

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

General compliance and enforcement

COUNTRY-WIDE SIGNIFICANT TRADE REVIEWS

1. This document has been submitted by the Animals and Plants Committees*, and prepared in consultation with the Standing Committee and the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted the following Decision:

17.111 Directed to the Animals and Plants Committees

The Animals and Plants Committee, with the assistance of the Secretariat, shall explore potential benefits and disadvantages of country-wide significant trade reviews, drawing upon the lessons learned, outcomes and impacts of the country-wide Review of Significant Trade of Madagascar as relevant.

Implementation of Decision 17.111

3. At the joint session of the 29th meeting of the Animals Committee and the 23rd meeting of the Plants Committee (AC29/PC23, Geneva, July 2017), the Secretariat submitted document [AC29 Doc. 13.4/PC23 Doc. 15.4](#) on *Country-wide significant trade reviews*. In support of the implementation of Decision 17.111, it proposed to organize a consultancy to analyse potential benefits and disadvantages of conducting country-wide significant trade reviews; and indicated that Madagascar's country-wide Review of Significant Trade could provide insights into the possibility of conducting further reviews of this nature. It also made suggestions for various aspects relating to country-wide Significant Trade Reviews that the Committees could examine independently of a supporting consultancy.
4. On the basis of the Secretariat's document and discussions in plenary, the Committees established an intersessional working group on country-wide significant trade reviews with the following terms of reference:
 - a) *explore potential benefits and disadvantages of country-wide significant trade reviews drawing upon the lessons learned and existing information on outcomes and impacts and, if possible, the outcomes of the consultancy proposed in paragraph 6 of document [AC29 Doc. 13.4/PC23 Doc. 15.4](#);*
 - b) *taking into account discussions in the joint session, consider the issues mentioned in paragraph 7 of document [AC29 Doc. 13.4/PC23 Doc. 15.4](#); and*
 - c) *report to the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee.*

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

5. The membership of the intersessional working group was decided as follows: AC representatives of Europe (Mr. Fleming), North America (Ms. Gnam), and Oceania (Mr. Robertson), PC Chair (Ms. Sinclair) and PC nomenclature specialist (Mr. McGough); Canada, European Union, Madagascar, Norway, Peru, Spain, Switzerland, United States of America, and Zimbabwe; and UNEP-World Conservation Monitoring Centre (UNEP-WCMC), International Union for Conservation of Nature (IUCN), Center for International Environmental Law, Defenders of Wildlife, German Society of Herpetology, Humane Society International, Species Survival Network, TRAFFIC, and WWF.
6. In support of the intersessional working group's mandate, the Secretariat contracted the United Nations Environment Programme - World Conservation Monitoring Centre (UNEP-WCMC) to produce a technical report on *Evaluation of the countrywide significant trade review process*, while working closely with the intersessional working group referred to in paragraph 5 above. The report was circulated to the intersessional working group for inputs and comments and was presented at the joint session of the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee (AC30/PC24, Geneva, July 2018), as an Annex to document [AC30 Doc. 12.3/PC24 Doc. 13.3](#). It provides an overview of the country-wide Review of Significant Trade for Madagascar, outlines successes and challenges, extracts lessons learned, and provides recommendations for future country-wide significant trade reviews.
7. During AC30/PC24, an in-session working group was established to undertake the following:
 - a) *consider the outcomes of the report in the Annex to [AC30 Doc. 12.3/PC24 Doc. 13.3](#), and any other relevant findings;*
 - b) *draft conclusions and recommendations as appropriate, and*
 - c) *draft a way forward to bring the results of the implementation of Decision 17.111, and its conclusions, to the attention of the Standing Committee at its 70th meeting and/or of the Conference of the Parties at its 18th meeting.*
8. Based on the report of the in-session working group in document [AC30/PC24 Com. 1 \(Rev. by Sec.\)](#), the Animals and Plants Committees:
 - a) welcomed the evaluation of the country-wide Review of Significant Trade for Madagascar as outlined in Annex to [AC30 Doc. 12.3/PC24 Doc. 13.3](#) and noted the achievements, shortcomings, challenges and lessons learned and recorded in the Annex;
 - b) noted that it would have been useful to have had available to the Committees a comprehensive assessment of the resources required to implement the process and, therefore, recommended that any decision on a future country-wide review process fully considers the resources required;
 - c) concluded that a country-wide review process has significant merit but such 'reviews' are likely to be more effective if they address implementation of the Convention in its entirety than if restricted to Article IV alone;
 - d) recommended that the development of a country-wide process be explored to support not only the science-based implementation of the Convention, in particular the making of non-detriment findings, but also wider implementation issues. These can be considered in the light of other relevant processes to enhance implementation of the Convention at national and/or regional level; and
 - e) recommended that the Chairs of the Animals and Plants Committees, in consultation with the Secretariat, bring the conclusion in paragraphs c) and d) above to the attention of the Standing Committee at its 70th meeting with a proposed set of draft Decisions (seeking a mandate to explore whether the scientific issues identified in the country-wide Review of Significant Trade for Madagascar can be integrated into other existing mechanisms or whether a new mechanism should be developed) for consideration at the 18th meeting of the Conference of the Parties (CoP18).
9. Considering the progress achieved, the Chairs of the Animals and Plants Committees, in consultation with the Secretariat, recommended that a set of draft decisions be submitted for consideration to CoP18, as replacement of the current Decision 17.111.
10. At the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), the Standing Committee considered document [SC70 Doc. 29.3](#) and the set of draft decisions proposed by the Animals and Plants

Committees. Standing Committee Members recognised the potential benefit of country-wide approach, noting that a number of countries regularly selected under Review of Significant Trade (RST) struggle to fulfil the recommendations, suggesting that capacity-building requirements and technical support needed by Parties is much broader than those which are required for a scientifically based non-detriment findings to be conducted. Committee Members also noted significant crossovers between the country-wide significant trade review process, capacity-building programmes and the proposed compliance assistance programme. One Party noted that progress on the evaluation of the Review of Significant Trade significantly increased with the creation of an advisory body, and suggested that such a body could potentially be set up for the country-wide significant trade review process.

11. At SC70, the Standing Committee noted document SC70 Doc. 29.3 and invited the Chairs of the Animals and Plants Committees, in consultation with the Secretariat, to further develop and submit the draft decisions in paragraph 9 of document SC70 Doc. 29.3 for consideration by the Conference of the Parties, in replacement of Decision 17.111, noting the suggestions to include in the draft decisions: the establishment of an advisory body, the necessity to adapt to the proposed Compliance Assistance Programme, and the inclusion of timeframes and consideration of the need for external funding.
12. Consultations between the Chairs of the Animals, Plants and Standing Committees and the Secretariat concluded that the creation of an advisory body was not necessary at this time, and that it would be preferable to await the outcome of the discussions at CoP18 on the proposed Compliance Assistance Programme (see document CoP18 Doc. 28) and the Capacity Building Programme (CoP18 Doc. 22.1), as well as the review of long-standing recommendations to suspend trade that will be presented at the 71st meeting of the Standing Committee (SC71, Colombo, May 2019), before determining how best to organize the work of the Committees with regard to country-wide significant trade reviews. The draft decisions have been amended to make specific reference to the proposed Compliance Assistance Programme and timeframes for reporting to the Committee meetings have also been added. The complete set of decisions for consideration by the Conference of the Parties is presented in Annex 1 to this document.

Recommendations

13. The Conference of the Parties is invited to:
 - a) adopt the set of decisions presented in Annex 1 to this document; and
 - b) agree that Decision 17.111 has been implemented and can be deleted.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat notes the achievements, shortcomings, challenges, indicators, lessons learned and conclusions presented in the evaluation of the country-wide Review of Significant Trade for Madagascar, as outlined in the Annex to document [AC30 Doc. 12.3/PC24 Doc. 13.3](#).
- B. The Secretariat notes that one of the main conclusions of the evaluation was that “the lack of appropriate non-detriment findings across several species is often not the result of species-specific issues but rather an indication of more systemic, underlying institutional challenges”. The Secretariat sees merit in looking further at ways in which the CITES Committees and the Secretariat can coordinate their efforts to assist Parties in addressing the issues identified in the evaluation of the country-wide Review of Significant Trade in a more coordinated and holistic manner, within existing CITES mechanisms and processes.
- C. The Secretariat notes that many of the recommendations coming from the country-wide review are also the subject of discussions under the documents on the proposed Compliance Assistance Programme (CAP) (CoP18 Doc. 28) and capacity building activities (CoP18 Docs. 21.2 and 21.2), and this document should be considered in parallel with discussions on these agenda items. In addition, under its regular reporting on the Review of Significant Trade, the Secretariat will present a review of long-standing recommendations to suspend trade at the 71st meeting of the Standing Committee (SC71, Colombo, May 2019). This review may help to identify some potential candidate Parties that could benefit from a country-wide review in the future.

- D. The criteria for the selection of Parties that may be eligible for the CAP, as outlined in paragraph 28 of document CoP18 Doc. 28, indicate that a number of Parties that are subject to more than one long standing recommendation to suspend trade or who are repeatedly selected for review under the Review of Significant Trade may be eligible for assistance under CAP. Once the scale and scope of the CAP has been clearly defined and the necessary resources for providing the proposed assistance have been secured, a number of selected Parties may be able to avail of this assistance.
- E. For the purpose of clarity and to improve the language in paragraph a) of the draft decision directed to the Secretariat, the following suggested amendments are proposed. Firstly, the Secretariat suggests changing the location of the text “the resources required to undertake such reviews” because it mistakenly implies this is mentioned in the Annex referred to in document AC30 Doc. 12.3/PC25 Doc. 13.3. Secondly, the Secretariat suggests the inclusion of a reference to “capacity-building activities” as an existing mechanism to provide support to Parties. Finally, as the aim of the proposed Compliance Assistance Programme is to assist Parties facing multiple problems in their implementation of the Convention in its entirety, rather than Article IV alone, this text seems redundant and could be deleted. The complete amended text would therefore read as follows:
- a) consider the ‘Outlook and recommendations’ regarding country-wide significant trade reviews, ~~including the resources required for such reviews,~~ as articulated in the Annex to document AC30 Doc. 12.3/PC24 Doc. 13.3, and the resources required to undertake such reviews, and provide advice as to whether the scientific and management issues identified in the evaluation of the country-wide Review of Significant Trade for Madagascar can be integrated into other existing CITES mechanisms or programme activities, including capacity-building activities and the proposed Compliance Assistance Programme, or whether a new mechanism should be developed to provide targeted support to Parties at a national level. ~~to address implementation of the Convention in its entirety rather than Article IV alone;~~
- F. The Secretariat recommends that the Conference of the Parties adopt draft decisions in Annex 1 as amended by the Secretariat in paragraph E above.

DRAFT DECISIONS ON COUNTRY-WIDE SIGNIFICANT TRADE REVIEWS

18.AA *Directed to the Secretariat*

The Secretariat shall:

- a) consider the 'Outlook and recommendations' regarding country-wide significant trade reviews, including the resources required for such reviews, as articulated in the Annex to document AC30 Doc. 12.3/PC24 Doc. 13.3 and provide advice as to whether the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar can be integrated into other existing CITES mechanisms or programme activities, including the proposed Compliance Assistance Programme, or whether a new mechanism should be developed to provide targeted support to Parties at a national level to address implementation of the Convention in its entirety rather than Article IV alone;
- b) determine how Parties might qualify or apply for support under a 'country wide review' under existing mechanisms or any new mechanism; and
- c) prepare a report on its findings and recommendations, for consideration by the Animals and Plants Committees at their 32nd and 26th meetings respectively, and subsequently for the Standing Committee at its 74th meeting.

18.BB *Directed to the Animals and Plants Committees*

The Animals and Plants Committees shall review the report by the Secretariat and provide recommendations to the Standing Committee or the Conference of parties, as appropriate.

18.CC *Directed to the Standing Committee*

The Standing Committee shall review the report and the recommendations of the Animals and Plants Committees at its 74th meeting, and in consultation with the Secretariat, make recommendations for consideration at the 19th meeting of the Conference of the Parties, which may include proposals for amendments to Resolution Conf. 12.8 (Rev. CoP17) or other existing resolutions, or a new resolution.

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 proposed draft decisions will have no direct financial cost, but will have workload implications for the scientific Committees, the Standing Committee and the Secretariat.