

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 ASSISTANCE PROGRAMME:
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.68 to 18.70 on the *Compliance Assistance Programme* as follows:

18.68 Directed to the Parties

Parties are invited to:

- a) *provide financial or technical support to Parties subject to compliance mechanisms and other related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures to further strengthen their institutional capacity, including the possibility of deploying short-term 'placements' or 'secondments' to the Parties concerned and peer capacity-building activities as part as the Compliance Assistance Programme (e.g. bilateral cooperation and mentoring by fellow authorities of another Party); and*
- b) *provide to the Secretariat any relevant information on bilateral or multilateral financial or technical assistance provided to Parties subjected to CITES compliance measures to ensure the effective implementation of the provisions of the Convention and the recommendations of the Standing Committee.*

18.69 Directed to the Secretariat

The Secretariat shall establish, subject to the availability of external funding, a Compliance Assistance Programme (CAP) and:

- a) *issue a Notification to the Parties requesting information on any compliance assistance currently provided by governmental, intergovernmental and non-governmental entities;*
- b) *upon request, conduct technical missions and facilitate the organization of in-country assistance coordination mechanisms to selected Parties eligible to benefit from the Compliance Assistance Programme;*
- c) *in consultation with the Masters Course in 'Management and Conservation of Species in Trade, the International framework' hosted by the International University of Andalucía and other relevant masters, explore the possibility and feasibility of training and deploying*

short term consultants or interns to assist Parties benefiting from the Compliance Assistance Programme;

- d) in consultation with the Secretariat of the Global Environment Facility (GEF) and development aid agencies of potential donor countries, explore the possibility and feasibility of strengthening the compliance-based component of the GEF Global Wildlife Program and other relevant programmes, by developing a subprogramme on CITES Compliance Assistance taking into account the recommendations of the Standing Committee and the needs of the Parties concerned;*
- e) in collaboration with the Montreal protocol and other relevant multilateral environment agreements, conduct a rapid assessment of the lessons learnt from the implementation of a Compliance Assistance Programme under the Multilateral Fund for the implementation of the Montreal Protocol and any other similar initiatives that specifically provide compliance-related assistance; and*
- f) report to the Standing Committee on the progress made in the implementation of Decisions 18.68 and 18.69 and on the feasibility of mainstreaming a compliance assistance component in the Global Wildlife Program of GEF and other relevant programmes.*

18.70 Directed to the Standing Committee

The Standing Committee shall monitor progress in the implementation of the Compliance Assistance Programme (CAP); consider whether Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures should be amended to reflect the creation of a CAP and assess the report submitted by the Secretariat regarding the collaboration with the Masters Course in 'Management and Conservation of Species in Trade, the International framework' hosted by the International University of Andalucía and other relevant masters; the feasibility of mainstreaming a compliance assistance component in the Global Wildlife Program of GEF and other relevant programmes; and report its findings and recommendations to the 19th meeting of the Conference of the Parties.

Establishment of the Compliance Assistance Programme

3. Pursuant to Decision 18.69 and thanks to the financial support provided by the European Union and Switzerland, the Secretariat has established a Compliance Assistance Programme (CAP) aimed at providing targeted support to Parties facing persistent compliance challenges. A full description of the programme, including definitions, principles, methodologies, budget and timeframes, is provided in [document CoP18 Doc. 28](#). Additional information can be found in the [webpage on CITES compliance procedures](#) on the CITES website.
4. The primary objective of the CAP is to support Parties in achieving or restoring compliance. It provides tailored support to address the recommendations and take action under specific compliance mechanisms. This includes the National Legislation Project, the Review of Significant Trade process, the Article XIII process, annual reporting, captive-breeding operations or processes such as the National Ivory Action Plans process and species-specific action plans.
5. This support can include various mechanisms such as direct mentoring and expert advice, training workshops, experience sharing between Parties, with the opportunity to deploy on the ground short-term personnel placements.
6. Examples of activities that are carried out through the CAP include but are not limited to: making of non-detriment findings (NDFs) and legal acquisition findings (LAFs); advice and good practice in developing legislation on CITES; support on CITES permits procedures; guidance for data management and preparation of annual trade reports and fulfilment of other reporting requirements; support to Parties' efforts to combat illegal trade and ensuring effective enforcement of the Convention; and good practices for the management and disposal of seized and confiscated specimens of CITES-listed species.
7. The CAP is established as a Party-driven programme. The technical support is provided by the Secretariat and its partners and is tailored to the strengths and needs of individual beneficiary Parties. Parties undergoing compliance procedures have capacity, but this is either insufficient or in need of optimization to

meet CITES implementation requirements. These Parties often require coordination of the existing capacity of the country to deliver on the recommendations required under the various CITES compliance mechanisms. Bringing relevant stakeholders together, some of which might not have worked together in the past, is often one of the initial activities under the CAP.

8. For the establishment of the CAP, the Secretariat followed a step-by-step approach. In a first step, the Secretariat compiled information on the implementation of and compliance with the Convention related to each Party to the Convention and made this information available on the CITES website under 'Country profiles'. The purpose of the country profiles is to centralize all information on each Party, including designated authorities, reports, reservations, registers, exemptions and special procedures, stricter domestic measures and compliance status.
9. On the basis of these country profiles, the Secretariat undertook a comprehensive analysis of Parties' strengths and weaknesses to identify priority Parties that could benefit from assistance of the CAP. The analysis took into account a number of factors, such as: current matters under the CITES compliance mechanisms and related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*; significant volumes of exports of CITES-listed species; formal requests by Parties for compliance-related capacity-building support received by the Secretariat; ongoing CITES-related projects and activities [e.g. CITES Tree Species Programme (CTSP), Monitoring the Illegal Killing of Elephants (MIKE), the International Consortium on Combating Wildlife Crime (ICWC), UNCTAD BioTrade, etc.]; geographical balance and potential for impact. This exercise resulted in a shortlist of countries: Democratic Republic of the Congo, Ghana, Guinea, Mozambique, Nigeria, Solomon Islands, Suriname, and Togo.
10. The Secretariat contacted these Parties with an offer to benefit from the CAP. Based on an exchange of information with the Parties, including emails and videoconferences, the Secretariat has short-listed four countries to conduct a pilot phase of the CAP, namely Guinea, Nigeria, Suriname and Togo. Intensive compliance assistance is also provided to the Lao People's Democratic Republic and Madagascar through other channels of cooperation.
11. The Secretariat will continue to work closely with its ICCWC partners to explore possible synergies and alignment of activities in CAP beneficiary countries, in particular through targeted enforcement support to West and Central Africa as reported upon in document SC74 Doc. 35.2 on *Wildlife crime enforcement support in West and Central Africa* and activities conducted under the ICCWC Strategic Programme as reported upon in SC74 document SC74 Doc. 33.3 on *ICCWC*.
12. Because of the travel restrictions during the COVID-19 pandemic, it was not possible to travel to the countries identified for the CAP. The Secretariat notes that it has been challenging to provide assistance remotely during the COVID-19 pandemic, as online meetings are not always conducive to initiating cooperation and to providing effective assistance. The geographic distance between the Secretariat (Geneva) and the Parties identified for the CAP is also proving to be an obstacle for the implementation of most of the activities identified under the CAP.
13. The Secretariat wishes to thank Switzerland and the European Union for their generous funding of the CAP. The Secretariat also thanks the European Union for its technical support in the identified priority countries that facilitated the identification of the four countries and the establishment of the CAP in these countries.

Financial or technical support by Parties [Decision 18.68 a)]

14. Pursuant to paragraph a) of Decision 18.68, Parties were invited to provide financial or technical support to Parties subject to compliance mechanisms and other related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*.
15. In accordance with paragraph a) of Decision 18.69, the Secretariat issued Notification to the Parties No. 2021/063 of 14 October 2021, seeking information on any such compliance assistance currently provided by governmental, intergovernmental and non-governmental entities.
16. In response to Notification to the Parties No. 2021/063, the Secretariat received replies from national authorities from four Parties (Eritrea, the Republic of Korea, Thailand and the United States of America) and from the Cheetah Conservation Fund (CCF) and the Wildlife Conservation Society (WCS). The Secretariat thanks these Parties and organizations for their responses to the Notification.

17. On the basis of the information received in response to Notification to the Parties No. 2021/063, it appears that financial or technical support relating to compliance between Parties is still limited.
18. Eritrea reported that it received funds from the United Nations Environment Programme (UNEP) to develop and strengthen national legislation for the implementation of CITES.
19. The Republic of Korea reported on national measures it has taken to improve its institutional capacity, legislation and scientific capacity for the implementation of the Convention and to strengthen its compliance with the Convention. This included strengthening the technical capacity of the Management and Scientific Authorities and revising national regulations to implement CoP18 outcomes. It has also established a specific Non-Detriment Finding (NDF) procedure for timber.
20. Thailand responded that it had received funds from the German Ministry for Environment and the German Agency for Nature Conservation to improve the management of trade in specimens of shark and ray species. USAID had provided funds to strengthen the technical capacity of law enforcement agencies in Thailand. This also included assistance to Thailand and Member States of the Association of Southeast Asian Nations (ASEAN) to develop the regional *Plan of Action for the ASEAN Cooperation on CITES and Wildlife Enforcement* as well as to develop the *2021 ASEAN Handbook on Legal Cooperation to Combat Illegal Wildlife Trade*. The Global Environment Facility (GEF) had provided funding to conduct and implement the project *Combating Illegal Wildlife Trade focusing on Ivory, Rhino Horn, Tiger and Pangolin*, which included measures to enhance law enforcement capacity and knowledge management.
21. The United States of America (U.S. Fish and Wildlife Service) responded that it provided institutional and law enforcement assistance to several countries. On an institutional level, it provided assistance to strengthen the technical capacity of the Management and Scientific Authorities in a number of West African and Central and South American countries, as well as Viet Nam and Oman. In addition, the US had provided assistance to strengthen the technical capacity of law enforcement agencies in over 30 States across Africa, Asia, and South America, including *inter alia* Bangladesh, Botswana, Costa Rica, India, Jordan, Morocco, Oman, Panama, and Zimbabwe.
22. The Cheetah Conservation Fund assisted wildlife enforcement authorities in Ethiopia, Somalia (including Somaliland), and Yemen. It had made recommendations to update the relevant legal frameworks for better management of wildlife trade, including CITES implementation. This was funded under the Illegal Wildlife Trade Challenge Fund of the Department for Environment, Food and Rural Affairs (DEFRA) of the United Kingdom of Great Britain and Northern Ireland.
23. The Wildlife Conservation Society reported that it provided assistance relating to institutional capacity, legislation, scientific capacity and law enforcement to several countries [Belize, Bolivia (Plurinational State of), Brazil, Cambodia, Colombia, Ecuador, India, Lao People's Democratic Republic, Myanmar, and Peru]. This included assistance to strengthen the technical capacity of the Management and Scientific Authorities and to support the development of CITES implementing legislation. WCS also provided scientific assistance for the management of trade in certain species. In addition, WCS provided support to strengthen the technical capacity of law enforcement agencies of several Parties.

Technical missions and in-country assistance by the Secretariat [Decision 18.69 b)]

24. As mentioned in paragraph 12 above, it was not possible to conduct technical missions and provide in-person country assistance. As such, support was provided through online meetings.
25. Guinea requested technical and financial assistance from the Secretariat in a letter from the Minister of the Environment in January 2020. On the basis of its analysis and the Secretariat's mission to the country in January 2019, the CITES Secretariat and the CITES Management Authority of Guinea agreed to include Guinea as the first country in the CAP. The objective of the CAP in Guinea is to provide overall support to the authorities involved in the implementation and enforcement of CITES at the institutional, scientific, legal and law enforcement levels. An action plan incorporating all the recommendations made at the 71st meeting of the Standing Committee (SC71, Geneva, August 2019) and a budget have been developed with the national authorities. The Small Scale Funding Agreement (SSFA) for this programme is being finalized in close consultation with the new authorities. However, due to political circumstances, in particular the coup d'état of 5 September 2021, leading to significant institutional reform and changes, and the COVID-19 pandemic, the signing of the SSFA has been suspended until the new team of the CITES Management Authority in the Ministry of the Environment is formally established.

26. Nigeria expressed its interest in participating in the CAP through a letter by the Minister of Environment in August 2021. The Nigerian authorities and the Secretariat met via videoconference in September 2021. During the meeting, Nigeria presented an initial list of assistance needs as a basis for further discussion. Although the list was in part beyond the scope of the CAP, several proposed activities were important for the implementation of the recommendations adopted by the Standing Committee at its 70th meeting (SC70, Sochi, October 2018) in the context of the ongoing Article XIII process regarding Nigeria. The Secretariat subsequently reviewed the list of assistance needs and, on 6 October 2021, sent a proposal to Nigeria containing a list of activities which could be funded under the CAP. At the time of writing, the Secretariat is awaiting a response from Nigeria on its proposal.
27. Togo accepted the proposal by the Secretariat to take part in the CAP by letter from the Minister of the Environment in August 2021 and designated a CITES focal point to monitor and implement this programme. The Togolese authorities and the Secretariat met via videoconference in November 2021, during which Togo's assistance needs and possible activities under the CAP were discussed. A comprehensive action plan and a budget are currently being developed by the national authorities.
28. Suriname has made progress in recent years regarding the implementation of and compliance with the Convention in the framework of the Bioamazon project, especially as regards e-permitting, the adoption of national implementing legislation, and the traceability of timber. The Secretariat offered assistance to Suriname as one of the Parties eligible to benefit from the CAP in September 2021. At the time of writing, the Secretariat has not received a response from Suriname.

Cooperation with the University of Andalucía [Decision 18.69 c)]

29. The Secretariat has identified 11 eligible staff members of CITES national Management Authorities who will participate in this year's Master's course on '*Management and Conservation of Species in Trade, the International framework*' hosted by the International University of Andalucía, and will cover the costs of their participation. The Secretariat would like to thank China and the European Union for providing the funding that made this possible.
30. In consultation with the International University of Andalucía, the Secretariat is also exploring the possibility and feasibility of deploying short-term consultants to assist Parties in the CAP. This could include the training and deployment of former students in the Master's programme..

Decision 18.69 d) and e)

31. Pursuant to paragraph d) of Decision 18.69, the CITES and GEF secretariats held meetings and consultations to discuss possible ways of strengthening cooperation in several areas, including compliance. On 4 March 2021, the CITES Secretary-General and the GEF Chief Executive Officer (CEO), Carlos Manuel Rodriguez, joined by his senior staff met online to explore the plans for GEF- 8 and the possibility of mainstreaming more CITES-related activities in the Global Wildlife Program (GWP).
32. Regarding the GEF-8 discussions, they continue to progress well and the GEF is in the second version of the programming directions document (https://www.thegef.org/sites/default/files/council-meeting-documents/GEF-8%20Programming%20Directions_0.pdf). The proposed new Wildlife Conservation for Development Integrated Programme (WCD IP) includes a component on "Wildlife for Prosperity" which strives to ensure that local communities and governments value, invest in and benefit from wildlife and habitat conservation including the recovery of nature-based tourism, landscape restoration and diversification of sustainable livelihoods and private sector engagement for building sustainable wildlife-based economies.
33. Regarding the GWP, the CITES Secretariat remains committed to participating in the GWP as a non-Implementing Agency member of the Program Steering Committee, contributing to promote synergies between the GEF GWP country projects and the CITES-related activities of those countries. The CITES Secretariat is grateful to the GEF CEO for his positive comments made on the implementation of the programme and the ongoing good cooperation. One of the options discussed was to expand the GWP programme to other geographical regions. Currently, the GPW is mainly focused on Africa's fauna going to Asian markets. In the future, there may be more projects in Latin America. On 4 May 2021, the CITES Secretariat organized a meeting between the Mexican authorities and the GEF to discuss the financial modalities to support the implementation of a particular set of CITES recommendations regarding a specific compliance matter, e.g. totoaba and vaquita conservation. The head of the Global Wildlife Program and

senior staff from the GEF provided presentations and explained the mechanisms that are available and the steps that countries should do to apply for any potential funding.

34. Pursuant to paragraph e) of Decision 18.69, the CITES Secretariat contacted the Multilateral Fund for the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer. On 8 October 2021, the Fund explained via e-mail that the Compliance Assistance Programme of the Montreal Protocol (MP CAP) is not part of the Fund but is part of OzonAction, which is administered by UNEP. They have UNEP officers in all regional offices to support countries with the implementation of the Montreal Protocol, using money from the Multilateral Fund, through projects presented by them and approved by the Executive Committee. UNEP also supports the implementation of the Montreal Protocol through the MP CAP, which performs the clearinghouse functions of Article 10 3b) of the Montreal Protocol, for which it requests funds from the Multilateral Fund with the presentation of a three-year strategy.
35. The Secretariat will further update the Committee orally at SC74 on the status of implementation of Decision 18.69 d) relating to the strengthening of the compliance-based component of the GWP and Decision 18.69 e) on the rapid assessment of the lessons learnt from the implementation of a Compliance Assistance Programme under the Multilateral Fund for the implementation of the Montreal Protocol.

Recommendations

36. The Standing Committee is invited to:
 - a) take note of the information provided by the Parties and the observers which is used by the Secretariat in the design of assistance programmes to eligible Parties;
 - b) consider submitting to the 19th meeting of the Conference of the Parties an amendment to Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures* to reflect the creation of a CAP as suggested in the Annex to the present document, and
 - c) as per Decision 18.70, to consider submitting the following draft decisions to the Conference of the Parties at its 19th meeting to replace Decisions 18.68 to 18.70:

19.AA Directed to the Parties

Parties are invited to continue to provide financial or technical support to Parties subject to compliance mechanisms and other related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures* to further strengthen their institutional capacity.

19.BB Directed to the Secretariat

The Secretariat shall, subject to the availability of external funding:

- a) upon request, conduct technical missions and facilitate the organization of in-country assistance coordination mechanisms to selected Parties eligible to benefit from the Compliance Assistance Programme (CAP);
- b) in consultation with the International University of Andalucía which hosts the Masters Course in 'Management and Conservation of Species in Trade – The International Framework' and other relevant universities, explore the possibility and feasibility of training and deploying short term consultants to assist Parties benefiting from the Compliance Assistance Programme; and
- c) report to the Standing Committee on the progress made in the implementation of Decisions 19.AA and 19.BB.

19.CC Directed to the Standing Committee

The Standing Committee shall monitor progress in the implementation of the Compliance Assistance Programme (CAP) and report its findings and recommendations to the 20th meeting of the Conference of the Parties.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 14.3 (REV. COP18)
ON CITES COMPLIANCE PROCEDURES

RECALLING ~~Decision 12.84, whereby that~~ the Conference of the Parties at its 12th meeting (Santiago, 2002) instructed the Secretariat to draft a set of guidelines on compliance with implementation of the Convention for consideration by the Standing Committee;

RECALLING FURTHER that the Standing Committee at its 50th meeting (Geneva, March 2004) decided to establish an open-ended working group to draft such guidelines;

RECALLING FURTHER that the Conference of the Parties at its 18th meeting (Geneva, 2019) instructed the Secretariat to establish a Compliance Assistance Programme (CAP);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. TAKES NOTE of the Guide to CITES compliance procedures annexed to this Resolution; ~~and~~
2. RECOMMENDS that the Guide be referred to, when dealing with compliance matters;
3. TAKES NOTE that the Secretariat has established the Compliance Assistance Programme (CAP) to support countries facing persistent compliance challenges; and
4. INVITES all Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the effective implementation of the CAP.