

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

Forty-second meeting of the Standing Committee
Lisbon (Portugal), 28 September-1 October 1999

Implementation of the Convention in individual countries

IMPLEMENTATION OF DECISIONS 10.18 AND 10.64

1. This document has been prepared by the CITES Secretariat.

Background

2. Decision 10.64 directs the Standing Committee to "*decide whether Decision 10.18, paragraph a), shall apply or not to the Parties in question*". This paragraph states "*all Parties should, from 9 June 1998, refuse any import from, and export and re-export to, these countries of CITES specimens, if so advised by the Standing Committee*".
3. The Standing Committee at its 41st meeting was advised, through the Secretariat's report, that only three of the seven Parties and its territories concerned, namely Indonesia, Malaysia-Sabah and Nicaragua, had demonstrated, since the 10th meeting of the Conference of the Parties, that they had adopted new legislation that generally met the requirements for the implementation of CITES. The four remaining Parties, namely, the Democratic Republic of the Congo, Egypt, Guyana and Senegal, had failed to demonstrate, in the period since the Conference, that they had complied with the requirements of Decision 10.18, paragraph b).
4. At its 41st meeting, the Standing Committee agreed to recommend to the Parties that the trade in specimens of CITES-listed species with Egypt, Guyana and Senegal be suspended from 30 September 1999 unless the Secretariat verified in the meantime that the countries had enacted legislation that generally meets the requirements of CITES. It agreed, however, that, in the case of Senegal, there would be no such suspension if the Standing Committee agreed, at its 42nd meeting, on a recommendation from the Secretariat, that Senegal's enacted legislation generally meets the requirement for the implementation of CITES. Regarding the Democratic Republic of the Congo, the Standing Committee agreed to defer a decision until after a review of information at its 43rd meeting.
5. The Secretariat has sent three letters of reminder to these Parties, pointing out the need to adopt legislation meeting the criteria specified in Resolution Conf. 8.4 and, in particular, advising Senegal that its case would be considered again at the 42nd meeting of the Standing Committee.
6. By 31 July 1999, none of the four countries referred to in paragraph 3 had provided the Secretariat with the documentation required under Decision 10.18, paragraph b). Specifically, none of these countries has reported that they have enacted legislation meeting the criteria specified in Resolution Conf. 8.4, nor have they provided in writing "*the text that has been enacted and has taken effect*" and "*translated into one of the three working languages of the Convention*".
7. As indicated above, the Secretariat was required to verify, before 30 September 1999, whether Egypt, Guyana and Senegal had enacted legislation that generally meets the requirements of CITES. In the case of Senegal, a recommendation has been prepared by the Secretariat.

EGYPT

8. Since the adoption of Law No. 4 of 1994, the Government of Egypt has not adopted new legislation for the implementation of CITES. At the 41st meeting of the Standing Committee, the representative of Egypt reported that his government was undertaking measures to improve the implementation of CITES, that the new structure of the ministry would be in place within 12 months, and that a working group was currently drafting a new law.
9. On 10 March 1999, the Secretariat wrote to the Management Authority of Egypt informing it of the decision taken at the 41st meeting of the Standing Committee. On 26 July 1999, the Secretariat received from the Permanent Mission of Egypt to the United Nations a copy translated into English of Ministerial Decree N° 843/1999.
10. Unfortunately, this decree does not meet the requirements for the implementation of the Convention. The decree only establish four committees to be formed to implement CITES. The national committee is assisted by the Scientific Committees and the Management Committee and a special unit under the name of the Egyptian Standing Committee for CITES was also created.
11. The Government of Egypt still needs to adopt a law that regulates import, export and re-export of live and dead animals and plants of all species listed in Appendices I, II and III of CITES as well as parts and derivatives thereof. This law should specify punishable offences and include penalties in case of violation of the Convention and provisions for confiscation of the CITES specimens involved. It appears, therefore, that the national legislation of Egypt still does not meet the requirements of the Convention.
12. Consequently, unless it receives the required documentation before 30 September 1999, the Secretariat will issue a Notification to the Parties on that date, informing them of the Standing Committee's recommendation that Parties should not issue permits and certificates for trade to Egypt and should refuse to accept documents issued by Egypt, effective immediately, until further notice.

GUYANA

13. In spite of the significant assistance given to Guyana by the Secretariat (e.g. the preparation of a model law) and by the United States of America (i.e. consultancies, support of the embassy in Turkeyen), the government has not adopted legislation that generally meets the requirements for the implementation of the Convention.
14. By 30 July 1999, the Secretariat had not received any information about the submission of any legislation to the National Assembly or other legislative body of Guyana.
15. However, it has received a draft of Regulations for the Wildlife Trade. The Proposed Regulations for the Wildlife Trade do not meet the requirements for the implementation of the Convention. The draft only covers export of wildlife from Guyana. In addition, it does not state that all species listed in the appendices of CITES, as well as parts and derivatives of all animals and plants, are covered by the law.
16. The Government of Guyana still needs to adopt a law that regulates import and re-export of live and dead animals and plants of all species listed in Appendices I, II and III of CITES as well as parts and derivatives thereof. This law should specify punishable offences and include penalties in case of violation of the Convention and provisions for confiscation of the CITES specimens involved.
17. Consequently, unless it receives the required documentation before 30 September 1999, the Secretariat will issue a Notification to the Parties on that date, informing them of the Standing Committee's recommendation that Parties should not issue permits and certificates for trade to

Guyana and should refuse to accept documents issued by Guyana, effective immediately, until further notice.

SENEGAL

18. Senegal has been a Party to the Convention since 1977 and, despite repeated encouragement, has not put in place the legislative measures required to implement the Convention.
19. The most recent analysis prepared by the IUCN Environmental Law Centre points out that the existing legislation covers only import, export, transport and possession of certain indigenous protected species. There are no laws applicable to CITES-listed flora.
20. Penalties for infractions against existing legislation are relatively heavy, but confiscation of specimens is possible only for offences involving certain native protected species. For non-protected species of fauna, penalties are light, and confiscation is impossible.
21. Senegal has been identified in Annex 1, paragraph 10, of document Doc. 10.31 (Rev.) as a Party engaged in significant amounts of international trade in specimens of CITES species.

Recommendation of the Secretariat

22. Despite repeated requests to the CITES Management Authority of Senegal, the Secretariat has yet to receive any information to suggest that new legislation has been enacted and entered into force to implement the Convention.
23. The Secretariat recommends that the Standing Committee should decide that Decision 10.18, paragraph a), applies to Senegal and that the Secretariat should proceed to issue a Notification to the Parties informing them of the Standing Committee's recommendation that Parties should not issue permits and certificates for trade to Senegal and should refuse to accept documents issued by Senegal from 30 October 1999 until further notice.