

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



Sixty-ninth meeting of the Standing Committee  
Geneva (Switzerland), 27 November - 1 December 2017

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

APPLICATION OF ARTICLE XIII IN GUINEA

1. This document has been prepared by the Secretariat.

Background

2. At the 61st meeting of the Standing Committee (SC61, Geneva, August 2011), the Secretariat reported its concerns regarding illegal trade in CITES-listed species involving Guinea. The Committee noted these concerns and agreed that the Secretariat should undertake a mission to Guinea. This mission was conducted in September 2011 and significant problems were identified in the implementation of the Convention, such as failure to honour its engagements following the malfeasance of a high official in the issuance of permits at a national level. Consequently, a comprehensive list of recommendations was formulated in consultation with the relevant Guinean authorities.
3. On the basis of correspondence between the Secretariat and Guinea, the Secretariat reported at the 62nd meeting of the Standing Committee (SC62, Geneva, July 2012) that limited progress had been made with the implementation of the recommendations. The Secretariat further reported that Guinea's challenges in implementing CITES were related to enforcement as well as to broader compliance issues, including the need for adequate legislation, and robust procedures for the issuance of permits and the making of non-detriment findings. The Committee expressed concern with the situation, and instructed the Secretariat to identify a set of minimum actions to be undertaken by Guinea on the basis of the agreed list of recommendations, and to issue a warning letter requesting Guinea to take urgent action to remedy the situation and implement the identified minimum actions.
4. On 17 September 2012, the Secretariat issued a warning letter and requested Guinea to provide a detailed report on progress in the implementation of the identified minimum actions by December 2012. As Guinea failed to provide the requested report, the Standing Committee, at its 63rd meeting (SC63, Bangkok, March 2013) instructed the Secretariat to issue a Notification to the Parties recommending that all commercial trade in CITES-listed species with Guinea be suspended (Notification to the Parties No. 2013/017 of 16 May 2013). This recommendation is still in force.

Latest developments

5. In January 2016, the Secretariat received a report from Guinea dated December 2015, describing the achievements made in the implementation of the recommendations made during the 2011 mission. The report made no reference to the minimum actions that had been identified in 2012. Progress was reported especially regarding the creation of an Interagency Committee, a National Priority Action Plan for 2016 and the development of a five year CITES Action Plan. In March 2016, the Secretariat acknowledged the receipt of the report and noted the progress made. At the same time, the Secretariat emphasized the importance of adopting adequate legislation for implementing the Convention in Guinea. Finally, the Secretariat invited

Guinea to submit a further report on the implementation of the recommendations, ahead of the 67th meeting of the Standing Committee (SC67, Johannesburg, September 2016).

6. In a letter dated June 2017, the Secretariat reminded Guinea of the invitation to submit an updated and complete report on the efforts that it had undertaken to implement the 2011 recommendations, and suggested that this be submitted by 31 August 2017. The Secretariat encouraged Guinea to report on: (i) the identified minimum actions in the warning letter; (ii) the implementation of the outstanding actions foreseen in the National Priority Action Plan for 2016; (iii) any progress with regard to putting in place adequate national legislation that meets the minimum requirements of the Convention; and (iv) any progress in establishing policies and protocols to ensure that robust non-detriment findings and national quotas can be established for future exports of specimens of Appendix-II listed species from Guinea. In addition, the Secretariat invited Guinea to respond to a number of detailed questions concerning the 2015 report.
7. With respect to enforcement efforts, the Secretariat invited Guinea to provide the following:
  - a) information on seizures and prosecutions that have occurred during 2016, using the format for the CITES annual illegal trade report, as appropriate;
  - b) the status of the trials and the penalties imposed in the cases concerning key individuals involved in illegal wildlife trade; and
  - c) explanations of records of commercial trade in specimens of two parrot species, listed in Appendix II, with Oman in 2014 despite the recommendation to suspend trade.
8. In response to the letter of the Secretariat, Guinea provided a report on 24 August 2017.<sup>1</sup> The report responded to the detailed questions on the 2015 report, but a number of these responses were similar to the ones presented in the 2015 report, and hence did not provide the clarifications sought by the Secretariat. Most of the additional information the Secretariat was hoping to receive was not provided, especially concerning the administrative and legislative arrangements for the implementation of CITES in Guinea, including the adoption of adequate legislation, and policies and procedures for making non-detriment findings. In view of the Secretariat, the report focused mainly on enforcement activities, rather than on establishing mechanisms that would allow for an effective implementation of CITES by Guinea. For instance, no substantiated progress on legislation was reported (legislation of Guinea is placed in Category 2 under the CITES National Legislation Project), and in other instances, no progress was justified by a lack of resources. No further explanations were provided concerning the apparent trade with Oman [see paragraph 7 c) above].
9. In light of the information received, the Secretariat is not in a position to make a comprehensive assessment of the progress made to date by Guinea, nor of its capacity to fully implement CITES. Furthermore, the recommendations that Guinea is still requested to implement and report against were agreed over six years ago. They were elaborated to address a situation of extreme emergency to halt abusive issuance of permits and illegal trade in specimens of Appendix-I listed species. Guinea has reported that measures have been taken to address the emergency and key actors that were involved in the fraudulent issuance of CITES permits and the illegal trade have been prosecuted and sentenced (although the Secretariat notes with concerns the early release of some of the key actors, as mentioned in the 2017 report of Guinea).
10. However, as noted above, the information available does not give sufficient ground to confirm that the administrative and legislative arrangements for the effective implementation of CITES in Guinea are now in place. The Secretariat would therefore like to suggest that an in-country technical assessment and assistance mission be undertaken by the Secretariat upon invitation of the Government of Guinea to agree on an updated set of recommendations that takes into account progress made to date.

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<sup>1</sup> *The report provided by Guinea is available as an information document in the language and format in which it was received.*

## Recommendations

11. The Secretariat recommends that the Standing Committee:

- a) acknowledge the progress reported by Guinea in 2016 and 2017, and express its appreciation for the information provided;
- b) request the Secretariat, subject to the availability of resources, to conduct a technical mission to Guinea pursuant to Article XIII of the Convention to assess the administrative and legislative arrangements for the implementation of CITES in Guinea; consider the need for additional or revised measures; and provide technical assistance as necessary to implement the Convention; and
- c) further request the Secretariat to continue to monitor the progress made by Guinea and report to the Standing Committee on such progress, which, in considering such reports, will decide whether its recommendation to suspend all commercial trade in CITES-listed species with Guinea can be lifted, or if additional measures are required.