

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

Illegal trade and enforcement

REVIEW OF RESOLUTION 11.3 (REV. COP19)
ON COMPLIANCE AND ENFORCEMENT

1. This document has been submitted by Kenya and New Zealand as co-Chairs of the Standing Committee's working group on *Review of Resolution Conf. 11.3 (Rev. CoP19) on Compliance and enforcement*.*

Background

2. At its 18th meeting (CoP18; Geneva, 2019), the Conference of the Parties adopted Decision 18.74 on *Review of Resolution Conf. 11.3 (Rev. CoP18)* which directed the Standing Committee to review the Resolution with a view to, *inter alia*, reorganizing to improve usefulness and readability, updating and clarifying where needed, and identifying gaps.
3. To address this Decision, the Standing Committee, at its 72nd meeting (Geneva, August 2019), established an intersessional working group. Based on the working group's review of the Resolution, the Standing Committee made recommendations to revise Resolution Conf. 11.3 and identified a number of gaps for consideration at the 19th meeting of the Conference of the Parties (CoP19; Panama City, 2022).
4. At CoP19, the Conference of the Parties considered the recommendations of the Standing Committee, adopted amendments to Resolution Conf. 11.3, and adopted Decision 19.66 on *Review of Resolution Conf 11.3 (Rev CoP19) on Compliance and enforcement*.

Decision 19.66 provides that, taking into account any revisions adopted at CoP19, the Standing Committee shall consider whether the following topics are gaps to be addressed in the content of Resolution Conf. 11.3 (Rev. CoP19) on Compliance and enforcement:

- a) *the role of professional bodies and whether they should be held to higher standards with regard to violations/compliance;*
- b) *whether to consider additional guidance in the Resolution relating to compliance and enforcement issues unique to trade in CITES-listed marine species, including issues pertaining to introduction from the sea;*
- c) *whether to consider adding guidance in the Resolution relating to stockpile management;*
- d) *whether to consider adding guidance in the Resolution relating to the One Health approach – a collaborative and transdisciplinary approach to achieving optimal health outcomes for people, animals, plants, and their shared environment;*

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- e) *whether to consider adding guidance in the Resolution relating to possible outcomes from currently ongoing discussions in Standing Committee working group on electronic systems and information technologies; and*
- f) *whether to update timeframes for providing information in response to requests for information from the Secretariat on a potential compliance matter.*

The Standing Committee may also identify additional gaps to be addressed in the content of Resolution Conf. 11.3 (Rev. CoP19). In undertaking its review, the Standing Committee shall make efforts not to duplicate other relevant ongoing work and may refer any of the identified topics to be considered under other relevant work of the Standing Committee as appropriate. Based on its review, the Standing Committee shall make recommendations as appropriate to revise Resolution Conf. 11.3 (Rev. CoP19) to address gaps identified for consideration at the 20th meeting of the Conference of the Parties.

- 5. At its 76th meeting (Panama 2022), the Standing Committee established an intersessional working group on *Review of Resolution Conf. 11.3 (Rev CoP19)* drawing its mandate from the topics outlined in Decision 19.66.

Working group membership

- 6. The working group comprises 28 Parties and 21 Observers: Benin, Botswana, Brazil, Burkina Faso, Canada, China, Democratic Republic of the Congo, Georgia, Germany, Ghana, Guinea, India, Indonesia; Israel, Italy, Kenya (co-Chair), Liberia, Namibia, New Zealand (co-Chair), Niger, Nigeria, Peru, Singapore, South Africa, Switzerland, United Republic of Tanzania, United States of America, Zimbabwe; International Union for Conservation of Nature (IUCN); Born Free Foundation, Born Free USA, Center for Biological Diversity, China Biodiversity Conservation and Green Development Foundation, David Shepherd Wildlife Foundation, Defenders of Wildlife, Environmental Investigation Agency (EIA-UK), Forest Trends, International Fund for Animal Welfare (IFAW), International Fur Federation (IFF), IWMC-World Conservation Trust, Law of the Wild, Lewis & Clark – Global Law Alliance, Natural Resources Defence Council (NRDC), Oceana Inc., TRAFFIC, Wildlife Conservation Society (WCS), World Wide Fund for Nature (WWF), Zoo and Aquarium Association Australasia; Center for International Environmental Law (CIEL)

Approach of the working group

- 7. The Co-Chairs invited working group members to respond to a questionnaire on the topics identified in Decision 19.66 with a view to determining if there are “gaps” that should be addressed in Resolution Conf. 11.3 (Rev. CoP19). The questionnaire also invited suggestions of additional “gaps” and amendments to Resolution Conf. 11.3. Responses were received from 22 working group members (10 Parties and 12 Observers).
- 8. In light of the direction to avoid duplication with ongoing work in other related working groups, the Co-Chairs also invited the advice of the Chairs of the working groups on the role of CITES in reducing the risk of future zoonotic disease and electronic systems and information technologies on any discussions taking place through those working groups that this working group need to consider in relation to topics d) on One Health approach and e) on electronic permitting respectively.
- 9. The responses to the questionnaire provided a good basis for the conversation but considering the low numbers (less than 50% of working group members responding), further deliberations were required to understand the full scope of the issues and draw conclusive recommendations for consideration by the Standing Committee.
- 10. The working group submitted document SC77 Doc. 38 for consideration by Standing Committee at its 77th meeting (SC77; Geneva, November 2023), recommending further deliberations following a notification inviting responses from a wider range of Parties to gain a better understanding of the scope of the issues under consideration.
- 11. At the meeting, the Standing Committee agreed to issue of a Notification inviting comments on SC77 agenda items not discussed at the meeting, including document SC77 Doc. 38. Following Notification to the Parties No. 2023/130, a further 7 responses (from 5 Parties and 2 Observers) were received in response to the Notification. There was general support to seek responses from a broader range of Parties through a notification and to continue working group deliberations focused on the purpose of the Resolution and avoiding duplication with other working groups.

12. The Secretariat issued Notification to the Parties No. 2024/066 inviting responses from a broader range of Parties. A further 11 responses were received from 8 Parties and 3 Observers.

Deliberations

Professional bodies

13. With regard to the role of professional bodies, the majority of those who responded to the initial questionnaire considered that professional bodies should be held to higher standards with regards to violations and compliance, some members noting that it is the members of the professional bodies who commit the violation that should be held to higher account rather than the professional body itself. In contrast, some responses recommended that anyone trading in wildlife, whether a professional body or not, should be held to the same relevant standards and where Parties wish to take a different approach they should do so through their national legislation.
14. While a few Parties advised their domestic CITES legislation, or associated policy, enables commercial or professional bodies to be held to account, others reported that their national legislation does not enable them to define professional bodies or set specific standards they are required to meet.
15. A very small majority of the total responses recommended this issue should be explicitly addressed in Resolution Conf. 11.3, however, the majority of Parties who responded to this issue preferred that the matter is not addressed in Resolution Conf. 11.3 and is instead left to be addressed through national legislation.
16. Responses also reported a very wide diversity of organizations to be “professional bodies” for CITES purposes and the need for any definition to be able to account for this range.
17. There is not strong enough support for the working group to recommend amendments to Resolution Conf. 11.3 directing Parties to address the issue of professional bodies. However, the working group considered there were merits in raising awareness of the issue and encouraging Parties to actively consider the relevance of the issue in their own context when drafting or reviewing national legislation. For this purpose, the working group recommends the inclusion of the following preambular statement and recommendation for action under paragraph 15 of Resolution Conf. 11.3:

Preamble:

AWARE that a wide range of professional bodies are closely associated with the implementation of CITES, and their members possess the knowledge and expertise to better understand the importance of compliance with the Convention (for example: commercial traders, brokers, transporters, trade groups, veterinarians; zoological and aquarium facilities; universities and researchers; museum and antique collection organizations; bodies overseeing auction houses, conservation societies and rescue groups/emergency care facilities, taxidermists/hunting organizations and legal or accountancy accreditation bodies) and the importance of their members complying effectively with the Convention;

V. Regarding coordination at the national level

[...]

13. RECOMMENDS further that the Parties:

[...]

- g) in developing or reviewing national legislation consider the role of professional bodies involved in CITES and the appropriate enforcement standards for the members of professional bodies, including whether certain professional bodies should be held to higher standards than the general public if they are acting in contravention of the Convention;

18. The working group also considered there was merit in encouraging Parties to raise awareness among professional bodies in their national jurisdiction, of the need for members to comply with CITES, and to encourage them to provide CITES training to members through the inclusion of the following action:

V. Regarding coordination at the national level

10. RECOMMENDS that:

[...]

- e) Parties raise awareness among professional bodies in their national jurisdiction, of the need for members to comply with CITES; and encourage professional bodies to provide CITES training to their members, and, where appropriate, to develop codes of conduct relating to CITES species; *[to be inserted before current sub-paragraph e) that becomes sub-paragraph f)]*

19. The proposed amendments are identified through track changes in the Annex to the present document.

Marine species

- 20. With regard to marine species, respondents identified a range of issues associated with CITES listed marine species, many of which are implementation rather than enforcement issues and more appropriately addressed through other Resolutions or guidelines. It is clear that implementation of Introduction From the Sea (IFS) has been particularly challenging from a compliance and enforcement perspective.
- 21. Many responses acknowledged the guidance in Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the Sea*, Resolution Conf. 16.7 on *Non-detriment findings*, and the ongoing implementation of Decisions 19.135 to 19.139 on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction*. Respondents also acknowledged that the technical workshops held in earlier 2024 on these topics provided a deeper understanding of how these Resolutions should be implemented. The need to avoid duplication was emphasized.
- 22. As a result, the working group concludes that, given the guidance in Resolution Conf. 14.6 (Rev. CoP16), Resolution Conf. 16.7, and the work underway this intersessional period to implement Decisions 19.135 to 19.139, it is premature to decide further guidance is required in Resolution Conf. 11.3 (Rev. CoP19) in relation to compliance and enforcement issues unique to trade in CITES-listed marine species.
- 23. The working group therefore recommends that the Standing Committee could reconsider the matter in the future when the relevant Decisions have been implemented.

Stocks and stockpile management

- 24. Working group members identified a number of issues and challenges related to stocks and stockpile management including measures to control storage, handling and disposal of seized items.
- 25. It was acknowledged that the CoP has agreed specific recommendations through Decisions and Resolutions for stock and stockpile management relating to a variety of specific taxa. While it was suggested by a number of working group members that there could be a generic provision in Resolution Conf. 11.3 (CoP19) regarding stockpiles to complement these species-specific provisions not all members were convinced of the benefits of this and the responses were not conclusive.
- 26. It was noted that Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species* has excellent guidance regarding confiscated specimens and that the Standing Committee is mandated to review the existing provisions concerning stocks and stockpiles under Decision 17.170 (Rev. CoP19) reporting to COP20.
- 27. The working group considers that if additional guidance is warranted on stockpile management for confiscated specimens, it may be better addressed in Resolution Conf. 17.8 (Rev. CoP19) and could be reconsidered after the implementation of Decision 17.170 (Rev. CoP19).

One health

- 28. The working group acknowledges the work to ensure that CITES is well positioned to contribute, within its mandate, to reducing the risk of zoonotic disease emergence in the international wildlife trade and there were already existing sources of guidance on these matters. The working group is reluctant to duplicate existing efforts in this area. The need for additional guidance on One Health in Resolution Conf. 17.8 (Rev. CoP19) may be better considered after the implementation of Decisions 19.15 to 19.17.

Electronic systems and information technologies

29. Given the Standing Committee working group on electronic systems and information technologies is currently fulfilling its mandate in accordance with Decision 19.151, it would be appropriate to have the conclusions of those deliberations before considering suggestions for amendments to Resolution Conf. 11.3 (Rev. CoP19).

Timeframes

30. On whether to update timeframes for providing information in response to requests for information from the Secretariat on a potential compliance matter, working group members reported a range of preferences. While some working group members considered the existing time frames are reasonable, or already tight, a number of responses suggest the six-month timeframe in paragraph 23 b) is too long and could result in action being taken too late to impact the species' chances of survival. It was suggested that delays in receiving information on compliance measures from respective Parties too close to a CITES meeting (e.g., Standing Committee meeting where the compliance matter will be discussed) can result in that compliance matter not being reasonably assessed by the relevant committee, or delayed decision making.
31. The working group considers it is important that Parties are given sufficient time to respond to requests for information from the Secretariat on a potential compliance matter and encourages Parties who may require additional time to respond to requests, to engage with the Secretariat as soon as it becomes apparent that more time may be required for the necessary information to be prepared and submitted.
32. To encourage this approach, the working group recommends retaining the overall six-month time frame in paragraph 23 b) of Resolution Conf. 11.3 (Rev. CoP19) but requiring the justification for a lack of response at three months, with the Secretariat reminding the Party to provide the response within the next three months. Parties would therefore still have six months to respond, with the emphasis on a justification for delay at three months and providing the information within the six-month timeframe as set out in the proposed amendments to paragraph 23 b) below and in the Annex to the present document. This amendment will help ensure the consideration of compliance matters by the Standing Committee is not delayed, and all efforts have been made to support a party to meet its compliance requirements before a decision is taken.

IX. Regarding application of Article XIII

23. RECOMMENDS that:

- a) when, in application of Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19), the Secretariat requests information on a potential compliance matter, Parties reply within one month or, if this is not possible, provide an approximate date by which they consider it will be possible to provide the requested information, not later than three months after the date of the Secretariat's request;
- b) when, ~~within six months, three months, the information requested has not been provided, Parties provide the Secretariat with justification for why they have not been able to respond and provide the response within the following three months the information requested has not been provided, Parties provide the Secretariat with justification for why they have not been able to respond;~~

Further gaps identified.

33. A number of suggestions were received on further potential gaps for inclusion in Resolution Conf. 11.3 (Rev. CoP19). The suggestions, however, were already addressed or not all primarily compliance or enforcement issues and may be more appropriately covered in other Resolutions that do not have specific focus on compliance and enforcement.

The future of the working group

34. One matter on which there was a divergence of views between Party and observer working group members was the future of the working group, this matter requires further consideration by the Standing Committee. Parties generally indicated support to conclude the working group with the inclusion of a recommendation to "agree that Decisions 19.66 has been implemented and can be proposed for deletion". In contrast, observers generally suggested further work is required on marine species, stocks and stockpiles, One Health and electronic systems and prefer the following alternative recommendations:

- a) agree that consideration of additional amendments to Resolution Conf. 11.3 (Rev. CoP19) concerning marine species, stocks and stockpiles, One Health and electronic systems take into consideration the outcomes of ongoing discussions and guidance developed in other CITES working groups on those topics, in the interests of avoiding duplication;
- b) following the 20th Conference of Parties and the implementation of Decisions 19.138 on marine species, 17.170 (Rev.CoP19) on stocks and stockpiles, 19.17 on One Health and 19.151 on electronic systems, consider whether these topics are gaps to be addressed in the content of Resolution Conf. 11.3 and any further recommendations to amend Resolution Conf. 11.3 which could be proposed for discussion at the 21st meeting of the Conference of Parties.

Recommendations

35. The Standing Committee is invited to:

- a) take note of the progress made in implementation of Decision 19.66 on *Review of Resolution Conf. 11.3 (Rev. CoP19) on Compliance and enforcement*;
- b) agree to include reference in Resolution Conf. 11.3 (Rev. CoP19) to professional bodies to; raise awareness of the importance of members of professional bodies complying with CITES, encourage Parties to consider the relevance of the issue in their own context when drafting or reviewing national legislation, and to encourage professional bodies to provide CITES training to members;
- c) agree to amend Resolution Conf. 11.3 (Rev. CoP19), paragraph 23 b), to retain the overall 6 month time frame for Parties involved in compliance measures to respond to a request from the Secretariat, but requiring the justification for a lack of response to be provided at three months, with the Party then being required to provide the response within the next three months. Parties would therefore still have six months to respond, with the emphasis on a justification for delay at three months and providing the information within the six months;
- d) note that matters raised as potential “further gaps” are not specifically compliance and enforcement matters appropriate for inclusion in Resolution Conf. 11.3 (Rev. CoP19);
- f) consider whether Decision 19.66 has been implemented and can be deleted, or whether a new mandate is required for the working group to enable the consideration of marine species, stocks and stockpiles, One Health and electronic systems following CoP20 and the outcomes of ongoing discussions and guidance developed in other CITES working groups on those topics; and
- g) submit the proposed amendments to Resolution Conf 11.3 (Rev.CoP19), contained in the Annex to the present document and the observations and conclusions of the working group for consideration by the 20th Meeting of the Conference of Parties.

Conf. 11.3 (Rev. CoP19)*

Compliance and enforcement

Note: new text is underlined and text proposed for deletion is in ~~strikethrough~~

RECALLING the provisions of Article II, paragraph 4, which state that the Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention;

RECALLING further that Article I, sub-paragraph c) defines “trade” as export, re-export, import and introduction from the sea;

RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, and that these shall include measures to penalize trade in, or possession of, such specimens, or both; and to provide for the confiscation or return to the State of export of specimens illegally traded;

RECALLING that Article VIII, paragraph 3, of the Convention provides that as far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay;

NOTING that the Preamble of the Convention recognizes that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, including through expeditious exchange of information on cases and situations related to trade in CITES specimens, including incidents involving the use of fraudulent documentation, or other suspected illegal trade in fauna and flora, to allow for timely follow-up and the application of appropriate measures, including legal sanctions when appropriate;

AWARE that there is considerable variability among Parties in their capacity to implement and enforce the provisions of the Convention, whilst also noting that this does not exempt any Party from enforcing these provisions, and RECOGNIZING that inadequate or insufficient efforts to ensure compliance with and enforcement of the Convention exacerbate enforcement problems for other Parties and undermine the overall effectiveness of the Convention;

RECOGNIZING that illegal trade in specimens of species included in the Appendices to the Convention can cause serious damage to fauna and flora, reduce the effectiveness of management programmes, undermine and threaten legal and sustainable trade and negatively impact the livelihoods of rural communities, particularly in the developing economies of many producing countries;

RECOGNIZING the importance that all Parties make every effort to exercise due diligence in their implementation of the Convention;

ACKNOWLEDGING that it is incumbent upon importing countries together with exporting and transit countries to ensure that trade in CITES-listed species is legal and sustainable, and in compliance with the Convention, and that enforcement measures adopted and implemented by Parties support conservation of species in the wild;

RECOGNIZING the important role of the International Consortium on Combating Wildlife Crime (ICWC) in bringing coordinated support to the national wildlife law enforcement agencies and to the subregional and regional networks that, on a daily basis, act in defence of natural resources;

OBSERVING the fact that reservations entered by Parties may create confusion for the trade and loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever, therefore, weakening the conservation policies of countries seeking to conserve fauna and flora;

* Amended at the 13th, 14th and 15th, 16th, 17th, 18th and 19th meetings of the Conference of the Parties.

RECOGNIZING that trafficking in wild fauna and flora continues to be a major concern;

RECOGNIZING the significant growth in e-commerce of specimens of CITES species and that wildlife crime linked to the Internet is of increasing concern;

CONSIDERING that countries that trade in illegally obtained animal and plant specimens, including failing to implement Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*, are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of range countries is damaged;

CONVINCED that enforcement of the Convention must be a priority of the Parties at the highest level if they are to succeed in fulfilling the objectives of the Convention and eliminating trafficking in species covered by the Convention;

CONVINCED of the need to strengthen enforcement of the Convention to address serious problems caused by the trafficking of wild fauna and flora, and that the available resources for enforcement are overwhelmed by the profits gained from such trafficking;

RECOGNIZING the importance of Resolution Conf. 17.6 (Rev. CoP19)¹ on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*, for effective implementation and enforcement of the Convention and this Resolution;

WELCOMING

- a) the adoption of Resolution 2011/36 on *Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora* by the United Nations Economic and Social Council in 2011, in which it expresses concern about the involvement of organized criminal groups in the trafficking of endangered species, recognizes the efforts made at the international level and the work of ICCWC, urges the Member States of the United Nations to strengthen international, regional and bilateral cooperation, and invites the member States of the United Nations to consider making trafficking in endangered species a serious crime;
- b) the outcome document, *The Future We Want*, of the United Nations Conference on Sustainable Development (Rio de Janeiro, June 2012);
- c) the Sustainable Development Goals adopted by the United Nations Sustainable Development Summit in September 2015, which call for the protection of wild fauna and flora as well as the ecosystems upon which they depend, and specifically call for “urgent action to end poaching and trafficking of protected species of flora and fauna, and address both demand and supply of illegal wildlife products” through Target 15.7 of Goal 15, and the conservation and sustainable use of oceans, seas and marine resources under Goal 14; and
- d) the July 2015 Resolution on *Tackling illicit trafficking in wildlife* and subsequent Resolutions on this matter adopted by the United Nations General Assembly, which reflect the heightened level of international concern over the devastating impacts of poaching and illegal trade in wildlife, and which, among others, calls for firm and strengthened national measures, and an enhanced regional and global response, including by strengthening legislation, providing for illegal trafficking in wildlife offences to be treated as predicate offences and taking steps to prohibit, prevent and counter corruption.

RECOGNIZING the contribution to enhancing enforcement of CITES made by regional cooperation and enforcement initiatives, such as the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, other regional coordination initiatives and agreements such as those developed through the West Africa Strategy on Combating Wildlife Crime, and other similar initiatives;

AWARE of the need for improved cooperation and coordination among CITES authorities and relevant law enforcement agencies at the national, regional and international levels; and

AWARE that a wide range of professional bodies are closely associated with the implementation of CITES, and their members possess the knowledge and expertise to better understand the importance of compliance with the Convention (for example: commercial traders, brokers, transporters, trade groups, veterinarians; zoological and aquarium facilities; universities and researchers; museum and antique collection organizations; bodies overseeing auction houses, conservation societies and rescue groups/emergency care facilities, taxidermists/hunting

¹ Corrected by the Secretariat after the 19th meeting of the Conference of the Parties.

organizations and legal or accountancy accreditation bodies) and the importance of their members complying effectively with the Convention; and

ACKNOWLEDGING the important role the Secretariat can play in supporting Parties to enforce the provisions of the Convention, and the means provided under Article XIII of the Convention to achieve compliance, whilst also RECOGNIZING that Article XIII does not specify a time limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. ESTABLISHES the following sections in the present Resolution:

- I. Regarding obligations of importing countries: verifying the validity of CITES documents
- II. Regarding exercising due diligence
- III. Regarding legislation and prosecution
- IV. Regarding enforcement at national level
- V. Regarding coordination at national level
- VI. Regarding coordination and collaboration at regional and international levels
- VII. Regarding wildlife crime linked to the Internet
- VIII. Regarding available tools, services, and resources
- IX. Regarding application of Article XIII
- X. Regarding reporting to and information sharing with the Secretariat
- XI. Regarding the enforcement assistance activities of the Secretariat

I. Regarding obligations of importing countries: verifying the validity of CITES documents

1. REMINDS Parties of their obligation to verify the validity of CITES documents accompanying shipments of CITES specimens, and of the need to implement Resolution Conf. 12.3 (Rev. CoP19)² on *Permits and certificates*, including at a minimum:
 - a) verifying that all of the information listed in Annex 1, *Information that should be included in CITES permits and certificates*, to Resolution Conf. 12.3 (Rev. CoP19) is included on the document;
 - b) ensuring that they do not accept under any circumstances or pretext CITES documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent and duly notified to the Secretariat; and
 - c) exercising due diligence when presented with a CITES permit or certificate, even if they believe it to have been issued by a competent authority, when they have a reason to believe that the CITES specimens may not have been traded in accordance with the provisions of the Convention;

II. Regarding exercising due diligence

2. REMINDS Parties to inspect specimens in transit or being transhipped, to the extent possible under their national legislation, to verify the presence of a valid CITES permit or certificate as required under the Convention, in accordance with Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transhipment*;

² Corrected by the Secretariat after the 19th meeting of the Conference of the Parties.

3. RECOMMENDS that:

- a) if the Management Authority of the State of import or re-export has reason to believe that CITES specimens are being traded in contravention of the laws of any country involved in the transaction, or has reason to believe that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention, it should:
 - i) immediately consult with the Management Authority in the country whose laws were thought to have been violated (and the exporting or re-exporting country if different) and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction, and during consultation the Parties should inform each other of all circumstances and facts relating to the transaction likely to be relevant to compliance with the Convention, national laws, illegal trade and also of control measures;
 - ii) when they have reason to believe that the specimen may not have been legally acquired, that the non-detriment finding, if required, may not have been made or properly made, or that any other CITES requirement(s) may not have been fulfilled, request the basis for the relevant determination;
 - iii) if after consulting with the Management Authority of the relevant State, the Management Authority of the State of import or re-export has not received satisfactory information regarding any CITES requirements, it should not authorize the import or re-export of the specimen concerned, including not issuing any required permits or certificates;
 - iv) if there is no satisfactory response, request the assistance of the Secretariat, as appropriate, in the context of its responsibilities under Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*;
 - v) in case of violation of the provisions of the Convention, immediately take appropriate enforcement measures, including pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
 - vi) if appropriate, make use of stricter measures with regard to that transaction, consistent with the provisions of Article XIV, paragraph 1. a), of the Convention; and
 - b) if, when implementing the provisions of Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*, the Management Authority of the State through which specimens are transiting or being transhipped has reason to believe that specimens may not have been traded in accordance with the provisions of the Convention, it should immediately consult with the Management Authority in the State of export or re-export and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction;
 - c) to ensure effective cooperation, Management Authorities should provide timely responses to inquiries (good practice is to provide a response within two weeks or indicate the need for more time to provide a response) and cooperate with the Management Authorities of other Parties, and the Secretariat when applicable, on matters relating to the validity of CITES documents;
 - d) Parties, when informed by the Secretariat of the fraudulent use of documents alleged to have been issued by them, carry out a timely inquiry to identify the individuals involved, seeking assistance from their INTERPOL National Central Bureau where necessary; and
 - e) when presented with a false document, Parties do everything in their power to determine where the specimens are and where the false document originated and inform the Secretariat and other Parties involved, where appropriate;
4. URGES Parties to strengthen the controls on trade in fauna and flora into, through and from the territories under their jurisdiction, and in particular controls on shipments from other countries, including neighbouring countries, and to verify the validity of documents, as required under the Convention, originating from such countries with the relevant Management Authorities;
5. RECOMMENDS that, if any Party has reason to believe that an Appendix-I or -II species is being traded by a Party in a manner detrimental to the survival of that species, it:

- a) consult directly with the appropriate Management Authority;
- b) if it does not receive a response or the response is not satisfactory, request the assistance of the Secretariat, as appropriate, in the context of its responsibilities under Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19); and
- c) make use of the provisions of Article XIV, paragraph 1. a), of the Convention to take stricter measures as they see fit;

III. Regarding legislation and prosecution

6. RECOMMENDS that Parties:

- a) include in domestic measures sanctions for infringements that are appropriate to their nature and gravity and advocate for application of such sanctions;
- b) evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;
- c) make trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, in accordance with their national legislation and Article 2 (b)³ of the United Nations Convention against Transnational Organized Crime;
- d) review and amend national legislation, as necessary and appropriate, so that offences connected to the illegal trade in fauna and flora are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime, for the purposes of money-laundering offences, and are actionable under domestic legislation applicable to the proceeds of crime;
- e) review and amend national legislation as necessary and appropriate, to address the competences and responsibilities of relevant national agencies to facilitate effective investigations of crime involving fauna and flora, and inter-agency cooperation;
- f) implement national legislation to combat money laundering and facilitate asset forfeiture and appropriate penalties to ensure that criminals do not benefit from the proceeds of their crimes, stressing that effective prosecutions against money laundering linked to trafficking in fauna and flora benefit from bringing together trade and money laundering expertise, including from financial intelligence units, as appropriate; and
- g) prosecute those involved in crime involving fauna and flora, in particular those identified as members of organized crime groups, under a combination of relevant legislation which carry appropriate penalties that will act as effective deterrents, whenever possible;

7. ENCOURAGES relevant national law enforcement agencies to establish communication networks, or expand existing networks, to combat organized crime involving fauna and flora, in accordance with relevant legislation regulating such matters, including putting in place and maintaining strict and secure procedures for managing covert human intelligence sources, and Parties to establish appropriate measures to offer protections and rewards for individuals who provide information that leads to the arrest and conviction of offenders involved in illegal taking (e.g., poaching, illegal harvest) and trafficking of CITES animal and plant species, as appropriate;

IV. Regarding enforcement at national level

8. REMINDS Parties to:

- a) ensure strict compliance, enforcement, and control with respect to all mechanisms and provisions of the Convention relating to the regulation of trade in CITES listed species, and of all provisions ensuring protection against the trafficking of these species; and

³ Under article 2b) of the United Nations Convention against Transnational Organized Crime a "serious crime" is defined as conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

- b) in case of violation of the provisions of the Convention, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action;

9. RECOMMENDS that Parties:

- a) ensure that illegal trade in wild fauna and flora is a high priority for all relevant domestic law enforcement agencies;
- b) if appropriate, consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support relevant enforcement agencies;
- c) empower officials who have the responsibility to investigate crime involving fauna and flora with appropriate training, authority and resources to effectively carry out their responsibilities to address such crimes;
- d) address the role of corruption in facilitating crime involving fauna and flora, as recognized in Resolution Conf. 17.6 (Rev. CoP19), through implementation of effective anti-corruption measures; and
- e) conduct outreach to and support training for regulated industry to ensure understanding of CITES and national requirements in order to enhance compliance and support the legal trade;

V. Regarding coordination at national level

10. RECOMMENDS that:

- a) Parties establish inter-agency mechanisms for coordination and communication at the national level, bringing together Management Authorities and all governmental agencies responsible for the enforcement of CITES, including customs and the police;
- b) Parties that have not already done so consider nominating officials from relevant national enforcement and prosecuting agencies to participate in the INTERPOL Wildlife Crime Working Group;
- c) Parties put in place, or further enhance, national measures and communication channels to ensure that the required level of real-time support can be provided to park rangers, and other wildlife and enforcement personnel who are confronted by heavily armed groups and exposed to serious risk of attack;
- d) Parties raise awareness amongst military personnel to sensitize them to the negative consequences of poaching and consumption of illegal fauna and flora; ~~and~~
- e) Parties raise awareness among professional bodies in their national jurisdiction of the need for members to comply with CITES; and encourage professional bodies to provide CITES training for their members, and, where appropriate, to develop codes of conduct relating to trade in and management of CITES-listed species; and
- ef) Parties remind their diplomatic missions, their delegates on mission in foreign countries and their troops, including those serving under the flag of the United Nations, that they are not exempted from the provisions of the Convention;

11. RECOMMENDS that Management Authorities coordinate with governmental agencies responsible for enforcement of CITES, including customs and the police, and, where appropriate, technically qualified non-governmental organizations, by arranging training activities and joint meetings, and facilitating the exchange of information;

12. RECOMMENDS that Parties, where possible and appropriate:

- a) institutionalize regular formalized meetings between customs and CITES authorities;
- b) exchange information on seizures between customs and the CITES authorities;

- c) allow customs systems access to information in permitting databases of Management Authorities and allow Management Authorities access to information in customs systems;
- d) institute automated verification schemes between customs application systems and CITES permitting databases;
- e) ensure collaboration between CITES authorities and customs to use information contained in the respective electronic data systems, available intelligence and the HS code to implement risk-based control procedures; and
- f) ensure to the extent possible that representatives of indigenous peoples and local communities and professionals involved in wildlife trade and management receive training on CITES and their role in implementing the Convention and compliance with relevant national laws;

13. FURTHER RECOMMENDS that Parties:

- a) develop and implement a comprehensive strategy for border controls, audits and investigations concerning CITES specimens, including by:
 - i) increasing quality of controls at the time of export, import, re-export and introduction from the sea;
 - ii) applying due diligence to implement Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment* when following the different procedures for customs clearance of goods and customs procedures for transit, temporary admission, warehouse storage, etc.;
 - iii) ensuring the awareness and training of officers in CITES matters regarding, for example, CITES requirements, identification of specimens and the handling of live animals;
 - iv) ensuring document control in order to authenticate and validate CITES permits and certificates, especially, if necessary, by requesting the Secretariat to confirm their validity;
 - v) conducting physical examinations of goods, based on a policy of risk assessment and targeting;
 - vi) using scanning equipment, as appropriate, in support of and to increase the detection of illegal shipments of fauna and flora;
 - vii) using detector-dog programmes as appropriate, or other innovative detection programmes, and sharing knowledge and experience with those Parties that may be interested in developing and implementing such programmes; and
 - viii) providing the necessary resources in order to achieve these objectives;
- b) promote incentives to secure the support and cooperation of indigenous peoples and local communities in managing fauna and flora and thereby combating poaching and illegal trade;
- c) where appropriate, evaluate and utilize for enforcement purposes, information from nongovernmental sources while maintaining standards of confidentiality;
- d) consider the formation, at the national level, of specialized fauna and flora law enforcement units or teams;
- e) carry out focused national and regional capacity-building activities with particular focus on fostering inter-agency cooperation and improving knowledge of legislation; species identification; risk analysis and investigation of criminal actions; and delivering successful prosecutions and deterrent penalties; ~~and~~
- f) ensure that legislative provisions cover trade linked to the Internet and that national agencies responsible for wildlife law enforcement be made aware of the challenges raised by trade linked to the Internet and provided with adequate means to tackle it; and
- g) in developing or reviewing national legislation consider the role of professional bodies involved in CITES processes and the appropriate enforcement standards for the members of professional bodies

regarding whether certain professional bodies should be held to higher standards than the general public if they are acting in contravention of the Convention;

VI. Regarding coordination and collaboration at regional and international levels

14. RECOMMENDS that Parties:

- a) that are not yet signatories to, or have not yet ratified, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption consider doing so, and implement all associated obligations, including with respect to transnational organized crime or corruption that enables illegal trade in fauna and flora in contravention of CITES or other national legal frameworks;
- b) work together within their regions to develop appropriate mechanisms for cooperation and coordination among relevant law enforcement agencies at the regional level;
- c) where necessary to ensure compliance with CITES, consider formulating regional action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support relevant law enforcement agencies;
- d) as appropriate, fully execute and deliver outcomes from intelligence-driven operations, and participate in the operations initiated at the international level by Parties and organizations such as INTERPOL and the World Customs Organization, to mobilize resources and initiate targeted activities to combat crime involving fauna and flora; and
- e) strengthen cooperation relating to enforcement measures implemented across exporting, transit, and importing States to address illegal trade in fauna and flora;

15. RECOMMENDS that Parties, whenever appropriate and possible, liaise closely with Management Authorities and law enforcement agencies in exporting, transit, and importing countries to help investigate, detect, deter and prevent illegal trade in wildlife through the exchange of intelligence, technical advice and support;

VII. Regarding wildlife crime linked to the Internet

16. RECOMMENDS that Parties:

- a) establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime;
- b) establish at the national level a mechanism to coordinate the monitoring of wildlife crime linked to the Internet and provide for the timely sharing of relevant information between designated points of contact in the Management Authority and enforcement agencies;
- c) appoint national points of contact with knowledge and training in online investigations, evidence gathering, and prosecutions to serve as focal points for enquiries from other Parties and intergovernmental organizations;
- d) establish an ongoing national monitoring programme, and in conjunction with relevant experts, develop a list of CITES species that are most commonly found in illegal trade on digital and online platforms;
- e) identify key contacts at online technology and data companies who can facilitate the provision of information upon request from Parties in support of investigations;
- f) engage online platforms to:
 - i) introduce and publish policies to address and prevent the use of such platforms for illegal trade in wildlife, including measures to ensure compliance with such policies;
 - ii) ensure that such policies are presented clearly and visibly; and
 - iii) encourage them to inform their users about wildlife crime linked to the Internet, by using targeted alerts and other technology to make users aware of relevant laws and website policies;

- g) raise awareness of wildlife crime linked to the Internet through public outreach and by engaging directly with online technology companies; and
 - h) encourage the cooperation and engagement of postal, transport, logistical and financial service providers and relevant retail sectors in addressing illegal wildlife trade;
17. RECOMMENDS further that Parties and ICCWC partner agencies:
- a) submit information to the Secretariat on best practices and model domestic measures for addressing wildlife crime linked to the internet and on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce and combat illegal trade of CITES species via the Internet;
 - b) ensure that sufficient resources are directed to:
 - i) investigating and targeting wildlife crime linked to the Internet; and
 - ii) conducting training and awareness raising as well as monitoring and enforcement of wildlife crime linked to the Internet;
 - c) use data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness, and further to publish the results of scientific research on the correlations between use of the Internet and the rate of wildlife crime, and communicate these results to the Secretariat; and
 - d) promote the use of the capacity established by INTERPOL on wildlife crime linked to the Internet, and the use of the INTERPOL guidelines on *Wildlife Crime Linked to the Internet: Practical Guidelines for Law Enforcement Practitioners*; and
18. DIRECTS the Secretariat to share on the *Wildlife crime linked to the Internet* webpage on the CITES website, as appropriate, information received from Parties, ICCWC partner agencies, and other relevant organizations or experts, regarding measures and activities implemented to address wildlife crime linked to the Internet;

VIII. Regarding available tools, services and resources

19. RECOMMENDS further that Parties:
- a) affected by significant poaching or illegal harvest of CITES species, or that have made a large-scale seizure of such specimens, contact the Secretariat to request the deployment of a Wildlife Incident Support Team (WIST), should such support be needed, immediately following such an incident;
 - b) promote and increase the use of forensic technology, including sharing such technologies with other Parties, and specialized investigation techniques, such as controlled deliveries, in the investigation of crime involving fauna and flora;
 - c) make use of the different tools available through ICCWC in order to strengthen enforcement-related aspects of the implementation of the Convention, in particular the *ICCWC Wildlife and Forest Crime Analytic Toolkit*, which was developed to assist Parties in conducting a comprehensive analysis of possible means and measures to protect and monitor wildlife and forest products, and in identifying technical assistance needs, and the *ICCWC Indicator Framework for Wildlife and Forest Crime*, which provides an important framework of indicators that cover the major components of a law enforcement response to wildlife and forest crime, for use at the national level by Parties to measure and monitor the effectiveness of their law enforcement responses to these crimes;
 - d) make use of the UNODC *Guide on Drafting Legislation to Combat Wildlife Crime*; and
 - e) use the CITES Virtual College, which provides access to courses and training materials to build enforcement capacity;

20. URGES Parties and the donor community to provide financial support to ICCWC, to assist it in providing coordinated support to national wildlife law enforcement agencies and to subregional and regional law enforcement networks, and delivering capacity building activities;
21. URGES the Parties, intergovernmental and non-governmental organizations to provide, as a matter of urgency, funds and expertise to enable enforcement-related training and the provision of training materials, focusing preferably on a regional or subregional basis, to developing countries and countries with economies in transition and range States affected by illegal trade in fauna and flora, and to ensure that relevant law enforcement personnel in such countries are adequately trained and equipped;
22. URGES INTERPOL to support the attendance of a representative from its Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES;

IX. Regarding application of Article XIII

23. RECOMMENDS that:

- a) when, in application of Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19), the Secretariat requests information on a potential compliance matter, Parties reply within one month or, if this is not possible, provide an approximate date by which they consider it will be possible to provide the requested information;
- b) when, ~~within six months,~~ three months, the information requested has not been provided, Parties provide the Secretariat with justification for why they have not been able to respond and provide the response within the following three months ~~the information requested has not been provided, Parties provide the Secretariat with justification for why they have not been able to respond;~~
- c) if significant compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat, in consultation with the Chair of the Standing Committee and as expeditiously as possible, work with the Parties concerned to try to solve the matter and offer advice or technical assistance, as appropriate;
- d) if it does not appear a solution can be readily achieved, including as a result of a failure of the relevant Party to provide a response or an adequate response, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue it in direct contact with the Party concerned with a view to finding a solution; and
- e) the Secretariat keep the Parties informed as fully as possible, including if appropriate through Notifications to the Parties, of such compliance matters and of actions taken to solve them, and include such matters, including as appropriate draft recommendations, in its reports for meetings of the Standing Committee and the Conference of the Parties;

24. DIRECTS the Secretariat to report on the implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP19) at each meeting of the Standing Committee and of the Conference of the Parties;

X. Regarding reporting to and information sharing with the Secretariat

25. URGES Parties:

- a) to provide the Secretariat with contact details of their relevant national law enforcement agencies responsible for investigating trafficking in wild fauna and flora;
- b) to provide to the Secretariat, as appropriate, and in a manner that does not jeopardize any ongoing investigations or expose covert investigative techniques, detailed information regarding significant cases of illegal trade;
- c) to report on illegal trade in CITES species consistent with guidelines agreed in Resolution Conf. 11.17 (Rev. CoP19) on *National reports*; and
- d) to provide details to the Secretariat, when possible, about individuals convicted of a serious crime involving fauna and flora, criminal organizations and other persistent offenders of trade laws concerning fauna and flora, and individuals convicted of money laundering involving fauna and flora;

26. DIRECTS the Secretariat to communicate promptly to the Parties information received in accordance with subparagraphs b) and d) above;

XI. Regarding the enforcement assistance activities of the Secretariat

27. URGES the Parties, intergovernmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds for the enforcement assistance work of the Secretariat;

28. DIRECTS the Secretariat to utilize such funds towards the following priorities:

- a) the appointment of additional officers to the Secretariat to work on enforcement-related matters;
- b) assistance in the development and implementation of regional and subregional law- enforcement agreements or Multilateral Legal Assistance Treaties (MLATs); and
- c) training and technical assistance to the Parties;

29. URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues;

30. DIRECTS the Secretariat to:

- a) liaise with regional and subregional wildlife enforcement networks and national enforcement agencies, and work in close cooperation with INTERPOL, the United Nations Office on Drugs and Crime, the World Bank and the World Customs Organization, as ICCWC partner organizations;
- b) submit a report on activities, and outcomes as appropriate, conducted under the auspices of ICCWC at each regular meeting of the Standing Committee and each meeting of the Conference of the Parties, and consult with the Standing Committee on the development of the ICCWC Programme of Work to ensure CITES Parties' needs are adequately addressed;
- c) maintain the dedicated portal on the CITES website on ICCWC, in the official languages of the Convention, to enable Parties to identify opportunities and support available through ICCWC; and
- d) in close collaboration with forensic experts and relevant partner agencies, consider annually any new applications from laboratories for inclusion in the electronic directory of laboratories that conduct forensic testing of fauna and flora and review the directory every two years;

31. RECOMMENDS that the Secretariat, in consultation with the Standing Committee, establish *ad hoc* CITES enforcement task forces as needed focusing on species significantly affected by or implicated in illegal trade; and

32. DIRECTS the Secretariat to, subject to available resources:

- a) analyse, in collaboration with ICCWC partners, the Annual Illegal Trade Reports and share relevant information from the analysis with Parties and on the CITES website as appropriate to support enforcement activities and global efforts to tackle illegal trade in CITES specimens;
- b) cooperate with ICCWC partner organizations, regional and subregional wildlife enforcement networks, and competent national authorities to:
 - i) prepare and distribute appropriate training material; and
 - ii) facilitate the exchange of technical information between the authorities in charge of border controls; and
- c) submit a report on enforcement and compliance matters, which includes *inter alia*, the analysis of the Annual Illegal Trade Report and relevant information available through ICCWC partners as well as other verified sources, at each regular meeting of the Standing Committee and each meeting of the Conference of the Parties.