

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

Strategic matters

REVIEW OF THE CONVENTION

1. This document has been prepared by the Secretariat at the request of the Standing Committee.
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 18.27 on *Review of the Convention* as follows:

18.27 Directed to the Standing Committee

The Standing Committee shall consider the need for a targeted review of the implementation of the Convention, taking into consideration the prior review of the Convention and existing CITES review mechanisms, and, if appropriate, prepare a costed proposal, including draft terms of reference, for consideration by the 19th meeting of the Conference of the Parties.

3. On 28 September 2020, the Standing Committee agreed to request the Secretariat to prepare a paper with some of the history of past reviews and their conclusions in order to support the Standing Committee with the implementation of the Decision. The present document responds to this request and is structured as follows:
 - a) a summary of what led to the 1996 “Study on how to improve the effectiveness of CITES” and of how the recommendations of the study were implemented;
 - b) an overview of existing CITES review mechanisms, highlighting what they cover and do not cover; and
 - c) a short presentation of what targeted reviews usually look at (relevance, effectiveness and efficiency).

1996 “Study on how to improve the effectiveness of CITES”

4. After the Standing Committee had “agreed that a review of the general evolution and the implementation of the Convention should be done by an independent body” at its 31st meeting (Geneva, March 1994; see summary record SC31 SR, p. 5), it developed and proposed “Terms of Reference for a Study on How to Improve the Effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)” for adoption by the Conference of the Parties (CoP) at its 9th meeting (Fort Lauderdale, 1994). The study was completed by consultants and presented to the CoP at its 10th meeting (Harare, 1997). The budget for that study was estimated at USD 300,000 (see document Doc. 9.18) and it took three years to complete. The study contained five sets of recommendations on fundamental policy issues, scientific issues, administrative and implementation issues, institutional issues and relations with other organizations (see the Annex to this document).
5. The Conference of the Parties and the Secretariat acted on several of the study’s recommendations, notably with the adoption of a Strategic Plan, the signature of cooperation agreements with the Convention on Biological Diversity and the World Customs Organization in 1996 and INTERPOL in 1998, and the signature

of a revised and expanded Memorandum of Understanding between the CITES Standing Committee and the Executive Director of UNEP in June 1997. It also led to the strengthening of the National Legislation Project, the launch of the Periodic Review process [see Resolution Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II*] and the inclusion of synergies with other biodiversity-related Conventions in the agenda of the CoP. At a more granular level, it led to improvement of electronic communications between Parties and led to a simplification of the language and numbering of documents at meetings of the Conference of the Parties.

6. The Secretariat notes that some issues raised by that study remain pertinent today: the need to assess regularly the effectiveness of CITES, the issues of sustainable use and stricter domestic measures, the need to simplify the presentation of the Appendices (see document SC74 Doc. 86), the process of consolidating Resolutions, the need to train and equip national Authorities of developing countries and countries with economies in transition; etc.
7. Since the 1996 study, no further review of the effectiveness of the Convention – with the inclusive scope outlined above – has been undertaken. However, other more targeted review processes are ongoing.

Overview of existing CITES review mechanisms

8. Should the Standing Committee consider that there is a need for a targeted review of the implementation of the Convention, it would be important that it does not duplicate or overlap with existing CITES review mechanisms. The Conference of the Parties has established several processes that allow it to monitor the effectiveness of the Convention, namely its *Strategic Vision* (and its indicators), the Periodic Review of the Appendices and the Review of Significant Trade in specimens of Appendix-II species.
9. In Resolution Conf. 18.3 on *CITES Strategic Vision: 2021-2030*, the Conference of the Parties adopted the following Vision Statement:

By 2030, all international trade in wild fauna and flora is legal and sustainable, consistent with the long-term conservation of species, and thereby contributing to halting biodiversity loss, to ensuring its sustainable use, and to achieving the 2030 Agenda for Sustainable Development.

In order to achieve this Strategic Vision, five goals of equal priority have been identified. In accordance with Decisions 18.23 to 18.26 on *CITES Strategic Vision*, the Standing Committee, in consultation with the Chairs of the Animals and Plants Committee, is developing new or revised indicators of progress against these goals. The Standing Committee has already mapped out the implementation report called for in Article VIII of the Convention against a set of indicators that can be used in order to monitor progress against the goals of the *Strategic Vision*.

10. In Resolution Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II*, the Conference of the Parties established a process that ensures that species are appropriately listed, based on current biological and trade information. Such a review can also guide Parties in the implementation of the Convention and provide valuable information to support range States' conservation and management actions for the species evaluated.
11. In Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species*, the Conference of the Parties established a review of the biological, trade and other relevant information on Appendix-II species subject to significant levels of trade, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a). About 96% of all listed species can be found in Appendix II and can be covered by this review process that aims at ensuring that trade in Appendix-II species is being conducted sustainably. The Animals, Plants and Standing Committees, as well as the Secretariat and range States, all have a role to play in the process. The Animals and Plants Committees are further tasked with keeping the process under review and to revise it as necessary.
12. In parallel, by the 19th meeting of the Conference of the Parties, the Secretariat is tasked to deliver a "rapid assessment of the conservation status of, and legal and illegal trade in, species included in Appendix I" (see Decision 18.28). The aim of this exercise is to better implement Appendix-I listings by producing a shortlist of priority taxa where international trade appears to be a threat, because management efforts do not yet exist or are insufficient, and where more could be done under CITES to improve the conservation status of the taxa in the wild. It should be noted though that this activity is subject to the availability of external funding and that, as indicated in Notification to the Parties No 2020/032, only 40% of what is needed has been raised so far to fully implement the Decision.

13. As outlined above, existing CITES review mechanisms established either in Resolutions or Decisions cover the following questions:
- Is CITES achieving its goals (Strategic Vision)?
 - Are species listed in the Appendices based on their current biological information and trade information (Periodic Review)?
 - Is trade in Appendix-II species being conducted sustainably? (Review of Significant Trade)
 - Does an Appendix-I listing have a positive impact on the conservation of the species? If not, can CITES Parties take action to improve the impact of CITES listings? (Appendix-I listed species)

What targeted reviews or evaluations do

14. To assist the Standing Committee in understanding the scope of a possible review of the Convention, the Secretariat is offering some general considerations on the topic based on the *Norms and Standards for Evaluation* by the United Nations Evaluation Group (UNEG). Indeed, such “targeted reviews” as mentioned in Decision 18.27 usually take the form of an evaluation, i.e. an assessment, conducted as systematically and impartially as possible, of an activity, project, programme, strategy, policy, topic, theme, sector, operational area or institutional performance. It generally analyses the level of achievement of both expected and unexpected results by examining the results chain, processes, contextual factors and causality. An evaluation should provide credible, useful evidence-based information that enables the timely incorporation of its findings, recommendations and lessons learned into the decision-making processes of organizations and stakeholders.¹ Evaluations involve a systematic and discrete process to determine relevance², effectiveness³ and efficiency⁴ (including impact) of a programme’s performance relative to its mandate or goals.
15. Should the Standing Committee consider that there is a need for a targeted review or evaluation of the implementation of the Convention, it would need to decide on the scope of such an evaluation. As outlined above, some issues are already covered in existing CITES review mechanisms and consequently should probably not be included in the scope of this “targeted review”.
16. The following questions are not answered by existing review processes:
- a) Are the current species listings reflecting their actual conservation status and the threat of international trade? How do we know? (Relevance – understood here as “are we doing the right things?”) Developing an answer to this targeted question would also contribute to the development of an indicator for Objective 1.4 of the *Strategic Vision*: “The Appendices correctly reflect the conservation status and needs of species.”.
 - b) Do listings have a positive impact on the conservation of the listed species in the wild? (Impact – understood here as “are we effecting the change that we set out to achieve?”) More specifically, since Appendix-I listings are covered by another study, does an Appendix-II listing lead to the sustainable use of that species, i.e. avoid utilization incompatible with their survival? (Impact) Developing an answer to this targeted question would also contribute to the development an indicator for Objective 1.5 of the *Strategic Vision*: “Parties improve the conservation status of CITES-listed specimens, put in place national conservation actions, support their sustainable use and promote cooperation in managing shared wildlife resources.”
 - c) Are Parties effectively implementing the Convention? (Effectiveness – understood here as “are we doing what we agreed to do to reach our objectives?”) This would broadly address Goal 3 of the *Strategic Vision*: “Parties (individually and collectively) have the tools, resources and capacity to effectively

¹ Norms and Standards for Evaluation by the United Nations Evaluation Group (UNEG) (June 2016), p. 10.

² Relevance means the extent to which an activity, expected accomplishment or strategy is pertinent or significant for achieving the related objective and the extent to which the objective is significant to the problem addressed. Relevance is viewed in the context of the activity’s design as well as in the light of the factual situation at the time of evaluation.

³ Effectiveness means the extent to which expected accomplishments are achieved. In broader term, it refers to the extent to which an intervention’s objectives were achieved or are expected to be achieved, taking into account their relative importance.

⁴ Efficiency is the measurement of how well inputs are converted into outputs. In broader term, it refers a measure of how economically inputs (funds, expertise, time etc.) are converted to results (i.e. outputs, outcomes and impact).

implement and enforce the Convention, contributing to conservation, sustainable use and the reduction of illegal trade in CITES-listed wildlife species.”

- d) How can Parties and the CITES Secretariat leverage cooperative partnerships to assist with the implementation of the Convention and contribute to the Sustainable Development Goals? This line of enquiry arises partly from the recommendations of the 1996 study and is partially addressed by Decisions [17.55 \(Rev. CoP18\)](#) – [17.56 \(Rev. CoP18\)](#) and [18.47-18.48](#) on *Cooperation with other biodiversity-related conventions*.

Financial implications

17. The questions outlined above may be of assistance as the Standing Committee considers the need for a targeted review. Regardless of the scope of such a review, as a matter of best practices, any targeted review should be conducted by an independent body and the terms of reference of the review covering its scope, methodology, timeline, governance and outputs should be developed by the Standing Committee and adopted by the Conference of the Parties. Depending on the scope of the review, a budget of USD 100,000 to USD 300,000 (commensurate with that of the 1996 study) is a reasonable estimate. Similarly, the budget for the Appendix-I listed species review called for in Decisions 18.28-18.29 was estimated by the Secretariat at USD 100,000 to 300,000 (see document [CoP18 Doc. 92](#)).

Conclusions

18. The Standing Committee is invited to consider the need for a targeted review of the implementation of the Convention, and, if appropriate, prepare a costed proposal, including draft terms of reference, for consideration by the 19th meeting of the Conference of the Parties.

Recommendations of ERM following its Study of How to Improve the Effectiveness of the Convention
(recommendation in emboldened text were considered to be priorities for action)
(see Doc. 10.21, Annex)

Recommendations	1 Readily implementable	2. Requiring further study	3. Requiring cooperation	4. Dependent upon 1-3
<i>Fundamental Policy Issues</i>				
3A. Regular assessments of the effectiveness of CITES should be carried out				√
3B. The Parties should decide not to pursue amendments of the Convention for the present, unless a change in Secretariat arrangements is agreed to be necessary.	√			
3C. The issue of sustainable use and its relation to CITES should be addressed in an interpretative resolution by the Conference of the Parties as a matter of priority.		√		
3D. The process on consolidation of existing interpretation Resolutions should continue and should be expanded to cover all Conference decisions.	√			
3E. All new interpretative Resolutions should be as simple as possible and/or incorporate an explanatory memorandum.	√			
<i>Scientific Issues</i>				
4A. Consideration should be given to initiating an accelerated process of review of the scope and coverage of the Appendices.		√		
4B. The presentation of the Appendices should be reviewed with the aim of simplification.		√		
4C. The Standing Committee should give consideration to continuing and extending the species review.				√
<i>Administrative and Implementation Issues</i>				
5A. International organizations should make available, on request, assistance to Parties in the preparation of new and more effective national legislative and regulatory instruments.			√	√
5B. International organizations and developed countries should provide appropriate financial and institutional support to help developing countries and countries with economies in			√	√

Recommendations	1 Readily implementable	2. Requiring further study	3. Requiring cooperation	4. Dependent upon 1-3
transition to train their personnel and equip them with appropriate facilities.				
5C. The Conference of the Parties should consider adoption of an additional interpretative resolution on stricter domestic measures.		√		
5D. The Conference of the Parties should give a mandate (and assign resources) to the Secretariat to develop a CITES newsletter and improved information materials.				√
5E. The Secretariat should commission a feasibility study, as part of the Convention's Strategic Plan, to identify specific requirements for improving electronic communications between Parties.		√		
5F. The Secretariat should take steps to enhance and expand the Convention's relationship with INTERPOL and the World Customs Organization.		√		
<i>Institutional Issues</i>				
6A. The Conference of the Parties should instruct the Secretary General, in consultation, with the Standing Committee, to prepare a Strategic Plan for CITES.	√			
6B. The Standing Committee should again review regional representation on CITES Committees and should provide guidance or preparatory consultations prior to meetings of the CoP and the Standing Committee.		√		
6C. The Secretary General should be requested to simplify the language and numbering of documents at meetings of the Conference of the Parties.		√		
6D. A Financial Plan for the Convention should be prepared by the Secretary General under the guidance of the Standing Committee.	√			
6E. The Secretariat should be financially and technically strengthened.				√
6F. The Conference of the Parties should instruct the Secretary General to provide regular information on the activities of the Secretariat and a clear delineation of the responsibilities of staff members.	√			

Recommendations	1 Readily implementable	2. Requiring further study	3. Requiring cooperation	4. Dependent upon 1-3
6G. The role of UNEP in providing the Secretariat should be clearly defined and set out in a Memorandum of Understanding endorsed by the Conference of the Parties.	√			
<i>Relations with other Organizations</i>				
7A. The Secretary General should pursue the conclusion of a comprehensive agreement on cooperation with the Convention on Biological Diversity.	√			
7B. The Conference of the Parties should request UNEP to continue to convene a joint working group on a regular basis between the administrative organs of certain key international conservation treaties.			√	
7C. Synergy between the Conventions should feature on the agenda of the Conference of the Parties and joint activities (where appropriate) should be outlined in the CITES Strategic Plan.	√			
7D. The Standing Committee should enhance cooperation and information exchange between CITES and the GATT prior to the conclusion of ongoing WTO discussions on trade and environment issues.		√	√	