

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Committee II

National ivory action plans process

DRAFT DECISIONS AND REVISION TO RESOLUTION CONF. 10.10 (REV. COP16)

This document has been prepared by Canada as chair of the working group established on this matter established in the second and third sessions of Committee II. It is based on matters arising from the discussion of document CoP17 Doc. 24 (Rev. 1) in the second and third sessions of Committee II (see document CoP17 Com. II Rec. 2 and Rec. 3).

Amendment to Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*

Regarding trade in elephant specimens

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- c) to report its findings and recommendations to the Standing Committee, which may consider recommendations to support the implementation of the present resolution, including requests to identified Parties to develop and implement National Ivory Action Plans, and monitor progress in executing these Action Plans, in accordance with the Guidelines contained in Annex X, as well as other appropriate measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures.

[...]

DIRECTS the Standing Committee to:

- a) review actions taken by the Parties to implement the provisions of this Resolution, particularly – but not limited to – the provisions concerning trade in elephant specimens;
- b) make targeted recommendations as appropriate, in accordance with the Guidelines contained in Annex XX, which may include requesting identified Parties to develop and implement National Ivory Action Plans; and
- c) to report the results at each meeting of the Conference of the Parties;

URGES the IDENTIFIED PARTIES to use the *Guidelines to the National Ivory Action Plans Process* ('*Guidelines to the NIAP Process*') attached in Annex XX to this Resolution.

Annex XX to Resolution Conf. 10.10 (Rev. CoP16)

GUIDELINES TO THE NATIONAL IVORY ACTION PLANS PROCESS

Step 1: Identification of Parties to participate in the National Ivory Action Plans Process

- a) The foundation for identifying Parties to participate in the National Ivory Action Plans Process (NIAP) process is the ETIS report submitted to each meeting of the Conference of the Parties under Resolution Conf. 10.10 (Rev. CoP16).

- b) For Parties identified through the ETIS analysis as requiring attention, the CITES Secretariat will, in cooperation and consultation with the Party concerned, determine whether there is additional information to be considered in developing its recommendation to the Standing Committee.
- c) The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process. The Secretariat will prepare within 90 days from the submission of the ETIS report, in consultation with the Party concerned, using other relevant information and taking into account the purpose and intended outcome of the NIAP process, a recommendation to the Standing Committee as to whether a Party should be included in the process or not.
- There is a presumption that Parties categorised as of ‘primary concern’ are to be recommended for participation in the NIAP Process.
 - No presumption will be made for Parties of ‘secondary concern’.
 - There is a presumption that Parties categorised as of ‘importance to watch’ are not recommended for participation in the NIAP Process.
- d) Where the Standing Committee has determined that it is appropriate, it will recommend that a Party participates in the NIAP Process and request the Party to develop a NIAP, including by postal procedure.
- e) Where the Standing Committee has determined that it is not appropriate, it will recommend that a Party not participate in the NIAP process and document and communicate this decision.

Step 2: Development of a NIAP

- a) Upon the request by the Standing Committee, the Party concerned will develop an ‘adequate’ NIAP, which is a NIAP that:
1. Addresses the specific issues (or gaps) identified in Step 1;
 2. Is structured along the following five pillars, as required:
 - i) Legislation and regulations;
 - ii) National level enforcement action and inter-agency collaboration;
 - iii) International and regional enforcement collaboration;
 - iv) Outreach, public awareness and education;
 - v) Reporting;
 3. Has the following characteristics:
 - i) Clearly outlines the actions to be implemented;
 - ii) Is time-bound and clearly outlines the timeframe for implementation of each action;
 - iii) Is approved at a level that represents national commitment;
 - iv) Is developed through a consultative and participatory process and involves all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);
 - v) Indicates the costs and funding needs, as well as availability of such funds, as appropriate; and
 - vi) Includes performance indicators and targets directly related to the actions required and which measure the impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph (d) under “Regarding trade in elephant specimens” of Resolution Conf. 10.10 (Rev. CoP16); changes to legislation; and

any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.

4. Is developed in accordance with the template provided by the Secretariat; and

5. Whose measures are proportional to the problems they are intended to solve.

b) Parties should submit a NIAP, to the Secretariat within a period of 120 days from the time the Standing Committee requested the concerned Party to develop a NIAP.

Step 3: Assessment of the adequacy of a NIAP

a) Upon the development of a NIAP by a Party, the Secretariat will, in cooperation with experts, if needed, assess the adequacy of the NIAP;

b) If revisions to a NIAP are required, a Party should submit these within a period of 60 days from the time the Secretariat requested the concerned Party to revise its NIAP.

c) The Secretariat will accept the Plan and the Party will approve its plan.

Step 4: Monitoring of implementation

a) Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting;

b) Parties should report on the implementation of each NIAP action in the template provided by the Secretariat, allocating to each NIAP action one of the following ratings, as relevant:

1. *Achieved* – item or action is completed

2. *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved;

3. *On track* - there has been good progress with implementation and the specified milestones and timeframes appear to be on track or largely on track for achievement;

4. *Partial progress* - there has been limited progress with implementation, and achievement of the specified milestones and timeframes appears unlikely. When this category is used, the reporting Party should provide an explanation on any reasons for the lack of progress or any challenges experienced in the implementation of the rated action;

5. *Pending completion of another action* - the implementation of an action cannot start or the set milestones and timeframes for an action cannot be achieved unless another action in the NIAP is progressed or completed. When this category is used, the reporting Party should provide an explanation of the action that should be completed or progressed, and how it relates to the rated action;

6. *Not commenced* - the action has, in accordance with the timeframe set for it in the NIAP, not been commenced. Where a Party achieves partial or limited progress due to limited capacity, it should communicate this to the Secretariat.

c) The Secretariat will evaluate the reports, based on the self-assessments and in cooperation with experts, if needed, and make recommendations to the Standing Committee, as appropriate.

d) The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or objectives.

e) Upon the overall assessment by the Secretariat of a Party's progress report, the Standing Committee should consider the following ratings:

1. *Achieved* - a minimum of 80% of NIAP actions have been assessed as 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.

2. *Partial progress* - a minimum of 50% of NIAP actions have been assessed as 'on track'; any remaining actions have been assessed as 'commencement/progress pending completion of another action' and/or 'partial progress'. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.

3. *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.

f) If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 on *CITES Compliance Procedures* to ensure compliance with the NIAP Process.

Step 5: Completion of a NIAP and exit from NIAP Process

a) Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as 'substantially achieved' and all remaining NIAP actions as 'on track'.

b) The Secretariat will, in cooperation with relevant experts (e.g. ICCWC and its members), evaluate the implementation reported by the Party, including through country missions, as required.

c) If the Secretariat, having consulted with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported and ETIS analysis no longer identifies the Party, the Secretariat will recommend that the Party has 'achieved' its NIAP and recommend that the Party exits the NIAP Process.

d) If the Secretariat, having consulted with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis continues to identify the Party, the Secretariat will recommend to the Standing Committee to identify the gaps in the NIAP in order to evaluate whether there is a need to revise or update the completed NIAP or whether the Party exits the NIAP Process or any other measures need to be taken.

e) If the Secretariat, having consulted with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis is not available, the Secretariat will indicate that the Party's NIAP is achieved however the Secretariat will recommend to the Standing Committee that the Party do not enter into a new NIAP until the ETIS analysis is available. The status of this Party will be noted as 'NIAP completed awaiting new ETIS analysis'.

f) If the Secretariat, having consulted with relevant experts is not satisfied that the Party concerned has implemented all NIAP actions as reported, the Secretariat will recommend appropriate measures to the Standing Committee.

Draft decisions on National Ivory Action Plans Process

Directed to Parties

- 17.AA Parties that have been implementing NIAPs at the request of the Standing Committee, should complete the implementation of any NIAP actions in accordance with the *Guidelines to the NIAP Process*;
- 17.BB New Parties identified in document CoP17 Doc. 57.6 (*ETIS Report of TRAFFIC*), shall, upon the conclusion of the Conference of Parties at its 17th meeting, collaborate with the Secretariat in regards of Step I of the NIAP process as defined in the *Guidelines to the NIAP Process*;
- 17.CC All Parties are invited to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.

Directed to the Standing Committee

- 17.DD The Standing Committee is directed to:
- a) Review the reports presented by Parties already in the NIAP process in accordance with the *Guidelines* and determine, on the basis of these reports, whether assistance is required by these countries or if any other measures are required to ensure timely and effective completion of the NIAPs;
 - b) On the basis of recommendations by the Secretariat, determine in accordance with the *Guidelines to the NIAP Process* whether any Party should continue to participate in the NIAP process;
 - c) Report to the Conference of Parties at its 18th meeting on the implementation of these decisions as part of its report on the general implementation of Resolution Conf. 10.10 (Rev. CoP16).

Directed to the Secretariat

- 17.EE The Secretariat shall upon the conclusion of the 17th meeting of the Conference of the Parties consult with TRAFFIC in order to review current names of the categories used to group Parties identified in the ETIS Report of TRAFFIC and present its conclusions to the 69th meeting of the Standing Committee;
- 17.FF The Secretariat shall, upon the conclusion of the 17th meeting of the Conference of the Parties, commence the process of identifying new Parties to participate in the NIAP process in accordance with the *Guidelines to the NIAP Process* contained in Annex X of Resolution Conf. 10.10 (Rev. CoPxx);
- 17.GG The Secretariat shall, upon the conclusion of the 17th meeting of the Conference of the Parties, commence the application of the *Guidelines to the NIAP Process* to Parties already participating in the NIAP process;
- 17.HH The Secretariat shall develop a template for NIAPs and progress reports in accordance with the *Guidelines to the NIAP Process*;
- 17.II The Secretariat shall submit progress reports of Parties to the Standing Committee at each of its meetings;
- 17.JJ The Secretariat shall make all NIAPs and progress reports publicly available on the CITES NIAP webpage;
- 17.KK The Secretariat shall, subject to external funding:
- a) convene a meeting from representatives of Parties concerned with the development and implementation of National Ivory Action Plans, in cooperation with partner organizations in the

International Consortium on Combating Wildlife Crime (ICCWC) and, as appropriate, other Parties, experts and donors, to:

- i) review the development and implementation of National Ivory Action Plans and, *inter alia*, exchange experiences and best practices;
 - ii) identify opportunities including opportunities that promote long-term collaboration among enforcement authorities, for cross-border collaboration and regional cooperation, joint actions, and resource mobilisation; and
 - iii) discuss shared challenges and technical assistance needs;
- b) report on the implementation of the present decision to the Standing Committee at its 69th or 70th meeting with recommendations, as appropriate.
- 17.LL The Secretariat shall liaise with ICCWC and its members to seek their cooperation for the development of the NIAPs and the monitoring of their implementation;
- 17.MM The Secretariat shall approach Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.