

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

ARTICLE XIII PROCESSES

This document has been prepared by the in-session working group on Article XIII processes on the basis of documents SC69 Doc. 29.2.1 on Application of Article XIII in the Lao People's Democratic Republic and SC69 Doc. 29.2.2 on Application of Article XIII in the Democratic Republic of the Congo.

The Working Group recommends:

Lao People's Democratic Republic

50. In light of the above, the Secretariat recommends that the Standing Committee update its recommendations adopted at SC67 as follows:

1. *Regarding management of exports of *Dalbergia cochinchinensis**

Parties maintain the suspension of commercial trade in specimens of the species *Dalbergia cochinchinensis*, including finished products such as carvings and furniture from Lao PDR, until that Party makes scientifically based non-detriment findings for trade in the species to the satisfaction of the Secretariat.

2. *Regarding national legislation:*

Lao PDR:

- a) adopt adequate legislative measures to implement the Convention that meet the minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*;
- b) implement its new criminal legal framework in relation to illegal trade in wildlife, notably the relevant provisions of the amended Penal Code;
- c) develop and enact legislative guidelines for wildlife farming; and
- d) formalize an agreement on mutual assistance between CITES management authorities and customs to strengthen cooperation and ensure the expeditious exchange of information.

3. *Regarding CITES Authorities*

Lao PDR

- a) clarify who are the designated CITES Management and Scientific Authorities;
- b) clearly identify staff within the designated Management and Scientific Authorities who have specific responsibility for granting permits or certificates of behalf of Lao PDR and implementing the Convention, and provide these staff with the training and resources to

communicate with the Secretariat or the Management Authority of any other Party and undertake their CITES responsibilities in an efficient manner;

- c) formally communicate to the Secretariat any changes in the designations or authorizations under the provisions of Article IX of the Convention; and
- d) provide copies of all permits and certificates issued to authorize trade in CITES-listed species in 2016 and 2017 and continue to provide copies until further notice.

4. *Regarding compliance and law enforcement*

Lao PDR

- a) focus on the effective implementation of existing relevant plans, in particular its National Ivory Action Plan (NIAP), and report on progress in implementation according to the fixed deadlines;
- b) take urgent steps to progress the implementation of its crime response plan to tackle illegal trade in wildlife, combining information collected from different sources, including from the DOFI Information Management System, World Wide Fund for Nature (WWF), Wildlife Conservation Society (WCS), the Wildlife Justice Commission case file and from other entities, together with Lao PDR's NIAP, the relevant provisions of the new penal code, the training received on ivory identification and other investigation techniques;
- c) investigate and prosecute mid-high profile cases involving organized or transboundary activities;
- d) adopt result-oriented law enforcement qualitative approaches, using the enforcement indicators of the International Consortium on Combating Wildlife Crime (ICWC) ;
- e) work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, in the context of ASEAN-WEN and other relevant networks to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal wildlife and illegal wildlife 'tourism'; and
- f) provide to the Secretariat the results of any investigations conducted by competent national authorities to determine the origin of specimens in illegal trade, the identities of individuals involved in smuggling, and the results of any legal proceedings against alleged perpetrators.

5. *Regarding monitoring of wildlife farms and related trade*

Lao PDR

- a) create a Committee on Tiger Farms composed of government officials, relevant national organizations, members of the Cat Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC), the World Association of Zoos and Aquaria (WAZA), the CITES Secretariat and other international organizations; and
- b) conduct an inventory of the tigers kept in captivity in the farms, combined with a marking scheme and genetic analysis of the animals to establish their origin.

6. *Public awareness and outreach campaigns*

Lao PDR take urgent steps towards the implementation of the outreach campaigns **targeted** to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the laws and regulations of the State for the protection of fauna and flora. Campaigns should focus on international airports, main ports, markets and special free economic zones.

51. The Standing Committee recommends that:

1. By 31 December 2017, Lao PDR submit an adequate implementation plan with timelines and indicators for complete implementation of recommendations 2-6 in document SC69 Doc. 29.2.1 paragraph 50.
2. By 30 June 2018, Lao PDR provide a report to the Secretariat on implementation of recommendations 2-6.

If the Secretariat has determined that the adequate implementation plan with timelines and indicators has not been provided by 31 December 2017 or implementation of recommendations 2-6 has not been substantially achieved by 30 June 2018, the Secretariat shall publish a Notification to the Parties recommending a suspension of trade with Lao PDR.

Democratic Republic of the Congo

51. The Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC66 and SC67 with the following. The Standing Committee recommends that:

Regarding quota management and issuance of export permits

- a) the Democratic Republic of the Congo (DRC) establish an efficient information system, preferably an electronic system resources permitting, to:
 - i) facilitate the issuance of permits and certificates and the verification of the legal acquisition of specimens in trade (legal acquisition finding), while making the manipulation of DRC CITES permits and certificates after issuance more difficult;
 - ii) keep up-to-date records of exporters, which should facilitate controls, communications, collaboration;
 - iii) facilitate liaison and integration with other permitting/certification systems relating to the harvest of and trade in CITES-listed resources, e.g. timber concession authorizations, phytosanitary/veterinary documentation, or customs declarations;
 - iv) control and monitor annual export quotas to ensure they are not exceeded;
 - v) ensure that export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as customs, in the export endorsement block of the document; and
 - vi) prepare annual reports that contain information on trade that have effectively occurred, and follow the guidelines for the preparation and submission of annual report of the [Notification to the Parties No.2017/006](#) and its annex, paying special attention to name correctly the country of import (box 3a in the Standard CITES form); and
- b) the DRC provide scanned copies of all permits and certificates issued to authorize trade in CITES-listed species to the Secretariat until further notice.

*Regarding the management of trade in *Psittacus erithacus**

- c) a non-Party to the Convention for *Psittacus erithacus*, in accordance with Resolution Conf.4.25 (Rev. CoP14), treat the species as if it were included in Appendix II for all purposes, including documentation and control, and suspend the issuance of export permits for commercial and non-commercial trade in specimens of *Psittacus erithacus* of wild origin until it is in a position to make scientifically based non-detriment findings for trade in the species;
- d) the DRC take steps to implement CoP Decision 17.256 on *African grey parrots* (*Psittacus erithacus*);
- e) the DRC not establish experimental export quotas as part of scientific surveys of the species in the country;

- f) the Standing Committee notes the moratorium announced by the DRC to suspend trade of *Psittacus erithacus* and its announcement that it will not implement its reservation on the listing of the species in Appendix I and It invites DRC to adopt a regulatory act to implement the moratorium, and
- g) the Standing Committee also notes the commitment by the DRC to undertake population surveys and develop a management plan for *Psittacus erithacus*.

Regarding illegal trade:

- h) the DRC take urgent steps to progress the implementation of its NIAP, and report on progress to the Secretariat according to the agreed deadlines;
- i) the DRC investigate and prosecute criminal cases involving organized or transboundary activities relating to illegal trade in CITES-listed wildlife;
- j) the DRC provide to the Secretariat the results of any judicial decision, in accordance with national laws, conducted by competent national authorities to determine the origin of specimens in illegal trade, including African grey parrots, pangolin scales, elephant ivory, etc., as well as the identities of individuals involved in, *inter alia*, falsifying CITES documents, or illegally trading and smuggling CITES specimens, and the results of any legal proceedings against alleged perpetrators; and
- k) the DRC work with the law enforcement agencies from China, Pakistan, Singapore and Turkey to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal or unreported trade in specimens of CITES-listed species.

Regarding trade in Pericopsis elata

- l) the DRC take urgent steps to implement the measures presented in its NDF report (document PC22 Doc. 12.1 and Annex), particularly:
 - i) the finalization and use of a database to monitor the volumes of *Pericopsis elata* exported by the DRC; and
 - ii) a study on the systematic conversion of volumes of processed products into round wood equivalent volumes, based on an appropriate conversion rate.

- 52. As long as the database mentioned in paragraph 51 j) is not finalized and submitted to the Secretariat for review, the Standing Committee recommends that importing Parties not accept any CITES export permit or certificate for *Pericopsis elata* issued by the DRC unless its authenticity has been confirmed by the Secretariat.
- 53. The Standing Committee maintains its recommendation to suspend commercial trade in specimens of *P. erithacus*
- 54. Welcoming the institutional reform of CITES adopted by the DRC, the Standing Committee invites the Parties, partners and donors to provide financial, technical and logistical support to DRC to support the implementations of the above recommendations of the Standing Committee.
- 55. The Standing Committee may wish to request that the DRC report on progress to the Secretariat on the implementation of recommendations directed to it in paragraph 51 by 1 July 2018, in order for the Secretariat to convey this report and its comments at the 70th meeting of the Standing Committee.