Conf. 10.10
(Rev. CoP1~~7~~8)*

Trade in elephant specimens

[...]

Annex 3

Guidelines to the National Ivory Action Plans Process

Step 1: Identification of Parties to participate in the National Ivory Action Plan~~s~~ Process

a) The foundation for identifying Parties to participate in the National Ivory Action Plan~~s~~ (NIAP) Process, ~~(NIAP) process~~ is the ETIS report submitted to each meeting of the Conference of the Parties (CoP) under this Resolution.

b) For Parties identified through the ETIS <u>report to CoP as requiring attention, as described in Step 1, paragraph a), above</u> ~~analysis as requiring attention~~, the CITES Secretariat will~~,~~ in cooperation and consultation with the Party concerned, determine whether there is additional information to be considered in developing its recommendation to the Standing Committee<u>, on whether the Party should be included in the process or not. The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process.</u>

c) ~~The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process.~~ The Secretariat will prepare within 90 days from the submission of the ETIS report <u>to CoP</u>, in consultation with the Party concerned, using other relevant information and taking into account the purpose and intended outcome of the NIAP process, a recommendation to the Standing Committee as to whether a Party should be included in the process or not.

  – There is a presumption that Parties categorised as ~~of 'primary concern'~~ <u>Category A Parties</u>[1] are to be recommended for participation in the NIAP Process.

  – No presumption will be made for <u>Category B Parties</u>[2] ~~of 'secondary concern'~~.

  – There is a presumption that ~~Parties categorised as of 'importance to watch'~~ <u>Category C Parties</u>[3] are not recommended for participation in the NIAP Process.

d) Where the Standing Committee has determined that it is appropriate, it will recommend that a Party participate~~s~~ in the NIAP Process and request the Party to develop a NIAP, including by postal procedure.

e) Where the Standing Committee has determined that it is not appropriate, it will recommend that a Party not participate in the NIAP process and document and communicate this decision.

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* *Amended at the 11th, 12th, 14th, 15th, 16th and 17th meetings of the Conference of the Parties.*
* <u>*At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee agreed to endorse new names for the NIAP Party categories, including an explanation for each category. These are shown in footnotes 1-3 below.*</u>
[1] <u>*Category A Parties consist of Parties most affected by the illegal trade in ivory*</u>
[2] <u>*Category B Parties consist of Parties markedly affected by the illegal trade in ivory*</u>
[3] <u>*Category C Parties consist of Parties affected by the illegal trade in ivory*</u>

Step 2: Development of a NIAP

a)   Upon the request by the Standing Committee, the Party concerned will develop an 'adequate' NIAP, which is a NIAP that:

1.   Addresses the specific issues (or gaps) identified in Step 1~~;~~.

2.   Is structured along the following five pillars, as required:

   i)   Legislation and regulations;

   ii)   National level enforcement action and inter-agency collaboration;

   iii)   International and regional enforcement collaboration;

   iv)   Outreach, public awareness and education; <u>and</u>

   v)   Reporting~~;~~.

3.   Has the following characteristics:

   i)   Clearly outlines the actions to be implemented;

   ii)   Is time-bound and clearly outlines the timeframe for implementation of each action;

   iii)   Is approved at a level that represents national commitment;

   iv)   Is developed through a consultative and participatory process and involves all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);

   v)   Indicates the costs and funding needs, as well as availability of such funds, as appropriate; and

   vi)   Includes performance indicators and targets directly related to the actions required and which measure the impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph 6. d) of this Resolution; changes to legislation; and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.

4.   Is developed <u>using</u> ~~in accordance with~~ the template <u>for the development of a NIAP,[1] available on the NIAP webpage on the CITES Website.</u> ~~provided by the Secretariat; and~~

5.   <u>Includes</u> ~~Whose~~ measures <u>which</u> are proportional to the problems they are intended to solve.

b)   Parties should submit a NIAP, to the Secretariat within a period of 120 days from the time the Standing Committee requested the concerned Party to develop a NIAP.

Step 3: Assessment of the adequacy of a NIAP

a)   Upon the development of a NIAP by a Party, the Secretariat will, in consultation with experts, if needed, assess the adequacy of the NIAP~~;~~.

b)   If revisions to a NIAP are required, a Party should submit these within a period of 60 days from the time the Secretariat requested the concerned Party to revise its NIAP.

c)   The Secretariat will accept the Plan and the Party will approve its plan.

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[1] https://cites.org/eng/prog/niaps/Guidelines_templates

d)   If a Party wishes to revise and update its NIAP previously found to be adequate, to incorporate new actions needed to respond to any emerging elephant poaching or ivory trafficking trends or related matters, the Party shall submit the proposed revised and updated NIAP to the Secretariat, together with an explanation for revising and updating its NIAP. Where any actions in the NIAP previously found to be adequate were not yet 'Achieved' or 'Substantially achieved' but removed from the revised and updated NIAP, the Party should provide justification for the removal of these actions.

e)   The Secretariat shall assess the adequacy of any revised and updated NIAP received from a Party, in accordance with Step 3, paragraphs a)-c), above.

Step 4: Monitoring of implementation

a)   Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting, using the template for progress reports on NIAP implementation,[1] available on the NIAP webpage on the CITES Website;

b)   Parties should report on the implementation of each NIAP action using ~~in~~ the template provided ~~by the Secretariat~~, and allocating to each NIAP action one of the following ratings, as relevant:

   1.   *Achieved* – item or action is completed.

   2.   *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved~~;~~.

   3.   *On track* – there has been good progress with implementation and the specified milestones and timeframes appear to be on track or largely on track for achievement~~;~~.

   4.   *Partial progress* – there has been limited progress with implementation, and achievement of the specified milestones and timeframes appears unlikely. When this category is used, the reporting Party should provide an explanation on any reasons for the lack of progress or any challenges experienced in the implementation of the rated action~~;~~.

   5.   *Pending completion of another action* - the implementation of an action cannot start or the set milestones and timeframes for an action cannot be achieved unless another action in the NIAP is progressed or completed. When this category is used, the reporting Party should provide an explanation of the action that should be completed or progressed, and how it relates to the rated action~~;~~.

   6.   *Not commenced* – the action has, in accordance with the timeframe set for it in the NIAP, not been commenced. Where a Party achieves partial or limited progress due to limited capacity, it should communicate this to the Secretariat.

c)   The Secretariat will evaluate the reports, based on the self-assessments and in cooperation with experts, if needed, and make recommendations to the Standing Committee, as appropriate.

d)   The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or objectives.

e)   Upon the overall assessment by the Secretariat of a Party's progress report, the Standing Committee should consider the following ratings:

   1.   *Achieved* – a minimum of 80% of NIAP actions have been assessed as 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.

   2.   *Partial progress* – a minimum of 50% of NIAP actions have been assessed as 'on track'; any remaining actions have been assessed as '~~commencement/progress~~ pending completion of

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[1]   https://cites.org/eng/prog/niaps/Guidelines_templates

another action' and/or 'partial progress'. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.

    3.   *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.

f)   If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 on *CITES Compliance Procedures* to ensure compliance with the NIAP Process.

Step 5: Completion of a NIAP and exit from NIAP Process

a)   Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as 'substantially achieved' and all remaining NIAP actions as 'on track'.

b)   The Secretariat will~~, in consultation with relevant experts (e.g. ICCWC and its members),~~ evaluate the progress reported by the Party concerned, and consider if sufficient detail is provided on the measures and activities implemented for each action in the NIAP to justify the allocated self-assessment progress ratings~~implementation by the Party~~,. The Secretariat will engage relevant experts or conduct ~~including through~~ a country missions~~,~~ if ~~as~~ required~~.~~, to assist in this process, and formulate recommendations for consideration by the Standing Committee on whether:

    i)   there is a need for the Party to revise and update the NIAP and continue implementation;

    ii)   any other measures need to be taken; or

    ii)   the Party has 'achieved' its NIAP and exits the NIAP Process.

c)   In formulating recommendations for consideration by the Committee in accordance with Step 5, paragraph b), above, the Secretariat should take into consideration the following elements, when relevant and appropriate:

    i)   the provisions of Resolution Conf. 10.10 (Rev. CoP17);

    ii)   if the ETIS analysis continues to identify the Party as requiring attention;

    iii)   any significant measures implemented or policy developments effected by the Party to address, as applicable, elephant poaching and illegal trade in ivory; and

    iv)   any other information that may be available, for example a marked reduction in, as applicable, elephant poaching and illegal trade in ivory as it affects the Party, or any continued, new or emerging trends that maybe of concern.

~~c)   If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported and ETIS analysis no longer identifies the Party, the Secretariat will recommend that the Party has 'achieved' its NIAP and recommend to the Standing Committee that the Party exits the NIAP Process.~~

~~d)   If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis continues to identify the Party, the Secretariat will recommend to the Standing Committee to identify the gaps in the NIAP in order to evaluate whether there is a need to revise or update the completed NIAP or whether the Party exits the NIAP Process or any other measures need to be taken.~~

~~e)   If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis is not available, the Secretariat will indicate that the Party's NIAP is achieved however the Secretariat will recommend to the Standing Committee that the Party do not enter into a new NIAP until the ETIS analysis is available. The status of this Party will be noted as 'NIAP completed awaiting new ETIS analysis'.~~

f) ~~If the Secretariat, in consultation with relevant experts is not satisfied that the Party concerned has implemented all NIAP actions as reported, the Secretariat will recommend appropriate measures to the Standing Committee.~~