

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



Sixty-seventh meeting of the Standing Committee  
Johannesburg (South Africa), 23 September 2016

Interpretation and implementation matters

Compliance and enforcement

Application of Article XIII

Application of Article XIII in the Democratic Republic of the Congo

REPORT OF THE DEMOCRATIC REPUBLIC OF THE CONGO

This document has been submitted by the Democratic Republic of the Congo. \*

Introduction

At the 66th meeting of the Standing Committee (SC66, Geneva, 11-15 January 2016), the Secretariat presented the report on the Application of Article XIII by the Democratic Republic of the Congo. This report, which is contained in document SC66 Doc. 28, was followed by recommendations concerning the DRC, whose implementation report was to be presented by the country at the 67th meeting of the Standing Committee.

This document is a detailed report on the latest developments in the implementation of Article XIII of CITES in the Democratic Republic of the Congo, addressed to the 67th session of the Standing Committee. The report will focus on the following points:

- (a) Quota management and issuance of export permits for CITES-listed specimens
- (b) Management of exports of *Psittacus erithacus* ;
- (c) Illegal trade;
- (d) Difficulties encountered in the implementation of the Convention in conflict zones (*Prunus africana*) ;
- (e) Collaboration among national CITES Authorities.

**(a) Quota management and issuance of export permits for CITES-listed specimens**

**a.1. Quota management**

In accordance with Article 20, paragraph 2 of Ministerial Decree No. 056/CAB/MIN/AFF-ECNPF/01/00 of 28 March 2000 on the regulation of international trade in endangered species of

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\* *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.*

flora and fauna in the Democratic Republic of the Congo, export quotas are established by the Scientific Authority. On a practical level, the Management Authority proposes export quotas and conveys them to the Scientific Authority for approval.

A working session was organized between the Management Authority and the Scientific Authority on the procedure for sending export quotas to the CITES Secretariat, a task which falls to the Management Authority after approval by the Scientific Authority.

Awareness with regard to the respect of export quotas, which are to be issued annually in conformity with Article 29 of the above-mentioned Ministerial Decree, was raised among operators and all CITES subsidiary bodies. The Decree provides that “under penalty of being declared null and void, no export permit may be issued in excess of the annual export quota established pursuant to Article 20 of this Decree”. We may therefore state that the export quotas are regularly monitored in order to ensure that quotas are not exceeded.

#### **a.2. Issuance of export permits for CITES-listed specimens**

Export permits are issued in accordance with the provisions of the Convention and of Ministerial Decree No. 056/CAB/MIN/AFF-ECNPF/01/00 of 28 March 2000 on the regulation of international trade in endangered species of flora and fauna in the Democratic Republic of the Congo.

Although there is a legal basis for the “cancellation and replacement” of permits in Articles 27 and 29 of the above-mentioned Ministerial Decree, which is expected to be repealed by a Decree of the Prime Minister pursuant to Act No. 14/003 of 11 February 2014 on nature conservation, the Management Authority has definitively ended that practice, which not only led to an incorrect interpretation, but also encouraged double counting of specimens exported from the Democratic Republic of the Congo, thereby giving the impression that some quotas were exceeded.

Since then, quota-allocation letters are given to operators beforehand in order to allow them to collect the specimens for the purpose of trade. Export permits are issued *in ultima ratio* only when the specimens are ready to be exported. This preventive measure of distributing the quota letters beforehand is an effective response to the “cancellation and replacement” practice, which was called into question by the Standing Committee at its 66th session, and ensures proper quota management.

#### **(b) Management of exports of *Psittacus erithacus***

Following Notification to the Parties No. 2016/021 of 16 March 2016, all stakeholders – both public and private – were informed about the recommendation to suspend trade in specimens of the species *Psittacus erithacus* from the Democratic Republic of the Congo. That did not include the 2016 export of 1,600 specimens already collected and ready for exportation, which was subject to confirmation of the authenticity of the export permits by the Secretariat. This trade could resume provided that the Democratic Republic of the Congo satisfied three conditions. It must: (i) launch a science-based field study to discern the situation of the populations of the species in the country; (ii) develop and begin implementation of a national management plan for the species; and (iii) provide the CITES Secretariat with a copy of the study and management plan. After satisfying these conditions, an export quota for grey parrots will be set by the Democratic Republic of the Congo, in consultation with the CITES Secretariat.

The authorities of the Democratic Republic of the Congo have been aware for some years of the threats posed to the country's grey parrot population, which include the unsustainable sale of specimens to other countries. Although there is still a significant number of specimens of the species in the country, the national authorities have welcomed the decision made during the 66th session of the Standing Committee and have since pledged to strengthen mechanisms to combat the illegal trade in grey parrots. Effective safeguard measures were put in place to monitor the export of the 1,600 grey parrots authorized on an interim basis by the 66th session of the Standing Committee in 2016. By way of example, we can reference letter No. CAB/MIN/FINANCES/FIS/CNB/2016 of 19 May 2016, in which the Minister of Finance provides firm instructions to the customs services. That was followed by a letter from the Minister of Environment, Nature Conservation and Sustainable Development, No. 875/CAB/MIN/ECN-DD/04/00/RBM/2016 of 25 June 2016, as well as a letter from the Director-General of the Congolese Institute for Nature Conservation, No. 0525/ICCN/DG/CWB/03/011/2016 of 08 July 2016. All of these letters are appended to this report.

Several grey parrot seizure operations, followed by campaigns to release them back into their natural environments, were conducted in Kinshasa, as well as in the main areas of their capture in Kindu and Kisangani, by the Congolese Institute for Nature Conservation. The Institute coordinates the fight against poaching and illicit trafficking of wild flora and fauna in the Democratic Republic of the Congo in cooperation with the governorates concerned and specialized services. According to available statistics provided by the Institute for Nature Conservation, it would appear that after a public campaign which, in Lingala (the most widely spoken national language in Kinshasa) is called "OPERATION BIKISA TSAKU" (OPERATION TO SAVE THE GREY PARROTS), from February to July 2016, 1,611 grey parrots were seized in Kindu, Kikwit, Kinshasa and Kisangani from the hands of traffickers; 1,200 grey parrots were released back into nature in the Bombo-Lumene Hunting Reserve in Kinshasa on 23 June 2016, and at the site of capture of Lokandu in Kindu on 2 July 2016, respectively. The next release of grey parrots is scheduled for 30 July 2016 in the Bombo-Lumene Hunting Reserve in Kinshasa.

However, only the members of the *Ligue Nationale des Exploitants de la Faune et de la Flore* (National Association of Flora and Fauna Traders) in the Democratic Republic of the Congo, recipients of quota-allocation letters, have been authorized to export 1,600 specimens of *Psittacus erithacus*, an exception made for the Democratic Republic of the Congo in 2016. Export may only take place at N'djili International Airport in accordance with the framework measures contained in the letter of the Director-General of the Congolese Institute for Nature Conservation No. 0525/ICCN/DG/CWB/03/011/2016 of 8 July 2016, addressed to the Director-General of Customs and Excise in the DRC.

The Democratic Republic of the Congo reiterates its firm commitment to carry out the field studies (biological inventories followed by non-detriment findings) and to develop and implement a management plan, as required by the Standing Committee, within the limits of available resources. At present, the terms of reference of the studies have already been established and the consultants identified. Commitments have been made with partners and professionals in the sector, in particular the School of Sciences at the University of Kisangani in the Democratic Republic of the Congo, for the 2016 launch of the studies in the three major ecological areas where the species is found (the Provinces of Maniema, Equateur and Tshopo). The progress of this work will be presented at the next session of the Standing Committee.

However, it should be pointed out that there is greater potential for finding *P. erithacus* in the protected areas managed by the Congolese Institute for Nature Conservation, the Scientific Authority. There, the capture of the species is not authorized in accordance with Act No. 14/003 of 11 February 2014 on nature conservation. This protected space covers approximately 13% of the total area of the country, i.e. 340,000 square kilometres.

As a country making up a large proportion of the range of *P. erithacus*, the Democratic Republic of the Congo takes this opportunity to request the technical and financial support of the CITES Secretariat through its many willing partners in order to help the country to carry out the field studies in the interest of both the national and international communities and with a view to ensuring sustainable harvesting of *P. erithacus*.

### **(c) Illegal trade**

It is true that the Democratic Republic of the Congo is faced with the serious issues of poaching and illegal trafficking in protected wildlife species. This can be attributed to the country's vulnerability, which is linked in particular to many porous and difficult-to-control borders shared with nine neighbouring countries, and to over two decades of insecurity in the eastern part of the country, resulting in the fraudulent exploitation of natural resources as well as acts of terrorism and crimes against humanity. The existence of rebel groups in the eastern part of the country, which control some of the protected areas located on the borders of certain neighbouring countries, encourages frequent poaching of African elephants and other large mammals in the National Park of Garamba (the most affected), as well as the National Parks of Virunga, Kahuzi-Biega, Maiïko, Salonga, Upemba, the Okapi Wildlife Reserve and the Bili-Uéré Hunting Reserve, which alone has an area of 60,000 square kilometres, and elsewhere.

Nevertheless, over and above the fight against illegal trafficking of *Psittacus erithacus* mentioned in section (b), several ivory-seizure campaigns were carried out in 2016 (a total of eight operations from January to July 2016) followed by court convictions of the poachers, thanks to the support of partners such as the Trade Records Analysis in Flora and Fauna in Commerce (TRAFFIC), the World Wide Fund for Nature (WWF) and the United States Agency for International Development (USAID). Seizures are regularly reported to TRAFFIC and appear in the report of the National Ivory Action Plan (NIAP). Six ivory-carving machines were seized in the fight against the domestic ivory trade, which has appreciably

decreased during 2016. It may also be recalled that trade in primates has not been reported since the country made the decision to voluntarily suspend it during the CITES COP 16 in Bangkok, Thailand in 2013.

Other actions taken to combat the illegal trade in protected wildlife specimens include:

- The severe penalties contained in Act No. 14/003 of 11 February 2014 on nature conservation and efforts to raise stakeholder awareness of that Act through workshops and media campaigns;
- The promulgation of Decree No. 15/012 of 15 June 2015 establishing a body to strengthen security in national parks and related nature reserves. This body, created within the Congolese Institute for Nature Conservation and known as CorPPN, is a paramilitary organization responsible for protecting animal and plant life and ecosystems in the national parks and related nature reserves, including by combating poaching and other wildlife crime (see this Decree in the Annex to this report) ;
- The launch on 2 and 3 June 2016 by the Ministry of Environment, Nature Conservation and Sustainable Development of the process to develop measures to implement Act No. 14/003 of 11 February 2014 on nature conservation, with the support of the partner organization World Resources Institute (WRI) and of USAID. A new Decree on the Convention, which will be signed by the Prime Minister, is one of the six priority measures identified by experts and will repeal Ministerial Decree No. 056/CAB/MIN/AFF-ECNPF/01/00 of 28 March 2000 on the regulation of international trade in endangered species of flora and fauna in the Democratic Republic of the Congo.
- The training of judges and other judicial actors in the combat against poaching and illegal trafficking of wildlife specimens organized with the support of TRAFFIC;
- The relocation of the Management Authority to new, more secure, offices;
- The effective involvement of CITES subsidiary bodies (customs, national police, Congolese Office of Control, airspace management, Directorate General for Migration and other specialized services) in combating the illegal trafficking of protected wildlife specimens;
- Creating awareness among members of the National Association of Flora and Fauna Traders through basic informational actions, and by reporting illegal operators to the competent national and provincial authorities.

**(d) Difficulties encountered in the implementation of the Convention in conflict zones (*Prunus africana*)**

As mentioned in section (c), difficulties in implementing the CITES in areas of armed conflict in the eastern part of the Democratic Republic of the Congo do not only concern the *Prunus africana*, but other protected wild species of flora and fauna as well. Efforts are being undertaken by the Government of the Republic to restore security and strengthen State authority throughout the territory, particularly in the east, including by neutralizing the activities of well-established armed groups.

Discussions on the illegal trafficking of *Prunus africana* through some neighbouring countries are continuing to take place within the framework of the *Collaboration Transfrontalière du Grand Virunga* (Greater Virunga Transboundary Collaboration or GVTC), which includes the Democratic Republic of the Congo, the Republic of Rwanda and the Republic of Uganda. The purpose of these discussions is to assess the extent of illegal trafficking in specimens of protected wild species of flora and fauna in the three countries, which meet at least once each year.

Following the submission of the first consultant's report on the trafficking of wildlife specimens three years ago, a second consultant was recruited during the first half of 2016 by the Executive Secretariat of the GVTC in order to evaluate criminal activities linked to wildlife species in the Democratic Republic of the Congo, the Republic of Rwanda and the Republic of Uganda. The Democratic Republic of the Congo requests that the Secretariat of the CITES and other partners participate in the evaluation.

Moreover, the Democratic Republic of the Congo affirms that at this stage it does not intend to harvest *Prunus africana* in protected areas given that current inventories, with the support of the International

Tropical Timber Organization/CITES programme, covered only 20% of the *Prunus* areas in the country located outside protected areas.

**(e) Collaboration among national CITES authorities**

It is true that the national CITES authorities have experienced difficulty in implementing the protocol to the agreement for administrative collaboration in the fight against the illegal trade in CITES-listed species in the Democratic Republic of the Congo, signed on 19 August 2002. However, campaigns to raise the awareness of all stakeholders were organized to enhance the enforceability of the protocol, which will also be strengthened by the new Prime Ministerial Decree on CITES regulations in the country.

Relations between the Management Authority and the Scientific Authority are good, given their mutual independence. In addition, since the promulgation of Act No. 14/003 of 11 February 2014 on nature conservation, the Congolese Institute for Nature Conservation has worn three hats: it manages protected areas of national interest, monitors wild flora and fauna species in accordance with Article 70 of the aforementioned Act, and is the country's CITES Scientific Authority.

The Management Authority, Scientific Authority, operators and subsidiary bodies meet regularly to assess the implementation of CITES in the Democratic Republic of the Congo. Moreover, this report, like other documents submitted to CITES in the framework of preparations for the COP 17, was prepared with considerable assistance from the Scientific Authority, which worked side-by-side with the Management Authority.

A national CITES committee has not yet been formally established, as recommended by the Standing Committee, as it will be included among the official national CITES structures in the new decree to be signed by the Prime Minister. Meanwhile, consultations are being held in the framework of the meetings described in the previous paragraph.

Conclusion

It should be clarified that the report on trade in *Pericopsis elata* is explained in a separate document. The Democratic Republic of the Congo believes that it has provided a satisfactory response to the recommendations addressed to it at the 66th meeting of the Standing Committee (SC66, Geneva, 11-15 January 2016) on the implementation of Article XIII of the Convention. It undertakes to cooperate with the Secretariat to provide additional information if that should be necessary.