

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



Seventy-first meeting of the Standing Committee
Geneva (Switzerland), 16 August 2019

Interpretation and implementation matters

General compliance and enforcement

NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION

1. This document has been prepared by the Secretariat.

Background

2. In paragraph 1 of Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*, the Secretariat is directed:
 - a) *to identify those Parties whose domestic measures do not provide them with the authority to:*
 - i) *designate at least one Management Authority and one Scientific Authority;*
 - ii) *prohibit trade in specimens in violation of the Convention;*
 - iii) *penalize such trade; or*
 - iv) *confiscate specimens illegally traded or possessed.*
3. In paragraph 1 c) of the same Resolution, the Secretariat is directed *to report its findings, recommendations or progress to the Standing Committee and at each meeting of the Conference of the Parties*. In paragraph 3 of the same Resolution, the Conference of the Parties instructs *the Standing Committee to determine which Parties have not adopted appropriate measures for effective implementation of the Convention and to consider appropriate compliance measures, which may include recommendations to suspend trade, in accordance with Resolution Conf. 14.3*.
4. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.58 to 17.64 on *National laws for the implementation of the Convention*.
5. Document CoP18 Doc. 26 (Rev. 1) provides a full report on the implementation of Resolution Conf. 8.4 (Rev. CoP15) and Decisions 17.58 to 17.64. Annex 1 of that document also contains draft decisions for the consideration of the Conference of the Parties with respect to National laws for the implementation of the Convention. The present document gives a further update on legislative progress made by Parties and analyses completed by the Secretariat since December 2018.

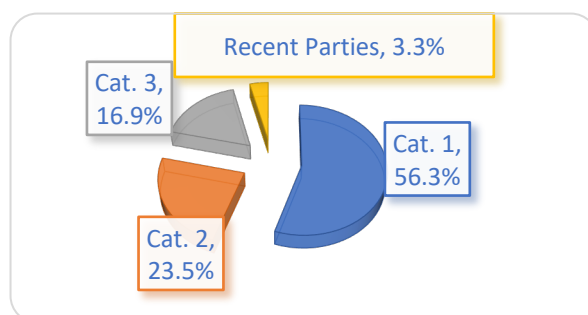
Updated legislative status

6. An updated legislative status table is included in a revised Annex 3 to document CoP18 Doc. 26 (Rev. 1) and is summarized below. The main updates are as follows:
 - a) The legislation of two additional Parties, Angola and of Malawi, has been placed in Category 1.

- b) The legislation of the dependent territory of Bailiwick of Guernsey (GB) has been placed in Category 1.
- c) The legislation of Mauritania has been placed in Category 2 after adoption of a new law and pending the adoption of implementing regulations. The recommendation to suspend commercial trade with Mauritania that has been in place since 2004 has been withdrawn in view of this development.
- d) Ecuador has adopted new legislation which has recently been submitted to the Secretariat for analysis.
- e) Updates to the progress summary and/or next steps have been included for over 35 Parties which have reported progress since late 2018 when the table was last updated.

7. The legislative status is as follows by the end of April 2019:

| Category | Parties | | Dependent Territories | |
|----------------|------------|-------------|-----------------------|-------------|
| | Number | Percent | Number | Percent |
| Cat. 1 | 103 | 56.3% | 19 | 63,3% |
| Cat. 2 | 43 | 23.5% | 11 | 36,7% |
| Cat. 3 | 31 | 16.9% | 0 | 0 |
| Recent Parties | 6 | 3.3% | | |
| Total | 183 | 100% | 30 | 100% |



Parties requiring the attention of the Standing Committee as a priority

8. In accordance with Decisions 17.61 and 17.64 (c), the Standing Committee has identified a total of twenty Parties requiring its attention as a priority on the basis of an overall assessment of the following elements [see paragraph 27 of the summary record of the 69th meeting of the Standing Committee and paragraphs 9-11 of document SC70 Doc. 25 (Rev. 1)]:

- a) Parties that have acceded to the Convention over twenty years ago;
- b) Parties that have not indicated any commitment to adopt adequate legislation for implementation of the Convention;
- c) Parties that have relative high volumes of trade as source, transit or destination countries;
- d) Parties that have already received legislative assistance; and
- e) Parties that are facing compliance procedures under Article XIII.

9. Parties requiring attention of the Standing Committee as a priority are the following (Parties in **bold** are subject to a recommendation to suspend trade under Resolution Conf. 8.4 or under Article XIII): Algeria, Belize, Botswana, Comoros, Congo, **Djibouti**, Ecuador, **Guinea**, India, Kazakhstan, Kenya, **Lao People's Democratic Republic**, **Liberia**, Mauritania, Mozambique, Pakistan, Rwanda, **Somalia**, the United Republic of Tanzania and Uzbekistan.

10. Progress has been reported by several of these Parties, i.e. Comoros, Congo, Ecuador, Guinea, Kenya, Lao People's Democratic Republic, Liberia, Mauritania, Mozambique, Pakistan, Rwanda and the United Republic of Tanzania. However, despite this progress, none of the Parties has seen their legislation placed in Category 1, and they therefore continue to be placed in Category 2 or 3.

11. Resolution Conf. 14.3 on *CITES compliance procedures*, in paragraph 30 of the Annex, states *inter alia* that:

In certain cases, the Standing Committee decides to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with the Convention. Such a recommendation may be made in cases where a Party's compliance matter is unresolved and persistent and the Party is showing no intention to achieve compliance...

12. Pending the consideration by the Conference of the Parties of the draft decisions contained in document CoP18 Doc. 26 (Rev. 1), the Secretariat recommends that the Standing Committee at its 73rd meeting (SC73) consider appropriate compliance measures with regard to these twenty Parties as outlined in paragraph 16 a) below.

Parties subject to a formal warning

13. At its 70th meeting, the Standing Committee agreed to issue a formal warning to the Parties that had not reported any legislative progress since CoP17 (see the summary record of the 70th meeting of the Standing Committee, page 17). These were Dominica, Eswatini (former Swaziland), Grenada, Jordan, Libya, Oman, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Sudan and the former Yugoslav Republic of Macedonia (now North Macedonia) to which the Secretariat addressed a formal warning on 12 November 2018.
14. In response to the formal warning, updated information has been provided to the Secretariat by some of these Parties as shown in the updated legislative status table. These are Eswatini, Jordan, North Macedonia and Sudan.
15. No response was received from Libya and Oman or from any of the four countries in the Caribbean, Dominica, Grenada, Saint Kitts and Nevis, Saint Vincent and the Grenadines. The Secretariat recommends that the Standing Committee consider appropriate compliance measures at SC73 with regard to these six Parties as outlined in paragraph 16 b) below.

Parties in the Caribbean

16. In this context, the Secretariat would like to draw the attention of the Standing Committee to the fact that eight out of twelve countries in the Caribbean do not have adequate legislation for the implementation of the Convention in place, namely Antigua and Barbuda, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. This is in spite of the fact that technical support has been provided to at least five of these countries (Dominica, Saint Lucia, Saint Vincent and the Grenadines, Grenada and Trinidad and Tobago) *inter alia* through a mission to these countries by the Secretariat in June 2013. While progress seems to be made by Saint Lucia, the Secretariat is concerned that such a large proportion of Parties from the same region have not yet adopted the necessary legislative measures. It has therefore reached out to the Standing Committee representative of the region to seek advice and assistance. The Secretariat will continue to reach out to these countries to provide any assistance and support, where needed and requested.

Recommendations

17. Pending the consideration by the Conference of the Parties of the draft decisions contained in document CoP18 Doc. 26 (Rev. 1), the Secretariat recommends that the Standing Committee:
 - a) agree to consider at its 73rd meeting appropriate compliance measures in relation to those Parties requiring its attention as a priority that have not adopted adequate legislation by that time or have not taken significant and substantive steps to do so; and
 - b) further agree to consider at its 73rd meeting appropriate compliance measures with respect to those Parties that have still not reported any legislative progress to the Secretariat at that time despite the formal warning issued by the Standing Committee at its 70th meeting. These are Dominica, Grenada, Libya, Oman, Saint Kitts and Nevis, Saint Vincent and the Grenadines.