

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

Interpretation and implementation matters

Compliance and enforcement

NATIONAL IVORY ACTION PLANS PROCESS

1. This document has been prepared by the Secretariat at the request of the Standing Committee. To facilitate its consideration by Parties, the document is presented in two parts:
 - Part 1 on process – It provides an introduction to existing CITES National Ivory Action Plans (NIAPs), including a short background on their legal basis and on how they evolved, together with a proposal by the Secretariat on a more consistent handling of NIAP matters in the future, including procedural improvements and simplifications for consideration by the Conference of Parties at the present meeting.
 - Part 2 on status – It provides information on the implementation of NIAPs and, at the request of the Standing Committee at its 66th meeting to the Secretariat (SC66 Com. 1 (Rev. by Sec.)), it identifies, once again, Parties for inclusion in the NIAP process that are of 'primary concern', 'secondary concern' or 'importance to watch', based on an analysis of the Elephant Trade Information System (ETIS) report presented in the Annex to document CoP17 Doc. 57.6 on Report on the Elephant Trade Information System (ETIS Report of TRAFFIC). This part contains specific Party-related recommendations for consideration by the Conference of the Parties at the present meeting.

PART 1 – CITES NIAP PROCESS

Introduction

2. CITES NIAPs are an innovative tool used by identified Parties to address high levels of elephant poaching and illicit ivory trafficking, conceived to support Parties with the implementation of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*. Each plan is developed by the concerned Party and outlines the measures that it commits to deliver – including legislative, enforcement and public awareness actions, as required – along with specified timeframes and milestones for implementation.
3. To date, 19 Parties were requested by the CITES Standing Committee to develop and implement NIAPs based on the analysis of ivory seizure data by ETIS, prepared for the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013). These Parties have been categorized as Parties of 'primary concern', 'secondary concern' or 'importance to watch', triggering various recommendations by the Standing Committee. Progress with the implementation of the NIAPs was reported by Parties to the 65th and 66th meetings of the Standing Committee (SC65, Geneva, July 2016; SC66, Geneva, January 2016)¹, based on self-assessments by Parties and assessments by the Secretariat. Further progress reports will be submitted to the 67th meeting of the Standing Committee (SC67, Johannesburg, September 2016). The list of all Parties concerned, including focal Points, summaries of progress made by those Parties, and

¹ SC65 report is available online at https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-02_1.pdf and SC66 report at <https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-29-Rev1.pdf>

detailed information about the development and implementation of NIAPs are available on the CITES NIAP webpage.²

4. Based on the assessments of progress reports, NIAPs have proven to be an effective tool. However, experience over the past three years has shown there is scope for improvement of the NIAPs process through the refinement of NIAP standards, the increased alignment with Resolutions Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* and Resolution Conf. 14.3 on *CITES compliance procedures* and the streamlining of existing decisions relating to trade in elephant specimens.

Background and legal basis

5. The evolution of NIAPs can be traced back to when the Conference of the Parties first decided on the need for national plans to strengthen the implementation of Resolution Conf. 10.10 (Rev. CoP12).³ Starting with Decision 12.39 on *Elephants – Control of internal ivory trade*, adopted at the 12th meeting of the Conference of the Parties (Santiago, 2002) and arising from the 5th African elephant range States Dialogue, (Santiago, Chile, 29-31 October 2002), the topic was picked up by Decision 13.26 on *Action plan for the control of trade in African elephant ivory* and its updated versions Rev. CoP14 and Rev. CoP15. Decision 13.26 (Rev. CoP15) was eventually deleted at CoP16 with the provisions of the *Action plan for the control of trade in elephant ivory* incorporated into Resolution Conf. 10.10 (Rev. CoP16).
6. As regards the identification of concerned Parties, the Standing Committee, at its 62nd meeting (SC62, Geneva, July 2012), requested parties identified in the ETIS analysis [SC62 Doc. 46.1 (Rev. 1)]⁴ as being involved in substantial illegal ivory trade as a source, transit, or destination country⁵ to submit a written report on their implementation of Resolution Conf. 10.10 (Rev. CoP15) and Decision 13.26 (Rev. CoP15) for consideration by the Standing Committee at its 63rd meeting. The Standing Committee also requested the Secretariat to evaluate the reports and convey its findings and recommendations to the Committee at its 63rd meeting (SC63, Bangkok, March 2013).
7. Based on the findings and recommendations of the Secretariat presented at SC63,⁶ the Standing Committee recognized the need for urgency and targeted actions, and requested the Secretariat to use its best endeavours, in the course of CoP16, to assist China, Kenya, Malaysia, the Philippines, Thailand, Uganda, the United Republic of Tanzania and Viet Nam, to develop national ivory action plans (NIAPs) aimed at reducing the illegal trade in ivory, with time frames, deliverables and milestones, and to report at the Committee's 64th meeting (SC64, Bangkok, March 2013).
8. The Secretariat worked closely with representatives of the Parties concerned in the margins of CoP16, and conveyed its findings and recommendations at SC64. At SC64, the Standing Committee directed further recommendations on the development and implementation of NIAPs to the eight identified Parties, and requested the Secretariat to report at SC65 on progress made.
9. In the meantime, at CoP16, consideration of document CoP16 Doc. 53.2.2 (Rev. 1) on the ETIS report of TRAFFIC led to the identification of further key Parties affected by illicit ivory trade. These Parties were divided into three categories: Parties of 'primary concern', 'secondary concern' and 'importance to watch'. The category of Parties of 'primary concern' consisted of the Parties requested by the Standing Committee at its 63rd meeting to develop NIAPs, as described in paragraphs 7 and 8 above.
10. At CoP16, the Conference of Parties also adopted three decisions, 16.78, 16.79 and 16.80, identifying particularly concerned Parties relating to illegal trade in ivory. Decision 16.78 at paragraph a) requested the Secretariat, subject to external funding, to convene an Ivory Enforcement Task Force, consisting of representatives of Parties requested to develop NIAPs⁷ and South Africa, in cooperation with partner

² <http://cites.org/eng/niaps>

³ *This decision was already based on the support of the Conference of Parties for formulating more broadly focussed national action plans, with timetables, targets and provisions for funding, expressed in Resolution Conf. 11.3 (Rev. CoP16) on Compliance and enforcement in the section regarding compliance, control and cooperation.*

⁴ <https://cites.org/sites/default/files/eng/com/sc/62/E62-46-01.pdf>

⁵ *Kenya, Uganda and the United Republic of Tanzania were identified as source countries; Malaysia, the Philippines and Viet Nam as transit countries; and China and Thailand as destination countries. In addition, Hong Kong SAR was considered an important transit place.*

⁶ <https://cites.org/sites/default/files/eng/com/sc/63/E-SC63-18.pdf>

⁷ *China (including Hong Kong SAR), Kenya, Malaysia, the Philippines, Thailand, Uganda, the United Republic of Tanzania and Viet Nam*

organizations in the International Consortium on Combating Wildlife Crime (ICWC) and, as appropriate, other Parties and experts, to firstly, review existing strategies and develop new strategies to combat illegal trade in ivory; and secondly, propose measures to African and Asian enforcement authorities to promote long-term collaboration between them, for example through exchange programmes or the secondment of law enforcement officers from destination or transit countries to source countries and vice versa.

11. Decision 16.79 requested the Secretariat to contact each Party identified in the ETIS report of TRAFFIC as being of 'secondary concern' to seek clarification on their implementation of CITES provisions concerning control of trade in elephant ivory and ivory markets. Furthermore, based on its findings and in consultation with the Parties of 'secondary concern', the Secretariat was requested to develop country-specific actions and deadlines focused on ensuring significant progress by SC65 on the implementation of measures to effectively control trade in ivory and ivory markets.
12. As requested, the Secretariat reported at SC65 on the progress of implementation of Decision 16.79 (see document SC65 Doc. 42.1)⁸. In light of the positive experience with Parties of 'primary concern' that had been requested at SC63 and SC64 to develop and implement NIAPs, the Standing Committee also recommended that Parties of 'secondary concern'⁹ develop and implement NIAPs and report on their implementation to SC66 (see document SC65 Com. 7)¹⁰.
13. Decision 16.80 requested the Secretariat to contact each country identified in the ETIS report of TRAFFIC as being of 'importance to watch' to seek clarification on their implementation of CITES and other provisions concerning control of trade in elephant ivory and ivory markets and report its findings and recommendations at SC65.
14. As requested, the Secretariat reported at SC65 on the progress of implementation of Decision 16.79 (see document SC65 Doc. 42.1). As with Parties of 'secondary concern', the Standing Committee recommended that some Parties of 'importance to watch'¹¹ develop and implement NIAPs and report on their implementation at SC66 (see document SC65 Com. 7).
15. At SC66, the Secretariat reported in document SC66 Doc. 29 that it had not been able to raise the necessary funding to convene a CITES Ivory Enforcement Task Force and implement Decision 16.78, paragraph a), but that the objectives of such a meeting may have been partially or largely met through the development and implementation of NIAPs, and the exchanges that occurred amongst the Parties involved. Additionally, several Parties and intergovernmental organizations (IGOs), including ICWC, provided targeted support to these Parties. The Standing Committee agreed to submit a draft decision to the present meeting, that Decision 16.78, paragraph a) be replaced by a decision, calling for a meeting of Parties concerned by the development and implementation of NIAPs, in cooperation with ICWC partner organizations and, as appropriate, other Parties and experts.
16. In light of the implementation of Decisions 16.79 and 16.80 through the NIAPs process, and the recommendations concerning Decision 16.78, paragraph a), the Secretariat suggests that these Decisions are deleted upon the adoption of the draft decisions 17.AA to 17.JJ, set out in Annex 2 of this document. Further information on this is contained in document CoP17 Doc. 57.1.

Proposal towards consistent handling of NIAP matters

17. As set out above, NIAPs were conceived to strengthen the implementation of Resolution Conf. 10.10 (Rev. CoP16). Following multiple revisions, the parts of Resolution Conf. 10.10 (Rev. CoP16) relevant to NIAPs read as follows:

Regarding trade in elephant specimens

⁸ <https://www.cites.org/eng/com/sc/65/E-SC65-42-01.pdf>

⁹ *Cameroon, Congo, the Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Mozambique and Nigeria*

¹⁰ <https://cites.org/sites/default/files/eng/com/sc/65/com/E-SC65-Com-07.pdf>

¹¹ *Angola, Cambodia, and the Lao People's Democratic Republic were requested to develop and implement NIAPs, while Japan, Qatar and the United Arab Emirates were requested to submit a report to the Secretariat on their implementation of CITES provisions concerning control of trade in elephant ivory and ivory markets.*

URGES those Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for or illegal trade in ivory, or where ivory stockpiles exist, and Parties that may be designated as ivory importing countries, to ensure that they have put in place comprehensive internal legislative, regulatory, enforcement and other measures to:

- a) regulate the domestic trade in raw and worked ivory;*
- b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in raw or worked ivory;*
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State, particularly by means of:
 - i) compulsory trade controls over raw ivory; and*
 - ii) comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory;**
- d) engage in public awareness campaigns, including: supply and demand reduction; drawing attention to existing or new regulations concerning the sale and purchase of ivory; providing information on elephant conservation challenges, including the impact of illegal killing and illegal trade on elephant populations; and, particularly in retail outlets, informing tourists and other non-nationals that the export of ivory requires a permit and that the import of ivory into their state of residence may require a permit and might not be permitted; and*
- e) maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory, and inform the Secretariat of the level of this stock each year before 28 February, indicating: the number of pieces and their weight per type of ivory (raw or worked); for relevant pieces, and if marked, their markings in accordance with the provisions of this Resolution; the source of the ivory; and the reasons for any significant changes in the stockpile compared to the preceding year;*

[...]

ENCOURAGES elephant range States and countries involved in trade in elephant specimens to seek the assistance of other governments and intergovernmental and non-governmental organizations in supporting the work to eliminate the illegal trade in ivory and the unregulated domestic markets that contribute to illegal trade;

[...]

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

- a) to identify those Parties that have unregulated internal markets for ivory, where ivory is found to be illegally traded, where ivory stockpiles are not well secured, or that have significant levels of illegal trade in ivory;*
- b) to seek from each Party so identified information concerning its implementation of the provisions of this Resolution relating to ivory trade and, where appropriate and in consultation with the Party, undertake in situ verification missions; and*
- c) to report its findings and recommendations to the Standing Committee, which may consider appropriate measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures.*

[...]

DIRECTS the Standing Committee to 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, and to report the results at each meeting of the Conference of the Parties;

18. In order to establish NIAPs as a formal tool for the implementation of Resolution 10.10 (Rev. CoP16), the Secretariat recommends to amend the Resolution to explicitly provide for the development, adoption and implementation of NIAPs, as follows:

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 appropriate measures to support the implementation of the present resolution, including requests to identified Parties to develop and implement National Ivory Action Plans, and monitoring progress in executing these action plans, 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, which may include requesting certain Parties to develop and implement National Ivory Action Plans; and*
- c) to report the results at each meeting of the Conference of the Parties;*

19. Building upon the experience gained on the development and implementation of NIAPs by the aforementioned 19 Parties to date, the Secretariat has identified a number of specific areas where it considers that the NIAP process could be further improved. These could be grouped as follows:

- a) specifying the precise obligations of Resolution Conf. 10.10 (Rev. CoP16) which are in need of better implementation;
- b) clarifying the criteria for identification of Parties to be subject to NIAPs;
- c) defining the 'adequacy' of a NIAP;
- d) refining the progress rating system and expanding the sources of information;
- e) clarifying the timeframes for the development of NIAPs and the associated reporting;
- f) adopting a consistent approach to the public availability of NIAPs and NIAP progress reports; and
- g) aligning NIAPs to the CITES compliance procedures set out in Resolution Conf. 14.3

- a) Specifying the provisions in Resolution Conf. 10.10 (Rev. CoP16) which are in need of better implementation

20. The provisions of Resolution Conf. 10.10 (Rev. CoP16) urge concerned Parties to ensure that they have put in place comprehensive internal **legislative, regulatory, enforcement and other measures** to:

- a) regulate the domestic trade in raw and worked ivory;
- b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in raw or worked ivory;
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State, particularly by means of:
- i) compulsory trade controls over raw ivory; and

- ii) comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory;
 - d) engage in public awareness campaigns; and
 - e) maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory.
21. Resolution Conf. 10.10 (Rev. CoP16) further ENCOURAGES elephant range States and countries involved in trade in elephant specimens to seek the assistance of other governments an intergovernmental and non-governmental organizations in supporting the work to eliminate the illegal trade in ivory and the unregulated domestic markets that contribute to illegal trade.
22. The Secretariat suggests that NIAPs better take into account the provisions of Resolution 10.10 (Rev. CoP16), and that any guidance and templates developed by the Secretariat reflect the requirements of Parties in that Resolution, as necessary. Detailed suggestions are provided in section c) below. The Secretariat notes that on behalf of the Standing Committee, it proposes several amendments to Resolution Conf. 10.10 (Rev. CoP16) in document CoP17 Doc. 57.1. It further notes that for the present meeting, several documents contain additional amendments to Resolution Conf. 10.10 (Rev. CoP16) concerning domestic ivory markets (document CoP17 Doc. 27), ivory stockpiles (document CoP17 Doc. 57.3), trade in live elephants (document CoP17 Doc. 57.4) and trade in raw ivory for commercial purposes (document CoP17 Doc. 84.3). The comments from the Secretariat on these proposed amendments are shown in each of the documents concerned. Agreed amendments to Resolution Conf. 10.10 (Rev. CoP16) will need to be considered in the NIAP process.
- b) Clarifying the criteria for identification of Parties to be subject to NIAPs
23. Based on the experience to date, there is a need to further clarify how Parties that are subject to the NIAP process are identified. Given the provisions of Resolution Conf. 10.10 (Rev. CoP16), the Secretariat suggests to use two sets of criteria to identify NIAP Parties. The first set of criteria can be found in Resolution Conf. 10.10 (Rev. CoP16), which identifies Parties concerned as those in whose jurisdiction there is:
- a) an ivory carving industry;
 - b) a legal domestic trade in ivory;
 - c) an unregulated market for or illegal trade in ivory;
 - d) ivory stockpiles; or
 - d) a Party that may be designated as an ivory importing country.
24. The second set of criteria is provided by the ETIS analyses, which categorizes Parties as being of 'primary concern', 'secondary concern' or 'importance to watch' with regard to illicit ivory trade.
- c) Defining the 'adequacy' of a NIAP
25. At SC65, the Standing Committee directed the Secretariat to inform it if any Party did not submit an 'adequate' NIAP. However, the Standing Committee did not formally define what constitutes 'adequate', and a formal definition should be agreed upon. The Secretariat recommends that a NIAP be considered 'adequate' when it meets the following criteria:
- a) Given that NIAPs are based on Resolution Conf. 10.10 (Rev. CoP16), the structure of NIAPs should build upon the substantive and procedural measures required from Parties under Resolution Conf. 10.10 (Rev. CoP16), e.g. progress on paragraph d) in the section **Regarding trade in elephant specimens**. The following five pillars are recommended, as appropriate:
 - 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; and
 - v. Reporting.
- b) Within these pillars, the NIAP of a Party should address the specific matters identified by the ETIS analysis that give rise to illicit trade in ivory and elephant poaching in the territory of that Party, e.g. domestic unregulated markets for or illegal trade in ivory, lack of adequate border controls, stockpiles that are not well secured, etc.
- c) The NIAP should:
- Clearly outline the actions to be implemented;
 - Be time-bound and clearly outline the timeframe for implementation of each action;
 - Be signed off at the level of the responsible cabinet minister;
 - Be developed through a consultative and participatory process and involve all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);
 - Indicate the resource implications, costs and sources of funding or funding needs, as appropriate; and
 - Include indicators to measure the impacts of the actions in the NIAPs, e.g. through data on elephant poaching levels; number of ivory seizures; successful prosecutions, etc.¹².
- d) The NIAP should be developed in accordance with the template provided by the Secretariat.
- e) The nature of measures included in the NIAPs should be proportional to the problem they are intended to solve.

d) Refining the progress rating system and expanding the sources of information

Ratings to be used by Parties when they prepare their progress reports on NIAP implementation

26. For their reporting, and to allow for clarity of the information provided by Parties, it is suggested that Parties draw upon a reporting template developed by the Secretariat, in which a NIAP 'progress rating' is assigned to each action in the NIAP. The allocation of ratings should be based on an assessment of the extent and timing of the activities that were implemented, compared to the milestones and timeframes that the Party committed to and set out in the NIAP (i.e. did the Party achieve what it set out to do?).
27. The Secretariat proposes the introduction of the rating structure outlined below, to be used by Parties for future reporting on implementation of each NIAP action:
- a) *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved;
 - b) *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;
 - c) *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;

¹² The issue of indicators was discussed at length by Parties, as reflected in SC65 recommendation d) iii) (see: <https://cites.org/sites/default/files/eng/com/sc/65/com/E-SC65-Com-07.pdf>),

- d) *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;
- e) *Not commenced* - the action has in accordance with the timeframe set for it in the NIAP, not been commenced.
- f) *Unclear* - insufficient information was available to conduct an evaluation of progress or actions and milestones were not specified in a way that allowed for an evaluation of progress to be completed.

Ratings to be used by the Standing Committee or the Secretariat when considering the progress reports on NIAP implementation from Parties

28. To facilitate the Standing Committee's consideration of the overall progress made with NIAP implementation, the Secretariat has defined simple criteria to indicate whether a NIAP has been 'substantially achieved'. The criteria are:

- *Substantially achieved* - a minimum of 80% of NIAP actions have been self-assessed by the Party 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. The Standing Committee may also acknowledge a Party that has 'substantially achieved' its NIAP with a rating of 'commendable progress'.
- *Partial progress* - a minimum of 50% of NIAP actions have been self-assessed by the Party as 'on track'; any remaining actions have been self-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.
- *Limited progress* - neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.

29. An important point to note is that Parties may have 'substantially achieved' their NIAPs but remain a primary destination, transit or source country of illegal ivory, according to the *ETIS Report of TRAFFIC*. In order to better recognize the progress made by those Parties, while recognising the separation of the assessment of NIAP implementation from the levels of elephant poaching and illegal ivory trade that are being observed and measured on the ground, the Secretariat suggests to combine the three categories of 'primary concern', 'secondary concern' and 'importance to watch' with the levels of progress recommended in paragraph 28 above. For instance, a Party could remain in the category of 'primary concern', while at the same time receiving a 'commendable progress' rating from the Standing Committee and Secretariat.

30. It is recognized that one of the challenges with current NIAPs is the absence of fully up-to-date information to assess the evolution of the situation in the status of Parties identified as 'primary concern', 'secondary concern' and 'importance to watch'. While ETIS will remain the primary sources of information, the Conference of the Parties may wish to explore complementary sources of information, ideally providing real time data and intelligence that contribute to reflect the actual status of a given situation.

e) Clarifying the timeframes for the development of NIAPs and the associated reporting

31. Timeframes for the development of new NIAPs, the revision of existing NIAPs when appropriate, and reporting on NIAP implementation could assist Parties in better structuring their work and is likely to promote the effective development and implementation of NIAPs. Timeframes for the implementation of the actions outlined in NIAPs are decided by the concerned Party and contained in the NIAP itself, while the following timeframes for the development of new NIAPs, the revision of existing NIAPs when appropriate, and reporting on NIAP implementation are suggested:

- Any new Party categorized as a Party of 'primary concern', 'secondary concern' or 'importance to watch' subjected to the NIAP process, should develop an 'adequate' NIAP and submit it to the Secretariat within a period of three months from the time the Conference of Parties or the Standing Committee requested the concerned Party to develop a NIAP.

- Where the Standing Committee or Secretariat requests a new or existing Party of ‘primary concern’, ‘secondary concern’ or ‘importance to watch’ to revise its NIAP, the Party should submit the revised NIAP to the Secretariat within a period of two months from the time the Standing Committee or Secretariat requested the concerned Party to revise its NIAP.
- Reports on progress with NIAP implementation should be submitted by Parties of ‘primary concern’, ‘secondary concern’ or of ‘importance to watch’ at least 90 days before each meeting of the Standing Committee. This will enable the Secretariat to make these reports available to the Committee, including any recommendations it may have, by the 60-day deadline for the submission of documents to Standing Committee meetings. This reporting by Parties of ‘primary concern’, ‘secondary concern’ or ‘importance to watch’ subject to the NIAP process, should be maintained until the Standing Committee has agreed that the Party has ‘substantially achieved’ its NIAP.
- Parties of ‘primary concern’, ‘secondary concern’ or ‘importance to watch’, that have ‘substantially achieved’ their NIAPs, should continue to report the implementation of any NIAP actions that have been undertaken, any further voluntary measures taken to implement NIAP actions, their implementation of Resolution Conf. 10.10 (Rev. CoP16), and, if appropriate, any other initiatives or policy developments to combat elephant poaching and illegal ivory trade, by the 60-day deadline for the submission of documents to Standing Committee meetings. This reporting by Parties of ‘primary concern’, ‘secondary concern’ or ‘importance to watch’ that have ‘substantially achieved’ their NIAPs should be maintained until the Conference of Parties or the Standing Committee, on the basis of ETIS data (and possibly other complementary sources of information referred to in paragraph 30 above), has determined that the Party is no longer a Party of ‘primary concern’, ‘secondary concern’ or ‘importance to watch’.

f) A consistent approach to the public availability of NIAPs and NIAP progress reports

32. Parties of ‘primary concern’ have not been directed by the Standing Committee to make their NIAPs public, and as a result these NIAPs are not publically available. The NIAPs of Parties of ‘secondary concern’ and ‘importance to watch’ have however been made public following a recommendation by the Standing Committee to do so. In accordance with this recommendation, NIAPs of ‘secondary concern’ and ‘importance to watch’ Parties are available online at the NIAP web page: <https://cites.org/eng/niaps>,
33. The web page also provides a detailed overview of the NIAPs process, including the official documents related to it and the list of Parties participating in the process. It has not just become a useful source of information for Parties participating in the NIAPs process to showcase their progress, but also serves as a platform for other Parties and stakeholders to follow the process. Another benefit of NIAPs being made public, is that this enables donors, intergovernmental and non-governmental agencies and other entities to identify activities they might be interested or able to support. In the *Guidance and template for developing NIAPs*, prepared by the Secretariat (which will be revised and updated), Parties are reminded not to include confidential or sensitive operational information of any enforcement actions in the public version of the NIAP, but to share such information with the Secretariat in a separate document.
34. The Secretariat suggests a consistent approach to the public availability of NIAPs, and suggests that all future NIAPs be made public.

g) Alignment of NIAPs to the CITES compliance procedures set out in Resolution Conf. 14.3

35. As mentioned above, the NIAP process was established in response to the need for urgent steps to be taken to address high levels of elephant poaching and illegal ivory trade and it has proven to be a successful process.
36. In recognition of the sense of urgency the Standing Committee took a number of significant and important steps in relation to NIAPs. This included initiating an intersessional process during which a number of recommendations were endorsed, and agreeing to recommend that Parties suspend commercial trade in specimens of CITES-listed species with NIAP Parties that failed to make sufficient progress with NIAP development or implementation, or for failing to report on progress with NIAP implementation in accordance with timeframes established by the Standing Committee.
37. As a result, these compliance measures, which were adopted as urgent measures, did not always fully align with the guidance provided under compliance procedures established in Resolution Conf. 14.3, as required by Resolution Conf. 10.10 (Rev. CoP16).

38. It may be beneficial to better align the NIAP process with the standard measures and procedures to achieve compliance set out in Resolution Conf. 14.3 on *CITES compliance procedures* in future, while recognising the ability of the Standing Committee to take expedited measures where it is deemed necessary. These issues are further explained in document CoP17 Doc. 23 on compliance matters.
39. In order to facilitate consistent and diligent handling of compliance matters as stipulated in Resolution Conf. 14.3, it is therefore suggested that the following steps are taken when Parties subjected to the NIAPs process do not comply with the recommendations of the Conference of Parties or the Standing Committee, excluding the most exceptional circumstances:
- i. The Secretariat communicates the Standing Committee's recommendations to the Party concerned, noting the template and the guidelines on timeframes for the development of an 'adequate' NIAP as defined in paragraph 25, the timeframes for the revision of an existing NIAP, or the template and timeframes for reporting on NIAP implementation, as defined in paragraph 31;
 - ii. Where a Party has not submitted an 'adequate' NIAP, or a progress report by a specified date and in accordance with the template provided by the Secretariat, or where a Party has submitted a progress report within the specified time and in accordance with the template provided by the Secretariat but the report is assessed by the Standing Committee or Secretariat with an overall rating of 'limited progress', or where a Party has submitted a progress report within the specified time and in accordance with the template provided by the Secretariat but the report is assessed by the Standing Committee or Secretariat with an overall rating of 'partial progress' for the second time, the Secretariat on behalf of the Standing Committee issues a **written caution**, requesting a response and offering assistance;
 - iii. Where a Party fails to comply with a written caution, the Secretariat on behalf of the Standing Committee sends a '**public notification**' of the compliance matter to all Parties advising that compliance matters have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response;
 - iv. Where a Party fails to comply with a written caution followed by the issuance of a public notification, the Secretariat on behalf of the Standing Committee issues a **warning letter** that Article XIII compliance procedures may be triggered by the Standing Committee unless the Party complies with the warning letter.
 - v. Where a Party fails to comply with a warning letter, the Standing Committee may trigger any **Article XIII** compliance procedures, including making a recommendation to suspend trade.

Supporting the effective implementation of NIAPs

40. As a basic principle, Parties should mobilize existing national resources to implement their NIAPs. It should, however, be noted that in the current process, Parties of 'secondary concern' and 'importance to watch', have been in need of additional resources and technical assistance to develop and implement their NIAPs. Where necessary, and in accordance with Resolution Conf. 10.10 (Rev. CoP16), Parties' efforts can be further complemented by seeking support and technical expertise. With some support and sufficient engagement by a Party, Parties, including those that are considered as least developed, have been able to prepare appropriate NIAPs and to mobilize action to implement it.
41. To support Parties in the implementation of NIAPs, the Secretariat has actively engaged across the United Nations (UN) system, with its ICCWC partners, and with other on-the-ground implementation partners. In June 2015 and January 2016, the Secretariat informed NIAP Parties of the support offered by the United Nations Development Programme (UNDP) to those NIAP Parties where UNDP has thematically aligned in-country projects, including GEF-6 (Global Environment Facility) projects.
42. The Secretariat is also an advisory member of the Project Steering Committee of the GEF-6 Global Wildlife Program coordinated by the World Bank, and is using this opportunity to encourage the alignment of national projects to CITES priorities, including the implementation of NIAPs¹³.

¹³ See also document CoP17 Doc. 7.5 on Access to Finance, including GEF funding available online at: <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-07-05.pdf>

43. The Secretariat conducted missions to Angola, Malaysia, Mozambique and Thailand to support and discuss the development and implementation of NIAPs. Through these missions, further support and technical assistance were generated for the Parties concerned, including at the national level. The Secretariat reported in detail on these missions to the Standing Committee.
44. The Secretariat notes that the Standing Committee's recommendations on NIAPs have placed significant additional administrative and substantive tasks on the Secretariat, including to coordinate communication with Parties, support the programme of the Secretariat's NIAP consultants, and undertaking a large amount of intersessional work as required by the Standing Committee. The Secretariat's activities have only been possible through the provision of external resources coming from the European Union, Germany and the United States of America.
45. The funds provided by the European Union enabled the Secretariat to appoint a part-time NIAP consultant in Africa and a part-time NIAP consultant in Asia to support Parties to develop NIAPs. The funds provided by the United States of America allowed the Secretariat to appoint a full time consultant as a NIAP Support Officer. Additional support is also provided by Germany through the provision of a joint CITES-CMS staff member. The Secretariat expresses its gratitude to the donors for their generous and very timely contributions.
46. The Secretariat would like to take this opportunity to encourage donors, Parties, the UN system, IGOs and NGOs to provide further technical and financial support to concerned Parties that may require assistance with the development and implementation of their NIAPs.

PART 2 –STATUS OF PARTIES CONCERNED BY NIAPs AND NEW NIAP PARTIES

47. At its 66th meeting (Geneva, January 2016), the Standing Committee adopted the following recommendations as presented in document SC66 Com. 1 (Rev. by Sec.):¹⁴
 - e) *Request the Secretariat to identify Parties of 'primary concern', 'secondary concern' and 'importance to watch', based on an analysis of the MIKE and ETIS reports that will be prepared for the 17th meeting of the Conference of the Parties (CoP17), and to make recommendations for consideration at CoP17.*
 - f) *Note that the in-session report of the MIKE and ETIS Subgroup (document SC66 Com. 9) states that it may be too soon at CoP17 to identify the impact of NIAP implementation in the ETIS categorization of Parties of 'primary concern', 'secondary concern' and 'importance to watch' as the MIKE and ETIS reports prepared for CoP17 will be based on bias-adjusted seizure data for 2012-2014, and request the Secretariat to make a recommendation to CoP17 to identify those Parties that have 'substantially achieved' their NIAPs by CoP17 as Parties 'with commendable progress'.*
48. Following the request of the Standing Committee and based on the ETIS Report of TRAFFIC (Annex to document CoP17 Doc. 57.6) that covers data from 2012-2014, the Secretariat has identified Parties of 'primary concern', 'secondary concern' and 'importance to watch'. Overall, five Parties have been added to these categorisations: three to the category of Parties of 'primary concern' and two to the Parties of 'secondary concern', raising the total number categorized from 22 to 27.
49. Based upon the ETIS Report of TRAFFIC, the category of Parties of 'primary concern', now includes China (including Hong Kong SAR), Kenya, Malawi (new), Malaysia, Singapore (new), Tanzania, Togo (new), Uganda and Viet Nam. While Malawi, Singapore and Togo newly joined this group, the Philippines and Thailand have moved to the category of Parties of 'importance to watch' and of 'secondary concern' respectively.
50. Parties of 'secondary concern' are identified in the ETIS Report of TRAFFIC as: Cambodia (which moved to this category from the category of Parties of 'importance to watch'), Cameroon, Congo, Ethiopia, Gabon, Nigeria, South Africa (new), Sri Lanka (new) and Thailand. This group has changed in that it now also includes South Africa and Sri Lanka, while the Democratic Republic of Congo (DRC), Egypt and Mozambique all moved to the group of Parties 'of importance to watch'.
51. The group of Parties of 'importance to watch' now constitutes a larger number of countries than in the previous period, as four Parties have moved to this group from the other categories. The three Parties

¹⁴ <https://cites.org/sites/default/files/eng/com/sc/66/Com/E-SC66-Com-01%28RevbySec%29.pdf>








already belonging to the group that had not been included in the NIAPs process to date, namely Japan, Qatar and the United Arab Emirates (UAE), continue being categorised as Parties 'of importance to watch'.

52. The table below shows the changes in status of Parties of 'primary concern', 'secondary concern', 'importance to watch' identified on the basis of the ETIS Report of TRAFFIC prepared for CoP16 and CoP17. However, given the reporting requirement by existing NIAP Parties to the Standing Committee at its 67th meeting, the overall progress rating of those Parties that had not 'substantially achieved' their NIAPs may have changed by the time NIAPs will be discussed by CoP17.

Changes in status of NIAP Parties between CoP16 and CoP17

Since CoP16			At CoP17		
8 Primary	8 Secondary	6 Importance	9 Primary	9 Secondary	9 Importance
China (incl. Hong Kong SAR)	Cameroon	Angola	China (incl. Hong Kong SAR)	Cambodia	Angola
Kenya	Congo	Cambodia	Kenya	Cameroon	DRC
Malaysia	DRC	Lao PDR	Malaysia	Congo	Egypt
Philippines	Egypt	Non NIAP	Tanzania	Ethiopia	Japan
Thailand	Ethiopia	Japan	Uganda	Gabon	Lao PDR
Tanzania	Gabon	Qatar	Viet Nam	Nigeria	Mozambique
Uganda	Mozambique	UAE	Malawi	South Africa	Philippines
Viet Nam	Nigeria		Singapore	Sri Lanka	Qatar
			Togo	Thailand	UAE

Legend:

	No change in category		Move to higher category		NIAP 'Substantially achieved'
	Move to lower category		New NIAP Party		NIAP not 'substantially achieved'
					Party with 'commendable progress'

53. As stated in the CoP17 ETIS Report of TRAFFIC, at this time, the year 2015 remains data deficient and is not considered in the assessment, which is mostly restricted to the eight-year period 2007 through 2014. As most NIAPs were finalised in late 2013, this analysis only covers a single full year of implementation. Thus, it is not possible to adequately assess the impact of the NIAP process on illegal trade of ivory in the present analysis. This is also reflected in recommendation f) of the Standing Committee, as described in paragraph 47.

54. Yet, the ETIS report reflects that the NIAP process seems to be having on-the-ground impacts and, for example, the proportion of large scale ivory seizures involving Kenya, Uganda and the United Republic of Tanzania, made by each of these countries, rather than by other countries along the illegal trade chain, significantly increased, as shown in Figure 8 in the ETIS report. This suggests enhanced enforcement efforts since NIAP implementation commenced. The Secretariat considers that the NIAP process is a valuable tool to improve national efforts to combat illegal trade in ivory in a targeted, time-bound manner.

55. While the Standing Committee at its 66th meeting concluded that China, Hong Kong SAR, Kenya, the Philippines, Thailand and Viet Nam had 'substantially achieved' their NIAPs, the categorization of Parties as of 'primary concern', 'secondary concern' or of 'importance to watch' in the ETIS Report of TRAFFIC prepared for CoP17, reflects the need for these Parties to continue to implement actions to combat illegal ivory trade. It is, however, important to recognize the significant efforts of those Parties that have 'substantially achieved' their NIAPs. In this context, SC66 recognised that the above mentioned Parties had 'substantially achieved' their NIAPs and in doing so identified those Parties as Parties 'with commendable progress' until reporting and further analyses demonstrate changes.

Conclusion

56. Elephant poaching and illegal ivory trade statistics continue to be of great concern, and while the overall upward trends of illegal killing have been arrested and are now slightly in decline, the overall illegal killing of elephants continues at unsustainably high levels that exceed the natural rate of population increase. As a result, the need for urgent steps to be taken to address high levels of elephant poaching and illegal ivory trade continues to exist, and the Secretariat considers that it is critical for the Parties identified as being most heavily affected by illegal trade in ivory to commence or continue to take well-targeted national measures.
57. The Secretariat considers that NIAPs constitute an important tool for Parties to address illegal ivory trade and poaching by clearly setting out their activities to implement Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* and in accordance with Resolutions Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement* and Resolution Conf. 14.3 on *CITES compliance procedures*. Furthermore, NIAPs enable governmental, intergovernmental and non-governmental agencies and organizations, and the donor community, to direct their financial and in-kind support to concrete activities agreed and designed to directly address poaching and trafficking.
58. The Secretariat has formulated draft decisions directed to Parties of 'primary concern', 'secondary concern', and 'importance to watch', including Parties 'with commendable progress', based upon the ETIS Report of TRAFFIC prepared for the present meeting. These decisions are contained in Annex 2 to this document.
59. The Secretariat would like to thank the 19 Parties that participated in the current NIAP process, for their efforts to develop and implement NIAPs and for the reports on their work. While clear progress has been made in implementing the NIAPs, the ongoing unacceptably high levels of illegal killing and trade show that we need to remain vigilant and persist with our collective efforts.

Recommendations

60. The Conference of the Parties is invited to:
- a) amend Resolution Conf. 10.10 (Rev. CoP16) as indicated in Annex 1 to this document.
 - b) adopt the draft decisions contained in Annex 2 to the present document, including the *Guidelines to the National Ivory Action Plans Process* set out in Annex 3 to the present document.
 - d) delete Decisions 16.78, paragraph a), 16.79 and 16.80 upon adoption of the draft decisions contained in Annex 2 to this document.

**Draft amendments to
Resolution Conf. 10.10 (Rev. CoP16)*
Trade in elephant specimens**

(new text is underlined; deleted text appears in ~~strikeout~~)

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 appropriate measures to support the implementation of the present resolution, including requests to identified Parties to develop and implement National Ivory Action Plans, and monitoring progress in executing these action plans, 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, which may include requesting certain Parties to develop and implement National Ivory Action Plans; and
- c) ~~to~~ report the results at each meeting of the Conference of the Parties;

* Amended at the 11th, 12th, 14th, 15th and 16th meetings of the Conference of the Parties.

**Draft decisions concerning trade in elephant specimens
for consideration by the Conference of the Parties**

17.AA The Conference of the Parties adopts the *Guidelines to the National Ivory Action Plans Process* ('*Guidelines to the NIAP Process*') attached in the Annex to this Decision.

Directed to Parties

17.BB Parties of 'primary concern', 'secondary concern' and 'importance to watch' that have been implementing NIAPs at the request of the Standing Committee and that have 'substantially achieved' their NIAPs prior to CoP17, but who continue to be identified in document CoP17 Doc. 57.6 (ETIS Report of TRAFFIC) as Parties of 'primary concern', 'secondary concern' and 'importance to watch', should complete the implementation of any NIAP actions in accordance with the *Guidelines to the NIAP Process*.

17.CC Parties of 'primary concern', 'secondary concern' and 'importance to watch' that have been implementing NIAPs at the request of the Standing Committee and that have not yet 'substantially achieved' their NIAPs, and that continue to be identified in document CoP17 Doc. 57.6 (ETIS Report of TRAFFIC) as Parties of 'primary concern', 'secondary concern' and 'importance to watch', are requested to complete the implementation of their NIAPs in accordance with the *Guidelines to the NIAP Process*.

17.DD Malawi, Singapore and Togo, as new Parties of 'primary concern' identified in document CoP17 Doc. 57.6 (*ETIS Report of TRAFFIC*), should develop and implement NIAPs in accordance with the *Guidelines to the NIAP Process*.

17.EE Japan, Qatar and the United Arab Emirates, identified in document CoP17 Doc. 57.6 (ETIS Report of TRAFFIC) as Parties that continue being categorized as Parties of 'importance to watch' and not previously subject to the NIAP process, should report to the 69th meeting of the Standing Committee on their country-specific actions to implement Resolution Conf. 10.10 (Rev. CoP16) concerning control of trade in elephant ivory and ivory markets.

17.FF South Africa and Sri Lanka, being identified in document CoP17 Doc. 57.6 (*ETIS Report of TRAFFIC*) as new Parties of 'secondary concern', should report to the 69th meeting of the Standing Committee on their country-specific actions to implement Resolution Conf. 10.10 (Rev. CoP16) concerning control of trade in elephant ivory and ivory markets.

Directed to the Standing Committee

17.GG The Standing Committee is directed to:

- a) Keep the process of developing, reviewing, and ensuring compliance with NIAPs under review in accordance with the *Guidelines to the NIAP Process*;
- b) Review the reports presented by Japan, Qatar, the United Arab Emirates, South Africa and Sri Lanka and determine, on the basis of these reports, whether to request these Parties to prepare a NIAP in accordance with the *Guidelines to the NIAP Process*;
- c) On the basis of updated ETIS and MIKE analyses, as well as complementary sources of information as considered appropriate, determine whether any Party should no longer be considered Party of 'primary concern', 'secondary concern' and 'importance to watch';
- d) 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.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, and make them publicly available on the CITES NIAP webpage.
- 17.JJ 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 (ICWC) 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.

Annex to Decision 17.AA: Guidelines to the National Ivory Action Plans Process

Identification of Parties to the National Ivory Action Plans Process

1. The Conference of Parties or the Standing Committee should use two sets of criteria to identify Parties for the National Ivory Action Plans (NIAPs) Process:
 - i. A Party in whose jurisdiction there is:
 - a) an ivory carving industry;
 - b) a legal domestic trade in ivory;
 - c) an unregulated market for or illegal trade in ivory;
 - d) ivory stockpiles; or
 - d) a Party that may be designated as an ivory importing country; and
 - ii. A Party that has been identified by ETIS analyses as of 'primary concern', 'secondary concern' or 'importance to watch' with regard to illicit ivory trade, or that has been identified as affected by the Monitoring Illegal Killing of Elephants (MIKE) analyses.

Development and implementation of National Ivory Action Plans by Parties of 'primary concern', 'secondary concern' or 'importance to watch'

2. Parties of 'primary concern', 'secondary concern' or 'importance to watch' that have been requested to develop and implement NIAPs should observe the following standards, procedures, timeframes, ratings and compliance measures, forming part of the NIAPs process:
 - i. Develop an 'adequate' NIAP, which is a NIAP that:
 - a) Is structured along the following five pillars:
 - 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;
 - b) Addresses the specific matters identified by ETIS or MIKE analyses, giving rise to illicit trade in ivory and elephant poaching in the territory of the Party concerned;
 - c) Has the following characteristics:
 - i) Clearly outlines the actions to be implemented;
 - ii) Is time-bound and clearly outline the timeframe for implementation of each action;
 - iii) Is signed off at the level of the responsible cabinet minister;
 - 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 sources of funding or funding needs, as appropriate; and
 - vi) Includes indicators to measure the impacts of the actions in the NIAPs;
 - d) Is developed in accordance with the template provided by the Secretariat; and
 - e) The measures are proportional to the problems they are intended to solve.
- ii. Report on each NIAP action in the template provided by the Secretariat, allocating to each NIAP action one of the following ratings, as relevant:
- a) *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved;
 - b) *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;
 - c) *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;
 - d) *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;
 - e) *Not commenced* - the action has, in accordance with the timeframe set for it in the NIAP, not been commenced.
 - f) *Unclear* - insufficient information was available to conduct an evaluation of progress or actions and milestones were not specified in a way that allowed for an evaluation of progress to be completed.
- iii. Subject to the direction of the Standing Committee, follow the following timeframes for the development of new, the revision of existing NIAPs or progress reports, or the reporting on NIAP implementation, as relevant:
- a) Parties of 'primary concern', 'secondary concern' or 'importance to watch', as relevant:
 - i) Submit a new NIAP to the Secretariat within a period of three months from the time the Conference of Parties or the Standing Committee requested the concerned Party to develop a NIAP;
 - ii) Submit a revised NIAP to the Secretariat within a period of two months from the time the Standing Committee or Secretariat requested the concerned Party to revise its NIAP;
 - iii) Submit a progress report on NIAP implementation at least 90 days before each meeting of the Standing Committee;
 - b) Parties of 'primary concern', 'secondary concern' or 'importance to watch', that have 'substantially achieved' their NIAPs:
 - i) Submit a progress report on outstanding NIAP actions by the 60-day deadline for the submission of documents to Standing Committee meetings until the Conference of Parties or the Standing Committee, on the basis of ETIS data (and possibly other complementary sources of information referred to in paragraph 30 of document CoP17 Doc. 24), has determined that the Party is no longer a Party of 'primary concern', 'secondary concern' or 'importance to watch'.

- ii) Make their NIAPs and progress reports available for publication on the CITES NIAPs webpage.

Assessment by the Secretariat and the Standing Committee

3. Upon the overall assessment by the Secretariat of a Party's NIAP or progress report, the Standing Committee should consider the following ratings:
 - i. *Substantially achieved* - a minimum of 80% of NIAP actions have been self-assessed by the Party 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. The Standing Committee may also acknowledge a Party that has 'substantially achieved' its NIAP with a rating of 'commendable progress'.
 - ii. *Partial progress* - a minimum of 50% of NIAP actions have been self-assessed by the Party as 'on track'; any remaining actions have been self-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.
 - iii. *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.

Compliance procedure followed by the Secretariat and the Standing Committee

4. In alignment with Resolution Conf. 14.3 on *CITES Compliance Procedures*, the Secretariat and Standing Committee, as relevant, should consider the following steps in ensuring a Party's compliance with the NIAP process, while also recognising the need for more urgent action in exceptional cases:
 - i. Communicate the Standing Committee's recommendations to the Party concerned, noting the template and the guidance on timeframes for the development of an 'adequate' NIAP, the timeframes for the revision of an existing NIAP or progress report, or the template and timeframes for reporting on NIAP implementation;
 - ii. Where a Party has not submitted an 'adequate' NIAP, or a progress report by a specified date and in accordance with the template provided by the Secretariat, or where a Party has submitted a progress report within the specified time and in accordance with the template provided by the Secretariat but the report is assessed by the Standing Committee or Secretariat with an overall rating of 'limited progress', or where a Party has submitted a progress report within the specified time and in accordance with the template provided by the Secretariat but the report is assessed by the Standing Committee or the Secretariat with an overall rating of 'partial progress' for the second time, the Secretariat on behalf of the Standing Committee shall issue a written caution, requesting a response and offering assistance;
 - iii. Where a Party fails to comply with a written caution, the Secretariat on behalf of the Standing Committee sends a 'public notification' of the compliance matter to all Parties advising that compliance matters have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response;
 - iv. Where a Party fails to comply with a written caution followed by the issuance of a public notification, the Secretariat on behalf of the Standing Committee shall issue a warning letter that Article XIII compliance procedures may be triggered by the Standing Committee unless the Party complies with the warning letter.
 - v. Where a Party fails to comply with a warning letter, the Standing Committee may trigger any Article XIII compliance procedures, including making a recommendation to suspend trade.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

- a full time consultant for 36 months at a P2 level – USD 450,000 (USD 150,000 per year)