

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



Seventy-first meeting of the Standing Committee
Colombo (Sri Lanka), 22 May 2019

Interpretation and implementation matters

General compliance and enforcement

Application of Article XIII

APPLICATION OF ARTICLE XIII IN GUINEA

1. This document has been prepared by the Secretariat.

Background

2. At the 61st meeting of the Standing Committee (SC61, Geneva, August 2011), the Secretariat reported its concerns regarding illegal trade in CITES-listed species involving Guinea. The Committee noted these concerns and agreed that the Secretariat should undertake a mission to Guinea. This mission was conducted in September 2011 and significant problems were identified in the implementation of the Convention. Consequently, a comprehensive list of recommendations was formulated by the Secretariat in consultation with the relevant Guinean authorities.
3. The Secretariat reported at the 62nd meeting of the Standing Committee (SC62, Geneva, July 2012) that limited progress had been made with the implementation of these recommendations. The Secretariat further reported that Guinea's challenges in implementing CITES were related to enforcement as well as to broader compliance issues. The Committee instructed the Secretariat to identify a set of minimum actions to be undertaken by Guinea on the basis of the list of recommendations, and to issue a warning letter requesting Guinea to take urgent action to implement the identified minimum actions.
4. On 17 September 2012, the Secretariat issued a warning letter and requested Guinea to provide a detailed report by December 2012 on progress in the implementation of the identified minimum actions (the list of actions so identified is included in Annex 1 to the present document). As Guinea failed to provide the requested report, the Standing Committee, at its 63rd meeting (SC63, Bangkok, March 2013) instructed the Secretariat to issue a Notification to the Parties recommending that all commercial trade in CITES-listed species with Guinea be suspended (Notification to the Parties No. 2013/017 of 16 May 2013). This recommendation is still in force.
5. At the 69th meeting of the Standing Committee (SC69, Geneva, November 2017), the Secretariat confirmed that it had received a report from Guinea, dated December 2015, describing progress made in the implementation of the 2011 recommendations (see document [SC69 Doc. 29.2.3](#)). Guinea reported that it had taken measures to address the main problems, and that key actors involved in the fraudulent issuance of CITES permits and illegal trade had been prosecuted and convicted. Based on the report by the Secretariat, the Standing Committee, at SC69, acknowledged the progress reported by Guinea in the period 2015-2017, and thanked Guinea for the information provided. The Standing Committee requested the Secretariat, subject to the availability of resources, to conduct a technical mission to Guinea pursuant to Article XIII of the Convention to assess the administrative and legislative arrangements for the implementation of CITES in Guinea, and provide technical assistance as necessary to implement the

Convention. The Standing Committee further requested the Secretariat to continue to monitor the progress made by Guinea and report to the Standing Committee on such progress. In considering such reports, the Standing Committee would decide whether its recommendation to suspend all commercial trade in specimens of CITES-listed species with Guinea could be lifted and, if not, what further measures would be required.

6. At the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), the Secretariat reported orally that the technical mission was expected to take place in early 2019, and that the programme of the mission was being developed. The Standing Committee noted the oral update, agreed that the suspension of all commercial trade in CITES-listed species with Guinea be maintained, and requested the Secretariat to present the results of its technical mission in the country at its 71st meeting.

Technical mission by the Secretariat

7. By letter of 24 October 2018, the Secretariat received an invitation from the Government of Guinea to undertake a technical mission to the country from 21 to 24 January 2019. It was agreed with Guinea that the objectives of the technical mission, pursuant to Article XIII of the Convention as instructed by the Standing Committee, would be the following:
 - a) assess progress in implementing the recommendations set out in the letter of the Secretariat in 2012 (see Annex 1);
 - b) assess the administrative and legislative arrangements for the implementation of CITES in Guinea;
 - c) consider the need for additional or revised measures; and
 - d) provide basic training and technical assistance, necessary to implement the Convention.
8. The programme of the technical mission included several meetings with the Minister of Environment, Waters and Forests (MEEF) (responsible for CITES), several meetings with the CITES Management Authority, one training session with both the CITES Management and Scientific Authority, meetings with the CITES National Committee, comprising all relevant government agencies, including customs, the Ministry of Fisheries, police/INTERPOL, the office of the public prosecutor, and the relevant forestry authorities. The mission also held a short meeting with the legal counsellor of the MEEF, a meeting with the customs focal point and meetings with relevant donors and partner organizations as well as non-governmental organizations (NGOs) as further described below. Finally, the mission included field trips to the maritime port and the airport, and to the two locations of a stock of confiscated pre-Convention timber (*Pterocarpus erinaceus*) held by the Government. The final programme of the mission is included in Annex 2; the authorities, international organizations, bilateral development partners as well as NGOs met during the mission are shown in Annex 3.
9. The Secretariat would like to express its sincere gratitude to the Minister and the Director of the Directorate of Forest and Waters and his staff, for their kind hospitality and support during the entire mission. The Secretariat is also grateful for the valuable inputs from agencies, bilateral partners and NGOs during the mission.

Main findings by the technical mission

10. The Secretariat recalls that Guinea is ranked as 175 out of 189 on the 2018 Human Development Index and has an estimated population of about 13 million people. The country is located in West Africa, bordering with Côte d'Ivoire, Guinea-Bissau, Liberia, Mali, Senegal and Sierra Leone – all countries with challenges and opportunities similar to those of Guinea with regard to the implementation of CITES. The country has a relatively important coast line and a maritime port. It is administratively structured in four main regions, seven administrative regions and 33 prefectures, with about twenty local languages spoken across the country.
11. The following is a summary of the Secretariat's main findings during the mission. It includes an assessment of progress in the implementation of the recommendations made in 2012 (shown in Annex 1), as well as an assessment of the administrative and legislative arrangements for the implementation of the Convention in Guinea.

Addressing fraud

12. Guinea had already in the past reported that measures had been taken to address the fraud that had led to the initial mission of the Secretariat in 2011 [and thereby addressed paragraph a) in Annex 1]. The key actors that were involved in the fraudulent issuance of CITES permits had been prosecuted and had served a custodial sentence. As noted in the report of the Secretariat to SC69 (document SC69 Doc. 29.2.3), one of the main offenders had been released before time and had served only 12 of the 18 months of the inflicted sentence. During the mission, the Secretariat was told by several individuals that the early release had occurred during a routine decision to pardon prisoners and might have been a mistake. It was also confirmed that the President had made it clear that no further pardons for this type of crimes should be allowed.
13. It was considered by all stakeholders, including NGOs and international organizations, that fraud associated with the use of CITES permits that had happened in the past no longer occurs, and that such abuse has been addressed. The Secretariat notes that this is a very significant development. However, legislative measures, continued training and awareness-raising, and increased and systemic transparency are required to prevent any future incidents of a similar character. Better understanding of CITES and related nature conservation issues among all stakeholders will also contribute to sustaining the progress made.

National legislation for the implementation of CITES

14. One of the key recommendations made in 2012 was that Guinea undertake steps to ensure adequate implementation of the Convention in the national legislation [see paragraph b) in Annex 1]. The Secretariat learned that two new laws had recently been adopted and promulgated in Guinea:
 - A revised forestry law (*Loi Ordinaire L/2017/060/an du 12 décembre 2017 portant Code Forestier de la République de Guinée*)
 - A revised wildlife protection and hunting law (*Loi Ordinaire 2018/0049/an Portant Code de Protection de la Faune Sauvage et de Réglementation de la Chasse*)

These laws go some way in regulating imports and exports of timber and non-timber forest products, as well as trade in specimens of CITES-listed fauna. Each law also includes penalties for violations. However, they still need to be complemented with secondary legislation (e.g. a decree) to fully meet the CITES minimum requirements. A decree to establish the different categories of species regulated by the two laws is currently being developed.

15. Subsequent to the mission, Guinea submitted a draft decree on the implementation of CITES in Guinea for observations by the Secretariat.
16. It is not entirely clear at present whether the two revised laws mentioned above are applicable to marine species. Bearing in mind that Guinea has a relatively important coastline, regulations governing introduction from the sea, and international trade in specimens of marine species, such as sharks, rays and seahorses, therefore needs to be clarified. It should, however, also be kept in mind that this is a challenge that is not unique to Guinea but shared by other CITES Parties with access to the high seas.

National CITES Authorities

17. The National Department for Waters and Forestry (*La Direction Nationale des Eaux et Forêts - DNEF*), an agency in the Ministry for Environment, Waters and Forestry, has been designated since 2013 as the CITES Management Authority (MA) by Ministerial Decree (*Arrêté 2013/MEEF/CAB/SGG*). The Decree also establishes that the Director of the DNEF is the Head of the CITES MA and nominates the main contact person (focal point) for CITES in DNEF. The focal point for CITES in DNEF, as well as his assistant, have both completed the Baeza Master course in Management and Conservation of species in trade in 2016 and 2018, respectively, and have a good understanding of the Convention. Contact persons for CITES in the airport and at the seaport are also nominated by the Decree. However, the Decree does not specify the functions and obligations of the CITES MA, nor of the different contact persons.
18. In the same Decree, the Faculty of Biology of the University Gamal Abdel Nasser is designated as the CITES Scientific Authority (SA). In a Ministerial Decision from January 2019 (Decision 2019/0003/MEEF/CAB), eleven experts with different expertise are nominated as the members of the CITES SA.

19. It remains unclear what responsibilities the CITES MA and SA have for implementing CITES with respect to marine species. At present, the collaboration with the Fisheries Ministry was limited to the Fisheries Research Centre (which is under the auspices of the Ministry) having a seat on the national CITES Committee (see below), but there had been no further consideration of how to manage marine species in the context of CITES. However, the Secretariat understands that a meeting between the MA and the Ministry of Fisheries is planned for the near future.
20. A legally binding act setting out the responsibilities of the CITES MA and SA is required to ensure full understanding of the division of the roles, responsibilities and functions, and to meet the requirements of CITES.
21. During the training session with the SA and MA, the Secretariat discussed the main features of the CITES permitting procedure with a focus on non-detriment findings. Participants in the training expressed a strong desire to receive support for making species inventories. They considered that without such inventories, there would be limited data available for making non-detriment findings. The Secretariat observes that future training would also need to include adaptive management practices, establishing quotas, and impact monitoring.
22. The Secretariat understands that a further three-day training session for the members of the CITES MA and SA is planned for March/April 2019.

Procedures for the management and issuance of CITES permits and certificates

23. Closely linked to the legislation for the implementation of CITES and to the designation of the national CITES authorities are the management practices in place to ensure that CITES permits and certificates are issued in accordance with the provisions of the Convention and national legislation. A number of specific recommendations to that effect had been agreed during the Secretariat's previous mission, and these had been repeated in the subsequent warning letter [see paragraphs e) to g) in Annex 1]. However, due to the suspension of trade for commercial purposes in place since 2013, there had been little focus on developing a secure permitting system.
24. During the meeting of the CITES National Committee (see below), it was agreed that the Committee should be charged with developing a system for the issuance, filing and monitoring of CITES permits and certificates.
25. The Secretariat notes that the current permitting system seems to be relying on the abovementioned Ministerial Decree (*Arrêté 2013/MEEF/CAB/SGG*). This Decree stipulates that permits shall be signed by both the Head of the CITES MA and the main contact person for CITES in the Directorate. This had been decided in response to the recommendations made during the 2011 mission to reduce the risks of fraud. In advance of the technical mission, the Secretariat requested copies of any permits and certificates issued in 2018. Five export permits for biological samples of chimpanzees for scientific purposes were received. However, they had only been signed by the then Head of the CITES MA, and it was acknowledged that the issuance of the permits in 2018 had not been in accordance with the Decree.
26. The CITES MA has a system in place to issue and monitor certificates of origin for the export of live birds. This was demonstrated to the Secretariat, and showed that about 44,000 live birds (non-CITES listed species) had been exported for commercial purposes in 2018 mainly to Turkey, Serbia and countries in the Middle East. All shipments had been inspected to ensure that they did not contain CITES species.

Collaboration and coordination on CITES implementation at the national level – national CITES Committee

27. One of the recommendations agreed during the 2011 mission was the establishment of a multi-agency committee at operational level to coordinate and monitor the implementation of CITES in Guinea [see paragraphs c) and d) in Annex 1]. The Committee was established in 2014 and met in 2014 and in 2015. A draft decree to regulate the tasks, the composition and the functioning of the national Committee was prepared at the time but never issued. In preparing for the technical mission, the Secretariat enquired about this decree, which was then issued as Ministerial Decision 2019/0004/MEEF/CAB, dated 14 January 2019. The Committee comprises all relevant agencies of the MEEF (including CITES MA, and specific forestry agencies), agencies under the Ministry of Justice (police, members of the judiciary), Ministry of Finance (Customs), Ministry of Fisheries [the Fisheries Research Centre and the University (CITES SA)] as well as one representative from the national parliament and representatives of three NGOs. The tasks of the Committee include advice and oversight of CITES implementation in Guinea in a comprehensive manner.

28. A meeting of the national CITES Committee chaired by the Secretary-General of the Ministry and held during the mission, was attended by the Secretariat. The meeting offered a further opportunity to discuss progress in the implementation of the recommendations as well as other important developments related to CITES with the members of the Committee who were all present. The meeting worked through the recommendations included in Annex 1 to take stock of progress and outstanding actions and agreed *inter alia* that it should develop the revised permitting system in accordance with recommendations e), f) and g) of Annex 1. A presentation on the new forestry and new wildlife laws was also delivered. Finally, the representative of the office of the public prosecutor presented the results of the work of the enforcement task force (a subgroup of the committee) comprising an impressive number of investigations, arrests, seizures, convictions, actions against corruption and training of about 200 enforcement officers (including members of the judiciary and the police).
29. Although rather large, the forum is potentially useful for providing advice, oversight and transparency in the implementation of CITES in Guinea, and to support preparations for international meetings, such as meetings of the Conference of the Parties. The adoption and implementation of the renewed permitting system could be a good indicator of the capacity of the Committee to produce results. The Secretariat understands that, in addition to the training mentioned above, a further three-day training session on CITES for all the members of the Committee is planned for March/April 2019 to improve the understanding of the Convention among the members.

Illegal trade, compliance and law enforcement

30. Throughout the mission of the Secretariat, including at the meeting of the national CITES Committee, strong emphasis was placed on progress made in combatting poaching and illegal trade in wild animals. A project on wildlife law enforcement (*GALF-Guinée Application de la Loi Faunique*) is implemented by the non-governmental organization WARA Conservation in close collaboration with the MEEF and with the support of other relevant authorities (police, office of the public prosecutor and magistrates). The objective of the project is to combat wildlife crimes involving protected species of fauna on the territory of Guinea. While the scope of the project is broader than CITES by including infractions of domestic regulations and non-CITES listed fauna, the implementation of this project has contributed to combatting illegal trade in CITES-listed species.
31. Since the inception of the project in 2012, a significant number of offenders had been arrested, and some had been prosecuted and convicted. About 1,500 specimens had been seized, including elephant ivory and rhinoceros horn, primates and many birds (CITES and non-CITES). All stakeholders agreed that the country was no longer the platform for illegal trade in wildlife out of Africa that it had been before 2012. The project had also contributed to the investigation and arrests of some government officials for fraud and corruption that had subsequently been prosecuted and convicted.
32. At the occasion of the mission of the Secretariat in Guinea, the Ambassador of the United Kingdom of Great Britain and Northern Ireland organized a ceremony to award the two principal officers in the MEEF for their outstanding role in achieving these results. One of the awarded persons is the CITES Focal Point and the other person has participated in all arrests since the beginning of the project. The ceremony, which was attended by the Minister and representatives of the international community in Conakry, gathered good attention in the local media.
33. In collaboration with INTERPOL and the WARA/GALF project, the CITES MA was planning a series of multi-stakeholder awareness-raising events across the country during spring 2019. This would involve a three-day workshop in each of the 18 most relevant prefectures, with interpretation into the local language. The participants would be half local authorities and half private sector entities, such as transport companies, wood carvers and others.
34. As part of the focus on combatting illegal trade in wildlife, the *Corps des Conservateurs* had been established by Decree in late 2011/beginning of 2012. Since then, over 2,000 “conservationists” had been trained to patrol forests and nature reserves to ensure that no illegal poaching or logging was occurring. Some of these “conservationist” staff are also posted at the CITES office in the airport and the seaport and are expected to be deployed at land border crossings in the course of 2019. It seemed that these “conservationists” need more resources and equipment to improve their mobility and communication, and to be able to fulfill their mandate.
35. The Secretariat met bilaterally with the CITES contact person in the national Customs Services in Conakry. Guinea has implemented ASYCUDA World and is working on developing and implementing a risk management system, with the support of the European Union (EU). The new system is intended to collate

risk data and information that will be used to ensure more targeted control and inspection of imports and exports. Customs are responsible for controlling trade and detecting possible illegal goods and have staff in both the airport and the seaport. The Customs Law was revised in 2015 and contains all the necessary powers for customs to inspect documents and goods. It also contains provisions related to violations of the Law, including penalties. The CITES MA and customs had carried out joint trainings of customs officers located at border posts at land borders. Because of the trade suspension, the training had focused on ensuring that customs would react to any wildlife specimens transported into or out of the country and contact the CITES MA if they had doubts about a certain specimen. There was not yet a formal agreement on collaboration between the CITES MA and customs, but representatives of both agencies seemed to think that a memorandum of understanding might be useful to institutionalize the good collaboration that had already been established.

36. The Secretariat conducted a visit to the seaport. At present, all imports are being scanned with a container scanner at the port (200 containers are scanned on average every day). A team of experts will be trained in the identification of wildlife specimens at the container scanner control post. The Secretariat also met with the CITES team at the seaport responsible for checking imports by physical inspection for any specimens of CITES-listed species.
37. Finally, the Secretariat was provided an opportunity to observe wildlife trade controls at the airport. Officers based at the airport are responsible to inspect all exports of live birds, to ensure that the relevant certificates of origin are accompanying the exports, and that no CITES-listed species are included in the shipments. The team is not authorized to check any other shipments as this is the role of the customs. At present, this trade does not concern CITES-listed species.

Other observations

Other CITES compliance and reporting processes

38. Guinea is subject to the Review of Significant Trade process with respect to two species, and recommendations to suspend trade with Guinea in specimens of those species are currently in place: *Hippocampus algiricus* since March 2016; and *Balearica pavonina* since May 2013. Guinea has indicated to the Secretariat that it is not intending to resume trade in these two species – should the general trade suspension be withdrawn – and will establish a zero quota to address the recommendations of the Animals Committee.
39. In the first Review of trade in animal specimens reported as produced in captivity under Resolution Conf. 17.7, the species *Centrochelys sulcata*, exported with source codes C and F from Guinea, was selected for review by the Animals Committee at its 29th meeting (AC29, Geneva, July 2017). In response to the letter of the Secretariat informing Guinea of this selection, Guinea noted that there were no captive-breeding facilities registered in the country. At its 30th meeting (AC30, Geneva, July 2018), the Animals Committee recommended that the issue be flagged for the Standing Committee and the Secretariat, and be included in the ongoing Article XIII compliance process involving Guinea. During the technical mission, Guinea reconfirmed that there are no captive-breeding facilities for CITES-listed species in the country.
40. With regard to the reporting obligations, the Guinea has submitted its annual reports for 2016, 2017 and 2018. The reports for 2012 and 2015 are missing. Guinea has not yet submitted its annual illegal trade report. However, the Secretariat understands that the MA is currently collecting the information for the report from the INTERPOL National Central Bureau in Guinea, and from the national Customs Administration. There are no biennial or implementation reports from Guinea on record at the Secretariat.

Potential trade in specimens of CITES-listed species

41. The authorities met by the Secretariat during the mission expected to see only some marine species and the specific stock of pre-Convention timber (discussed below) proposed for export if the recommendation to suspend trade would be withdrawn.
42. However, the Secretariat also met the Bureau of the national bird traders' association in Guinea. They expressed an interest in resuming their business of exporting CITES-listed birds, such as *Poicephalus senegalus* and *Turaco* spp., in accordance with the national legislation and CITES, as soon as commercial trade would become possible. They were interested in collaborating with the authorities and in seeing a secure permitting system with the permits to be printed in Geneva and were hoping that resources to do so

could be mobilized. They finally confirmed that there were no captive-breeding facilities for birds in Guinea, and that no plans to establish such facilities existed.

Timber stock

43. Guinea has a stock of 14,500 m³ of *Pterocarpus erinaceus*, kept in secure premises in two locations at the outskirts of Conakry. The timber was harvested in contravention of national laws before 2011, and subsequently confiscated. It has been forfeited to the Government, who is interested in exporting the stockpile under the exemption for pre-Convention specimens in paragraph 2 of Article VII. An interested buyer of the entire stock has been identified. The Secretariat visited the stock at the two secure and guarded locations and saw the considerable degradation of the stock due to the open-air storage and the time elapsed since harvest.
44. The current recommendation to suspend trade prevents Guinea from issuing the pre-Convention certificate(s) required to export the stockpile.

Technical assistance

45. Thanks to the logistical support of the delegation of the EU in Guinea, the Secretariat was able to meet with international organizations, representatives of embassies and non-governmental organizations present in Guinea and working on issues related to the environment and biodiversity. This included representatives of the EU, France, Spain and the United Kingdom, the United Nations Development Programme (UNDP), the United Nations Food and Agriculture Organization (FAO), the United Nations Office for Project Services (UNOPS), the World Bank, as well as WARA/GALF and the Wild Chimps Foundation. It is beyond the scope of this document to report in detail the support provided by each of these partners, but overall it is considerable.
46. The WARA/GALF project is described above. UNOPS is implementing a project on combatting wildlife trafficking (financed by the EU) *inter alia* to support and assist the *Corps des Conservateurs de la Nature*. A number of activities mentioned in this document are financed under this project, including the offices at the airport and the maritime port, the awareness-raising activities throughout the country, as well as the training sessions for the MA and SA, and for the national CITES Committee. The EU and FAO have also been supporting a full audit of the MEEF which had just been completed at the time of the mission. The audit highlighted a number of challenges in the ministry, including the duplication of functions of various agencies and entities. The implementation of the recommendations of this audit may eventually also have an impact on the DNEF and the CITES MA, although no information in this regard was provided to the Secretariat.
47. The Secretariat would like to sincerely thank the EU for its financial support to conduct the technical mission, and for its support to the Secretariat throughout the visit to Guinea.

Conclusions

48. The Secretariat notes that progress has been made in almost all of the areas of concern identified earlier, and outlined in Annex 1 to the present document. During its mission, the Secretariat witnessed a strong commitment from the actors that are directly responsible for the implementation of CITES, including at the level of the minister, who met the Secretariat no less than four times during the mission. In view of the past history of CITES in Guinea, there had been a particular focus on addressing illegal take and trade in wild fauna (CITES and non-CITES), but progress had also been made on other aspects of the recommendations. A non-exhaustive list shows the following results:
 - the arrest, prosecution and conviction of the CITES focal point involved in the fraudulent issuance of CITES permits, including for illegal trade in great apes;
 - the arrests of several offenders and wildlife traffickers in the region of Conakry, and seizures of wild animals taken illegally with the support of the WARA/GALF project;
 - the adoption of the new Law on Fauna with stricter penalties for illegal trade and the adoption of a new Law on Forestry;
 - the formal establishment of the national CITES inter-agency Committee;
 - the formal nomination of eleven expert members of the CITES Scientific Authority;

- the establishment of the *Corps des conservateurs* and the training of over 2,000 *conservateurs* to be deployed throughout the country;
 - the establishment of CITES offices in the seaport and in the airport to assist in the control of trade in wild animals;
 - increased collaboration between CITES MA and Customs Services to ensure more effective and targeted controls, *inter alia* to more effectively detect trafficking of wildlife; and
 - the Baeza Master Course taken by the members of the CITES MA.
49. At the conclusion of the four-day mission, the Secretariat met with the Minister and the members of the MA to discuss the preliminary findings and recommendations (short-term and long-term) of the Secretariat. The Minister accepted the conclusions and the recommendations, and committed to implement them as soon as possible. He also expressed that Guinea was particularly concerned that the export of the stockpile of pre-Convention timber was impossible due to the continued recommendation to suspend trade. The Secretariat agreed to look into this.
50. The short-term actions that Guinea could undertake included *inter alia* the submission of the annual illegal trade report. It also included the payment of outstanding contributions to the CITES Trust Fund (no payment has been made since 1995). The Secretariat is pleased to note that now arrears until 2018 have been paid by Guinea to the Trust Fund. Guinea has also submitted the necessary information to update the CITES webpage with national CITES authorities as well as its annual trade report for 2018 (covering mostly non-CITES species and the five exports for scientific purposes) and an annual illegal trade report covering seizures made 2016-2018.
51. The Secretariat is pleased to conclude that there seems to be an increased awareness of the issues related to illegal trade in wild animals in the country, compared to seven years ago when the Secretariat last undertook a mission to Guinea.
52. At the same time, it is important to keep in mind that Guinea is surrounded by Parties that are all rich in CITES-listed species and face similar significant challenges in implementing and enforcing the Convention, described recently in document CoP18 Doc. 34 on *Wildlife Crime and Enforcement Support in West and Central Africa*. Commercial trade in specimens of CITES-listed species from Guinea has been suspended since 2013. For these reasons – and in spite of the good progress in the country – the Secretariat would advise to proceed with some caution going forward and not proceed to a withdrawal of the recommendation to suspend trade at this stage. The Secretariat would also recommend that the Standing Committee, in line with Resolution Conf. 14.3 on *CITES compliance procedures*, work with Guinea towards a gradual lifting of the trade suspension, for instance first for flora species and subsequently for fauna species. Guinea could also be invited to identify those species in which trade would be expected to occur, and to establish scientifically based export quotas for those species.
53. With regard to law enforcement, the Secretariat notes significant progress in addressing illegal trade in wildlife. However, there seems to be a dependency on external support for law enforcement which may not be sustainable in the long-term. It might be useful for Guinea to consider the implementation of the *ICCWC Indicator Framework for wildlife and forest crime* to measure and monitor the effectiveness of its own law enforcement responses and identify areas of relative strength and weakness. This could be valuable in establishing priorities for capacity-building and contribute to monitoring the impact of such efforts over time.

Recommendations

54. In light of the above, the Standing Committee may wish to recommend that Guinea:

Regarding export of pre-convention specimens of Pterocarpus erinaceus

- a) adopt adequate safeguards to mitigate any potential risks associated with the export of a stockpile of pre-Convention *Pterocarpus erinaceus*, including a system to identify the logs to be exported and a possible establishment of a voluntary 'zero quota' for export of *Pterocarpus erinaceus* harvested after the inclusion of the species in Appendix II (i.e. after 2 January 2017);

Regarding national legislation

- b) adopt legislative measures that meet the CITES minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for the implementation of CITES* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Management and Scientific Authorities;
- c) clearly define how CITES is implemented in Guinea with regard to trade in marine species (which may be outside the scope of the existing laws on fauna and on forestry);

Regarding management and issuance of CITES permits and certificates

- d) implement a system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of secure paper and security stamps;
- e) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- f) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- g) consider establishing voluntary national export quotas for species expected to be in trade;
- h) every six months (starting January-June 2019) submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring;

Regarding compliance and law enforcement

- i) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with existing guidelines;
- j) establish a formal agreement between the CITES Management Authority (DNEF) and the Customs Service on collaboration, coordination and exchange of information;
- k) consider the implementation of the ICCWC *Indicator Framework for wildlife and forest crime* and request support from the CITES Secretariat in this regard; and
- l) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

55. The Standing Committee may further wish to invite Guinea to submit a report to the Secretariat on the implementation of these recommendations no later than 31 December 2019 for the Secretariat to convey the report and its recommendations to the Standing Committee at its 73rd meeting (provisionally scheduled for April 2020). The Standing Committee may also wish to request the Secretariat to provide capacity-building and training to Guinea upon request, subject to the availability of resources. This could include another mission to Guinea prior to the next meeting of the Standing Committee.

56. The Standing Committee may finally wish to instruct the Secretariat to issue a Notification to the Parties, replacing Notification No. 2013/017 of 16 May 2013 and recommending that Parties continue to suspend commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Secretariat. In this context, the Standing Committee might wish to consider a possible exception for the export of the stockpile of *Pterocarpus erinaceus* and the conditions under which this could be envisaged.

List of minimum actions identified by the Secretariat in the warning letter of 17 September 2012

Guinea is requested to implement the following actions:

- a) conduct a review of how the implementation of CITES has been administered in Guinea in recent years, preferably with the assistance of Guinea's anti-corruption agency or its supreme audit office, and implement any resulting recommendations without delay;
- b) undertake steps to enact legislation to ensure adequate implementation of the Convention, building on the draft legislation and CITES legislation plans prepared and reported to the CITES Secretariat in the past, and provide the Secretariat with a revised CITES legislation plan showing the timetable and steps for enacting such legislation (a sample format is attached);
- c) finalize the establishment of a multi-agency committee at operational level to coordinate and monitor the implementation of CITES in Guinea, informing the Secretariat of the timelines for completing the nominations, for issuing the administrative decree by the Ministry of Environment and perhaps other ministries, and for making this committee operational;
- d) provide the Secretariat with clear details of the structure of the multi-agency committee mentioned in paragraph c) above, and information on the frequency with which this committee will meet;
- e) implement a system to improve the issuance, filing and monitoring of CITES permits and certificates and to ensure that blank permit forms are kept in a secure place;
- f) implement the use of secure CITES permits and certificates, preferably using security paper and stamps;
- g) implement a system to ensure that exports are in accordance with the requirements of the Convention and to prevent the export of:
 - i) specimens of Appendix-I species where the purpose is commercial;
 - ii) specimens that are falsely declared as captive-bred; and
 - iii) wild-caught specimens of species that do not occur in the wild in Guinea;
- h) investigate the activities of exporters who are suspected of activities in contravention of the Convention, including the activities specified in paragraph g) above, using the results of the analyses of permits issued in Guinea; and inform the Secretariat of the outcomes of such investigations;
- i) ensure that control teams (land, sea and air), as indicated in letter No./2012/052 of 23 April 2012 from the Director General to the Ministry of Environment, take up their posts, assume their new CITES responsibilities, and are fully operational; and provide the Secretariat with detailed information on the deployment of such control teams;
- j) provide to the Secretariat:
 - i) information regarding campaigns that will be implemented to raise awareness of the controls on international trade in wildlife, and CITES in particular, including a time frame for implementation of such campaigns or, alternatively, detailed information on campaigns already conducted;
 - ii) a copy of the full text of Decree D/2011/No 295/PRG/SGG;
 - iii) information on progress made regarding the establishment of the *corps particulier paramilitaire des conservateurs de la nature* under Decree D/2011/No295/ of 6 December 2012 and Decree D/2011/No 008/PRG/SGG of 18 January 2012, by the President of the Republic, including a clear time frame for establishment of such a body; and
 - iv) information on progress with the establishment of a high-level committee to overview implementation and enforcement of CITES and resolve inter-agency matters;

Final programme of the technical mission of the CITES Secretariat to Guinea, 21-24 January 2019

- Monday 21 January: Launching of the Mission with the Minister for the Environment, Waters and Forests (MEEF) and his team
- Informal meeting with the CITES MA
- Meeting at the EU Delegation with international partners present in Conakry: FAO, UNDP, UNOPS, World Bank, EU, France, Spain, UK and NGOs: WARA/GALF, WCF
- Tuesday 22 January Meeting with the CITES Focal point in the Customs Services, Mr Kaba
- Visit to the CITES office at the Maritime Port
- Meeting with the national CITES Committee, chaired by the Secretary General of the MEEF
- Meeting with the Bureau of the Bird Traders' Association
- Wednesday 23 Jan. Training of representatives of the national CITES MA and SA
- Meeting with the legal counsellor of the MEEF
- Lunch with permanent representatives of EU, UK and US as well as the NGO GALF
- Meeting with the Ambassador of the EU to Guinea
- Award ceremony at the Embassy of the UK to Guinea, in the presence of the Minister of the MEEF and the Ambassador of the United Kingdom
- Thursday 24 Jan. Meeting with Mr Diallo, member of the National Assembly, member of the Committee for Environment, Fisheries and Sustainable Development
- Visit to the Directorate for Waters and Forests, inspection of confiscated birds
- Visit to the stocks of pre-Convention timber in Kounti CBA and in Sanoya
- Lunch hosted by the Minister of MEEF
- Debriefing with the Minister of MEEF and senior officials
- Visit to the CITES Office at the Airport
- Departure

Government agencies, international organizations and non-governmental organizations met during the technical mission of the CITES Secretariat

National authorities and Members of the National CITES Committee

Ministry of Environment, Waters and Forests (MEEF)

National Department of Forests and Waters (DNEF – CITES MA)

Ministry of Fisheries, Fisheries Research Centre

University of Conakry (CITES SA)

Office for Guinean Parcs and Reserves (OGUIPAR)

National Directorate of Guinea for timber (OGUIB)

National Directorate of Customs

National Criminal Police (*Police judiciaire*)/Interpol

Office of the Public Prosecutor

International Inter-governmental Organizations

United Nations Food and Agriculture Organization (FAO)

United National Development Programme (UNDP)

World Bank

United Nations Office of Project Services (UNOPS)

Bilateral partners

European Union (EU)

United Kingdom (UK)

United States of America (US)

France

Spain

Non-Governmental Organizations

WARA Conservation / Guinée Application de la Loi Faunique (GALF) (Guinea Wildlife Law Enforcement)

Wild Chimps Foundation

Bureau of the Bird Traders' Association