

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

PROHIBITING, PREVENTING, DETECTING AND COUNTERING CORRUPTION
WHICH FACILITATES ACTIVITIES CONDUCTED IN VIOLATION OF THE CONVENTION

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

This document has been prepared by the Secretariat, on the basis of document CoP17 Doc. 28, as agreed at the seventh session of Committee II (see document CoP17 Com. II Rec. 7).

Resolution Conf. 17.XX

AWARE that corruption can play a significant role in facilitating activities conducted in violation of the Convention at all points of the trade chain, in source, transit and market countries;

ACKNOWLEDGING the high degree of involvement of organized criminal groups and networks in violations of the Convention and their frequent use of corrupt practices to facilitate wildlife crime and frustrate efforts to enforce laws against wildlife crime;

RECALLING UNGA resolution 70/1 adopting the outcome document of the UN Sustainable Development Summit, entitled "Transforming our World – the 2030 Agenda for Sustainable Development", which contains dedicated targets on taking urgent action to end poaching and wildlife trafficking (15.7) and on substantially reducing corruption and bribery in all their forms (16.5);

RECALLING FURTHER UNGA resolution 69/80 which calls upon Member States to prohibit, prevent and counter any form of corruption that facilitates illicit trafficking in wildlife and wildlife products and reaffirms that the United Nations Convention against Corruption (UNCAC) constitutes an effective tool and an important part of the legal framework for international cooperation in fighting illicit trafficking in endangered species of wild flora and fauna;

RECALLING that Articles II and VIII of the Convention require that Parties not trade in listed species other than in accordance with the Convention, take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof, including measures to penalize such trade;

RECALLING FURTHER Resolution Conf. 11.3 (Rev. CoP16) on Compliance and Enforcement and in particular recommendation c) under 'Regarding compliance, control and cooperation' that Parties that are not yet signatories to, or have not yet ratified, the UN Convention against Transnational Organized Crime and the UNCAC consider doing so;

RECOGNIZING that a large number of Parties to CITES are still not Parties to the UNCAC;

RECALLING that UNCAC and UNTOC require Parties to criminalize bribery and a number of related offences;

ACKNOWLEDGING that law enforcement efforts alone will not be sufficient to end corruption in the wildlife sector, NOTING that chapter II on prevention of UNCAC provides States Parties with broad and effective options to prevent corruption and NOTING in this context that Article 5 of UNCAC requires State parties to adopt effective, coordinated anti-corruption policies and that Article 7 of UNCAC requires States Parties to endeavour to adopt, maintain and strengthen civil service systems that promote adequate remuneration and education and training

programmes which would enable civil servants to meet the requirements for proper performance of their public functions;

FURTHER NOTING that Article 12 of UNCAC recognizes the need to prevent the misuse of procedures regulating private entities, including procedures regarding licences granted by public authorities for commercial activities;

ADDITIONALLY NOTING that Article 13 of UNCAC recognizes the importance of promoting the active participation of individuals and groups outside the public sector in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

NOTING that the CITES National Legislation Project encourages Parties to consider holding government officials responsible for violations of the Convention or relevant national law including considering making it an offence for an enforcement officer to accept any unauthorized personal payment or other form of personal compensation;

WELCOMING the efforts being made by many Parties to CITES, the UN system, intergovernmental organizations, such as INTERPOL, the World Bank, the WCO, the OECD and non-governmental organisations to prevent, detect and counter corruption;

WELCOMING the work of the International Consortium on Combating Wildlife Crime (ICWC) and noting that corruption is an issue specifically identified in the Letter of Understanding establishing the Consortium which also is addressed in the ICWC Wildlife and Forest Crime Analytical Toolkit;

RECALLING Resolution Conf. 14.3 on CITES compliance measures;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. STRESSES that failure to prohibit, prevent, and counter corruption which relates to the implementation or enforcement of CITES greatly undermines the effectiveness of the Convention;
2. URGES therefore all Parties to adopt measures to prohibit, prevent, detect and counter instances of corruption and ensure that any corrupt practices associated with the administration, regulation, implementation or enforcement of CITES are punishable with appropriate penalties under national legislation;
3. REITERATES its call to all Parties that have not yet ratified UNCAC and UNTOC to do so and URGES all Parties that are Parties to UNCAC and UNTOC to effectively implement its provisions;
4. ENCOURAGES Parties, and especially CITES Management Authorities, to work closely with existing national anti-corruption commissions, and like bodies, law enforcement agencies, judicial authorities, as well as with relevant civil society organisations, in the design and implementation of integrity policies, which might also include deterrence initiatives, such as mission statements, codes of conduct and 'whistle-blower' schemes, taking into account the relevant provisions of the UNCAC;
5. ENCOURAGES all Parties to continue to build and maintain properly paid, trained and equipped CITES Authorities and authorities responsible for administration, regulation and enforcement of the Convention;
6. FURTHER ENCOURAGES Parties to ensure national enforcement agencies responsible for enforcement of CITES draw upon existing guidance and training materials, prepared by entities such as INTERPOL, the UN Office on Drugs and Crime, the UN Development Programme, the World Bank and the World Customs Organization, and to make use of capacity building opportunities offered by such entities in order to discourage any corrupt behaviour or practices on the part of their personnel;
7. URGES Parties to ensure that agencies responsible for the administration and regulation of CITES, particularly with regard to the issuance, inspection and endorsement of permits and certificates, and the inspection and clearance of shipments authorized by such documents, implement measures which aid in the deterrence and detection of corrupt practices;
8. FURTHER URGES Parties to pay particular attention to corruption associated with corporate gifting or accepting of CITES-listed species or products made from them and adopt efficient policies against such practices;

9. CALLS UPON Parties, and intergovernmental, international and national non-governmental organizations and the donor community, as appropriate, to provide, as appropriate and upon request, funds and expertise to enable anti-corruption measures, including provision of related training or materials, so as to ensure that all personnel responsible for administration, implementation and enforcement of the Convention are adequately trained, equipped and able to respond to corruption;
10. RECOMMENDS that the International Consortium on Combating Wildlife Crime continues to incorporate anti-corruption efforts into its activities, including those related to anti-money laundering and asset seizure and recovery;
11. RECOMMENDS FURTHER that regional and sub-regional Wildlife Enforcement Networks incorporate anti-corruption activities into their work plans and undertakings, if they have not already done so;
12. REQUESTS all Parties, to the best of their abilities, to report on activities they undertake to counter corruption as it relates to CITES implementation or enforcement, and on any instances of corruption they become aware of and respond to, in the implementation reports required to be submitted under Article VIII, paragraph 7 (b);
13. REQUESTS the Secretariat:
 - a) to continue to report credible allegations of corrupt practices, or the results of its own investigations that lead to credible suspicions of corruption, to the relevant national authorities and intergovernmental entities; and
 - b) to include relevant information on such instances, and the outcome of investigations, in its report on enforcement matters to each Standing Committee meeting and each regular meeting of the Conference of the Parties, together with details of any anti-corruption activities the Secretariat has undertaken, along with its activities in implementation of Article XIII of the Convention;
14. REQUESTS the Standing Committee to take note of instances of corruption affecting the implementation or enforcement of the Convention and, where appropriate, make recommendations to the Parties concerned and to the Conference of the Parties on ways in which it may be combated more effectively, whilst also considering possible actions that the Committee itself might take under Resolution Conf. 14.3;
15. REQUESTS the Standing Committee, with support from the Secretariat, to ensure close cooperation of CITES with UNCAC and UNTOC.