

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

SUMMARY

TUESDAY 8 MARCH
AFTERNOON

28. Compliance matters

28.2 Application of Article XIII: Reports of the Secretariat

28.2.4 Application of Article XIII in Nigeria SC74 Doc. 28.2.4

The Committee agreed the following recommendations:

1. *Regarding trade in specimens of Pterocarpus erinaceus*
 - a) The Committee encouraged all potential transit and destination countries of shipments of illegal specimens of *Pterocarpus erinaceus* from Nigeria to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and applying appropriate sanctions against traffickers in accordance with the provisions of the Convention.
 - b) The Committee invited the importing Parties to share with the Secretariat the administrative, legislative and enforcement arrangements put in place to sanction illegal trade in specimens of this species, including any relevant due diligence measure to verify legality and ensure sustainability; and encouraged those Parties to consider inviting the Secretariat to conduct technical missions in order to strengthen cooperation between range States and importing countries and identify further recommendations to ensure that timber trade is conducted in accordance with the Convention.
2. *Regarding legislation and law enforcement*
 - c) Nigeria shall strengthen the regulatory framework in relation to forestry management, including forestry legislation at the State level, to avoid any loopholes that may be generated by the distribution of competences between Federal and State levels.
 - d) Nigeria shall continue implementing a strategy to counter corruption linked to illegal wildlife trade at all levels, including anti-bribery policies, and intensify efforts to ensure full implementation of Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption*, which facilitates activities conducted in violation of the Convention. The strategy should protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats.

- e) Nigeria shall establish a national platform for enforcement cooperation and coordination between relevant authorities to strengthen the control of trade in CITES-listed species and to combat transnational organized wildlife crime, in line with relevant paragraphs of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.
 - f) Nigeria shall scale up efforts to map out organized crime groups involved in illegal wildlife trade and operating in the country. Nigeria shall convene multi-disciplinary investigative teams involving all relevant authorities. These teams will 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.
3. *Regarding issuance of export permits and information systems*
- g) Nigeria shall establish an efficient and secure information system, preferably an electronic system (resources permitting), to facilitate the issuance of permits and certificates, and the verification of all CITES provisions applicable to the specimens to be exported.
 - h) Nigeria shall facilitate liaison and integration with other permitting/certification systems relating to the harvest of and trade in CITES-listed resources, e.g. timber concession authorizations, phytosanitary/veterinary documentation, or customs declarations.
4. *Handling and disposal of seized stockpiles CITES-listed species*
- i) Nigeria shall clearly define the competences of, and the division of labour between, relevant institutions to ensure that adequate control measures are put in place to secure storage facilities for seized stocks of CITES-listed species, including for pangolins and ivory, and reduce the risk of leakage. Nigeria shall develop a uniform protocol for the marking, recording, handling, storage and disposal of seized and confiscated specimens.
 - j) Nigeria shall maintain an inventory of all seized stocks of CITES listed species and ensure strict implementation of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.
5. *Collaboration with Nigeria*
- k) The Committee thanked Parties, ICCWC partners and other donors that are providing financial, technical and logistical support to Nigeria and invited them to coordinate further with the CITES Secretariat to avoid duplication and align activities to the extent possible with the implementation of the recommendations of the Standing Committee.
6. *Monitoring progress*
- l) The Secretariat shall remain in close contact with Nigeria, monitor the Party's progress in the implementation of recommendations of the Standing Committee, and bring any matters of concern to the attention of the Committee.
 - m) The Committee requested Nigeria to report on progress by the document deadline of its 75th meeting (14 September 2022). If no progress is reported by SC75, the Committee may consider a suspension of commercial trade in specimens of all CITES-listed species from Nigeria.
 - n) The Committee invited the Secretariat to consult with Nigeria in order to establish key activities and priorities to be implemented prior to SC75.

28.2.5	<u>Introduction from the sea of sei whale (<i>Balaenoptera borealis</i>) by Japan</u>	SC74 Doc. 28.2.5
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The Committee noted the information provided by Japan and Japan's commitment not to issue any introduction from the sea certificates for sei whales from the North Pacific population except for biopsy samples obtained via non-lethal methods. The Committee agreed to consider the compliance matter resolved and proceed to close the case.

28.3 Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.)

28.3.1	<u>Report of Madagascar</u>	SC74 Doc. 28.3.1
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28.3.2	<u>Report of the Secretariat</u>	SC74 Doc. 28.3.2
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The Committee agreed the following recommendations:

The Committee:

- a) decided to uphold the recommendation for Parties not to accept exports or re-exports for commercial purposes from Madagascar of specimens of *Diospyros* spp. (populations from Madagascar; annotation #5) or *Dalbergia* spp. (annotation #15) from Madagascar, until Madagascar has made a legal acquisition finding and a non-detriment finding for these species on a national level to the satisfaction of the Secretariat;
- b) invited Parties of origin, transit and destination of specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar to implement all the measures recommended by the Standing Committee regarding commercial trade in specimens of these species from Madagascar, including the suspension of such trade, and to effectively manage the stockpiles of wood of *Dalbergia* spp. and *Diospyros* spp. from Madagascar. Parties are invited to follow the guidance included in Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, in particular paragraphs 2 and 8;
- c) noted the progress made by Madagascar regarding paragraphs a) to d) of Decision 18.96 (i.e., scientific aspects) and paragraph e) (i.e., enforcement); invited Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the work of Scientific Authorities and enforcement authorities;
- d) noted:
 - i) the statements by Madagascar about its intention to make domestic use of the 'officially controlled' stockpiles;
 - ii) that, for this reason, the management and use of these stockpiles corresponding to Step 1 of Phase 1 of the *Stockpile Verification Mechanism and Business Plan* no longer falls within the scope of CITES; and
 - iii) that, consequently, paragraph g) of Decision 18.96 is no longer appropriate;
- e) invited Madagascar to implement all the necessary control measures for the application and respect of annotation #15 in the event of any export of objects made from *Dalbergia* spp.;
- f) invited Madagascar to refer to the Standing Committee after completion of the process to manage and use the 'officially controlled' stockpiles on a domestic level in order to report its outcomes;
- g) noted the progress made in the framework of the Intersessional Advisory Group established to assist and advise Madagascar on the implementation of all measures

regarding *Dalbergia* spp. and *Diospyros* spp., and considers that its mandate has been fulfilled;

- h) noted document SC74 Doc. 28.3.2 and the progress made regarding the provisions of paragraphs a) to c) of Decision 18.99 directed to the Secretariat;
- i) instructed the Secretariat to publish a Notification to the Parties reflecting paragraph a) of the present recommendations;
- j) requested the Secretariat, subject to the availability of resources, to assess the administrative and legislative provisions for the implementation of CITES in Madagascar, in accordance with Article XIII of the Convention, to explore the necessary measures and to provide Madagascar with the technical assistance required for implementing the Convention; and
- k) agreed to propose to CoP19 the renewal of paragraph f) of Decision 18.96 amended as follows:
 - f) ~~subject to available funding,~~ secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* and *Diospyros* in Madagascar, and submit regular updates on audited inventories thereof, ~~and a use plan based on transparency~~ and independent oversight mechanisms, for consideration, ~~approval~~ and further guidance from the Standing Committee;

28.4 National ivory action plans process:
Report of the Secretariat SC74 Doc. 28.4

The Committee agreed the following recommendations.

Turkey

- a) The Committee agreed to:
 - i) not include Turkey in the NIAP process at present;
 - ii) encourage Turkey to continue to be vigilant in the implementation of measures to prevent the transit of illegal ivory through Turkey; and
 - iii) request the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP18), to continue to monitor illegal trade in ivory as it affects Turkey and to bring any matters of concern that may arise to the attention of the Committee.

Parties that continue with NIAP implementation

Angola, Cameroon, Ethiopia

- b) Regarding Angola, Cameroon, and Ethiopia as Category C Parties, the Committee:
 - i) noted that these Parties did not submit reports on progress with NIAP implementation;
 - ii) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting the Parties concerned to submit their NIAP progress reports to the Secretariat within 60 days of the conclusion of SC74; and
 - iii) if there is no satisfactory response by a Party concerned, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with that Party until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

Cambodia

- c) The Committee noted the progress made by Cambodia in implementing its NIAP and its request to exit the NIAP process.
- d) The Committee agreed an overall rating of 'partial progress' for Cambodia, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*.

Congo

- e) The Committee:
 - i) noted the limited progress made by the Congo in implementing its NIAP and encouraged the Party to step up efforts to progress implementation of its NIAP;
 - ii) requested the Congo, in its future NIAP implementation progress reports, to report on all progress made in the implementation of each NIAP action since the NIAP was approved in 2015, and to allocate a rating to each NIAP action based on the overall progress made in implementing the action since 2015;
 - iii) requested the Congo if it wishes to revise and update its NIAP found to be adequate in 2015, to do so using the template for NIAP development available on the NIAP webpage and, if applicable, to provide justification for the removal of, or the reduction of the scope of, any actions which have not yet been achieved or substantially achieved in the NIAP originally found to be adequate;
 - iv) encouraged the Congo to commence the implementation of actions 4.1, 5.2 and 6.1 of its NIAP;
 - v) agreed an overall rating of 'limited progress' for the Congo, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*; and
 - vi) encouraged Parties, governmental, intergovernmental and non-governmental organizations and others to provide, where possible, financial and technical assistance to the Congo to support the implementation of its NIAP.

Democratic Republic of the Congo

- f) The Committee:
 - i) noted that the Democratic Republic of the Congo did not use the template for reporting on progress, as required by Step 4, paragraph b), of the *Guidelines to the NIAP process* and as requested by the Standing Committee at its 70th meeting;
 - ii) noted that the Democratic Republic of the Congo did not report on five of the 28 actions included in its NIAP, and that as a result the Secretariat was not able to fully evaluate the progress made by the Democratic Republic of the Congo;
 - iii) requested the Democratic Republic of the Congo, if it wishes to revise and update its NIAP found to be adequate in 2018, to do so using the template for NIAP development available on the NIAP webpage and, if applicable, to provide justification for the removal of any actions which have not yet been achieved or substantially achieved in the NIAP found to be adequate in 2018;
 - iv) noted the concerns regarding the escalation of illegal trade in ivory from the DRC, as detailed in paragraph 43 of Annex 1 to document SC74 Doc. 28.4;
 - v) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting the Democratic Republic of the Congo to submit its NIAP progress report to the Secretariat within 60 days of the conclusion of SC74; and

- vi) if there is no satisfactory response by the Democratic Republic of the Congo, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with the Democratic Republic of the Congo until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

Gabon

- h) The Committee:
 - i) requested Gabon to take note of the observations of the Secretariat in its assessment regarding actions B.2, C.2 E.4 and E.9 of the NIAP, and invite Gabon to elaborate in more detail in its future reports on the activities implemented to achieve these actions; and
 - ii) agreed an overall rating of 'partial progress' for Gabon, in accordance with Step 4, paragraph e), of the *Guidelines*.

Lao People's Democratic Republic

- i) The Committee:
 - i) noted the revised and updated NIAP of the Lao People's Democratic Republic; and
 - ii) agreed an overall rating of 'partial progress' for the Lao People's Democratic Republic, in accordance with Step 4, paragraph e), of the *Guidelines*.

Malaysia

- j) The Committee:
 - i) commended Malaysia for achieving its NIAP;
 - ii) encouraged Malaysia to submit a report to the Secretariat, 90 days before the deadline for submission of documents to the 77th meeting of the Standing Committee (SC77), on any further measures taken and activities implemented to combat illegal ivory trade, so that the Secretariat can make the report available to the Standing Committee at SC77; and
 - iii) requested the Secretariat to continue to monitor progress in accordance with Resolution Conf. 10.10 (Rev. CoP18), and to bring any matters of concern that may arise to the attention of the Committee.
- k) The Committee agreed that it will consider at SC77 whether Malaysia should exit the NIAP process, in accordance with Step 5 of the *Guidelines*.

Mozambique

- l) The Committee:
 - i) noted the revised and updated NIRAP of Mozambique;
 - ii) noted that Mozambique submitted its report on progress with NIRAP implementation, available as Annex 12 to document SC74 Doc. 28.4;
 - iii) noted that the report submitted by Mozambique was not using the NIAP progress report template and was not submitted 90 days in advance of the present meeting, as required by Step 4, paragraph a) of the *Guidelines*, and that the Secretariat was as a result, not able to evaluate the report prior to the present meeting, as required by Step 4, paragraph c), of the *Guidelines*;

- iv) requested Mozambique to submit a revised report on progress with NIRAP implementation within 60 days of the present meeting, using the NIAP progress report template available on the NIAP webpage; and
- v) requested the Secretariat to evaluate the progress report from Mozambique and bring any matters arising to the attention of the Standing Committee as may be needed.

Nigeria

m) The Committee:

- i) noted the revised and updated NIAP of Nigeria;
- ii) noted that Nigeria did not submit its reports on progress with NIAP implementation in time for its progress to be assessed and reflected in the documents on NIAPs prepared by the Secretariat for SC66, SC67, SC69, SC70 and SC74;
- iii) noted the concerns regarding the escalation of illegal trade in ivory and other wildlife specimens from Nigeria, as detailed in paragraph 82 of Annex 1 to document SC74 Doc. 28.4;
- iv) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting Nigeria to submit its NIAP progress report to the Secretariat within 60 days of the conclusion of SC74; and
- v) if there is no satisfactory response by Nigeria, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with Nigeria until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

Qatar

n) The Committee:

- i) agreed an overall rating of 'partial progress' for Qatar, in accordance with Step 4, paragraph e), of the *Guidelines*; and
- ii) requested Qatar to continue to progress the implementation of its NIAP between SC74 and SC77.

Togo

o) The Committee:

- i) noted that Togo submitted its report on progress with NIAP implementation, available as Annex 13 to document SC74 Doc. 28.4;
- ii) noted that the report submitted by Togo was not submitted 90 days in advance of the present meeting, as required by Step 4, paragraph a) of the *Guidelines*, and that the Secretariat was as a result, not able to evaluate the report prior to the present meeting, as required by Step 4, paragraph c), of the *Guidelines*; and
- iii) requested the Secretariat to evaluate the progress report from Togo and bring any matters arising to the attention of the Standing Committee as may be needed.

Viet Nam

p) The Committee:

- i) noted the progress made by Viet Nam in implementing its NIRAP and its request to exit the NIAP process;

- ii) agreed an overall rating of ‘partial progress’ for Viet Nam, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*;
- iii) requested Viet Nam to continue to progress the implementation of its NIRAP between SC74 and SC77;
- iv) encouraged Viet Nam to continue to implement activities specifically targeting key locations known to be associated with illegal wildlife trade, both at its borders and in domestic markets; and
- v) encouraged Viet Nam to build upon the findings made through the survey conducted in accordance with action 2.5 in the NIRAP, regarding illegal online wildlife trade, and to respond to the findings of the survey through the implementation of appropriate measures and activities.

Parties that achieved their NIAPs

Hong Kong Special Administrative Region of China

- q) The Committee:
 - i) commended Hong Kong SAR of China for achieving its NIAP and for the further measures taken to address illegal trade in ivory;
 - ii) agreed that Hong Kong SAR of China exit the NIAP process in accordance with Step 5 of the *Guidelines*; and
 - iii) requested the Secretariat to continue to monitor progress in accordance with Resolution Conf. 10.10 (Rev. CoP18), and to bring any matters of concern that may arise to the attention of the Committee.

28.5 Totoaba (*Totoaba macdonaldi*):
Report of the Secretariat SC74 Doc. 28.5

The Committee:

- a) noted the reporting provided by Mexico in accordance with Decision 18.293, paragraph d) and the Secretariat’s final assessments of Mexico’s efforts presented in Annex 1 to document SC74 Doc. 28.5 on Totoaba (*Totoaba macdonaldi*), and
 - i) noted the efforts made and substantial resources deployed by Mexico to address illegal fishing and trafficking of totoaba, and the associated threats posed to the vaquita;
 - ii) noted the ongoing concerns about fishers illegally operating in the vaquita refuge and zero-tolerance area, and highlighted the urgency of addressing this;
 - iii) encouraged Mexico to actively pursue the urgent implementation of all aspects of the [Agreement regulating gear, systems, methods, techniques and schedules for carrying out fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establish landing sites as well as monitoring systems for such vessels](#);
 - iv) requested Mexico to strengthen measures to ensure that a “zero tolerance policy” is strictly applied in the vaquita refuge and zero-tolerance area, and that consistent measures are taken, and strict penalties imposed against fishers that are found operating in areas where fishing is prohibited;
 - v) encouraged Mexico to further scale up and expand maritime surveillance and patrol activities in the vaquita refuge and zero-tolerance area to ensure that authorities are present on a full-time basis to prevent fishers from engaging in illegal activities in these areas and take action to address any illegal activities detected;

- vi) requested Mexico to include information on the measures implemented and activities conducted as anticipated by recommendation a) iii), iv) and v), in its next regular six-monthly reports to the Secretariat in accordance with Decision 18.293, subparagraph a) iii); and
 - vii) requested the Secretariat to continue to monitor Mexico's implementation of Decision 18.293, and to bring any matters of concern that may arise to the attention of the Standing Committee;
- b) noted the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba*, as contained in the agreed meeting outcomes document presented in Annex 4 to document SC74 Doc. 28.5, and encouraged all Parties affected by totoaba specimen trafficking to make every effort to implement the measures and activities agreed as relevant to them, and:
- i) requested Parties affected by totoaba trafficking that have not yet done so to communicate the details of their national focal points to the Secretariat in accordance with activity 1.6 in the agreed meeting outcomes document;
 - ii) encouraged Parties to scale up information and intelligence exchange in support of disrupting criminal networks from source to destination and bringing the perpetrators involved to justice, by implementing activity 1.5 in the agreed meeting outcomes document, drawing upon the support available through INTERPOL, as well as the functionalities available through the WCO closed user group on totoaba established in accordance with activity 1.10; and
 - iii) invited the Republic of Korea to take note of the information on totoaba trafficking associated with it, as reported upon by Mexico and highlighted in Annex 1 to document SC74 Doc. 28.5, and of the agreed outcomes from the online *Meeting of Range, Transit and Consumer States of Totoaba*, and to implement the measures and activities as relevant to it;
- c) requested China, Mexico and the United States to set and agree a timeline to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well as to establish and operationalize the group, and to communicate this timeline to the CITES Secretariat by 31 May 2022;
- d) requested the Secretariat to undertake a second mission to Mexico to evaluate progress on the implementation of Decision 18.293, with a particular focus on the areas of concern identified in document SC74 Doc. 28.5; and
- e) invited the Secretariat to propose to CoP19 revisions to Decisions 18.292 to 18.295 after its second mission to Mexico, taking into consideration the 30 April 2022 report by Mexico, in consultation with the Standing Committee through its Chair.

The Committee agreed to submit the following draft decisions, along with renewed and revised decisions as identified in paragraph e) above, for submission to CoP19:

Directed to the Secretariat

- 19.AA The Secretariat shall revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise, and report on the outcomes of this work to the Standing Committee.

Directed to the Standing Committee

- 19.BB The Standing Committee shall review and assess the study undertaken in accordance with Decision 19.AA and any recommendations from the Secretariat concerning the study and make recommendations as appropriate.

26. National laws for implementation of the Convention:
Report of the Secretariat SC74 Doc. 26

The Committee:

- a) commended Jordan, Mauritania, Saint Kitts and Nevis, and Solomon Islands for the efforts leading to the legislation to be placed in Category 1 and other Parties that have made substantial progress in adopting measures for the effective implementation of the Convention;
- b) agreed on a recommendation to all Parties to suspend commercial trade with Dominica, Grenada, Kazakhstan, Libya, Mongolia and Sao Tome and Principe. The Secretariat shall inform the Parties concerned of this measure immediately after the present meeting. The recommendation shall take effect 60 days after it is agreed unless the Party concerned adopts appropriate measures before the expiry of the 60 days or takes significant and substantive steps to do so. Upon the expiry of the 60 days after the recommendation is agreed, the Secretariat shall issue Notification to the Parties informing them of the recommendations to suspend commercial trade taking effect from that date; and
- c) requested the Secretariat to issue a formal warning to the Parties that have not reported any legislative progress for more than three years (at the time of writing, this included Azerbaijan, Belarus, Bosnia and Herzegovina, Kyrgyzstan, Lebanon, Maldives, Montenegro, Sierra Leone and Zambia), requesting them to immediately take steps to ensure progress be made before CoP19 and to report such progress to the Secretariat by 1 September 2022.

The Committee recognized and welcomed the support provided by Parties, development partners as well as intergovernmental and non-governmental organizations in support of the development and adoption of national measures to effectively implement and enforce the Convention.