

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

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

Application of Article XIII: Reports of the Secretariat

APPLICATION OF ARTICLE XIII IN THE
DEMOCRATIC REPUBLIC OF THE CONGO

1. This document has been prepared by the Secretariat.

Introduction

2. At its 66th (SC66, Geneva, January 2016), 67th (SC67, Johannesburg, September 2016), and 69th meetings (SC69, Geneva, November 2017), the Standing Committee reviewed the effective implementation of CITES in the Democratic Republic of the Congo (DRC), in accordance with the provisions of Article XIII of the Convention. Based on document SC69 Doc. 29.2.2 prepared by the Secretariat and on information provided by the DRC, the Standing Committee, at its 69th meeting, reviewed a number of recommendations on the management of quotas and the issuance of export permits, the management of trade in African grey parrots (*Psittacus erithacus*), illegal trade, trade of afrormosia (*Pericopsis elata*) and technical and financial assistance (see document SC69 SR).
3. At the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), the DRC submitted to the Secretariat a report on progress made in the implementation of these recommendations (see SC70 Doc. 27.3.2.1). At the end of the meeting, the Standing Committee issued a number of recommendations on the setting and management of quotas, the management of trade in *Psittacus erithacus*, trade in pangolin stockpiles, trade in timber of *Pericopsis elata*, illegal trade and support for the implementation of the Convention. The DRC was asked to report to the Secretariat on progress made in the implementation of these recommendations by 31 December 2019, in order for the Secretariat to provide its report and its comments to the 73rd meeting of the Standing Committee. In March 2021, the DRC submitted to the Secretariat a report on the implementation of these recommendations. However, due to the disruptions associated with the COVID-19 pandemic, the Standing Committee was not able to review that document at its 73rd meeting (SC73, online, May 2021).
4. Meanwhile, there were changes in the leadership of the Management Authority and the Secretariat has not received an update of the report submitted in March 2021 by the DRC. The present report of the Secretariat is therefore based on the report submitted by the DRC in March 2021 and on the email communications between the Secretariat and the DRC since then.

Regarding quota setting and management

5. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that:
 - 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.*
6. On 12 and 13 December 2018, the CITES Scientific Authorities of the DRC in charge of managing the species *Guibourtia demeusei*, *Pericopsis elata* and *Prunus africana* participated in a regional training workshop in Libreville on the practical application of the Convention's guidance on the making of non-detriment findings (NDFs). The workshop was organized by Gabon in cooperation with the NGO TRAFFIC and with the financial support of the German Federal Agency for Nature Conservation. The training dealt with the nine-step process for making NDFs for timber/tree species.
7. In 2018, 2019 and 2020, at meetings of the restricted CITES National Committee, the DRC organized specific sessions for the Scientific Authorities on the setting of export quotas for specimens of species of wild fauna and flora for the following years. The latest meeting, which took place in January 2021, was an online workshop that brought together independent experts and representatives of national and international non-governmental organizations. It was aimed at setting export quotas for 2021 based on available scientific data.
8. The Secretariat notes encouraging efforts by the DRC to provide its Scientific Authorities with the necessary means for the making of NDFs and the setting of annual export quotas. Regarding plant species, between 2019 and 2021, the DRC shared information justifying the publication of the quotas for *Guibourtia demeusei*, *Pericopsis elata* and *Prunus africana*.
9. In parallel with the recommendations made under Article XIII, it should be noted that the DRC is currently included in the Review of Significant Trade (RST) process for *Prunus africana* (see document PC23 SR). In line with the recommendation applicable under this process, since 2019, the DRC has submitted non-detriment findings and complementary information on the setting of proposed quotas for this species to be reviewed by the Secretariat and the Chair of the Plants Committee. The quotas were approved and published on the CITES website for years 2019, 2020 and 2021. The context, updates and progress with the implementation of the recommendations under the Review of Significant Trade for *Prunus africana* in the DRC are presented in detail in document SC74 Doc. 31.1. The DRC is also included in the Review of Significant Trade (RST) for the species *Pericopsis elata*, as mentioned in paragraph 24 of the present document.

Regarding the management of trade in *Psittacus erithacus*

10. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that:
 - 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*.*
11. As a reminder, at the 17th meeting of the Conference of the Parties, (CoP17, Johannesburg, 2016), the species was uplisted from Appendix II to Appendix I and the DRC entered a reservation on this amendment. At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee recommended that:
 - 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*.*

12. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties revised Decisions 17.256 and 17.258 as follows:

17.256 (Rev. CoP18) Directed to range States of *Psittacus erithacus*

*The range States of *Psittacus erithacus* should, with the support of the Secretariat, relevant experts, relevant CITES Parties, non-governmental organizations and other stakeholders, develop and update National Action Plans, with timeframes, deliverables, and milestones, for the conservation of the species. The following key issues should be addressed:*

- a) *as appropriate, undertake a scientifically based field survey to establish the population status of the species, as well as population trends, in the range States to review progress made towards the restoration and conservation of the species, and in support of the activities proposed in paragraph c);*
- b) *implement law enforcement activities to combat illegal trade and report results in their annual illegal trade and implementation reports;*
- c) *identify suitable habitat in range States for re-population of *Psittacus erithacus* where appropriate and feasible, using wild sourced specimens seized from illegal trade and following internationally agreed guidelines for any such reintroductions; and*
- d) *assess the possibility of establishing in situ captive-breeding facilities for the species, in collaboration with States with breeding facilities.*

17.258 (Rev. CoP18) Directed to Parties and the Secretariat

*Until the 19th meeting of the Conference of the Parties, in the evaluation of applications to register facilities breeding *Psittacus erithacus* for commercial purposes, pursuant to Resolution Conf. 12.10 (Rev. CoP15) on Registration of operations that breed Appendix-I animal species in captivity for commercial purposes, consideration should be given to:*

- a) *the recommendations of the Management Authority and Scientific Authority of the Party;*
- b) *national measures to regulate domestic trade in this species which may not previously have been required due to its former Appendix-II status;*
- c) *any compliance measures directed to the Party submitting the application to register the facility; and*
- d) *whether the Party has been included in the Review of Significant Trade concerning the species in the prior 10 years from the effective listing date.*

13. The recommendation to suspend trade of *Psittacus erithacus* from the DRC was issued at 66th meeting of the Standing Committee (SC66, Johannesburg, October 2016) and has been valid since 15 January 2016. In fact, it was renewed on 1 November 2018 through [Notification 2018/081](#). The DRC reported that no commercial trade of the species *Psittacus erithacus* had taken place since the recommendation to suspend trade, despite the reservation entered by the DRC following CoP17 (Johannesburg, 2016).

14. The DRC also reported that no official population surveys of *Psittacus erithacus* had been undertaken for lack of funding and reiterated its call on organizations and donors for conducting population surveys and

developing the management plan for this species. It should be noted that no applications for registration of breeding operations of *Psittacus erithacus* for commercial purposes have been submitted by the DRC to the Secretariat. In addition, the Secretariat has been made aware of the repatriation to the DRC in March 2028 of 130 live African grey parrots (*Psittacus erithacus*) seized in Istanbul (Turkey)¹.

Regarding trade in pangolin stockpiles

15. As a reminder, the eight currently known species of pangolin are listed in CITES Appendix I since 2 January 2017. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that:

d) Parties shall suspend trade in stockpiled specimens of Manis spp. from DRC, until further guidance is provided by the Conference of the Parties at its 18th meeting (CoP18).

16. The DRC recalled its intention to put an end to trade in stockpiles of pangolin scales, officialized on 30 September 2018 by the President of the Democratic Republic of the Congo with the burning of 1197 kg of pangolin scales in Kinshasa. Since then, the DRC has reported that no commercial trade has taken place and no export permits have been issued. The CITES Trade Database has no records of legal trade of *Manis* spp. since SC70.

17. In addition, on 5 June 2021, the Secretariat became aware² of the repatriation of a significant amount of pangolin scales (about 700 kg of scales transported in 18 bags) from the Republic of the Congo to the DRC. These scales, which originated from Kinshasa (DRC), had been seized between 21 and 28 June 2018 by the Brazzaville Police (Republic of the Congo). The repatriation took place in the framework of a joint operation between the INTERPOL National Central Bureau (NCB) of the Republic of the Congo and the INTERPOL NCB of the Democratic Republic of the Congo, with no involvement of the CITES Management Authority of the DRC.

18. Pursuant to paragraph 4 of Article III of the Convention:

The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

It should be noted that these provisions also apply to seized or confiscated specimens. However, as far as the Secretariat understands, no import permits or reexport certificates have been issued for this purpose by the CITES Management Authorities of the countries concerned.

19. Moreover, according to paragraph 2 a) of Resolution 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, which deals with the disposal of dead and accumulated specimens, the Conference of the Parties recommends that *Parties dispose of confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable.*

20. In this context and in the framework of the procedure under way in accordance with Article XIII of the Convention, the Secretariat sent a letter on 17 June 2021 to the CITES Management Authority of the DRC requesting more information on the repatriation of pangolin scales from the Republic of the Congo to the DRC, specifically:

¹ [Press release on the transfer of the CITES Management Authority to the Institut Congolais pour la Conservation de la Nature \(ICCN\), 21 March 2021](#)

² [Official communiqué of the ICCN, 5 June 2021, problematic return of pangolin scales seized in 2018](#)

- a) the documents issued by the authorities of the Republic of the Congo and the authorities of the DRC for the repatriation of these specimens;
 - b) the exact volume of scales repatriated from the Republic of the Congo to the DRC (in kg);
 - c) the authorities involved in this repatriation and the expenses of repatriation;
 - d) the purpose and goal of the repatriation as well as the final destination planned for the specimens;
 - e) the current place of storage of the pangolin scales (18 bags) and the control measures taken to ensure the safety the specimens stored (e.g. marking, registration); and
 - f) information on the seizure and confiscation of these specimens by the authorities of the Republic of the Congo and the possible outcomes of the legal actions taken in this context;
21. On the same date, the Secretariat sent a similar letter to the CITES Management Authority of the Republic of the Congo, requesting additional information such as the international agreements and cooperation protocols that exist between the Republic of the Congo and the DRC.
22. In accordance with Resolution Conf. 14.3 on *CITES compliance procedures* and Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, the Management Authorities of the DRC and the Republic of the Congo were asked to provide this information to the Secretariat within one month, that is, by 17 July 2021, or to propose a later date on which this information could be submitted to the Secretariat. At the time of drafting this document, despite several reminders, the Secretariat had not received any answers from the Management Authorities of the DRC or the Republic of the Congo.

Regarding trade in *Pericopsis elata*

23. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that:
- 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.*
24. In accordance with the recommendation applicable under the Review of Significant Trade for *Pericopsis elata* in the DRC, the DRC has been submitting non-detriment findings and additional information for the setting of quotas proposed for this species since 2019, for consideration of the Secretariat and the Chair of the Plants Committee. The quotas were approved and published on the CITES website for the years 2019, 2020 and 2021. The context, updates and progress in implementing the recommendations under the Review of Significant Trade for *Pericopsis elata* in the DRC are presented in detail in document SC74 Doc. 31.1.
25. The DRC also reported that the problem of exceeding the export quotas has currently been overcome thanks to the CITES Management Informatic System (CMIS), a platform launched on 1 June 2020 by the CITES Management Authority (see paragraph 37 of the present document). Among other features, this platform makes it possible to track the export quotas online for all the species of wild fauna and flora and thus to avoid exceeding them.

Regarding illegal trade

26. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee made the following recommendation:
- 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.*
27. Since the 70th meeting of the Standing Committee, the DRC has made significant efforts to combat illegal trade in CITES-listed species. The reports submitted by the DRC, including the annual illegal trade reports submitted for years 2018 to 2020, record numerous seizures, arrests and convictions of perpetrators of acts of corruption, poaching and illegal wildlife trade. A few examples are: in October 2019, the seizure of about

9000 kg of ivory in Viet Nam from the DRC and the arrest of six presumed authors and accomplices from the customs and law enforcement authorities in the DRC; in December 2019, the seizure of about 1200 kg of pangolin scales from the DRC in Turkey and the arrest of two presumed accomplices in Turkey. Investigations are reported to still be under way to dismantle the networks of poachers and traffickers of ivory and pangolin scales in cooperation with the authorities of the countries concerned; in February 2021, a recidivist elephant poacher was sentenced in the DRC to 20 years' imprisonment and USD 25,000 in damages.

28. According to the annual illegal trade reports submitted by the DRC, the authorities have seized:

- 2018: about 100 kg of ivory and 350 kg of pangolin scales;
- 2019: about 350 kg of ivory and 660 kg of pangolin scales;
- 2020: about 218 kg of ivory;

The DRC provided information about the disposal of seized specimens but did not report any data on the sentences given. In fact, most cases were under investigation when the above-mentioned annual reports were submitted.

29. According to the report by the DRC, the Task Force to Combat Illegal Wildlife Trade established at the national level remains operational. It includes the CITES Management Authority of the DRC, the *Direction Générale des Douanes et Accises* (Customs Authority), the *Office Congolais de Contrôle* (national government agency responsible for controlling exports), the *Autorité de l'Aviation Civile* (civil aviation authority), the *Autorité de Régulation de la Poste et des Télécommunications du Congo* (authority in charge of regulating the postal and telecommunications service), the *Société Congolaise de Poste and Télécommunications* (postal and telecommunications service), the *Régie des Voies Aériennes* (publicly-owned airways operator), the *Direction Générale de Migration* (Department of Migration), the specialized intelligence services (*Agence Nationale des Renseignements, Cellule Nationale des Renseignements Financiers, Etat Major du Renseignement*), the Civil and Military Prosecutor's Office, the National Police (i.e. border police), the *Commissariat Fluvial* (river agency) and the INTERPOL-NCB, as well as the Plant Production and Protection Division of the Ministry of Agriculture and the Animal and Fish Quarantine Service of the Ministry of Fisheries and Livestock (*Direction des Prévention et des Protection des Végétaux du Ministère de l'Agriculture et du Service de Quarantaine Animale et Halieutique du Ministère de Pêche et Élevage*). These national services cooperate with the Management Authority to dismantle wildlife trafficking networks, particularly those of ivory and pangolin scales in the DRC.

30. A summary of the technical and financial support provided to the DRC in terms of law enforcement and combating illegal trade is available in document SC74 Doc. 35.2 (paragraphs 7, 23, 25).

31. The DRC also repatriated 130 parrots from Turkey in 2018 and 29 monkeys from Zimbabwe in 2020, which shows increased cooperation between the Management Authorities of the various countries.

32. The Secretariat notes that, at the time of drafting the present document, the draft decree regulating the implementation of CITES in the DRC, specifically aimed at strengthening the powers of the authorities, had not been adopted yet. The Secretariat encourages the authorities of the DRC to enact it promptly and requests the DRC to provide an update of this process at the present meeting.

Regarding compliance assistance

33. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee recommended that:

- 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.*

34. Regarding scientific issues, the DRC is currently receiving technical and financial support under the CITES Trees project funded by the European Union, which focuses specifically on the species *Pericopsis elata*, *Prunus africana* and *Guibourtia demeusei*. This project has also made it possible to build the technical capacity of the Management Authority by financing the installation of the CITES Management Informatic System (CMIS) platform from 1 June 2020 (see paragraph 37 of the present document).

35. Regarding law enforcement and combating wildlife crime, the DRC has the support of the United Nations Office on Drugs and Crime through the ICCWC programme, and also from the European Union through the MIKE programme, as mentioned in paragraphs 7 and 25 of document SC74 35.2.
36. Furthermore, the Secretariat has preselected the DRC so that its authorities can receive technical and financial support under the CITES Compliance Assistance Program or CAP (see SC74 Doc. 29 – paragraph 9). Once the pilot phase of the CAP has been implemented in Guinea, Nigeria, Suriname and Togo, the Secretariat will make a new selection of Parties eligible to benefit from the CAP and will contact the authorities concerned.

Additional information

37. On 1 June 2020, the Management Authority of the DRC started to operate a platform known as CITES Management Informatic System (CMIS). Among other things, the platform makes it possible to manage the entire process of applications and issuance of CITES permits online, to provide information on the legality and traceability of specimens and to prepare CITES annual reports. Export quotas are also included in the platform and are monitored online for all the species of wild fauna and flora, thus ensuring they are not exceeded. The Management Authority presented this platform during an online workshop on modern customs procedures aimed at improving trade controls of CITES-listed species, organized by the Secretariat in cooperation with the World Customs Organization (WCO) from 7 to 9 December 2020.

Conclusion

38. The Secretariat congratulates the authorities of the DRC for the efforts made and considers that they are well on track for implementing the recommendations of the Standing Committee on illegal trade.
39. Regarding the setting and management of quotas, the Secretariat acknowledges the significant efforts made by the DRC and encourages the country to continue to provide training to its Scientific Authority, in particular considering the species of wild fauna and flora in the DRC that are currently included in the Review of Significant Trade.
40. Regarding the management of trade in African grey parrots (*Psittacus erithacus*), the Secretariat considers that this recommendation has partially been implemented by the DRC, given that paragraphs b), d) and e) of the recommendations made at the 69th meeting of the Standing Committee have not been implemented yet. These concern specifically the undertaking of population surveys, the development of a management plan for *Psittacus erithacus*, and the adoption of a decree reflecting the declarations of the DRC on the moratorium on trade in *Psittacus erithacus*. Moreover, given that Decision 17.256 (Rev. CoP18) has not been implemented since its adoption in 2016, the Secretariat recommends not to renew it. Moreover, if the recommendation to develop national action plans and undertake specific surveys is of a permanent nature for the range states of the species *Psittacus erithacus* in particular or the taxon Psittacidae more generally, the Secretariat recommends that the Standing Committee consider whether it would be appropriate to adopt a specific resolution on the management of this species or taxon.
41. Regarding trade in pangolin stockpiles, the Secretariat considers that the recommendation to suspend trade has been followed, given that no legal trade in *Manis* spp. has been recorded since SC70. A new problem was raised after the repatriation of a significant amount of pangolin scales from the Republic of the Congo to the DRC in June 2021. Despite the correspondence sent on the same month to the Management Authorities of the DRC and the Republic of the Congo, the Secretariat has not received the information requested yet.
42. Regarding trade in *Pericopsis elata*, the Secretariat notes that this aspect is covered by the Review of Significant Trade process under way. As a result, the Secretariat considers that the recommendation on trade in *Pericopsis elata* under Article XIII can be deleted.
43. The Secretariat also wishes to thank the Parties, partners and donors for the technical and financial support provided to the DRC so far to contribute to the implementation of the recommendations.

Recommendations

44. The Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC70 as follows:

Regarding quota setting and management

- a) The Democratic Republic of the Congo (DRC) shall continue to 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, particularly considering the species of wild fauna and flora in DRC that are currently included in the Review of Significant Trade process;

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

- b) Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the DRC pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017);
- c) The Standing Committee recommends that the CoP does not renew Decision 17.256 (Rev. CoP18) and agrees to consider whether it would be appropriate to adopt a specific Resolution on the management of the species *Psittacus erithacus* or the taxon Psittacidae at the next meeting of the Standing committee;

Regarding trade in pangolin stockpiles

- d) Parties shall not authorize trade of specimens from stockpiles of *Manis* spp. held in the DRC, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).
- e) The Standing Committee urges the Management Authorities of the DRC and the Republic of the Congo to provide the information requested by the Secretariat on 17 June 2021 about the repatriation of pangolin scales;

Regarding illegal trade

- f) The 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 coordinated financial, technical and logistical support to the DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance;

Regarding reporting to the Secretariat

- h) The DRC should report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2022, in order for the Secretariat to convey its report and its comments to the 77th meeting of the Standing Committee.