

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



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and implementation of the Convention

Compliance and enforcement

NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION

1. This document has been prepared by the Secretariat.
2. At its 61st meeting (SC61, Geneva, August 2011), the Standing Committee:

agreed that the adoption of national laws for implementation of the Convention was a serious issue and urged Parties and dependent territories whose legislation was in Category 2 or 3 to make use of the means listed in paragraph 6 of document SC61 Doc. 23 to increase legislative momentum. It decided to consider appropriate compliance measures for Parties which it had identified as requiring attention as a priority, if those Parties had not submitted legislation for parliamentary, Cabinet or ministerial approval by [its 62nd meeting (SC62)]. Finally, the Committee asked the Secretariat to issue a Notification requesting Parties and dependent territories whose legislation was in Category 2 or 3 to submit information on their legislative progress 90 days in advance of SC62.

Legislative progress

3. In Notification to the Parties No. 2012/036 of 18 April 2012, the Secretariat requested Parties and dependent territories whose legislation was in Category 2 or 3 under the National Legislation Project to submit information on their legislative progress to the Secretariat as soon as possible. In addition to seeking legislative information through the issuance of a Notification, the Secretariat has reviewed its communications with Parties on other CITES implementation issues, Parties' biennial reports submitted after SC61 and regional reports to the present meeting.
4. An updated legislative status chart, reflecting legislative progress reported and relevant information submitted by the Parties to the Secretariat between since SC61 is provided in the Annex to this document (in English only). The chart will be updated again in July 2012, immediately prior to the present meeting.
5. The Secretariat is pleased to note that several of the means listed in paragraph 6 of document SC61 Doc. 23 has been used to increase legislative momentum. For example, there have been partnerships between Parties with legislation in Category 1 and Parties or dependent territories with legislation in Category 2 or 3; joint action by regional bodies such as the Amazon Cooperation Treaty Organization (ACTO); and incorporation of CITES-related legislative assistance into existing or new technical assistance projects.

New national legislation placed in Category 1 and other developments

6. The updated legislative status chart contained in the Annex to the present document shows that Nigeria's legislation has been placed in Category 1 and the country has been deleted from the list of priority countries, in accordance with the Secretariat's oral report at SC61.
7. At SC61, Malaysia drew attention to its recent enactment of a federal act on international trade in endangered species and related implementing legislation. The Secretariat thereafter reviewed the country's legislation again and determined that it generally meets the requirements for implementation of

CITES. The updated legislative status chart contained in the Annex to the present document indicates that Malaysia's legislation has been placed in Category 1 and the country has been deleted from the list of priority countries. Malaysia's efforts to develop a coherent and sound legal basis at the federal level for its implementation of the Convention are to be commended.

8. The Czech Republic has provided the Secretariat with new or amended legislation that was adopted after SC61.

Parties that still require attention as a priority

Algeria

9. The Secretariat is reviewing comprehensive draft legislation submitted by Algeria. If any gaps in the draft legislation are identified during the review, the Secretariat will work with Algeria to clarify or address them before the legislation is presented for adoption.

Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of)

10. During an ACTO regional preparatory meeting for SC62 (Bogota, 24-16 April 2012), participants considered the issue of national legislation for application of the Convention. Ecuador expressed interest in organizing a workshop for Amazonian countries whose national legislation is placed in Categories 2 and 3, which include the Bolivarian Republic of Venezuela and the Plurinational State of Bolivia and other ACTO members. The workshop is tentatively scheduled in September 2012 and is aimed at exchanging experience on their development and implementation of CITES legislation.

Djibouti

11. The Secretariat met with the Ambassador of Djibouti to the United Nations Office and other international organizations in Geneva during November 2011 and thereafter sent a letter to the Ambassador summarizing those discussions and reiterating the Secretariat's willingness to undertake a legislative assistance mission to Djibouti, with support from the CITES capacity-building project funded by the European Commission. The Ambassador has informally indicated interest in such a mission and is expected to provide an official response in the near future. In the meantime, Djibouti remains subject to a recommendation to suspend trade (see Notification to the Parties No. 2011/010 of 19 January 2011).

Liberia

12. In its response to Notification to the Parties No. 2012/036, Liberia provided a copy of the draft act on *Adopting the National Wildlife Conservation and Protected Area Management Law*. Track change comments contained in the draft legislation indicate that it is still under development. The Secretariat is seeking additional information from Liberia as to the status of the draft act.

Kazakhstan

13. In its response to Notification to the Parties No. 2012/036, Kazakhstan informed the Secretariat that the national law on the protection, reproduction and use of animals was amended in January 2012 to include additional clauses concerning CITES. It also provided a summary of relevant government functions and competencies under the amended law. Kazakhstan further expressed the view that its current legislation enabled it to fulfil its obligations under the Convention and should therefore be placed in Category 1. The Secretariat is in the process of reviewing the new information and consulting bilaterally with the CITES Management Authority of Kazakhstan as well as other national authorities on the matter.

Mauritania

14. Mauritania has not yet provided the Secretariat with a revised CITES legislation plan in writing, setting out the steps and timetable which Mauritania intends to follow in enacting CITES-implementing legislation, so the current recommendation to suspend trade remains in effect (see Notification to the Parties No. 2004/055 of 30 July 2004).

Mozambique

15. Mozambique has advised the Secretariat that it is currently drafting additional CITES-implementing legislation and would appreciate the Secretariat's support for this work. The Secretariat has tentatively identified external funds for a technical assistance mission, to be undertaken by a Portuguese-speaking member of the Secretariat and an external Portuguese-speaking expert. The mission should take place later this year, after the necessary funding has been confirmed.

Pakistan

16. Pakistan participated actively in the regional CITES capacity-building workshop for West and Central Asia (Riyadh, December 2011) and indicated at that time that CITES legislation would be enacted in the near future. Unfortunately, Pakistan was not able to participate in the recent CITES regional workshop on ensuring that trade in medicinal plants is legal, sustainable and traceable (Thimphu, 24-26 May 2012) where the Secretariat had hoped to obtain an update on its legislative progress. The Secretariat urges (or encourages) Pakistan to send a response to Notification to the Parties No. 2012/036 before the present meeting.

Somalia

17. In May 2012, the Ministry of Fisheries, Marine Resources and Environment of the Transitional Federal Government of Somalia sent to the Secretariat a list of the current legislation related to CITES, expressed its commitment to enacting legislation for adequate implementation of the Convention and requested related assistance. The Secretariat has thanked Somalia for the information and will request them to submit a CITES national legislation plan as a matter of urgency. Upon submission of the plan, the Secretariat will issue a Notification withdrawing the current recommendation to suspend trade (see Notification to the Parties No. 2004/055 of 30 July 2004). The Secretariat has tentatively identified external funds to assist Somalia with its development of CITES-implementing legislation, and it will liaise further with Somalia on this matter once the availability of funding has been confirmed.

South Africa

18. South Africa provided the Secretariat with a copy of the National Environmental Management Biodiversity Act (Act No. 10 of 2004) on *Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations (2012)*. The Secretariat is reviewing the legislation and will then consult with South Africa and report on the results of that review at the present meeting.

United Republic of Tanzania

19. In late January 2012, the Secretariat participated in a round table on illegal trade in endangered species that had been organized in Dar-es-Salaam by the Minister of Trade of Sweden and the Minister of Natural Resources and Tourism of the United Republic of Tanzania. Following the round table, the Secretariat and the CITES Management Authority reviewed in detail the draft CITES regulations for Zanzibar. The Management Authority later sent the Secretariat an electronic version of the most recent version of the draft regulations. The Secretariat is working with the Tanzanian authorities to incorporate into that text the results of the January discussions.

Other priority countries

20. The Secretariat has not yet received any updated information in writing from other priority countries (e.g. Belize, Botswana, the Comoros, Guinea-Bissau, Kenya, Paraguay and Rwanda).
21. The Secretariat has not identified any additional priority countries for the consideration at the present meeting.

Parties with legislation in Category 2 or 3, which had been party to the Convention for five or more years as of June 2007

22. The Secretariat received responses to Notification to the Parties No. 2012/036 from:
 - Côte d'Ivoire (the process to further develop its draft CITES-related legislation has begun and Secretariat assistance is requested);

- Guyana (a *Wildlife Import and Export Bill* has been placed on the parliamentary legislative agenda for the new session of Parliament);
 - India (India has sent a description of relevant enacted and draft legislation and has recommended that its legislation be ‘upgraded from Category 2 to Category 1’); and
 - Kuwait (primary legislation was enacted earlier, and has now been revised with the final text expected to be submitted for enactment before CoP16).
23. During the CITES regional workshop on medicinal plants, mentioned in paragraph 16 above, CITES authorities from Bangladesh, Bhutan, India, Myanmar, Nepal and Sri Lanka provided information on the status of CITES-related legislation in their countries. In addition, the regional report for Asia to the present meeting indicates that Myanmar’s 1994 Protection of Wildlife and Protected Areas Law was amended in 2012, *inter alia*, to better align it with the Convention.
24. As mentioned in paragraph 10 above, Ecuador intends to host a legislative workshop in September 2012 for ACTO members and others. Such a workshop is expected to increase legislative momentum in participating countries.
25. The Secretariat has been in communication with Guinea on other CITES implementation matters, and this has prompted consultations on its legislative progress. In particular, the Secretariat is seeking information from Guinea on the current status of its draft CITES legislation as well as any specific assistance that may be needed to ensure further progress in the development and enactment of such legislation.
26. The regional report for Asia to the present meeting indicates that several administrative orders and sets of guidelines have been proposed to support the implementation and enforcement of the Philippines’ Wildlife Resources Conservation and Protection Act.
27. In the margins of SC61, the CITES Management Authority of Tunisia and the Secretariat reviewed in detail the country’s draft CITES-implementing legislation and Tunisia undertook to incorporate the agreed changes into revised draft legislation.
28. The Secretariat has been in communication with Uganda about recent institutional changes in the country which have implications for CITES implementation (e.g. the division of the previous host ministry into two separate ministries and the appointment of a new head of the CITES Management Authority, following the retirement of the previous head). The Management Authority and the Secretariat have agreed to meet in the margins of the present meeting to review again Uganda’s draft legislation for implementation of the Convention and to determine how best to increase momentum for its enactment.

Parties with legislation in Category 2 or 3, which had been party to the Convention for less than five years as of June 2007

29. The Secretariat received responses to Notification to the Parties No. 2012/036 from:
- Samoa (as part of a collaborative initiative between Samoa and New Zealand, a national workshop on improving CITES implementation was held in March 2012 and a CITES legislative workshop is planned for November 2012);
 - Serbia (an English version of CITES-implementing legislation has been provided and the Secretariat is now seeking clarification of several matters before determining whether it can be placed in Category 1); and
 - the Solomon Islands (a review of the 1998 *Wildlife Protection and Management Act 1998* is planned to occur later in 2012 and its purpose is to better align the Act with the Convention) .
30. In January 2012, the Secretariat expressed interest in cooperating with UNEP’s Regional Office for Europe to provide legislative assistance (including translation of enacted legislation) to Albania, Bosnia & Herzegovina, the Former Yugoslav Republic of Macedonia and Montenegro under the Regional Environmental Network for Accession. The Secretariat has not yet been advised of any further developments on this matter.

31. In October 2011, during a mission to the Lao People's Democratic Republic, the Secretariat received from CITES authorities an English translation of the 2007 Wildlife and Aquatic Law (which contains a section on import, export, re-export and transshipment as well as other CITES-relevant provisions). They expressed interest in revising the Law to provide for adequate implementation of the Convention and asked the Secretariat to assist with this work. The Secretariat has undertaken an initial review of the Law and is in the process of preparing related legislative advice for Lao PDR.

Dependent territories

32. The Secretariat has received a response to Notification to the Parties No. 2012/036 from the United Kingdom of Great Britain and Northern Ireland, which describes legislative progress in the Crown Dependencies and Overseas Territories (including the submission of legislation for approval by Her Majesty's Privy Council in the Bailiwick of Jersey and the entry into force of CITES-implementing legislation for the Isle of Man).

Other related matters

33. The Secretariat participated in the Eighth University of Eastern Finland (UEF) – UNEP Course on Multilateral Environmental Agreements (Bangkok, September 2011), which was attended by a representative of the CITES Management Authority of Namibia, a representative of the ASEAN Wildlife Enforcement Network and two former members of the CITES Management Authorities of the Philippines and Thailand as well as government officials and other participants from Cambodia, Cameroon, Colombia, Egypt, Fiji, the Federated States of Micronesia, Finland, Grenada, Indonesia, Italy, Kiribati, Japan, Malaysia, the Netherlands, Portugal, the Russian Federation, Singapore, South Africa, Spain, Sweden, Switzerland, and the United States of America. The Secretariat's participation was made possible through cost-sharing with UEF and it is currently working with UEF to incorporate an elaborated version of its presentation into a publication which provides a review of the course.

Support to the judiciary

34. A senior environmental prosecutor was seconded to the Secretariat for one year by the Attorney-General of the State of Sao Paulo, Brazil, beginning in October 2011. This prosecutor has been liaising with various prosecutor networks in different regions with the aim of facilitating exchange and collaboration among them.
35. In June 2012, the Secretary-General participated in a Rio+20 Colloquium on Environmental Law & Justice as well as the World Congress on Justice, Governance and Law for Environmental Sustainability held in the margins of Rio+20. The Congress, which had over 200 participants, was organized by UNEP and co-hosted by the Association of Magistrates and Judges in the State of Rio de Janeiro, in partnership with CITES and several other partners.

Recommendation

36. The Standing Committee is invited to consider appropriate compliance measures, including a recommendation to suspend trade in accordance with Resolution Conf. 8.4 (Rev. CoP15) and Resolution Conf. 14.3, for Parties which it has identified as requiring attention as a priority and which have not, by the present meeting, submitted updated information to the Secretariat on the progress made for the submission of legislation for parliamentary, Cabinet or ministerial approval (see paragraph 20 above).

STATUS OF LEGISLATIVE PROGRESS FOR IMPLEMENTING CITES
(UPDATED ON 15 JUNE 2012)

Parties with legislation in Category 1

Argentina	Lithuania
Australia	Luxembourg
Austria	Madagascar
Bahamas	Malaysia
Barbados	Malta
Belgium	Mexico
Brazil	Monaco
Brunei Darussalam	Namibia
Bulgaria	Netherlands
Cambodia	New Zealand
Cameroon	Nicaragua
Canada	Nigeria
China	Norway
Colombia	Panama
Costa Rica	Papua New Guinea
Croatia	Peru
Cuba	Poland
Cyprus	Portugal
Czech Republic	Qatar
Democratic Republic of the Congo	Republic of Korea
Denmark	Romania
Dominican Republic	Russian Federation
Egypt	San Marino
El Salvador	Saudi Arabia
Equatorial Guinea	Senegal
Estonia	Singapore
Ethiopia	Slovakia
Fiji	Slovenia
Finland	Spain
France	Sweden
Germany	Switzerland
Greece	Thailand
Guatemala	Turkey
Honduras	Ukraine
Hungary	United Arab Emirates
Iceland	United Kingdom of Great Britain and Northern Ireland
Indonesia	United States of America
Iran (Islamic Republic of)	Uruguay
Ireland	Vanuatu
Italy	Viet Nam
Jamaica	Yemen
Japan	Zimbabwe
Latvia	
Liechtenstein	

Parties requiring attention as a priority

Party	Entry into force of the Convention	Category	Plan	Draft	Submitted for enactment	Enacted
Algeria	21.02.1984	2	Yes	Yes		No
Belize	21.09.1981	3	Yes	Yes		No
Bolivia (Plurinational State of)	04.10.1979	2	Yes	Yes		No
Botswana	12.02.1978	2	Yes	No		Yes
Comoros	21.02.1995	3	Yes	Yes		No
Djibouti	07.05.1992	3	Yes	No		No
Guinea-Bissau	14.08.1990	3	Yes	No		No
Kazakhstan	19.04.2000	2	No	No		Yes
Kenya	13.03.1979	2	Yes	Yes	Yes	No
Liberia	09.06.1981	3	Yes	Yes		No
Mauritania	11.06.1998	3	No	No		No
Mozambique	23.06.1981	2	Yes	No		No
Pakistan	19.07.1976	3	Yes	Yes		No
Paraguay	13.02.1977	2	Yes	No		No
Rwanda	18.01.1981	3	Yes	Yes		No
Somalia	02.03.1986	3	Yes	No		No
South Africa	13.10.1975	2	Yes	No		Yes
United Republic of Tanzania	27.02.1980	2	Yes	Yes		No
Venezuela (Bolivarian Republic of)	22.01.1978	2	Yes	Yes		No

**Parties with legislation in Category 2, which had been party to the Convention
for five or more years as of June 2007**

Party	Entry into force of the Convention	Category	Plan	Draft	Submitted for enactment	Enacted
Azerbaijan	21.02.1999	2	No	No		Yes
Bangladesh	18.02.1982	2	Yes	Yes	Yes	No
Belarus	08.11.1995	2	Yes	Yes*		No
Benin	28.05.1984	2	Yes	Yes		No
Burkina Faso	11.01.1990	2	Yes	No		Yes
Chile	01.07.1975	2	Yes	No		No
Congo	01.05.1983	2	Yes	Yes		No
Ecuador	01.07.1975	2	Yes	Yes		No
Eritrea	22.01.1995	2	Yes	Yes		No
Gabon	14.05.1989	2	Yes	No		No
Gambia	24.11.1977	2	Yes	Yes		No
Georgia	12.12.1996	2	Yes	No		No
Guinea	20.12.1981	2	Yes	Yes		No
Guyana	25.08.1977	2	Yes	Yes	Yes	No
India	18.10.1976	2	Yes	Yes		Yes
Israel	17.03.1980	2	No	No		Yes
Jordan	14.03.1979	2	Yes	Yes		No
Kuwait	10.11.2002	2	Yes	Yes		Yes
Malawi	06.05.1982	2	Yes	Yes		No
Mali	16.10.1994	2	Yes	No		No
Mauritius	27.07.1975	2	Yes	Yes		No
Mongolia	04.04.1996	2	Yes	No		No
Morocco	14.01.1976	2	Yes	Yes		Yes
Philippines	16.11.1981	2	Yes	No		Yes
Republic of Moldova	27.06.2001	2	No	No		Yes
Saint Kitts and Nevis	15.05.1994	2	Yes	Yes		No
Saint Lucia	15.03.1983	2	Yes	Yes		No
Saint Vincent and the Grenadines	28.02.1989	2	Yes	Yes		No
Sudan	24.01.1983	2	Yes	Yes	Yes	No
Suriname	15.02.1981	2	Yes	No		No
The former Yugoslav Republic of Macedonia	02.10.2000	2	No	No		Yes
Togo	21.01.1979	2	Yes	Yes		No
Trinidad and Tobago	18.04.1984	2	Yes	Yes		No
Tunisia	01.07.1975	2	Yes	Yes		No
Uzbekistan	08.10.1997	2	Yes	No		No
Zambia	22.02.1981	2	Yes	No		Yes

**Parties with legislation in Category 3, which had been party to the Convention
for five or more years as of June 2007**

Party	Entry into force of the Convention	Category	Plan	Draft	Submitted for enactment	Enacted
Afghanistan	28.01.1986	3	Yes	Yes		No
Antigua and Barbuda	06.10.1997	3	Yes	Yes		No
Burundi	06.11.1988	3	Yes	Yes		No
Central African Republic	25.11.1980	3	Yes	No		No
Chad	03.05.1989	2	Yes	Yes		No
Côte d'Ivoire	19.02.1995	3	Yes	Yes		No
Dominica	02.11.1995	3	Yes	Yes		No
Ghana	12.02.1976	3	Yes	Yes		No
Grenada	28.11.1999	3	Yes	Yes		No
Myanmar	11.09.1997	3	Yes	Yes		Yes
Nepal	16.09.1975	3	Yes	Yes	Yes	No
Niger	07.12.1975	3	Yes	Yes		No
Sao Tome and Principe	07.11.2001	3	Yes	No		No
Seychelles	09.05.1977	3	Yes	Yes		No
Sierra Leone	26.01.1995	3	Yes	No		No
Sri Lanka	02.08.1979	3	Yes	Yes		No
Swaziland	27.05.1997	3	Yes	Yes	Yes	No
Uganda	16.10.1991	3	Yes	Yes		No

**Parties with legislation in category 2 or 3, which had been party to the Convention
for less than five years as of June 2007**

Party	Entry into force	Category	Plan	Draft	Submitted for enactment	Enacted
Albania	25.09.2003	3	No	No		Yes*
Armenia	21.01.2009	3	No	No		Yes*
Bosnia and Herzegovina	21.04.2009	p				
Bhutan	13.11.2002	3	Yes	Yes		No
Cape Verde	08.11.2005	3	No	No		No
Kyrgyzstan	02.09.2007	3	No	No		No
Lao People's Democratic Republic	30.05.2004	3	Yes	Yes		Yes
Lesotho	30.12.2003	3	No	Yes		No
Libya	28.04.2003	3	Yes	Yes		No
Montenegro	03.06.2006	2	Yes	No		No
Oman	17.06.2008	3	Yes	No		No
Palau	15.07.2004	3	Yes	Yes		No
Samoa	07.02.2005	3	Yes	No		No
Serbia	03.06.2006	3	No	No		Yes
Solomon Islands	24.06.2007	3	Yes	No		No
Syrian Arab Republic	29.07.2003	3	Yes	Yes		No

Dependent territories

Dependent territory	Category	Plan	Draft	Submitted for enactment	Enacted	Dep.
American Samoa	1					US
Aruba	2	No	No		Yes	NL
Bailiwick of Guernsey	3	Yes	Yes		No	GB
Bailiwick of Jersey	3	Yes	Yes	Yes	No	GB
Bermuda	2	Yes	No		No	GB
British Indian Ocean Territory	1					GB
British Virgin Islands	2	Yes	Yes		No	GB
Cayman Islands	2	Yes	Yes		No	GB
French Guiana	1					FR
French Polynesia	2	Yes	No		No	FR
Gibraltar	1					GB
Greenland	2	Yes	No		No	DK
Guadeloupe	1					FR
Guam	1					US
Hong Kong SAR	1					CN
Isle of Man	2	No	No		Yes	GB
Macao	2	Yes	Yes		No	CN
Martinique	1					FR
Montserrat	2	Yes	Yes		No	GB
Netherlands Antilles	2	No	No		Yes	NL
New Caledonia	2	Yes	Yes		No	FR
Northern Mariana Islands	1					US
Pitcairn Islands	1					GB
Puerto Rico	1					US
Réunion	1					FR
Saint Helena, Tristan de Cunha and the Ascension Islands	2	Yes	No		No	GB
Saint Pierre and Miquelon	1					FR
Virgin Islands of the United States	1					US
Wallis and Futuna Islands	2	Yes	No		No	FR

Note: Anguilla has enacted CITES-implementing legislation and Turks and Caicos have developed draft legislation. The Convention will be extended to cover these dependent territories of the United Kingdom once each has enacted legislation which qualifies for Category-1 status.

Keys

- Category:**
- 1: legislation that is believed generally to meet the requirements for implementation of CITES (*85 Parties and 11 dependent territories*)
 - 2: legislation that is believed generally not to meet all requirements for the implementation of CITES (*49 Parties and 16 dependent territories*)
 - 3: legislation that is believed generally not to meet the requirements for the implementation of CITES (*41 Parties and 2 dependent territories*)
- p:** pending submission of legislation to the Secretariat
- shaded text:** changes since SC61
- *:** translation required
- Plan:** CITES legislation plan submitted to the Secretariat
- Draft:** Draft legislation submitted to the Secretariat for comments
- Enacted:** Enacted legislation submitted to the Secretariat for review
- Entry into force of the Convention:** Date on which Party's adherence to the Convention took effect
- Dep.:** Two-letter ISO code of the State of which the territory is a dependency