for SC70 in this Table.

<sup>5</sup>This was not a regular meeting of the SC; reports were only due from Parties indicated as late reporting for SC74 in this Table.

<sup>6</sup>This includes four Parties that did not submit a report by the last day of SC77; these four Parties subsequently submitted reports within the time periods directed as summarized in pages 59-61 of the SC77 Summary Record.

The number of Parties that have missed the reporting due date has varied from 3 to 10 since the 66<sup>th</sup> meeting of the SC and shows an increasing trend in absolute number and percentage of Parties missing NIAP report due dates. The number of lack of/late reporting Parties totals 16 overall with the number of late reports totaling 31. Parties currently in the NIAP process that have repeatedly missed the reporting due date include Angola, Cameroon, Congo, DRC, Gabon, Lao PDR, Nigeria, and Togo. If a pattern of lack of/late reporting continues with these eight Parties, then the percentage of Parties missing the reporting due date could be expected to continue to be high given that the total number of NIAP Parties is currently at its lowest (e.g., 8 of 13 would result in 62% of Parties missing the reporting due date).

As a comparison, reporting rates for Annual Illegal Trade Reports was 39% across the four years that these reports have been due (CITES 2022). Reporting rates for Annual Reports was 77% across the 40 years reports have been due (CITES 2022). The annual reports are mandated by the Convention and associated with compliance measures (i.e., when three successive Annual Trade Reports are not submitted). Realistic expectations for NIAP reports could fall somewhere between these two values (even though NIAP reports are associated with a Resolution and not the Convention per se yet they are associated with compliance measures through Res. Conf. 14.3(Rev. CoP19) and Res. Conf. 10.10 (Rev.19)).

### iii. Reasons Behind Lack of/Late Reporting

When contemplating why a Party may fail to submit a NIAP report by the due date, possible reasons could be procedural, capacity-oriented, to gain more time in order to demonstrate good progress or any combination of these. This list is informed by information gathered from viewing recordings of the 77<sup>th</sup> meeting of the SC, interviews with experts and Parties obligated to submit a NIAP report but never submitted one late. This list differed somewhat from the reasons for lack of/late

reporting cited in interviews of Parties that have (indeed) submitted late reports; their responses follow. Both sets of responses are discussed here to help bring better understanding to the reasons behind lack of/late reporting.

Per the Guidelines, NIAP report due dates do not fall on a consistent date each year so in theory, this procedural issue could be an impediment to timely reporting. As an example, a Party indicated during agenda item on the NIAP process (i.e., agenda item 34) at the 77<sup>th</sup> meeting of the SC that its NIAP report was late because it missed the Secretariat's communication about the report due date that was sent during a staff change (even though Step 4.a. of the Guidelines provides that *Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting*). Likewise, routinely gathering information from a partner agency for the NIAP report could pose a challenge if it tends to be tallied up by the partner agency on an annual basis and this is mismatched with the NIAP report due date. Another set of procedural issues relate to the order of operations when a Party has been given an extension of time to submit a NIAP report or when it commits to producing an updated NIAP. Generating these documents (i.e., completing a late NIAP report or completing an updated NIAP) first is likely the priority and that can mean generating the next NIAP report due is delayed or even unexpected. It is conceivable that it may be a capacity challenge to simultaneously generate an updated NIAP, gather new information and prepare a progress report at the same time.

Also, at the 77<sup>th</sup> meeting of the SC, a Party cited *capacity issues* as a problem that prevented its timely report submission. Three other Parties explained high-level government turn-over issues as a reason that they had not yet submitted their reports; this could be perceived as a capacity or resource issue as well. Actions listed in NIAPs require that the report's author solicit the latest and best information and data from a number of government partners from a variety of agencies or ministries; therefore, staff change, high-level leadership turn-overs and resource challenges in any of these agencies could have knock-on effects to the CITES Management Authority's ability to generate a complete report on time. Relatedly, a problem of *reporting burden* was suggested as a reason for late/lack of reporting. This issue is interpreted to refer to the fact that each Party typically has many reports to submit to CITES. In cases where a CITES Management Authority is small, short-staffed or less experienced, the workload of generating many different reports could, in theory, cause a delay in the submission of any one of them.

#### iv. Root Challenge of Generating NIAP Reports

Interviews with Parties currently in the NIAP process that have had the problem of submitting a late NIAP report (including Parties that spoke during agenda item 34 at the 77<sup>th</sup> meeting of the SC) revealed that the root challenge in submitting NIAP reports on time relates to gathering the needed information from the different agencies and ministries outside of the CITES Management Authority and Scientific Authority that collaborate to implement the plan. Thus, it is more the inter-agency communication and cooperation issues that resulted in the NIAP focal point struggling to compile the needed information rather than superficial procedural or capacity issues. When asked, these Parties did not cite a problem of reporting burden, duplicative reports, too many reports to produce or lack of reminders. Rather, lack of cooperation was the issue and it was cited that sometimes this had to do with new staff in other agencies needing a *refresher on the importance of CITES processes* or basic problems with getting *buy-in* from partner agencies to share information on the timelines needed year after year who had thought that the CITES Management Authority had completed the exercise (the NIAP process) already. In addition, the nature of obtaining some information and data was described as slow-going, especially those related to court cases and judicial agencies. Many of these Parties had standard

operating procedures for completing reports and some were attempting to schedule periodic meetings with agency partners to address the problem. One Party explained that structures or technologies were needed to obtain data in real time, especially because financial resource issues meant staff travel to sites to gather data was difficult. One expert explained that, despite such difficulties, the CITES Management Authority is expected to lead and convey the seriousness and priority of implementing its NIAP and reporting on it to its cooperating agencies and ministries.

In interviews with Parties in the NIAP process and exited Parties that had no late reports in their past, many felt that the reporting requirements were not a challenge. In contrast to lack of/late reporting Parties, they each seemed to describe more systematic ways of routinely and reliably compiling information that was more structured via formal inter-agency agreements, integrative data management systems or databases and other tools or mechanisms to facilitate the endeavor.

Of note, the second pillar of the NIAP focuses on national level enforcement action and inter-agency collaboration. If repeated lack of/late reporting is related or caused by the root challenge of inter-agency communication and cooperation then repeated lack of/late reporting could signal a general deficit in performance of this pillar more so than just a basic administrative reporting problem. A deeper dive into this pillar could be launched by a Party. For example, carrying out assessments via tools offered by ICCWC could help the Party gain a better understanding of any weaknesses it is experiencing related to pillar 2 and that call for remedial work (this is discussed further in section 8 of this review).

#### v. Additional Comments

One Party explained that less frequent NIAP reporting would be preferred and could ease the situation of late/lack of reporting (e.g., a single report due every three years or so given the timing of regular meetings of the SC). One expert also questioned if a progress report is needed at every regular meeting of the SC, especially if some actions are not expected to progress much in the course of a year given the specific nature of the action (e.g., drafting and passing legislation may take years to achieve). This could be a valid point from a single action point of view, however, most NIAPs include more than 10 actions and as these are meant to be short- to medium- term in duration and implemented as a matter of urgency, at least some progress should be evident by each regular meeting of the SC. A simple labeling of actions as short, medium and long term in NIAPs and in reports could add the needed adjustment without changing report frequency. Any long-term yet very needed action could be flagged as such. The evaluation of NIAP progress in Step 4.c.-f. could take into account that a certain percentage of actions remaining to be *substantially achieved* are actually expected to be long-term in duration and though commitment to see them through exists, progress is not likely to be evident on an annual basis and penalty for this on a shorter timeframe would not be appropriate. Such an adjustment would help keep intact a robust progress expectation for short- and medium- term actions while not docking a Party for including longer-term actions in their NIAP.

One Party explained that a core challenge of the Convention with respect to implementing NIAPs is that Parties are required to have CITES Management and Scientific Authorities but not a Law Enforcement Authority. Indeed, Parties may identify an Enforcement focal point; they have been encouraged to do so and some have; however, doing so is not a requirement in the Convention. As CITES has helped increase efforts to combat illegal trade of wild fauna and flora, the need for a CITES Law Enforcement Authority may also have increased (as emphasized by the one Party). The root challenge of inter-agency communication and cooperation with law enforcement agencies currently falls on the CITES Management Authority (see Resolution Conf. 18.6) but a CITES Law Enforcement Authority may be

better positioned or equipped to deliver on such duties that NIAP implementation and reporting requires.

Two Parties and several experts commented that verification of reports is needed beyond the current desk study, or else, as one Party explained: the NIAP process is a self-fixing process. A verification mechanism suggested by one Party was spot checks by the Secretariat (or else a consultant) when on mission to the country. Another mechanism suggested by several experts that could be useful for checking the accuracy of reports involves the assembly of a NIAP advisory body to assist the Secretariat in its evaluation of NIAP reports and facilitate decision-making by Parties. It is acknowledged that this has resource implications for the Secretariat and would require careful procedural development. However, this mechanism could benefit Parties through added rigor in report evaluation and potentially in efficiency at meetings of the SC. Such a collaborative mechanism to discuss reports could bring additional near-real time, country-specific information to the fore by offering a platform for a dialogue among advisory body members and the Secretariat. Unique and valuable insights at national and regional levels may also be possible if such a collaborative body was structured to include individuals with specific domain knowledge in transnational illegal wildlife trade and law enforcement in Africa and Asia. This information would complement ETIS findings.

Furthermore, a NIAP advisory body could also be a useful source of advice to the Secretariat for other evaluative tasks in the NIAP process. Original NIAP adequacy, conditions to trigger a request for the production of an updated NIAP (as described in the previous section), the focus of an updated NIAP (if streamlined as described in the previous section), interpretation of trends in indicators (beyond what the MIKE and ETIS programmes report) for progress toward NIAP completion are all aspects of the NIAP process that must be discerned for each Party and many of these aspects must occur on a near-annual or continual basis. All of these aspects require due diligence and careful consideration that could be collaboratively carried out if a structured, advisory body was designed to assist the Secretariat and the SC (as occurs for MIKE and ETIS programmes). Details of how this body would be constituted, the process to be followed and the overall governance would also need to be explored and decided, ideally in a collaborative manner among Parties, to ensure it is fit for purpose and not resource intensive.

A few Parties and several experts suggested that an adjustment may be in order with respect to lack of/late reporting by Category C Parties because such compliance measures (e.g., suspension of trade) seem disproportionate, when considering that Step 1 of the Guidelines has evolved to state in part c: *Category C Parties are generally not recommended for participation in the NIAP process.* However, the question as to whether Category C Parties that are (indeed) in the NIAP process should be treated differently than Category A and B Parties in the process given their lesser prominence in the illegal ivory trade may be best addressed via Decision 19.97 which seeks to clarify the three categories. Another adjustment suggested is that only repeated lack of/late reporting should be subject to compliance measures. It should be noted though that most Parties recorded as submitting reports late have done so repeatedly. This makes such an adjustment less meaningful because it simply delays the application of *appropriate measures*.

Several experts explained that the timing of publication by the Secretariat of the individual reports submitted by Parties in the NIAP process is not conducive to ensuring that the goals of NIAP process and individual NIAPs are achieved. Publishing reports on the CITES website for the upcoming meeting of the SC on a rolling basis would give the SC and Parties more time to consider the reports. Logically-speaking, just as timely reporting by Parties is needed so is more timely publication of those reports for all concerned.

Several experts also explained that timely reporting to ETIS is also an issue. At least one Party in the NIAP process has not submitted reports to ETIS. Many if not most Parties currently in the NIAP process include submitting reports to ETIS as an action in their NIAP pillar on Reporting yet several do not reliably report to ETIS by its annual March due date. This hinders the implementation of Step 1 and Step 5 of the Guidelines. (As a side note, it is observed that the guidance mistakenly lists Resource Mobilization instead of Reporting for the fifth pillar whereas the Guidelines correctly list it as Reporting).

#### vi. Ways to Facilitate Timely Reporting

A few ways can be offered to address the root issue of lack of/late reporting and boost report percentage to be closer to what is observed for Annual Reports (see Resolution Conf. 11.7 (Rev. CoP19)); however, none are expected to produce immediate results. Because reporting is critical to the NIAP process overall and lack of/late reporting is not a universal problem for Parties in the process, it makes sense to maintain NIAP reporting requirements as they are, including possible use of *appropriate measures* when reports are late or lacking. Aside from this, small facilitatory steps by the Secretariat, like reminders, check-ins with Parties on their efforts to begin report drafting three months before the report due date, refresher trainings, dedicated assistance in French to francophone countries, and help with scheduling interim steps to report completion could be helpful as some Parties expressed. However, addressing the root challenge is likely to be the most fruitful course of action as it supports both the reporting obligation and progress on pillar 2 of the NIAP, and likely for the long term.

1. Seek to understand at a deeper level the challenges Parties that repeatedly miss the NIAP reporting due date face in their ability to communicate and cooperate with interagency-partners on a routine basis as needed. This could include a dedicated workshop that brings together the eight Parties listed in section 6, subsection ii. along with a series of follow up (virtual) meetings that include their CITES Management Authority, Scientific Authority and one or more inter-agency partners.
2. Solicit best practices from Parties in the NIAP process (past and present) that did not struggle with reporting in this way. Use this to inform item 1 (above).
3. Based on findings from items 1 and 2 (above), devise and offer to deliver mechanisms to Parties in the NIAP process that repeatedly miss the NIAP reporting due date that facilitate their ability to communicate and cooperate with interagency-partners on a routine basis.
4. Seek to understand at a deeper level how the addition of a CITES Law Enforcement Authority might improve implementation of NIAPs and Resolution Conf. 10.10 (Rev. CoP19) above and beyond what is indicated in Resolution Conf. 18.6 (e.g., paragraph 11). This may also involve reviewing Resolution Conf. 11.3 (Rev. CoP19) paragraph 25 and consider making the linkages of appointing law enforcement agencies responsible for investigating illegal trafficking with the NIAP implementation and reporting.
5. Explore the mechanisms for verifying responses in NIAP reports and the timing and frequency of such verifications to ensure quality control of reports, confirm stated progress and fortify the NIAP process with rigor and objectivity. A NIAP advisory body could provide such a mechanism with the advantage that continuity across time and across a number of NIAP-specific evaluative tasks could be gained.
6. Consider whether it is possible for the Secretariat to post country-specific NIAP reports on the CITES website on a rolling basis for the benefit of all interested in the timely submission of NIAP reports.

7. Emphasize the need for Parties in the NIAP process to submit reports to ETIS by the due date when evaluating NIAP reports (Step 4) and NIAP completion (Step 5).

## **7. Annual Illegal Trade Reports and the NIAP Process**

The purpose of this part of the review is to advise whether the NIAP process could benefit from Annual Illegal Trade Reports to avoid duplication of efforts for those Parties that are required to submit NIAP reports in addition to the Annual Illegal Trade Reports. This situation was explored with Parties and other experts and described in this section. The reporting requirements of Annual Illegal Trade Reports are briefly summarized (as stipulated in Decision 19.68 part iv.) to aid in this exploration.

### i. Reporting Requirements of Annual Illegal Trade Reports

The Annual Illegal Trade Report is one of the important National reports used to monitor CITES trade as discussed in Resolution Conf. 11.17 (Rev. CoP19) on *National reports*. As a tool, it contributes valuable information to the understanding of trends in illegal trade; background information on its development can be found in SC66 Doc. 30.2 (also in the SC66 Summary Record page 28-30). In brief, Annual Illegal Trade Reports track wildlife seizure data including the specimen types, smuggling routes, concealment methods, modes of transport, detection methods applied, etc. The Annual Illegal Trade Report format appears to be a basic spreadsheet with 22 data fields to be filled in per case (or seizure incident). The CITES Illegal Trade Database is the repository of these data and functions as a data dissemination platform that is maintained by the United Nations Office on Drugs and Crime (UNODC) on behalf of the Secretariat. Resolution Conf. 11.17 (Rev. CoP19) paragraph 4 explains that the data collected in Annual Illegal Trade Reports are available to Parties, ICCWC and ETIS for research and analysis purposes of wildlife and forest crimes.

Resolution Conf. 11.17 (Rev. CoP19) paragraph 3 requests that all Parties submit an Annual Illegal Trade Report of all seizures involving CITES-listed species to the Secretariat by 31 October of each year for the previous year. For example, the first Annual Illegal Trade Report was due on 31 October 2017 for the period of 1 January to 31 December 2016. Thus, data is nearly one year delayed in each Annual Illegal Trade Report unlike that of NIAP reports which may include inputs up until the due date (i.e., three months before the relevant meeting of the SC). Background information, report template and guidelines concerning Annual Illegal Trade Reports are maintained on the CITES website ([https://cites.org/eng/resources/reports/Annual\\_Illegal\\_trade\\_report](https://cites.org/eng/resources/reports/Annual_Illegal_trade_report)). Submitting an Annual Illegal Trade Report is mandatory but not subject to compliance procedures. The reporting rate of Annual Illegal Trade Reports varies by Party; it is estimated to be 39% across Parties for the years 2016 to 2020 (CITES 2022) (note: the most up-to-date record of submissions can be found at: [List of Parties Territories submitted AITR 10 07 2024.xlsx \(live.com\)](#)). The quality and quantity of data reported by Parties within each submission typically varies as well (e.g., page 6 of CITES 2022).

Both the ETIS report and the Annual Illegal Trade Report from Parties require ivory seizure data although their individual mandates differ as explained in Resolution Conf. 10.10 (Rev. CoP19) and Article VIII/ Resolution Conf. 11.17 (Rev. CoP19) respectively. These two reports also have different annual due dates and cover different periods of time; therefore, the ivory seizure data each includes may differ when the two reports are submitted in the same calendar year. An intersessional working group was established at the 77<sup>th</sup> meeting of the SC with the mandate to review the provisions in Resolution Conf. 10.10 (Rev. CoP19) paragraph 27 g) and Resolution Conf. 11.17 (Rev CoP19) paragraph 4, relating to exchange of information between the Annual Illegal Trade Report and ETIS, as well as the data elements

to be reported in both as it relates to elephant specimens. This intersessional working group will report to SC78.

Concerning the NIAP process, it is important that ivory seizure data and the analyses thereof are as complete as possible when the Secretariat carries out its roles in each step of the Guidelines. Therefore, unless it is certain there are no gaps in data between the two reports, then it may be important that the Secretariat consults both data sources when making its recommendations about the entry and exit of Parties into the NIAP process and during report evaluation. It is apparent that Annual Illegal Trade Reports are not mentioned in the Guidelines and perhaps could be referred to as a routine source of data for the Secretariat to consult. Likewise, a Party may seek to reflect on the number and volume of ivory seizures it has made or is implicated in overtime to track its own performance and progress. The Party may add these data and results directly into its NIAP reports or to use it to help steer its NIAP implementation. In this way, it may be advisable that Parties be guided to consult both their latest ETIS report and Annual Illegal Trade Report for such purposes. The data in the Annual Illegal Trade Report are inherently biased by enforcement effort, reporting effort and detection rates. Therefore, any conclusions or inference about progress by Parties toward achieving actions and achieving the overall NIAP goal needs to bear this limitation in mind or otherwise account for it. As an example, ETIS data have some similar limitations but the analysis of those data includes bias adjustment.

A side-by-side comparison of the templates of the NIAP report and the Annual Illegal Trade Report reveals that the form and function of each is different. The objective of the NIAP report is to explain the status and progress of actions across the five pillars. This explanation is offered as narratives that can include information on any quantitative performance indicators that the Party may have elected to include in its NIAP. On the surface, quantitative indicators and details related to ivory seizures and related law enforcement actions falling in pillar 2 (National level enforcement action and inter-agency cooperation) and pillar 3 (International and regional enforcement collaboration) of NIAPs may be found in an Annual Illegal Trade Report and thus could be imported from the Annual Illegal Trade Report into a narrative section or as an Annex to a NIAP report. If used in this way, the Annual Illegal Trade Report complements the NIAP report in that it supplies an organized list of supportive information to better illustrate action achievement and progress in at least a few sections of the report. However, the function of the NIAP report goes above and beyond listing seizures and law enforcement data; it is synthesis of a range of actions that together holistically attend to conditions that must be improved to strength controls and combat illegal trade in ivory (i.e., each NIAP's goal). In this way, it would be difficult to consider the two reports to be anything but complementary (i.e., they do not seem redundant or duplicative). A Party's regular and timely submission of Annual Illegal Trade Reports could be included as an activity in the NIAP pillar 5 (Reporting), just as preparing and submitting ETIS reports are now. Annual Illegal Trade Reports are meant to cover many species other than elephants, so this may need to be carefully considered.

However, two salient issues exist when considering whether to include Annual Illegal Trade Report information in or with NIAP reports. First, Annual Illegal Trade Report submission rate is presently not high. For example, four of the 13 Parties currently in the NIAP process have not submitted an Annual Illegal Trade Report to date. In theory, the 13 Parties could have submitted a combined 91 Annual Illegal Trade Reports to date, whereas they have submitted a combined 41 Annual Illegal Trade Reports (representing 45% of the possible total). Second, the due dates of the NIAP reports and Annual Illegal Trade Reports are likely to be unsynchronized at any given time because NIAP reports have a shifting due date and Annual Illegal Trade Reports have a fixed one. For example, the Annual Illegal Trade Report for 2022 was due (at the latest) 31 October 2023 and NIAP reports were due 7 August 2023 for a time

period since the last NIAP report (due December 2021). If the Annual Illegal Trade Report was available early, it could be incorporated and cover a little more than half the time period (12 months) that the NIAP report was meant to cover (approximately 21 months). Both of these issues likely would need to be either reconciled or rectified to facilitate Parties' use of Annual Illegal Trade Reports to benefit NIAP reports. A suggestion to synchronize the due dates is probably not viable and unlikely to gain much traction considering that this was previously discussed and was not adopted for ETIS reports and Annual Illegal Trade Reports. In that case, it was agreed (as stated on page 12 of SC74-SR) that *delaying the deadline for the ETIS report to 31 October would have a negative impact on the ETIS analysis*. The same might be true for shifting the NIAP report due date to 31 October. As one expert explained the due date for submission of NIAP reports needs to align with the SC document deadline date, otherwise the NIAP reports likely would not provide an accurate reflection of all that NIAP Parties have accomplished. In this regard, a set date would not be feasible and the current report deadlines are the most productive option.

Not all interviewed Parties expressed views about the relationship between Annual Illegal Trade Reports and NIAPs when asked; indeed, some have never submitted an Annual Illegal Trade Report. Because the Annual Illegal Trade Report includes data on all wildlife seizures, staff working on NIAPs and Annual Illegal Trade Report often differed and the staff focused on completing and submitting Annual Illegal Trade Reports were not always included in the interview for this review. A common view expressed was that Annual Illegal Trade Reports and ETIS reports have considerable overlap but Annual Illegal Trade Reports and NIAP reports do not because the objective of each was clearly distinct. Parties cited that the purpose of NIAP reports is to demonstrate and self-assess progress on actions within an action plan related to a small set of taxa (elephants); whereas, the purpose of Annual Illegal Trade Report is to provide data on wildlife seizures of all types along with a number of pertinent law enforcement details. Because of these different principal objectives, Parties did not agree that Annual Illegal Trade Reports and NIAP reports were particularly duplicative.

Parties recognized that the collation of details of ivory seizures in Annual Illegal Trade Reports (or ETIS reports for that matter) could be useful for added detail when explaining progress on actions in pillars 2 and 3 of NIAPs. However, it is not clear if this practice is occurring for eight of nine Parties in the NIAP process that had submitted Annual Illegal Trade Reports to date. The single exception was a Party that stated it had cross-referenced its Annual Illegal Trade Report data concerning ivory when producing its NIAP report for 77<sup>th</sup> meeting of the SC. Several Parties expressed that voluntarily including Annual Illegal Trade Report data on ivory seizures (for the present year and available at the time of drafting the NIAP report) as an annex to a NIAP report would not be a problem nor felt it to be duplicative (clearly, though only doing this could leave out some data and be incomplete as explained above if data extraction dates are not referenced carefully).

Two Parties suggested that modernizing CITES reporting so that all reports (e.g., NIAP reports, Annual Illegal Trade Reports and ETIS reports) occurred online and automatically cross-referenced and cross-populated each other where it makes sense would be ideal. Another Party suggested automatic data migration between digital reports would be helpful but only if *another new platform* is not created and would need to be learned if online NIAP reporting were to occur. It is conceivable that an integrated data and reporting management system could lessen reporting burdens, decrease transcription errors and improve comprehensiveness of reports because data and information could be easily referred to or migrated between them. It is recognized that NIAP reports follow a template but are not as standardized in their form as ETIS reports or Annual Illegal Trade Reports; nonetheless, modernization and automation as described here is likely still achievable. Automatic reminders of due dates, prompts to enter any



missing information and internal draft circulation for digital document signing could also be incorporated. An administrator function for the Secretariat that examines reports across all Parties in the NIAP process could also be useful for drawing out patterns and more readily auditing the overall process. Analytic features of such a system that calculate the time it takes to make progress on actions of a similar type (i.e., the time it takes to go from action initiation to partial progress to completion) might provide new insights on how and when certain types of actions tend to stall. Such features could help predict typical time frames of certain types of actions, which would be useful for the purpose of estimating time frames of NIAP actions. On the other hand, as one expert explained, restrictions vary on how data submitted for different reports can be used. This would make such a modernizing exercise difficult if not entirely infeasible. It would certainly have resource implications and the return on investment of such and effort and its actual value-add may be limited.

#### ii. Advice on Whether the NIAP Process Could Benefit from Annual Illegal Trade Reports to Avoid Duplication of Efforts

By examining the reporting requirements of the NIAP process and Annual Illegal Trade Report and given the feedback by Parties and other experts, it is not readily apparent that the NIAP process could draw substantive benefits from the Annual Illegal Trade Reports to avoid duplication of efforts. Overlap exists between the two items because both are concerned with ivory seizures. However, their objectives are distinct and the particulars of their reporting are different enough that how each item could benefit from the other to avoid duplication was not identifiable in this review. Furthermore, Parties and most other experts did not seem concerned with duplication between the two reports and a need to avoid it. One Party even remarked that multiple reports function as good reminders of a Party's varied obligations.

Several Parties suggested that online reporting (similar to ETIS Online) for all CITES reports and data migration features between reports might be helpful. Therefore, following on this suggestion it is advised that the concept of designing an online reporting mechanism for NIAPs be explored from a cost benefit standpoint. Such a mechanism preferably would be an extension of an existing integrative platform that is already familiar to Parties in the NIAP process. The feedback of Parties and other experts on this idea added that such a system should maintain data quality above all else. They commented that it should be secure and honor current data-sharing limitations yet support inter-operability with other related datasets or reports to the extent that is desired and useful to Parties to ease any perceived reporting overlap or reporting burdens.

### **8. ICCWC Tools Useful for the NIAP Process**

The purpose of this part of the review is to identify the different tools available under the International Consortium on Combatting Wildlife Crime (ICCWC) and advise whether and how they could be used for enhancing the NIAP process. ICCWC is a collaborative effort of the CITES Secretariat, INTERPOL, UNODC, the World Bank and the World Customs Organization (WCO). Established in 2010, ICCWC aims to bring coordinated support to national wildlife law enforcement agencies and regional networks to mount a coordinated and strengthened response to wildlife and forest crime. ICCWC develops and delivers a variety of tools and services as described at <https://iccwc-wildlifecrime.org/tools-and-services>.

As the focus of this review is not an exhaustive examination of all of ICCWC's offerings, their mechanics and merits, ICCWC tools discussed are limited to the ones that Parties, the Secretariat and

other experts suggested are the most relevant to the NIAP process or most useful for Parties to consider to use or implement as part of their NIAPs. The two primary tools identified are the *ICCWC Wildlife and Forest Crime Analytic Toolkit* (Second Edition, 2022; the 'Toolkit') and the *ICCWC Indicator Framework for Combatting Wildlife and Forest Crime* (Second Edition, 2022; the 'Indicator Framework'). One other ICCWC tool identified in interviews is the *Guidelines on Methods and Procedures for Ivory sampling and Laboratory Analysis*.

#### i. Overview of ICCWC Tools relevant to the NIAP Process

As described on the ICCWC website, the Toolkit provides relevant law enforcement agencies with a framework around which a national strategy on wildlife crime prevention and response can be developed. Via the Toolkit, a country's government can collaboratively conduct a comprehensive analysis of their response to wildlife and forest crime and identify their technical assistance needs. A country's capabilities are assessed in relation to legislation, law enforcement, criminal procedures and courts, international cooperation and drivers and prevention of wildlife crime. To request the implementation of the Toolkit, the government begins by sending an official request to the (CITES) Secretariat. The Secretariat connects the government with UNODC and asks the government to nominate a focal point. UNODC engages with the focal point to collaboratively coordinate the implementation, identify relevant experts to undertake the Toolkit assessment and launch a high-level stakeholder meeting. Thereafter the government completes the Indicator Framework (described below) and this is followed by expert in-country missions. UNODC drafts a comprehensive report that is peer-reviewed, finalized and submitted to the country's government. The confidential report details findings and recommendations prioritized as short, medium and long-term activities.

The Indicator Framework is a rapidly applied tool that is embedded within the Toolkit but can also be used as a standalone assessment that a country's government can self-administer via a one-to-two-day workshop. The Indicator Framework is a self-assessment or can be conducted with ICCWC support, and is based on 50 indicators grouped according to eight primary outcomes (or action objectives) related to legal provisions and law enforcement, though a few relate to knowledge and understanding about aspects of wildlife crime and awareness-raising activities. ICCWC advises reapplying the Indicator Framework as time passes and as circumstances change in a country. For example, the first assessment of the indicators via the Indicator Framework can reveal a snapshot of the current status of a country which may function as a baseline. A repeat assessment of all the indicators (or a selection of indicators in areas where gaps exist) can serve to track a country's improvement in delivering on positive outcomes related to wildlife crime.

Both the Toolkit and the Indicator Framework attend to wildlife and forestry crime of all kinds; they are not elephant or ivory focused. Both tools provide outputs that represent the country's situation at that time each is conducted. It is voluntary not mandatory that Parties use either of these tools. These two tools take a rigorous approach to assessing a country's circumstances and defining, applying-and-evaluating indicators.

In interviews, most Parties stated that they had carried out the Toolkit or the Indicator Framework although some Parties explained that they did so several years to more than a decade ago and their results are essentially less relevant now. None seemed to say that they had repeatedly carried out the two tools. Views differed on the utility of the two tools for the NIAP process. Some Parties described the tools as broad, holistic, useful references, and supportive of a comprehensive approach to

wildlife crime. A few Parties explained that they used actions or indicators from these two ICCWC tools in their NIAPs already. Others explained that because the two tools were not ivory-specific they were less useful for the development for their NIAP and it was simply more straight forward to generate indicators (on their own) when considering each specific NIAP-action. One Party explained that they underwent an assessment procedure similar to the Toolkit that was created and led by an NGO; this was used to shape their NIAP and track NIAP progress to completion.

Considering these views, it is this rigorous approach, more so than any one attribute of these two ICCWC tools, that stands out as beneficial for enhancing the NIAP process. Most of the remainder of this section: 1) describes the types of indicators in the Indicator Framework, 2) reflects on the current application of indicators in the NIAP process, and 3) suggests how indicators could be used more productively if building on the approach modeled in the Indicator Framework.

## ii Indicators in the Indicator Framework vis a vis the NIAP Process

Indicators, also called performance measures, in the Indicator Framework represent critical areas to monitor to determine effectiveness of responses to wildlife crime. Some refer to the establishment of a legal provision and/or a procedure; such indicators have a binary value (present/absent). The Indicator Framework characterizes the data collection used to measure these as *process-based assessment*. Other indicators refer to the capacity and resources available to apply legal provisions and related procedures. These indicators are qualitatively ranked on the basis of their extent. The Indicator Framework characterizes the data collection used to measure these indicators as *expert-based assessment*. Two-thirds of the 50 indicators in the Indicator Framework are of this type. Another set of indicators refer to the actual implementation of legal provisions and related procedures. Indicator values are often sums or tallies (e.g., annual number of seizures made) or percentages (e.g., percentage of cases brought to trial which resulted in convictions). The Indicator Framework characterizes the data collection used to measure these as *data-based assessment*. It stands to reason that a database or other data management system is required to compile and ensure quality of these data, especially if data collectors originate in different agencies across a country's government. Analysis may be required if trends are to be determined, covariates considered and other complexities of the data taken into account.

Even though indicators of the Indicator Framework are grouped by outcomes relating to deterring, detecting and investigating crime, etc., another way to view them is as a pipeline of prerequisites to ultimately arrive at the improvement of a specific wildlife crime-related metric. For example, 1) a legal provision is established, followed by 2) adequate training and resourcing of a responsible agency actor, that 3) implements the action according to best practices, that then 4) results in meaningful impact as signaled by a desired change in an ultimate metric. For NIAPs, such a change in an ultimate metric could be a decrease in the number of elephants poached, illegal ivory volume or activity associated with ivory trafficking. In this example, numbers 1-3 are enabling conditions that make number 4 possible. It is conceivable that indicators of impact/results-oriented actions (number 4 in the example above) may not materialize until the conditions are sufficiently established first (numbers 1-3 in the example above). These terminal indicators in the pipeline more directly demonstrate the effectiveness of the Party to actually combat wildlife crime as compared to the upstream indicators in the pipeline.

This consideration of such a throughline of indicators may be required in some instances to accurately demonstrate (and appropriately evaluate) a country's progress, infer interim impact (e.g., functional systems are established) and ultimate impact (e.g., a decrease in poaching and trafficking metrics in MIKE and ETIS analyses) against the ultimate NIAP goal (strengthening trade controls and combatting illegal ivory trade). Such a throughline may also be useful in diagnosing where gaps in action remain and stymie the intended fulfillment of the goal.

### iii. Current Application of Indicators in the NIAP Process

The way that indicators are included in the Guidelines, described in the guidance, incorporated in NIAPs and considered when evaluating progress is at the least unclear, and in many ways, underdeveloped. This sentiment was echoed by a number of Parties and experts.

Terminology related to indicators in the Guidelines, guidance and templates are not perfectly congruent. The term indicator first appears in the Guidelines in Step 2.3.vi., stipulating that the development of NIAPs:

*vi. Includes performance indicators and targets directly related to the actions required and which measure impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph 6, d) of this Resolution; changes in legislation; and any relevant indicators from the ICCWC Indicator Framework for Combatting Wildlife and Forest Crime.*

Step 4 refers to Step 2 as follows:

*b) Parties should report on progress with the implementation, based on indicators that are mentioned in Step 2 a) subparagraph 3, vi)...*

On the other hand, the guidance offers the following definitions:

*Indicators are useful for analysing progress towards the NIAP's objectives, i.e. to measure whether or not an action has been achieved. Parties are invited to consult the ICCWC Indicator Framework for wildlife and forest crime, as appropriate, for examples of types of indicators that could be considered.*

*Baselines provide the value of a performance indicator before the implementation of identified measures or activities, i.e. they provide an indication of the status quo of an action.*

The guidance also describes the following for Stage 2 of NIAP development (this follows Stage 1 that identifies and agrees to the actions to be included in each of the five pillars of the NIAP):

#### *Stage 2: Set goals and milestones*

*Once the measures and activities are agreed and listed, Parties should identify a baseline and indicator for each that will enable measuring the results of implementation, when a measure or activity has been achieved or the impact it had. Parties should consider if baseline data is available for the proposed indicator or if it is possible to gather the necessary data to monitor progress on the proposed indicators. Parties may wish to seek assistance from other concerned agencies or specialists in the identification of baselines and indicators, as this may require specialist knowledge.*

And the following about one of its annexes:

*Annex 2 to the present document contains a limited number of fictive examples prepared by the Secretariat to illustrate the guidance. Parties are encouraged to consult NIAPs developed by other Parties, as well as the Guidance to Parties developing and implementing National Ivory Action Plans,<sup>1</sup> available on the CITES Secretariat NIAP webpage,<sup>1</sup> for examples of the types of measures and activities that could be considered for inclusion in the NIAP, as appropriate. The ICCWC Indicator Framework for wildlife and forest crime<sup>1</sup> could also be of assistance in this regard.*

Thus, the Guidelines refer to performance indicators and include mention of associated targets but not baselines. The Guidelines suggest indicators measure impact but the guidance suggest they measure when an *activity has been achieved or the impact it had*. Although targets are mentioned in the Guidelines, they are not defined in the guidance (like the other terms). Likewise, the templates include a field to input baseline values but not targets. The guidance encourages Parties to consult accepted NIAPs as examples, but not all of the currently accepted NIAPs have indicators directly related to actions (as stipulated in Step 2.a.3.iv.). An examination of NIAPs available on the [cites.org/niaps](http://cites.org/niaps) webpage shows that some NIAPs list indicators for pillars and others list them for actions. A few NIAPs list no indicators. Some NIAPs include baseline values, some include sources for verification and some have neither of these. An assignment of targets is often not obvious in the NIAPs.

#### iv. Establishing Indicators and Targets in NIAPs

Because indicators are only mentioned briefly in Step 2.a.3.vi. and Step 4.b., some Parties and experts observed that a mechanism is absent that ensures that a Party's chosen indicators are appropriate. They suggested that when a NIAP is assessed for adequacy (Step 3), an important addition that would add thoroughness and rigor could be to assess if a NIAP includes an appropriate set of indicators, targets and description of how they will be tracked. Assessing indicator appropriateness could be a collaborative task between the Secretariat, Party-based experts, independent subject-matter experts and/or a NIAP advisory body (as introduced previously in this review).

Generally-speaking a target can represent an agreed measure of success because it establishes expectations among collaborators or stakeholders. When a target is reached the expected or intended progress has been achieved. Several experts expressed that a lack of emphasis on targets (in the NIAP templates and the evaluation of progress) represents a missed opportunity to instill concreteness and rigor into the NIAP process.

To borrow terms used by the Indicator Framework, indicators that involve *process-based assessments* would have targets that are very straight forward. For example, the target of action related to a legal provision is that the legal provision is indeed established (granted, these could require the most time and effort to hit the target given the nature of passing legislation).

Indicators that are *expert-based assessments* could have targets that are a sustained rise in qualitative ranking compared to the baseline as verified by an in-country expert or an independent expert or both to ensure rigor. Doing so follows the model set out in the Indicator Framework and will make the progress expectation more concrete. For example, in recent NIAP reports, capacity and resource indicators often appear as tallies of capacity building activities (e.g., number of training workshops or trainees). However, these indicators involve *expert-based assessments* and qualitative

rankings are more appropriate than such tallies. Without a qualitative ranking, it is challenging for the Party and the evaluator to understand how a capacity building activity actually resulted in progress toward the NIAP goal.

Finally, indicators that involve *data-based assessments* often require an analytic approach to determine a positive change or trend in the key data over time. It is this positive change that is often the actual target (rather than some absolute value of the data). Relatedly, an additional (separate) action in the NIAP that establishes and executes a system for compiling, tracking and analyzing data is important to understand if positive change is occurring. Where possible, national-level data submitted to ETIS and MIKE, and findings reported by these programmes could be leveraged for this.

#### v. Additional Opportunities to Emphasize Indicators

A more robust use of indicators in progress evaluation could add objectivity, consistency and rigor to the NIAP process and help clarify the exit procedure. First, in Step 4, parts b.1.-6. and e.1.-3., progress ratings are oriented to action-achievement and not indicators, targets and impact. The hazard of this is that action-achievement could miss a target if not applied well enough or long enough or if the action simply did not affect the indicator in a positive way as expected. The progress ratings do not appear to directly incorporate values or results of performance indicators against targets that are meant to *measure impacts of the actions* (phrasing from Step 2.a.3.iv.). This omission in Step 4 is a missed opportunity to monitor impact along the way and it can be problematic when a Party reaches Step 5 and is frustrated because an expected exit was not approved.

In Step 5, expectations regarding NIAP completion are unclear when parts a, b and c are considered together. Parts a and b focus on action achievement (with no emphasis on indicator values against targets). On the other hand, part c includes elements (i.-iv.) outside of strict action achievement. According to some Parties and experts interviewed, the description of these elements in the Guidelines is vague and the weighting or influence of each element in the formulation of the recommendation for a Party to exit (or not) is not obvious. This seemingly adds to the confusion and frustration expressed by at least one Party (as explained previously in this review). If these elements were described more clearly in the language of indicators and targets, it may be more transparent to Parties what is expected of them to exit or why an updated plan is recommended instead. Such a description may aid in explaining what an updated NIAP should specifically address that near-achievement of the current NIAP did not fulfill. It also, arguably, could make the Secretariat's evaluative tasks more straightforward, data-driven and objective.

#### vi. Suggested Enhancements to the NIAP Process

The following enhancements to the NIAP process related to the use of indicators and targets are offered to correct incongruencies and improve Steps 2, 3 and 4 of the Guidelines on their own accord but also because it appears consequential for the execution of Step 5.

Enhancement 1: Clearly define the terms performance indicator, baseline and target, provide one set of standard examples of each and include fields in the templates for all three for each action.

Enhancement 2: Collaboratively assess and agree on the most appropriate indicators and targets in each NIAP.

Enhancement 3: Include in Step 4, monitor indicators (against targets) to assess a Party's progress toward its NIAP's goal (i.e., impact). Accordingly progress ratings would be updated to refer to both action achievement and impact.

Enhancement 4: In Step 5, consider clarifying the expectations of NIAP process exit by explaining how parts a-c combine to influence the outcome of this step and how achieving impact is integral to NIAP completion.

## 9. Relationship between NIAP Process and Article XIII Process

A Party may be subject to several parallel compliance processes, including international measures in accordance with Article XIII of the Convention, as well as those of applicable Resolutions and Decisions of the CoP (e.g., Resolution Conf. 11.17 (Rev. CoP19), 8.4 (Rev. CoP15), and 10.10 (Rev. CoP19) with respect to provisions of the NIAP process). The purpose of this part of the review is to consider and provide insights on the relationship between the application of Article XIII ('Article XIII process') and the NIAP process where a Party is subject to both simultaneously.

The text of the Convention states the following in Article XIII *International Measures*:

- 1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.*
- 2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.*
- 3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.*

The application of Article XIII entails a process that is broad in scope and concerns the effective implementation of the Convention by a Party; it is often used when several compliance issues affect a Party simultaneously. 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 leading to a report and detailed recommendations of actions to be taken by the Party being submitted to the SC for consideration. Depending on the case, such recommendations will cover a number of issues relevant for the effective implementation of the Convention. Issues may vary widely and can include those related to elephant poaching and illegal trade in ivory.

Relatedly, the Annex of Resolution Conf. 14.3 (Rev. CoP19) *CITES compliance procedures* is a guide that describes procedures for facilitating consistent and effective handling of compliance matters. As a general principle, a supportive and non-adversarial approach is taken towards compliance matters. The Resolution's Annex describes other principles applying to compliance matters, the bodies and their compliance-related tasks, the handling of specific compliance matters, measures to achieve compliance, the monitoring and implementation of these and reporting. Part C of the Annex lists a number of measures that the SC may take to achieve compliance and paragraph 30 thereof explains that the SC

may decide to recommend trade suspensions in cases where a Party's compliance matter is *unresolved and persistent and the Party is showing no intention to achieve compliance*. It goes on to say *such a recommendation is always specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties* with a footnote indicating the Resolution Conf. 10.10 (Rev. CoP19)'s provision on the NIAP process is included.

In the Guidelines for the NIAP process, Step 4 (Monitoring of implementation) explains in its last paragraph:

*f) If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 (Rev CoP19) on CITES compliance procedures to ensure compliance with the NIAP process.*

#### i. Recent Patterns of Application of Both Processes in Parallel

Since the NIAP process was launched over ten years ago, five Parties have been subject to both processes: DRC, Lao PDR, Nigeria, Togo and Cameroon. This includes all of those presently in Category A. These Parties entered the NIAP process in 2013 on the basis of findings in the ETIS report that used ivory seizure data for 2009 to 2011, with the exception of Togo that entered later. Most have updated their NIAPs at least once in the last decade. All have repeatedly submitted progress reports late.

Table 4. Parties in the NIAP process and in the Article XIII process

Party	Article XIII process				NIAP process			
	Of emerging concern (start year)	Application (SC meeting)	Issues concerning elephants included	Trade suspension applied	Initiation year (Category)	Current Category	Updated plan	Late Reporting
DRC	2014	SC66	Yes	Yes, 2 species	2013 (B)	A (CoP19)	Yes	Yes
Lao PDR	2015	SC67	Yes	Yes, all commercial trade	2013 (C)	C (CoP18)	Yes	Yes
Nigeria	2017	SC70	Yes	Yes, 1 species	2013 (B)	A (CoP19)	Yes	Yes
Togo			No	Yes, 1 species	2017 (A)	A (CoP18)	No	Yes
Cameroon	2022	SC74	No	Yes, 1 species	2013 (B)	C (CoP18)	No	Yes

A brief review of the details of the Article XIII process for each of these Parties primarily focus on issues related to regulating trade. However, for three Parties, DRC, Lao PDR and Nigeria, a section on illegal trade issues shows that elephant poaching, illegal ivory trade, ivory stockpile management and/or



NIAP implementation are explicitly listed. Recommendations by the Secretariat and adopted by the SC via the application of the Article XIII process to these Parties has involved activities that attend to elephant and ivory issues and reinforce aspects of their NIAPs.

As an example, SC made the following recommendation at its 75<sup>th</sup> meeting:

*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.”*

Upon renewing the above recommendation for DRC at 77<sup>th</sup> meeting of the SC, the Secretariat stated that it is *also more specifically related to the National Ivory Action Plan (NIAP) process.*

With respect to Cameroon and Togo, the first expedited application of Article XIII for West African rosewood *Pterocarpus erinaceus* for all sixteen range States was launched by the SC at its 74<sup>th</sup> meeting (March 2022) (however, some Parties chose to publish a zero-quota). Elephant and ivory issues do not explicitly appear in the listing of compliance matters under the Article XIII process for either of these two Parties. However, after the Secretariat conducted a mission to Cameroon in March 2023, needs to be addressed included *strengthen the control of trade in CITES-listed species and fight transnational organized forest crime, build the capacity of enforcement bodies and establish a national platform for cooperation and coordination between competent enforcement agencies.* Logically-speaking, these might benefit the goal of a NIAP (i.e., to strengthen controls and combat the illegal ivory trade). A similar mission to Togo has not occurred so no explicit or implicit overlap with the NIAP process is apparent at this stage.

## ii. Insights on the Relationship Between the Two Processes

Most Parties interviewed held the view that the two processes are interrelated yet distinct given their different objectives. Many went on to say that overlap between the two should be minimized by having the recommendations of the Article XIII process simply point to the need to implement the NIAP process for Parties subject to both rather than delve into the NIAP activities to any great degree. They also stated that compliance on the administrative aspects of the NIAP (e.g., timely reporting) is justified and important.

Therefore, one view is that the Article XIII process provides an integrated compliance framework that elephant poaching and ivory trafficking issues, if occurring, will naturally fall within. Some of the broad actions called for by the SC to improve the Party's compliance with the Convention (e.g., related to legislation, illegal trade controls and inter-agency cooperation) via the Article XIII process would be expected to naturally serve the goal and objectives of a NIAP and vice versa. Thus, some actions recommended under the Article XIII process and included in the NIAP are likely to be synergistic if not overlapping or even identical. However, this is not to say both processes are not needed just because there is likely some synergy and overlap. To the contrary, and as voiced by several Parties and experts, the NIAP process serves a specific purpose that could be lost or diluted if not maintained as a distinct process.

Some Parties and experts identified that the clear focus, reporting, evaluation structure and expectations of the NIAP process are designed to make progress on combatting the illegal ivory trade as a matter of urgency, whereas the procedures of the Article XIII process are designed to uncover and address systemic and structural problems that manifest in numerous places pertinent to the Convention. They also acknowledged that another obvious and important point of difference is that the foundational data and information used to identify Parties differs for each of the two processes. The ETIS report to each CoP is the foundation for the NIAP process but not the application of Article XIII. One expert viewed the NIAP process to be rigid and that once a Party is in the NIAP process, it is complicated for them to combine their response on the ground between the broad Article XIII recommendations and the specific NIAP-based activities.

One obvious insight about the relationship of the two processes is that they should work in concert when a Party is subject to both so as to undoubtedly support the implementation of Resolution Conf. 10.10 (Rev. CoP19) among the compliance matters in question and avoid duplication of recommendations and efforts. There are several ways to procedurally facilitate cross-conversation and cross-reference between the two processes in the case that a Party is already in the NIAP process and subsequently becomes subject to the Article XIII process.

Working in concert could manifest in a number of ways as offered by different Parties and experts interviewed. For example, letters, missions, reports and recommendations by the Secretariat could pay attention and highlight when a Party is subject to both. ETIS reports too could highlight when a Party identified as Category A, B or C happens to also be under an Article XIII process or is emerging to be in one. Existing NIAPs could be updated as a matter of course when a Party enters the Article XIII process to account for the findings and recommendations there that are relevant to elephants, ivory and the five pillars of the NIAP. A provision in the NIAP progress report template to cross-reference material that the Party has already generated in response to procedures of the Article XIII process could be added so as to capitalize on the synergy of the two processes while reducing reporting burdens. The Secretariat's evaluation of NIAP progress reports could include a check for this integration.

Another way the two processes could work together relates to the coordination of internal agency partners of a Party that is subject to both. Generating a NIAP for the first time or producing an updated NIAP requires an inter-agency meeting or workshop and subsequent multi-agency approval; any other government partners that are tasked with addressing compliance matters under the Article XIII process that are not already included could be invited to such planning convenings. Together, this likely larger group of government partners, could coordinate by specifically discussing and deciding how to best integrate any of the broader recommendations emanating from the Article XIII process with the task of producing the (updated) NIAP.

Another insight relates to the application of compliance measures, including the threat of or an actual recommendation to suspend trade (a measure of last resort). In the NIAP process, *appropriate measures* may be invoked by the SC for a number of reasons as delineated in Step 4.f. Most Parties and experts interviewed for this review agreed that this is a vitally important aspect of the NIAP process as it signifies the seriousness and urgency of actions called for to combat illegal trade in ivory. Many Parties went further to explain that how they are affected by the illegal ivory trade is influenced not just by how seriously and urgently they respond to the problem. It is also greatly influenced by how seriously and urgently neighboring Parties act towards the problem (neighboring meaning upstream and downstream in the illicit ivory trade chain).

A concern was voiced by an expert that once a recommendation to suspend trade has been agreed for non-compliance in the NIAP process, for example for not submitting a progress report, the ability to use the threat of sanctions on a larger host of issues (as addressed in the Article XIII process) could be diminished. One response to this concern is that not submitting a NIAP progress report is a serious issue and it could reflect a larger systemic problem, such as lack of inter-agency cooperation and coordination. Indeed, the most common reason for submitting late reports cited Parties currently in the NIAP process when asked for this review was a root challenge of communicating and cooperating with their partners in other government agencies, ministries or institutions to the extent needed.

## **10. Additional Comments Regarding the Future of the NIAP Process**

The purpose of this section of this review is to summarize comments expressed by a few Parties and experts that fall along a common theme of the future of the NIAP process. As these comments raised an important gap in the process, they are summarized here as they could spur important discussion as the SC contemplates the continued maturation of the NIAP process.

There is a view that the NIAP process as currently structured has gone far to fulfill its goal of supporting Parties identified as of concern and affected by illegal ivory trade. There is acknowledgment that the NIAP process should indeed complete the work it started with the Parties that remain in it now. There is an appreciation that a number of Parties have established and fortified the needed internal systems to improve their implementation of Resolution Conf. 10.10 (Rev. CoP19) and more effectively combat the illegal ivory trade. This is evidenced by Parties' exit from the NIAP process and the fact that many of the exited Parties (but not all) have not arisen again in recent ETIS analyses as of continued concern.

Given this success, one comment received was that the SC could now consider ways of bolstering the NIAP process to be oriented toward trans-national cooperation and function more as an information exchange/communication platform for this purpose. Several Parties echoed a sentiment that no Party can work alone to combat the illegal trade. They identified that effective trans-national cooperation is a serious gap that needs to be filled and that presently the NIAP process does not sufficiently attend to this need but could. This actually may be particularly important to exited Parties that have established robust systems and continue to implement actions with much effort yet reappear in ETIS analyses. It shows that a focus on domestic measures is a critical first step, but not enough for these situations. In these cases, working across the illicit chain needs more emphasis, support and structure.

Along with this concept, at least one Party and a few experts suggested that new or improved analytic methods may be needed to more seriously identify illicit trade chains and the importance of each Party within a chain. Because several significant illicit trade chains exist simultaneously, ranking each (i.e., on the basis of its relative influence or importance in the overall illegal ivory trade) may also be needed. Such knowledge could help ensure any NIAP process improvements related to trans-national cooperation target the problem where it is of the greatest concern. Parties that are a part of a significant chain would be supported to work together to devise a solution that effectively disrupts the chain together; proactive communication, coordination and cooperation will be critical elements of such a solution. Any analytic method designed would need to be explicit about assumptions and account for uncertainty, as well as reporting or other biases in the data. If such an approach proved useful for combatting illegal ivory trade, it could logically be expanded to other types of illicit trade involving flora and fauna where similar data can be reliably collected.

## 11. Conclusion

In 2013, the CITES Secretariat expressed that *the organized and sophisticated nature of crimes against elephants deserves an equally organized and sophisticated law enforcement response* (CoP16 Doc. 53.2.1). In many respects, the NIAP process represents such a response by the Parties for addressing an urgent need to combat the illegal trade of ivory and ensure that the Convention is upheld in face of significant damage caused to elephant populations by transnational criminal syndicates. As a framework, the NIAP process encourages that a whole-government approach be applied to the international problem by Parties most prominently affected by the illicit trade. It can be described as holistic in scope, and structured and evaluative in a way that facilitates Parties' to seriously commit, act and demonstrate results in accordance with the agreed principles and mandates of Resolution Conf. 10.10 (Rev. CoP19). As such it can be considered groundbreaking for CITES and a model system for species-centered action planning.

Views of the NIAP process may differ. Some Parties and experts appreciate that participation in the process raises the profile of the problem to such an extent that it becomes an undeniable priority for governments. With this comes support and focused attention from partners and some empowerment to in-country personnel responsible to deliver results. On the other hand, some Parties voice a view that the process is specialized when they are contending with combatting illegal trade of numerous species on numerous fronts; some also regard some of the structure and compliance measures inherent in the process as punitive. Despite this, Parties and experts interviewed agreed that country-specific NIAPs are important tools thought to be instrumental in producing the current downward trends in elephant poaching and ivory trafficking that are evident. This is not to say that the work is done, but it is an encouraging sign that the investing in the NIAP process and Parties in the process is worth the effort.

CITES Decision 19.68 pinpoints the areas of the NIAP process that could benefit from examination, which may include places where the process can be refined and optimized. This review of the NIAP process in accordance with the elements of the decision provides a detailed look at aspects of updating NIAPs, reporting, tracking indicators and using tools to do so, and synergy with other CITES compliance processes. Options, ways, advice, insights and enhancements are offered (as directed by the decision) to help spur discussion by the Secretariat, SC and the Parties about ways to further develop the NIAP process to build on its successes and address gaps that have come to light over more than a decade of implementation. This also includes an expressed need to develop mechanisms to better verify NIAP reports and for Parties along illegal trade chains to work in concert. Key findings from each section of this review are recapped in Table 5 below. Items in bold type are those that are likely more actionable and feasible in the short term whereas other items inherently involve exploration and development. The term 'findings' is used broadly here to refer to what is requested in the decision for each element; in all cases, this was options, ways, advice, insights or enhancements and not recommendations per se. It is again acknowledged that many of these findings may have resource implications; however, this is to be expected if refinement or improvement of the NIAP process is a serious objective of the Parties.

Recent MIKE and ETIS reports to CITES and UNODC's most recent World Wildlife Crime Report describe signs of progress with regard to illegal trade of elephant specimens, such as decreasing figures for elephant poaching, seized ivory and ivory markets and prices (CoP19 66.5, CoP19 66.6, SC77 Doc.

63.1, UNODC 2024, Cruise 2024). However, poaching remains a problem in some places as evidenced by high carcass ratios and poached carcasses observed (Schlossberg *et al.* 2019, Bussiere & Potgieter 2023). Some of the largest-volume ivory seizures on record have occurred in 2019, 2021, 2022 and 2023, each totaling 7 tons or greater. This means the threat remains to elephant populations. Thus, seeking ways to optimize the NIAP process to be more efficient, effective and forward-thinking at this time is important in order to be in front of the criminal activity and stay in front of it.

**Table 5. Findings from each review section pertaining to the five elements listed in Decision 19.68**  
(bold type are those that are likely actionable and feasible in the short term)

Decision element [section]	Finding type	Finding
<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	<b>Inclusion in the Guidelines (e.g., Step 4) of the conditions that would trigger a recommendation by the Secretariat to a Party that it should consider producing an updated NIAP.</b>
<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	<b>Explanation by the Secretariat and the SC added when making their recommendations with respect to Step 5.b.i. and Step 5.c.i-iv. (i.e., steps related to NIAP process exit)</b> <b>AND/OR</b> <b>The Guidelines could be improved so that additional explanation is inherent in these steps.</b>
<b>i. Production of updated NIAPs [5]</b>	<b>Option to ensure NIAPs remain up to date</b>	<b>Consideration of instituting a guideline that if an action is not achieved within the timeframe specified, it is expected that its achievement will be prioritized as a matter of urgency.</b>
i. Production of updated NIAPs [5]	Option to ensure NIAPs remain up to date	Identification of factors and analysis of patterns causing the delay in achievement of actions that lead to stated time frames being surpassed. OR Maintain the current situation where time frames are out of date on some actions in most plans yet commitment and progress are made evident in successive progress reports.
<b>ii. NIAP reports [6]</b>	<b>Way to facilitate timely reporting</b>	<b>Understand at a deeper level the challenges Parties that repeatedly submit late NIAP reports face in their ability to communicate and cooperate with interagency-partners on a routine basis (e.g., via a dedicated workshop).</b> <b>AND</b> <b>Solicit best practices from Parties in the NIAP process (past and present) that did not struggle with reporting on time.</b> <b>AND</b> <b>Devise and offer to deliver mechanisms that facilitate Parties' ability to communicate and cooperate with interagency-partners on a routine basis.</b>
ii. NIAP reports [6]	Way to facilitate timely reporting	Understand at a deeper level how the addition of a CITES Law Enforcement Authority might improve implementation of NIAPs and Resolution Conf. 10.10 (Rev. CoP19) above and beyond what is indicated in Resolution Conf. 18.6.
ii. NIAP reports [6]	Related suggestion	Explore mechanisms for verifying responses in NIAP reports and the timing and frequency of such verifications to ensure quality control of reports, confirm stated progress and fortify the NIAP process with rigor and objectivity. A NIAP advisory body could provide such a mechanism with the advantage that continuity across time and across a number of NIAP-specific evaluative tasks could be gained.

ii. NIAP reports [6]	Related suggestion	Request that the Secretariat post country-specific NIAP reports on the CITES website on a rolling basis for the benefit of all stakeholders.
ii. NIAP reports [6]	Related suggestion	Emphasize the need for Parties in the NIAP process to submit reports to ETIS by the due date when evaluating NIAP reports (Step 4) and NIAP completion (Step 5).
iv. NIAP reports & Annual Illegal Trade Reports [7]	Advice on how to avoid duplication	Explore the concept of designing an online reporting mechanism for NIAPs with data migration features and inter-operability with other reports (e.g., Annual Illegal Trade Reports, ETIS reports).
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Clearly define the terms performance indicator, baseline and target; provide one set of standard examples of each and include fields in the templates for all three for each action.</b>
v. NIAP process & ICCWC tools [8]	Process enhancement	Collaboratively assess and agree on the most appropriate indicators and targets in each NIAP.
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Include in Step 4, monitor indicators (against targets) to assess a Party's progress toward its NIAP's goal (i.e., impact). Accordingly progress ratings would be updated to refer to both action achievement and impact.</b>
v. NIAP process & ICCWC tools [8]	Process enhancement [8]	<b>Clarify in Step 5 the expectations of NIAP process exit by explaining how parts a-c combine to influence the outcome and how achieving impact is integral to NIAP completion.</b>
iii. NIAP process & Article XIII process [9]	Insight on relationship between the two processes	<p><b>The two processes should work in concert;</b> options to facilitate cross-conversation and cross-reference between the two processes could include:</p> <ul style="list-style-type: none"> <li>• <b>Secretariat highlighting when a Party is subject to both in its letters, missions, reports and recommendations.</b></li> <li>• <b>ETIS reports highlighting when a Party identified as Category A, B or C is under an Article XIII process or is emerging to be in one.</b></li> <li>• Production of an updated NIAP be recommended as a matter of course when a Party enters the Article XIII process.</li> <li>• <b>Adding a provision to the NIAP report template to cross-reference materials from the Article XIII process and including a check for this integration when evaluating NIAP reports.</b></li> <li>• Parties inviting their government staff dedicated to Article XIII process to any of their required inter-agency meetings for NIAPs.</li> </ul>

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