

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Compliance and enforcement

National laws for implementation of the Convention

REPORT OF THE SECRETARIAT AND DECISIONS TO BE TAKEN BY THE STANDING COMMITTEE

1. This document has been prepared by the Secretariat.
2. The Conference of the Parties, at its 16th meeting (CoP16, Bangkok, 2013), adopted Decisions 16.33 to 16.38 on *National Laws for implementation of the Convention* as follows:

Directed to Parties

16.33

By the 66th meeting of the Standing Committee (SC66), Parties whose legislation is in Category 2 or 3 under the National Legislation Project and which have been party to the Convention for more than five years as of March 2013 should submit to the Secretariat, in one of the working languages of the Convention, appropriate measures that have been adopted for effective implementation of the Convention.

16.34

For any Party affected by Decision 16.33 that has been party to the Convention for less than 20 years, should exceptional circumstances prevent them from adopting appropriate measures for effective implementation of the Convention, that Party should advise the Secretariat in writing of those exceptional circumstances by SC66.

16.35

Parties whose legislation is in Category 1 under the National Legislation Project are encouraged to provide technical or financial assistance to one or more Parties whose legislation is in Category 2 or 3 under the National Legislation Project.

Directed to the Standing Committee

16.36

The Standing Committee shall review at its 65th, 66th and 67th meetings the progress of Parties in adopting appropriate measures for effective implementation of the Convention.

16.37

At its 66th meeting, the Standing Committee shall recommend a suspension of commercial trade in specimens of CITES-listed species with those Parties affected by Decision 16.33 that have failed to adopt appropriate measures for the effective implementation of the Convention. This recommendation shall take effect 60 days after the conclusion of SC66. Should exceptional circumstances prevent any Party affected by Decision 16.33 that has been party to the Convention for less than 20 years from enacting legislation by SC66, the Standing Committee shall review the situation and determine appropriate measures for addressing it. Any Party affected by Decision 16.33 that has been party to the Convention for 20 years or more and has failed to adopt appropriate measures or agree an appropriate legislative timetable with the Secretariat by SC66 will be subject to recommendations to suspend trade. The Standing Committee will not make recommendations to suspend trade where a Party has submitted its final draft or an appropriate legislative timetable to the Secretariat by the SC66 deadline and it is pending action from the Secretariat.

Directed to the Secretariat

16.38

The Secretariat shall:

- a) *compile and analyse the information submitted by Parties on measures adopted before the 17th meeting of the Conference of the Parties (CoP17) to fulfil the requirements laid down in the text of the Convention and Resolution Conf. 8.4 (Rev. CoP15);*
 - b) *subject to external funding, provide legal advice and assistance to Parties on the development of appropriate measures for effective implementation of the Convention, including legislative guidance for and training of CITES authorities, legal drafters, policymakers, the judiciary, parliamentarians and other relevant government officials responsible for the formulation and adoption of CITES-related legislation;*
 - c) *cooperate, in the provision of legislative assistance, with the legal programmes of United Nations bodies and intergovernmental organizations, such as the Food and Agriculture Organization of the United Nations, UNEP, the World Bank and regional development banks, as well as regional organizations such as the Africa, Caribbean and Pacific Secretariat, the Amazon Cooperation Treaty Organization, the Association of South East Asian Nations, the League of Arab States, the Organization of American States and the Pacific Regional Environment Programme;*
 - d) *report at the 65th, 66th and 67th meetings of the Standing Committee on Parties' progress in adopting appropriate measures for effective implementation of the Convention and, if necessary, recommend the adoption of appropriate compliance measures, including recommendations to suspend trade;*
 - e) *identify for the Standing Committee any countries that require attention as a priority under the National Legislation Project; and*
 - f) *report at CoP17 on progress made with regard to the implementation of Resolution Conf. 8.4 (Rev. CoP15) and Decisions 16.33-16.38.*
3. Indicator 1.1.1 of the CITES Strategic Vision: 2008-2020 is the number of Parties that are in Category 1 under the National Legislation Project (NLP), reflecting the importance that Parties have placed on the enactment of legislation for effective implementation of the Convention.

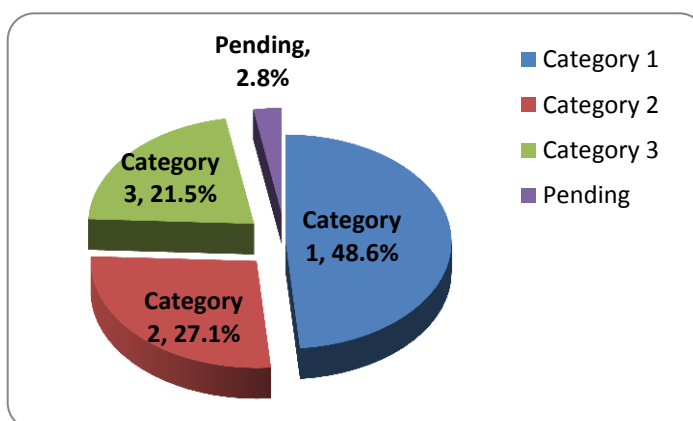
Background and disclaimers

4. The National Legislation Project (NLP) is a compliance and technical assistance process unique to CITES, which was established in 1992. Its primary aim is the analysis of Parties' enabling and implementing

legislation against the requirements laid down in the text of the Convention and the criteria stated in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*.¹

National Legislation Project 2015

Category	Parties	Percent
Category 1	88	48.6%
Category 2	49	27.1%
Category 3	39	21.5%
Pending	5	2.8%
Total	181	100.0%



5. According to the latest assessment pursuant to Decisions 16.33 to 16.38, 88 countries and 13 dependent territories still need to strengthen their legal frameworks for the effective implementation of CITES, particularly to regulate trade; penalize trade in violation of the Convention; and confiscate specimens illegally traded or possessed.
6. The NLP is structured as a general CITES-implementing legislation process. A number of countries, however, have adopted species-specific provisions, regulations or laws. Several Resolutions and Decisions adopted by the Conference of the Parties seem to encourage such species-specific legislation. The CITES legislative analysis considers whether the countries legislation covers all specimens of all CITES species (animals and plants, live and dead, and parts and derivatives) included in the three Appendices of the Convention and whether it provides for any annexes or schedules to be amended as necessary. Resolution Conf. 8.4 (Rev. CoP15) does not refer to species-specific legislation. So far, this exercise is only done for the listing of species in Appendix III. The Secretariat suggests that, in the future, the development or strengthening of species-specific (or specimen-specific) legislation should be addressed through or supported by the National Legislation Project.
7. Legislation enacted by non-Parties or territories that are under dispute or that are not recognized by the United Nations is not included in the NLP. Nothing in the NLP prejudices the claims and legal views of any Party concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The assessment of national legislation to implement CITES does not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning those matters.

Progress made since SC65

8. A dedicated web portal on CITES national legislation (<https://cites.org/legislation>) has been developed by the CITES Secretariat to assist Parties in the implementation of the Resolution Conf. 8.4 (Rev. CoP15) and Decisions 16.33 to 16.38. This web portal includes the most recent legislative information in the form of an updated legislative status chart that is available online to facilitate transparent and free access to the Parties and interested stakeholders.
9. The online legislative status chart is divided into the following six sections:
 - (i) [Parties with legislation in Category 1](#);
 - (ii) [Countries identified as requiring attention as a priority](#);
 - (iii) [Parties with legislation in Category 2 or 3, which have been party to the Convention for 20 years or more](#);
 - (iv) [Parties with legislation in Category 2 or 3, which have been party to the Convention for less than 20 years but more than five years](#);

¹ Document [CoP12 Doc. 28](#) contains basic explanations on the type of legislation adopted by Parties and the legislative analysis process, in particular paragraphs 5 to 10.

- (v) [Parties which have been party to the Convention for 5 years or less](#); and
- (vi) [Dependent territories](#).

10. The online chart includes the following information for each Party or dependent territory whose legislation has not yet been placed in Category 1: Party or dependent territory; entry into force of the Convention (only for Parties); Category; Plan (equivalent of Timetable); Draft; Submitted for enactment; Progress summary; and Next steps/needs.
11. In accordance with Decisions 16.33 and 16.37, the 88 Parties included in section (iii) or (iv) should be subject to recommendations to suspend commercial trade in specimens of CITES-listed species if they have failed to adopt appropriate measures or agree on an appropriate legislative timetable with the Secretariat by the 66th meeting of the Standing Committee. In accordance with Decision 16.34, a Party included in section (iv) should advise the Secretariat in writing before SC66 of any exceptional circumstances which prevent it from adopting appropriate measures for effective implementation of the Convention.

Compilation and analysis of legislative information

12. The Standing Committee has identified 17 Parties from the 88 Parties concerned by Decision 16.33 and 16.37 that require attention as a priority. Following the instructions of the Standing Committee, the Secretariat has focused on these 17 Parties, which have been included not only in section (ii) of the online chart but also section (iii) or (iv), as appropriate, in order to clearly indicate how they are affected by Decision 16.37. Parties included in section (v) of the online chart are not affected by Decision 16.37 and the Secretariat has not identified for the Standing Committee, at this time, any additional countries that require attention as a priority.
13. The 17 countries that require attention as a priority are: Algeria, Belize, Plurinational State of Bolivia, Comoros, Djibouti, Guinea-Bissau, Kazakhstan, Kenya, Liberia, Mauritania, Mozambique, Pakistan, Paraguay, Rwanda, Somalia, United Republic of Tanzania and Bolivarian Republic of Venezuela. Eleven countries are in Africa, four in Central, South America and the Caribbean and two in Asia
14. The authorities of Belize, the Plurinational State of Bolivia, Kazakhstan, Kenya, Mauritania, Mozambique, Pakistan and Paraguay have contacted the Secretariat to submit appropriate measures that have been drafted or adopted for effective implementation of the Convention, to inform of progress made or to request technical assistance. Kenya have made the most significant progress in adopting national legislation for the implementation of CITES and is finalizing subsidiary implementing legislation (regulations and guidelines), which was envisaged under its new primary legislation (Wildlife Conservation and Management Act, 2013). Following the enactment of such implementing regulations, the Secretariat will revise the legislative analysis with a view to Kenya's legislation being included in Category 1. Such a review must however await the finalisation of the regulations.
15. Algeria, Comoros, Djibouti, Guinea-Bissau, Liberia, Rwanda, Somalia, the United Republic of Tanzania and the Bolivarian Republic of Venezuela have not submitted any appropriate measures and have not advised the Secretariat in writing before SC66 of any exceptional circumstances which prevent them from adopting appropriate measures for effective implementation of the Convention.
16. Among the Parties concerned by Decisions 16.33 and 16.37 that do not require attention as a priority, Chile and Israel have been Parties to the Convention for more than 20 years that have made considerable efforts to implement those Decisions. Israel submitted to the Secretariat, in one of the working languages, the existing measures that they have adopted for effective implementation of the Convention and Chile has submitted a very comprehensive draft to be presented to parliament that is in its final stages before its enactment. The Secretariat was particularly glad for the opportunity to meet legislative drafters and members of the Chilean parliament and to discuss with the Israeli authorities about the criteria and key components of their national legislation for the implementation of CITES. Morocco has also enacted legislative measures that are under review.
17. China, on behalf of Macao, and the United Kingdom of Great Britain and Northern Ireland, on behalf of its dependent territories, have submitted to the Secretariat appropriate CITES legislative timetables or draft legislation.
18. The Secretariat reiterates its offer of assistance to Parties affected by compliance measures under Decisions 16.33, 16.34 and 16.37. It also urges Parties included in section (iii) or (iv) of the online

legislative chart that does not require attention as a priority to submit information to the Secretariat before SC67, on the adoption of appropriate measures for effective implementation of the Convention, an appropriate legislative timetable which might be agreed with the Secretariat or, where relevant, any exceptional circumstances which prevent them from adopting appropriate measures for effective implementation of the Convention.

19. The Secretariat would like to express its deep thanks to the European Union and the Governments of Japan, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America for the financial and technical assistance provided to the National Legislation Project.

Targeted legislative assistance

20. Pursuant to Resolution Conf. 8.4 (Rev. CoP15) and Decisions 16.33 to 16.38 and following the call from the UN Secretary-General to strengthen the UN system response to tackling illegal trade in wild fauna and flora, the CITES Secretariat and the Secretariat of the United Nations Environment Programme (UNEP) concluded a collaborative initiative to provide assistance to priority countries and territories to enhance their legislation, upon their request.
21. This includes the provision of targeted legal advice on the four basic domestic measures required by CITES; compilation of examples of best legislation; drafting support; and close cooperation with the United Nations Office on Drugs and Crime (UNODC) on the implementation of the relevant provisions of the United Nations Convention against Transnational Organized Crime and the United Nations Convention Against Corruption, as well as the United Nations Development Programme (UNDP) and the World Bank on the strengthening of the rule of law and the fight against corruption.
22. The CITES Secretariat and UNEP have identified six African priority countries that could benefit from immediate assistance upon their request. These countries are divided in two groups. The first one includes Kenya, Mauritania and Mozambique, which have reported legislative progress since the last SC65. The second one includes Algeria, Rwanda, and United Republic of Tanzania that have not reported legislative progress to the Secretariat under Decision 16.33.
23. Other African countries might be also benefit from the assistance of this joint initiative upon request. The African countries that are eligible for assistance include Angola, Botswana, Burkina Faso, Comoros, Congo, Djibouti, Gabon, Guinea-Bissau, Liberia, Mauritius, Morocco (which has enacted legislation recently) and Seychelles.
24. The CITES Secretariat will undertake a legislative mission to Nairobi, Kenya from 14 to 18 December to discuss this matter with the UNEP Secretariat. It is planning to take advantage of this visit to meet with the Kenyan authorities to further discuss and clarify the status of their national legislation as described in paragraph 14.
25. The Secretariat has benefited from the technical support generously offered by the Government of Norway that seconded a lawyer from the Norwegian Environment Agency to assist the CITES Secretariat during one day per week in providing legal advice to countries upon their request. The cooperation has been very fruitful so far. The Secretariat is highly satisfied with the assistance given and is looking forward to continue the cooperation. The Secretariat would like to point out that there is also a possibility for other countries to join in and assist in its work to help a larger number of countries to adopt appropriate measures to implement the Convention.
26. The dedicated web portal on CITES national legislation mentioned in paragraph 8 also includes model laws, examples of existing legislation and relevant information. It has been created by the CITES Secretariat to assist the Parties in the adoption of appropriate measures.

Recommendations

27. The Secretariat proposes that the Standing Committee's recommendations focus on the 17 countries that require attention as a priority and consider the adoption of appropriate compliance measures as follows.

The Secretariat recommends that the Standing Committee:

- a) Recommend that all Parties suspend commercial trade in specimens of CITES-listed species from those Parties that required attention as a priority and have failed to adopt appropriate measures for

the effective implementation of the Convention or agree an appropriate legislative timetable as required under Decision 16.33. Parties affected by this compliance measure are: Algeria, Comoros, Guinea-Bissau, Liberia, Rwanda, United Republic of Tanzania and Bolivarian Republic of Venezuela. This recommendation takes effect 60 days after the conclusion of SC66.

- b) Issue a warning to other Parties that required attention as a priority that are making progress, but have not yet adopted the appropriate measures, advising these Parties that they are in non-compliance and reminding them of the need to accelerate their efforts to enact adequate legislation by SC67. Parties affected by this compliance message are: Belize, Plurinational State of Bolivia, Kazakhstan, Mauritania, Mozambique, Pakistan and Paraguay.

28. The Secretariat proposes that the Standing Committee consider the adoption of the following compliance measures for other countries concerned by Decision 16.33 that do not require attention as a priority at this time.

The Secretariat recommends that the Standing Committee send a public notification through the Secretariat to all Parties advising that this matter has been brought to the attention of all Parties whose legislation is in Category 2 or 3 under the National Legislation Project and which have been party to the Convention for more than five years as of March 2013 and that, up to the present meeting, there has been no satisfactory response or action.

29. The Secretariat recommends that the Standing Committee postpone the review of the legislative progress of all other Parties and dependent territories concerned by Decision 16.33 that have not adopted appropriate measures for the effective implementation of the Convention to its 67th meeting.
30. Subject to the availability of external funding, the Standing Committee may wish to invite the Secretariat, in collaboration with UNODC, UNEP, UNDP, the Food and Agriculture Organization of the United Nations (FAO) and other relevant institutions, to organize a Legal Round Table Discussion to discuss:
- a) a possible revision of Resolution Conf. 8.4 (Rev. CoP15) and new CoP17 NLP decisions;
 - b) explore efficient approaches to further assist Parties in strengthening their national legal frameworks for the effective implementation of CITES and combating illegal wildlife trade; and
 - c) identify ways to raise awareness and provide support to the judiciary in a timely manner.

Outcomes of this discussion will be reflected in the report of the Secretariat to the Conference of the Parties at its 17th meeting.

31. The Secretariat further recommends that the Standing Committee invite Parties and donors organizations to second staff to the CITES Secretariat to support the implementation of the National Legislation Project. The Standing Committee may wish to encourage them to direct any technical or financial assistance they might be able to provide to Parties that have an identified or possible need for drafting assistance, and that a preference be given to enabling the relevant CITES Management Authority to contract a local legal expert for such work.