

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

APPLICATION OF ARTICLE XIII
IN THE DEMOCRATIC REPUBLIC OF THE CONGO

1. This document has been prepared by the Secretariat.

Background

2. At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee considered the effective implementation of the Convention in the Democratic Republic of the Congo (DRC) in accordance with Article XIII of the Convention, based on document [SC69 Doc. 29.2.2](#) prepared by the Secretariat, and further information provided by DRC.
3. The Standing Committee adopted the recommendations set out in the summary record of the meeting (see document SC69 SR) regarding quota management and issuance of export permits; management of trade of African grey parrots (*Psittacus erithacus*); illegal trade; trade in Afrormosia (*Pericopsis elata*); and international technical and financial assistance. Progress made in the implementation of these recommendations is reported by DRC in document SC70 Doc. 27.3.2.1.
4. The Secretariat has proactively monitored the implementation of these recommendations since SC69. The report by DRC to the present meeting (document SC70 Doc. 27.3.2.1) addresses the implementation of the Standing Committee's recommendations in some detail. The Secretariat's document will focus on the assessment of the information provided by DRC and progress made on the implementation of the Committee's recommendations.

Regarding quota management and issuance of export permits

5. The Secretariat is pleased to report that the CITES Management Authority of DRC has established an efficient information system to implement points i) to vi) under paragraph a) of SC69 recommendations. The system is designed to facilitate the issuance of permits and certificates and the verification of the legal acquisition of specimens in trade. The DRC authorities and the Secretariat were able to exchange relevant information on the establishment and functioning of the system on the sidelines of the international workshop on the verification of legal acquisition held in Brussels from 13 to 15 June 2018, thanks to the financial support provided by the European Union (see document SC70 Doc. 27.1).
6. During this period (December 2017 to July 2018), DRC provided scanned copies of all permits and certificates issued to authorize trade in specimens of *Pericopsis elata*, *Prunus africana*, pangolins and other CITES-listed species to the Secretariat. The Secretariat confirms that it has not received permits authorizing trade in African grey parrots (*Psittacus erithacus*) from December 2017 to July 2018.

7. The Secretariat estimates that recommendations related to the issuance of export permits under this section were successfully implemented. The Secretariat commends the Government of DRC for the efforts deployed in the implementation of this first set of recommendations.
8. The management of quotas remains an important challenge. The repeated selection of DRC/species combinations for the Review of Significant Trade (RST) process suggests that there are continued difficulties in ensuring that exports quotas are established based on valid non-detriment findings (NDFs), and in compliance with paragraphs 2a) and 3) of Article IV.
9. The number of species subject to voluntary annual export quotas has significantly increased in 2018 compared to the previous years. This demonstrates the importance of strengthening the scientific basis for the identification of the species and the setting of annual export quotas in a non-detrimental manner. The Secretariat considers it a high priority to support and strengthen the capacity of the new Scientific Authorities in DRC to ensure that quotas are established based on rigorous scientific criteria and not on business-driven economic rationality.
10. A species of immediate concern appears to be *Cercopithecus dryas*, the Dryas Monkey or Salonga Guenon, endemic to DRC. This Appendix-II primate is considered 'critically endangered' by the International Union for Conservation of Nature, with a population of only several hundred animals. DRC established annual export quotas for *Cercopithecus dryas* in 2011, 2012 and 2013 (10 live specimens/year); no quotas in 2014, 2015 and 2016; and again 2017 (15 live specimens) and 2018 (25 live specimens). While it is possible that there is a problem of misidentification or taxonomic confusion with other, more common *Cercopithecus* species, the allocation of commercial export quotas for such a rare species is of serious concern because it seems highly unlikely that a positive NDF can be made. The case also calls into question the processes and practices that are in place in DRC for identifying species and establishing annual export quotas.
11. The discussions in the context of the Review of Significant Trade conducted at the 30th meeting of the Animals Committee also revealed a possible displacement of the trade pressure to other species after the transfer of the African grey parrots (*Psittacus erithacus*) from Appendix II to Appendix I. Following the ban in commercial trade of the grey parrots, species such as the Red-fronted Parrot (*Poicephalus gularis*) and various primates are increasingly traded. This reiterates the importance of building the capacity of the country's Scientific Authority and the establishment of robust NDFs to avoid unsustainable levels of exploitation of species which may be less well known or common than the African grey parrot.

Regarding trade in Psittacus erithacus

12. As noted above, the Secretariat confirms that it has not received copies of permits authorizing the export of African grey parrots issued by DRC during this period (from December 2017 to 31 July 2018). There was no request in 2018 for the publication of experimental or scientific export quotas for this species either.
13. Regarding the implementation of Decision 17.256, the Secretariat takes note of the willingness of the DRC authorities to implement that Decision and their request for assistance to elaborate a national action plan for the conservation of the grey parrots, including a timeframe with the steps and expected results. However, the Secretariat has not received any proposal in writing to date detailing the elements of such a plan and indicating a budget for its development and execution. Donors, non-governmental organizations and specialists are encouraged to provide assistance to the DRC authorities in the elaboration of the plan when the Management Authority has submitted a project proposal with a detailed explanation of the activities and an associated budget. It is not because the species is now included in Appendix I that conservation challenges have been resolved, and that less attention can be paid to the species.
14. The Secretariat looks forward to receiving a copy of the legislation announced in DRC's report declaring a moratorium for the capture and trade in this species. It also commends DRC for its enforcement efforts to combat the illegal trade in African grey parrots which include the detection, arrest and investigation of several perpetrators, and the seizure, confiscation and return to the wild of 357 specimens. The DRC's report provided comprehensive details on the actions conducted to combat illegal trade (see further below).
15. The Secretariat observes through its work on confirmation of permits that there are cases of alleged illegal trade in African grey parrots leaving DRC via other African countries. There is also abundant data circulating through social networks, such as Facebook, offering for sale grey parrots that appear to be wild-caught.

Regarding illegal trade

16. With respect to the illegal trade in ivory, all the actions reported by DRC are presented and assessed in the document SC70 Doc. 27.4 on National ivory action plans (NIAPs) process.
17. DRC provided a comprehensive description of the most salient enforcement actions conducted since SC69. This includes the operationalization of a Task Force to combat illegal trade in wildlife; discussions with the postal services; meetings with representatives of air companies operating in DRC, notably Turkish Airlines; important seizures and enforcement interventions at the International Airport of Ndjili involving illegal shipments of elephant ivory, live grey parrots, and pangolins; and the arrest and prosecutions of several individuals.
18. Regarding the recommendation to work with the enforcement agencies from China, Pakistan, Singapore and Turkey to facilitate the exchange of information and best practices, the Secretariat notes the ongoing cooperation with the above-mentioned countries, notably with China and Turkey, which has resulted, among other things, in the repatriation of several live specimens of African grey parrots. DRC also exchanged information with the Management Authorities of Congo, Togo and Viet Nam as well as with INTERPOL and the Lusaka Agreement Task Force.
19. The information presented by DRC in document SC70 Doc. 27.3.2.1 is a model for other Parties to CITES in terms of concrete enforcement action. The combat against illegal trade in wildlife is a long-term battle and the Secretariat encourages the DRC authorities to intensify their efforts and keep up the momentum.
20. The Secretariat notes that the draft decree regulating the implementation of CITES in DRC is still waiting for adoption and encourages the DRC authorities to enact the decree and provide an update at this meeting. It is also noted that in certain cases the alleged perpetrators of the infractions reported have escaped the action of the enforcement officers and were not arrested.

Regarding trade in *Pericopsis elata*

21. On 30 March 2018, the Secretariat received the third revised version of the Non-Detriment Finding document in accordance with the SC69 recommendations for *Pericopsis elata*. The 76-page document contains updated information on the biology of the species, its management and the quota system. Table 9 on page 61 of that document shows the annual export quota for 2018 of 50,013 m³, detailed per company, number of contract and surface, among other indicators. The quota appears to be based on the inventories reported by each of the companies and which were subsequently validated by the DRC authorities. Consequently, the Secretariat has published DRC's 2018 voluntary export quota for this species of 50,013 m³ of logs, sawn wood, veneer sheets.
22. As recommended by SC69, the Management Authority of DRC also reported on the development of a database to monitor the export of *Pericopsis elata*. The records are regularly updated and open for consultation upon request. This database will be posted online when the financial support granted under the CITES Trees Programme, funded by the European Union, is received by DRC.
23. Regarding the study on the systematic conversion of volumes of processed products into round wood equivalent volumes, based on an appropriate conversion rate, the DRC reported the preliminary results of this study in the NDF document mentioned in paragraph 21 above. The conversion rate used as a result of the study is of 48%. The DRC authorities acknowledge that the study may not be sufficient and that further studies are required. DRC will use part of the funds granted under the CITES Trees Programme to keep up to date the conversion rate.
24. During the discussions of Standing Committee's working group on annotations, importing countries drew attention to existing problems and questions regarding the implementation of annotation #5 for *Pericopsis elata* (Afromosia), which designates "Logs, sawn wood and veneer sheets" as the specimens from this species to be regulated under CITES. According to Resolution Conf. 10.13 (Rev. CoP15) on *Implementation of the Convention for timber species*, these specimens are linked to HS-codes 44.03, 44.06, 44.07 and 44.08.
25. The main concern is that shipments of Afromosia have been exported from DRC without CITES documents with the argument that they have undergone a second transformation (sometimes very minimal) and thus fall outside current annotation #5, the purview of the Convention or the CITES export quota for this species.

The fact that those exports may be using grey areas in the regulations (legal optimization) to circumvent CITES regulations raises questions about the sustainability and legality of these transactions.

Emerging issues

26. An issue that emerged following SC69 deliberations is the authorization of exports of specimens of pangolin claimed to be collected and stockpiled prior to the transfer of all pangolin species from Appendix II to Appendix I. During SC69 discussions on pangolins, DRC indicated it intends to monitor these stockpiles, register them and authorize their exports in accordance with the provisions of the Convention. The Secretariat was informed about the issuance of two permits authorizing the exports of pangolin scales.
27. Regarding NDF requirements for the exports of those stockpiles, the Secretariat is not aware of recent scientific studies to estimate the level of sustainable harvest that can be authorized for these species in DRC. It should be recalled that after CoP16, all four African *Manis* species had been selected for the Review of Significant Trade for all range States concerned, indicating issues about the making of NDFs at the time when these species were listed in Appendix II. There seems to be an absence of clear criteria for the determination of the sustainability of the harvest and the legality of the acquisition of those specimens. In case of absence of NDFs and solid evidence of the legal acquisition of the specimens, CITES permits should not be issued to authorize the trade in those specimens.
28. As reported in document SC70 Doc. 27.3.5 on Nigeria, the amount of pangolin scales seized have increased significantly in recent years and urgent measures should be considered by the Standing Committee to halt the escalation of illegal and unsustainable trade in these species. The Secretariat proposes that the Standing Committee considers to recommend a suspension for the trade in those stockpiles until further notice.
29. The Secretariat was also informed about a request sent to the Minister of Environment of DRC to export 44 great apes, including 12 mountain gorillas (*Gorilla beringei beringei*), to two zoos in China. While the mountain gorilla is the only great ape taxon increasing in numbers, it remains critically endangered with an estimate of 880 individuals in the early 2010s. There are two small and isolated populations of Mountain gorillas: one population is in the parks of DRC, Rwanda and Uganda located in the Virunga Volcanoes, and the other one occurs in the Bwindi Impenetrable National Park (Uganda). It is understood that these transactions were not authorized by the concerned Management Authorities and it would be desirable to receive a confirmation during the present meeting that this is effectively the case and that the animals have not been removed from the wild.

The Secretariat's assessment of progress

30. The Secretariat commends the Government of DRC for the efforts deployed, as well as for the fluid communication with other Parties and the Secretariat. The level of commitment and dynamism shown by the new Management Authority deserves special mention.
31. In the view of the Secretariat, DRC has effectively implemented several of the recommendations made by the Standing Committee, notably on the issuance of export permits and the fighting of the illegal trade. DRC has partially implemented the recommendations on the management of trade in African grey parrots (*Psittacus erithacus*) as the elaboration of a national action plan for the conservation of the species and development of a scientifically based field survey to establish the population status of the species in the country remain pending.
32. Regarding trade in Afrormosia (*Pericopsis elata*), the Plants Committee should further assess the content of the Non-Detriment Finding document in the context of the ongoing Review of Significant Trade case and recommend future actions.
33. Challenges remain regarding the setting and management of export quotas and the development of the scientific basis and capacity for the making of non-detriment findings. DRC should focus a great part of the available resources to strengthen its scientific and species-management capacity.
34. Given the levels of illegal trade in wildlife and the presence of criminal networks in the region, the country will continue to face significant challenges with respect to the effective enforcement of CITES. Adequate support from the CITES Secretariat and partners of the International Consortium on Combating Wildlife Crime (ICWC) should be made available to DRC, upon request, to assist the country in addressing these challenges. The decree regulating the implementation of CITES should be adopted without delay.

Recommendations

35. The Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC69 as follows:

Regarding quota setting and management

- a) The Democratic Republic of the Congo (DRC) shall strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science;

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

- b) Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from DRC pending compliance with the recommendations made at SC69;
- c) Donors and cooperation agencies are encouraged to support DRC in the undertaking of population surveys and development of management plans for *Psittacus erithacus*;

Regarding trade in pangolin stockpiles

- d) In the absence of sufficient evidence of their legal origin or of a non-detriment finding for their export, Parties shall suspend trade in stockpiled specimens of *Manis spp.* from DRC, until further notice;

*Regarding trade in *Pericopsis elata**

- e) The Plants Committee is requested to assess the third revision of the non-detriment finding for *Pericopsis elata* submitted by DRC and make appropriate recommendations in the context of the Review of Significant Trade for this species/country combination, including on exports of timber exported outside the annual export quota under claims of second transformation;

Regarding illegal trade

- f) DRC shall intensify efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary investigative teams involving all relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory;

Regarding compliance assistance

- g) Parties, partners and donors are encouraged to provide joint and coordinated financial, technical and logistical support to DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance;

Regarding reporting

- h) DRC should report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2019, in order for the Secretariat to convey this report and its comments to the 73rd meeting of the Standing Committee.