

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

Species specific matters

Elephants (Elephantidae spp.)

IMPLEMENTATION OF RESOLUTION CONF. 10.10 (REV. COP17)  
ON *TRADE IN ELEPHANT SPECIMENS*

1. This document has been submitted by the Secretariat at the request of the Standing Committee.

Background

2. Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* in the section **Regarding trade in elephant specimens** directs the Standing Committee in paragraph 16 to:
  - a) *review actions taken by the Parties to implement the provisions of this Resolution, particularly – but not limited to – the provisions concerning trade in elephant specimens,*
  - b) *make targeted recommendations as appropriate, in accordance with the Guidelines contained in Annex 3, which may include requesting identified Parties to develop and implement National Ivory Action Plans; and*
  - c) *report the results at each meeting of the Conference of the Parties;*
3. Paragraph 18 of the same Resolution further **DIRECTS** the Secretariat to *report at each regular meeting of the Standing Committee on any apparent problems in the implementation of this Resolution or in the control of trade in elephant specimens, and to assist the Standing Committee in its reporting to the Conference of the Parties.*
4. In order to meet its reporting requirements indicated above, the Standing Committee requested the Secretariat to draft a report on the Committee's behalf for consideration by the Conference of the Parties at its 18th meeting (CoP18, Colombo, 2019), summarizing the actions decided and determinations made by the Standing Committee regarding the elements of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* and related elephant Decisions that the Committee addressed at its 69th and 70th meetings (SC69, Geneva, November 2017; SC70, Sochi, October 2018).
5. The document is divided into five parts to facilitate its consideration by the Conference of Parties:
  - Part 1 on the implementation of Decisions 17.171 and 17.172 on *Stocks and stockpiles (elephant ivory)*;
  - Part 2 on the implementation of Decisions 17.217 and 17.218 on *Trade in Asian elephants (Elephas maximus)*;
  - Part 3 on the implementation of Decisions 17.70 to 17.82 on the *National Ivory Action plan process (NIAP)*;

- Part 4 on the implementation of recommendations relating to elephants agreed at SC69 and SC70; and
- Part 5 on the implementation of Resolution Conf. 10.10 (Rev. CoP17) as it relates to reports to be submitted by the Secretariat for consideration by the Standing Committee.

Part 1: Implementation of Decisions 17.171 and 17.172 on *Stocks and stockpiles (elephant ivory)*

6. Decisions 17.171 and 17.172 read as follows:

**17.171 Directed to the Secretariat**

*Where appropriate, the Secretariat shall, in collaboration with Parties and subject to external funding:*

- a) *develop practical guidance for the management of ivory stockpiles, including their disposal, based on an analysis of best practices and in accordance with provisions in Resolutions Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species and Conf. 10.10 (Rev. CoP17) on Trade in elephant specimens;*
- b) *disseminate the guidance to the Parties and make it available on the CITES website; and*
- c) *report on the implementation of this Decision as part of its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.10 (Rev. CoP17), prior to the 18th meeting of the Conference of the Parties.*

**17.172 Directed to the Standing Committee**

*The Standing Committee shall make recommendations for consideration at the 18th meeting of the Conference of the Parties as appropriate.*

- 7. At SC69, the Standing Committee invited the Secretariat to review the stockpile management system developed by the non-governmental organization 'Stop Ivory', and advise on those aspects of that system that would be useful for Parties in meeting their reporting requirements under Resolution Conf. 10.10 (Rev. CoP17) within the framework of Decision 17.171.
- 8. At SC70, the Secretariat reported that it met with TRAFFIC and Stop Ivory with a view of analyzing the ivory stockpile management system developed by the latter as an example of best practice. This analysis took place based on its deployment in Mozambique. The Secretariat furthermore reported that it was grateful for having received a donation of USD 20,000 from a group of non-governmental organizations (Animal Welfare Institute, Born Free, David Shepherd Wildlife Foundation, Fondation Franz Weber, Humane Society International, IFAW – International Fund for Animal Welfare, Natural Resources Defense Council, Stop Ivory and Species Survival Network) to support the implementation of Decision 17.171 a).
- 9. The Secretariat reported that it intended to finalise the development and dissemination of practical guidance for the management of ivory stockpiles in time to report to the 71st meeting of the Standing Committee (SC71, Colombo, May 2019) prior to CoP18, in line with the instruction in paragraph a) and b) of Decision 17.171. However, this would not allow time for the Standing Committee to review the practical guidance for the management of stockpiles prepared by the Secretariat and to make recommendations for consideration by CoP18.
- 10. SC70 agreed to propose to CoP18 the replacement of Decision 17.172 to allow for the review of the practical guidance for the management of ivory stockpiles. In this regard, a draft decision 18.AA is presented in **Annex 1** to the present document, for consideration by the Conference of the Parties.

Part 2: Implementation of Decisions 17.217 and 17.218 on *Trade in Asian elephants (Elephas maximus)*

- 11. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted the following Decisions concerning Asian elephants:

### **17.217 Directed to Parties**

*All Parties involved in the trade in live Asian elephants are encouraged to:*

- a) undertake, as necessary, investigations into the illegal trade in live Asian elephants, and endeavour to enforce, and where necessary improve, national laws concerning international trade in specimens of Asian elephants with the explicit intention of preventing the illegal trade in live Asian elephants;*
- b) develop strategies to manage captive Asian elephant populations;*
- c) ensure that trade in, and cross-border movements of live Asian elephants are conducted in compliance with CITES, including the provisions in Article III, paragraph 3, for Asian elephants of wild origin;*
- d) collaborate in the development and application of a regional system for registering, marking and tracing live Asian elephants, requesting as necessary assistance from experts, specialized agencies or the Secretariat; and*
- e) at the request of the Secretariat, provide information on the implementation of this Decision for reporting by the Secretariat to the Standing Committee.*

### **17.218 Directed to the Secretariat**

*The Secretariat shall:*

- a) upon request and pending the availability of external funding, assist the range States of Asian elephants in their implementation of Decision 17.217; and*
- b) incorporate information provided by range States in accordance with Decision 17.217, paragraph e), together with other findings and recommendations concerning trade in live Asian elephants as appropriate, into its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.10 (Rev. CoP17) on Trade in elephant specimens.*

12. At SC70, the Secretariat reported on the implementation of Decisions 17.217 and 17.218. No requests had been received from Asian elephant range States for assistance in implementing Decision 17.217, but the Secretariat undertook research regarding the implementation of some aspects of this Decision (strategies to manage captive Asian elephant populations and systems for registering, marking and tracing live Asian elephants).
13. The Standing Committee, at SC70, requested the Secretariat to issue a notification asking Parties involved in the trade in live Asian elephants to provide information to the Secretariat on the implementation of Decision 17.217, and to identify gaps that must be addressed by range States, and to include this information in its report to the Conference of the Parties.
14. The Secretariat issued Notification to the Parties No. 2018/077 dated 30 October 2018, asking Parties involved in the trade in live Asian elephants to provide information to the Secretariat on their implementation of Decision 17.217, and on gaps to be addressed by range States. By the deadline of 30 November 2018 as specified in the Notification, the Secretariat did not receive any responses to the Notification. The Management Authority of Thailand did, however, submit information relating to the implementation of Decision 17.217 on 7 December 2018. Thailand states that it has never allowed any trade in Asian elephants taken from the wild, and that it has strengthened national laws to prevent the illegal trade in live Asian elephants, including improvements to identification cards for domesticated Asian elephants that require the inclusion of information that supports traceability. Various strategies to manage captive Asian elephant populations have also been developed, including a 20-year National master plan on domesticated elephant conservation. Although gaps to be addressed by range States were not specifically addressed; Thailand indicated that it would welcome collaboration among Asian elephant range States, especially with its neighbouring countries, on a regional system for registering, marking and tracing live Asian elephants.
15. Concerns were also raised at SC70 by Parties and other observers regarding the emerging threat posed by trade in Asian elephant skin. The Standing Committee therefore agreed that the scope of Decisions 17.217

and 17.218 should be expanded to cover trade in elephant parts and derivatives. The Standing Committee agreed to propose to CoP18 the renewal of Decisions 17.217 and 17.218 with amendments to address the concerns relating trade in Asian elephant skin. In this regard, draft decisions 18.BB and 18.CC are presented in **Annex 1** of the present document for consideration by the Conference of the Parties.

### Part 3: Implementation of Decisions 17.70 to 17.82 on the *National Ivory Action Plan (NIAP) process*

16. At CoP17, the Conference of the Parties adopted *Guidelines to the NIAP process*,<sup>1</sup> contained in Annex 3 to Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*, as well as Decisions 17.70 to 17.82 on the *National ivory action plans process*. These Decisions are presented in **Annex 2** to the present document. This section of the present document includes the reporting of the Standing Committee to the Conference of the Parties, in accordance with Decision 17.73, paragraph c).

#### *Decision 17.74: New names for NIAP Party categories*

17. At SC69, the Standing Committee agreed to endorse new names for the NIAP Party categories, including an explanation for each category.<sup>2</sup> The new endorsed names and explanations are as follows:
- a) Category A Parties: Parties most affected by illegal trade in ivory.<sup>3</sup>
  - b) Category B Parties: Parties markedly affected by illegal trade in ivory.<sup>4</sup>
  - c) Category C Parties: Parties affected by illegal trade in ivory.<sup>5</sup>
18. The Secretariat consistently applied these new category names throughout the present document, and its Annexes.
19. The Committee invited the Secretariat to request the Elephant Trade Information System (ETIS) to use the new names for the NIAP Party categories in future ETIS reports. To convey the request of the Committee, the Secretariat formally wrote in March 2018 to TRAFFIC as the manager and coordinator of ETIS. TRAFFIC responded to the Secretariat, confirming that the new endorsed names will be used.

#### *Decisions 17.70, 17.71, 17.73, 17.75, 17.76, 17.78 and 17.79: Implementation of the NIAP process*

20. Parties included in the NIAP process prior to CoP17 continued in the current reporting period the implementation of their NIAPs in accordance with Decisions 17.70 and 17.76, and the *Guidelines*. In accordance with Decisions 17.71 and 17.75, the Secretariat commenced the identification of new Parties to participate in the NIAP process after CoP17. The Secretariat subsequently initiated a postal procedure presenting the Standing Committee with recommendations for its consideration, as required by the *Guidelines*. In May 2017, the Committee agreed by postal procedure to recommendations on new Parties to participate in the NIAP process. The recommendations were communicated to Parties in Notification to the Parties [No. 2017/042](#) of 2 June 2017. In preparing these documents and recommendations for consideration by the Standing Committee, and its documents and recommendations to the regular meetings of the Standing Committee, the Secretariat consulted with relevant experts, as needed, in accordance with Steps 1 and 5 of the *Guidelines*.<sup>6</sup>
21. The Standing Committee kept the NIAP process under review as per Decision 17.73 and the *Guidelines*.

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<sup>1</sup> Referred to as 'the Guidelines' throughout the rest of the present document.

<sup>2</sup> <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-Sum-03-R1.pdf>

<sup>3</sup> Previously named 'Parties of primary concern'.

<sup>4</sup> Previously named 'Parties of secondary concern'

<sup>5</sup> Previously named 'Parties of importance to watch'

<sup>6</sup> Prior to SC69, the Secretariat consulted with ETIS, the MIKE programme, partner agencies to the International Consortium on Combating Wildlife Crime (ICWC), and the African and Asian Elephant Specialist Groups on China (including Hong Kong SAR), Japan, Kenya, Malaysia, the Philippines, Qatar, Singapore, South Africa, Sri Lanka, Thailand, Togo, Uganda, the United Arab Emirates (UAE) and Viet Nam. Prior to SC70, the Secretariat consulted with ETIS on China (including Hong Kong SAR), Kenya, Nigeria, Mozambique, the Philippines, Thailand, the United Republic of Tanzania and Uganda, and with the United Nations Office on Drugs and Crime (UNODC) on Cambodia and Mozambique.

22. The Secretariat submitted reports on progress with NIAP implementation to SC69 and SC70 in annexes to documents SC69 Doc. 29.3 and SC70 Doc. 27.4, respectively. The reports on progress with NIAP implementation submitted by Parties, as well as new, revised and updated NIAPs<sup>7</sup> were also made available on the NIAP webpage, as required by Decisions 17.78 and 17.79. The Standing Committee made recommendations on the NIAP process at each of its regular meetings [see documents [SC69 Sum.3 \(Rev.1\)](#), [SC69 Sum.10 \(Rev.1\)](#), [SC70 Sum.2 \(Rev. 1\)](#), and [SC70 Sum.12 \(Rev.1\)](#)].
23. Since CoP17, Malawi and Togo as Category A Parties, and Qatar as Category C Party, have been requested by the Standing Committee to develop and implement a NIAP. Malaysia and Viet Nam, two Category A Parties that previously ‘substantially achieved’ their NIAPs, were requested by the Committee to revise and update their NIAPs, and to continue implementation. Egypt as Category C Party was requested by the Standing Committee to revise and update its NIAP, and to continue implementation. NIAPs revised and updated from their own initiative by two Category C Parties, Angola and the Democratic Republic of the Congo, were accepted as adequate following SC69. Cambodia, Cameroon, Congo, Ethiopia, Gabon, and Nigeria as Category B Parties, and the Lao People’s Democratic Republic (PDR) as Category C Party, have not yet ‘achieved’ their NIAPs and, together with the new Parties that were included in the process and those that revised and updated their NIAPs, continue implementation.
24. The Standing Committee at SC70 agreed, *inter alia*, that China [excluding Hong Kong Special Administrative Region (SAR) of China], Kenya, Uganda and the United Republic of Tanzania as Category A Parties, Thailand as Category B Party, and the Philippines as Category C Party, exit the NIAP process in accordance with Step 5 paragraph d) of the *Guidelines*. Although Hong Kong SAR and Mozambique both ‘achieved’ their NIAPs in line with Step 4, paragraph e), of the *Guidelines*, the Committee agreed to defer the decision on whether these Parties should exit the NIAP process to its 73rd meeting (SC73, Geneva, 2020). The Committee encouraged further reporting by Hong Kong SAR, and requested further reporting from Mozambique, on a number of matters, as presented in the recommendations agreed at SC70.
25. The table below shows the status of the implementation of NIAPs by Parties that take part in the process, following SC70.

Status of Parties identified by ETIS after SC70			
Category A Parties		Category B Parties	Category C Parties
China	Hong Kong SAR	Cambodia	Angola
Kenya		Cameroon	Democratic Republic of the Congo
Malawi		Congo	Egypt
Malaysia		Ethiopia	Japan
Singapore		Gabon	Lao PDR
United Republic of Tanzania		Nigeria	Mozambique
Togo		South Africa	Philippines
Uganda		Sri Lanka	Qatar
Viet Nam		Thailand	UAE

	NIAP Parties that have ‘substantially achieved’ their NIAPs.
	Parties participating in the NIAP process that have not yet ‘substantially achieved’ their NIAPs, and continue with NIAP implementation.
	Parties participating in the NIAP process requested to revise and update their NIAPs.
	Parties identified by ETIS not included in the NIAP process at present.

<sup>7</sup> <https://cites.org/eng/niaps>

26. At the time of writing, the ETIS report to CoP18 was not ready. The Secretariat will as soon as the report is available, initiate the process of identifying new Parties to participate in the NIAP process, in accordance with Step 1 of the *Guidelines*, and prepare recommendations for consideration by the Standing Committee at SC71.

*Decision 17.77: NIAP template, and the template for reporting on progress with NIAP implementation*

27. The Secretariat developed a template for NIAP development, as well as a template for progress reports on NIAP implementation. Both templates are available in English, French and Spanish on the NIAP webpage.<sup>8</sup> The Secretariat also distributed the templates to all relevant Parties.

*Decision 17.80: Meeting of representatives of Parties concerned with the development and implementation of NIAPs*

28. Pursuant to Decision 17.80, the Secretariat convened a meeting of representatives of Parties concerned with the development and implementation of NIAPs in Maputo, Mozambique, from 1 to 4 May 2018. The meeting was convened in close cooperation with the Ministry of Land, Environment and Rural Development of Mozambique, and the Secretariat's partners in the International Consortium on Combatting Wildlife Crime (ICWC).<sup>9,10</sup> The meeting was organized thanks to the generous funds provided by the United Kingdom of Great Britain and Northern Ireland for the implementation of the ICWC Strategic Programme 2016-2020.
29. The Standing Committee, at SC70, noted the actions agreed by participants in the meeting. The Committee requested the Secretariat to make the actions available on the NIAP webpage in English, French and Spanish as guidance for new and existing NIAP Parties. The Committee further encouraged Parties included in the NIAP process to draw upon the actions on *Legislation and regulations; National level enforcement action and inter-agency collaboration; International and regional enforcement collaboration; Outreach, public awareness and education; and Resource mobilization*, when developing and implementing their NIAPs.
30. The Secretariat has, as requested by the Committee, made these actions available as *Guidance to Parties developing and implementing National Ivory Action Plans*, in English, French and Spanish on the NIAP webpage.<sup>11</sup>

*Proposed revisions to the Guidelines to the NIAP process in Annex 3 to Resolution Conf. 10.10 (Rev. CoP17)*

31. The Standing Committee at SC70 agreed to propose to the Conference of the Parties the amendment of the *Guidelines to the NIAP process* in Annex 3 to Resolution Conf. 10.10 (Rev. CoP17). The purpose was to reflect the new names for the NIAP Party categories (see paragraph 17 above) and to address NIAP process-related matters outlined under heading 6 of the recommended actions agreed by participants in the meeting of representatives of Parties concerned with the development and implementation of NIAPs (see paragraphs 28 to 30 above).<sup>12</sup> The amendments to the *Guidelines to the NIAP process*, agreed by the Committee, are all presented in **Annex 3** to the present document.
32. The *Guidance to Parties developing and implementing National Ivory Action Plans*, as described in paragraphs 29 to 30 above, can be a valuable resource for Parties to draw upon in developing and implementing their NIAPs. The Secretariat therefore believes that it would be appropriate to include reference to this *Guidance* in *Step 2: Development of a NIAP* of the *Guidelines to the NIAP process*. Amendments to this effect are presented in **Annex 3** [as a new Step 2 c)].
33. Further, the Secretariat believes that it would be appropriate to incorporate the provisions of Decisions 17.78 and 17.79 in the *Guidelines to the NIAP process*, and proposes these amendments as new Step 3 f) and Step 4 c) of the *Guidelines*, as shown in **Annex 3** to the present document.

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<sup>8</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

<sup>9</sup> <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-27-04.pdf>

<sup>10</sup> <https://cites.org/sites/default/files/eng/com/sc/70/Inf/E-SC70-Inf-20.pdf>

<sup>11</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

<sup>12</sup> <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-27-04-A2.pdf>

*Proposed revision to the Annex to Resolution Conf. 14.3 on CITES compliance procedures*

34. Paragraph 30 of the Annex to Resolution Conf. 14.3 on *CITES compliance procedures* provides for recommendations to suspend trade in certain cases. Such recommendations should always be specifically and explicitly based on the Convention, and on any applicable Resolutions and Decisions of the Conference of the Parties. Footnote 1 in paragraph 30 of the Annex to Resolution Conf. 14.3 lists which Resolutions and Decisions are applicable in this context. At SC70, the Standing Committee agreed to propose to the present meeting to include Resolution Conf. 10.10 (Rev CoP17) on *Trade in elephant specimens* in the footnote to paragraph 30 in the Annex to Resolution Conf. 14.3. This matter is included in the document on *Review of Resolutions*, prepared for the present meeting, and will be addressed under that agenda item (CoP18 Doc. 24).

*Decisions 17.72, 17.81 and 17.82: Liaison with the ICCWC and financial and/or technical assistance*

35. The reports submitted by Parties to SC69 and SC70 demonstrated that resources from a wide variety of sources have been mobilized, and continue to be mobilized, in accordance with Decisions 17.72, 17.81 and 17.82, to support NIAP implementation. This includes for example projects funded under GEF-6, activities under the ICCWC Strategic Programme, Parties, intergovernmental and non-governmental organizations' in-country projects, and others.
36. In the context of Decision 17.82, the Secretariat would like to thank the United States of America for the generous funding it provided to the Secretariat to support NIAP implementation in a number of Southeast Asian countries. The Secretariat is currently engaging with Cambodia, Malaysia, Lao People's Democratic Republic and Viet Nam to work with these Parties to identify the actions that are of highest priority for these Parties to address.
37. Continued mobilization of resources in support of NIAP implementation remains essential. The Conference of the Parties may therefore wish to encourage Parties included in the NIAP process to, in accordance with the *Guidance to Parties developing and implementing National Ivory Action Plans*, make every effort to mainstream NIAP implementation in national budgeting. Further, the Conference of the Parties may wish to take this opportunity to encourage Parties included in the NIAP process to make deliberate efforts to identify priority NIAP actions that could benefit from donor and development community support, and to take steps to proactively communicate and present these needs to potential donors and the development community, with a particular focus on the implementation of the provisions of paragraph 7 in Resolution Conf. 10.10 (Rev. CoP17).
38. The Conference of the Parties also may wish to remind all governments, intergovernmental and non-governmental organizations, and other appropriate donors, of the provisions of paragraph 31 in Resolution Conf. 10.10 (Rev. CoP17), and to encourage donors and the development community to align the mobilization of resources with the priorities identified in Parties' NIAPs and Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*, as encouraged in the *Guidance to Parties developing and implementing National Ivory Action Plans*.

*The role of the Secretariat in the NIAP process*

39. At CoP17, the Secretariat reported that the work associated with the NIAP process had placed significant additional administrative and substantive tasks on the Secretariat. During the current reporting period, this included all activities relating to implementing the *Guidelines*, coordinating communication with (and among) Parties and stakeholders, processing new or revised and updated NIAPs, undertaking in-country missions, preparing Standing Committee documents and undertaking work as required by the Standing Committee. The NIAP reports submitted by Parties were often comprehensive, and processing and evaluating these reports in a timely manner was labour-intensive and challenging.
40. The Secretariat's active role in, and support to, the NIAP process has been made possible through the financial resources from Germany, Switzerland and the United States of America. The funds provided by the United States and Switzerland enabled the Secretariat to create and maintain a full-time NIAP Support Officer since CoP17, while the funding from Germany supported part-time work on NIAPs by a joint CITES-CMS staff member until March 2018. The Secretariat is grateful to these donors.
41. At the time of writing, 16 Parties were included in the NIAP process. Funding for the NIAP Support Officer at the Secretariat is available until mid-2019. Should the Secretariat be unable to find new funding to extend the consultancy, it would not be able to continue supporting the NIAP process in its current form. Given the

additional substantive workload for the Secretariat in managing the NIAP process, and the likelihood that this work will be ongoing in the immediate future, the Secretariat wishes to ask the Conference of the Parties to consider the resource implications at the present meeting. The importance and value of the NIAP process is widely recognized, but for the Secretariat to continue providing support at current levels will not be possible without additional resources. The Secretariat therefore proposes to incorporate the cost associated with monitoring and supporting the NIAP process in the CITES Trust Fund (CTL) budget for the years 2020-2022, and more specifically through the creation of a Compliance Support Officer post, which would support the implementation of NIAPs and other CITES compliance processes. This proposal is presented in the document on *Budget and work programme for 2020 to 2022*, prepared for the present meeting, for consideration by the Conference of the Parties.

42. The Standing Committee will continue its reporting on the NIAP process, in accordance with paragraph 16 of Resolution 10.10 (Rev. CoP17), to each meeting of the Conference of the Parties.

#### Part 4: Implementation of recommendations relating to elephants agreed at SC69 and SC70

##### *Review of the Elephant Trade Information System (ETIS) programme*

43. At SC69, the Standing Committee requested the Secretariat, in collaboration with the MIKE-ETIS Technical Advisory Group (TAG), to prepare terms of reference for a review of the ETIS programme, that would include evaluations of operations, data collection, validation and management, analysis and technical outputs, and an assessment of options for carrying out this review. The review should take into account issues raised by Parties in relation to the ETIS methodology and analysis.
44. At SC70, the Standing Committee adopted the Terms of Reference for a review of the ETIS programme. The Terms of Reference are attached as **Annex 4** to the present document. The Standing Committee furthermore requested the Secretariat to:
- a) subject to external funding, appoint a group of independent experts to carry out the review of the ETIS programme under the oversight of the Monitoring the Illegal Killing of Elephants (MIKE) and ETIS subgroup and a nominated member of the MIKE and ETIS Technical Advisory Group;
  - b) issue a Notification to the Parties requesting Parties to:
    - i) submit written observations on the ETIS methodology to be considered in the review process to the Secretariat by 28 February 2019; and
    - ii) provide financial support for the review of the ETIS programme; and
  - c) request the Secretariat to prepare a document on this matter for consideration at CoP18, which could include draft decisions on the conduct and delivery of the review, depending on advancements made.
45. The Secretariat will issue the Notification referred to above in January 2019 after the release of the ETIS report on the CITES website. The Secretariat will provide verbal updates at CoP18 relating to the written observations received from Parties, the funds secured to carry out the review and advancements made.
46. In accordance with paragraph 44 c) above, the Secretariat prepared draft decisions, 18.DD and 18.EE presented in **Annex 1** of this document on the conduct and delivery of the review of the ETIS programme, for consideration by the Conference of Parties.

##### *SC69 request to TRAFFIC relating to the ETIS programming code, an online facility to access data, consultation with Parties and explanatory materials*

47. At SC69, the Standing Committee requested TRAFFIC to:
- a) make available the programming code in the ETIS analysis through a repository hosting service, together with appropriate annotations and supporting documentation. This will be augmented with links to existing documents explaining the methods used in the analyses;
  - b) finalise the delivery of an online facility for Parties to access, download or upload seizure data in a timely manner. Access will be restricted to designated individuals of CITES Management Authorities. Access

to data will be provided in accordance with the data access policy outlined in Resolution Conf. 10.10 (Rev. CoP17);

- c) send the ETIS report to CoP18 to all Parties identified as potentially requiring attention in the NIAP process at least 30 days prior to the release of the report on the CITES website; and
  - d) produce materials that explain in a step-wise manner the ETIS analysis and conceptual framework. Materials will be targeted at a non-technical audience, in three languages, and made freely and widely available.
48. The Secretariat issued Notification to the Parties No 2018/068, dated 19 July 2018, calling for support to TRAFFIC in undertaking the above. Belgium and the Netherlands, together with the European Union, have come forward to support the implementation of the SC69 recommendation to TRAFFIC as outlined in paragraph 47 above. The Secretariat would like to thank these Parties for their support.
49. TRAFFIC reported the following updates in terms of progress made in implementing the SC69 recommendations:
- a) The code underpinning the ETIS analysis to CoP18 is being compiled and it is expected that it will be made available in February 2019.
  - b) Database programming specialists have been engaged to update the underpinning software of the entire ETIS system. New ETIS features for the automated presentation of data have been developed. A work programme for translating all ETIS website components into French (and then Spanish) has been drafted and will be implemented in early 2019. The ultimate plan is to launch the ETIS website at CITES CoP18.
  - c) The ETIS analysis to CoP18 was sent to priority countries in December 2018.
  - d) TRAFFIC staff are currently developing a range of electronic and published materials that will be useful to CITES Parties and the wider public for understanding the ETIS analysis, and the conceptual and analytical framework from which it derives. These materials will be available prior to and at CoP18 to promote deeper understanding for, and acceptance of, the ETIS results tracking illegal trade in elephant ivory.

*Implementation of provisions relating to domestic ivory markets contained in Resolution Conf. 10.10 (Rev. CoP17)*

50. At SC69, the Standing Committee directed the Secretariat to issue a Notification to the Parties, drawing the attention of Parties to paragraph 3 of Resolution Conf. 10.10 (Rev. CoP17) recommending “*that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency*”. It also directed the Secretariat to invite relevant Parties to provide to the Secretariat information specified in paragraph 8 of Resolution Conf. 10.10 (Rev. CoP17) on the status of the legality of their domestic ivory markets and efforts to implement the provisions of the Resolution, including efforts to close domestic markets that contribute to poaching or illegal trade. In this regard, the Standing Committee reminded the Secretariat that it should report at SC70 on the implementation of provisions relating to domestic ivory markets contained in Resolution Conf. 10.10 (Rev. CoP17) and Decision 17.87. As directed, the Secretariat issued Notification to the Parties No. 2017/077 dated 19 December 2017, requesting Parties to provide information as soon as possible and no later than 15 April 2018.
51. At SC70, the Secretariat reported that the following twelve Parties had submitted information in response to the Notification: Australia, Côte d’Ivoire, the European Union, Greece, Hong Kong SAR of China, Japan, New Zealand, Singapore, South Africa, Thailand, the United Kingdom and the United States of America. The responses were made available in Annex 2 to document SC70 Doc 49.1.
52. The Standing Committee encouraged Parties to inform the Secretariat of the status or any changes to the status of the legality of their domestic ivory markets and efforts to implement the provisions of Resolution Conf. 10.10 (Rev. CoP17), including efforts to close those markets that contribute to poaching or illegal trade, in accordance with paragraph 8 of the Resolution [[SC70 Sum. 5 \(Rev. 1\)](#)]. SC70 furthermore agreed to propose for the consideration of the Conference of the Parties at the present meeting, an amendment to

Resolution Conf. 10.10 (Rev. CoP17) to urge Parties that close their domestic markets to enhance their border controls and collaboration with neighbouring countries that have not taken similar measures. The proposed amendment to Resolution Conf. 10.10 (Rev. CoP17) is contained in document CoP18 Doc. 31 on *Domestic markets for frequently illegally traded specimens*, prepared for the present meeting.

Part 5: Implementation of Resolution Conf. 10.10 (Rev. CoP17) relating to reports to be submitted by the Secretariat for consideration by the Standing Committee

*MIKE and ETIS*

53. As instructed in the section *Regarding monitoring the illegal killing of elephants and trade in elephant specimens* and Annexes 1 and 2 of Resolution Conf. 10.10 (Rev. CoP17), the Secretariat's Monitoring the Illegal Killing of Elephants (MIKE) team collated an analytical report on information collected through MIKE; and TRAFFIC, in collaboration with the Secretariat, produced a comprehensive analytical report on information collected through ETIS. The MIKE and ETIS reports are presented in documents CoP18 Doc. 69.2 and 69.3 respectively.
54. The MIKE and ETIS Subgroup of the Standing Committee met on two occasions in the margins of SC69 and SC70, and the Standing Committee adopted the reports of the subgroup at both meetings [see documents [SC69 Sum. 10 \(Rev. 1\)](#) and [SC70 Sum 12 \(Rev. 1\)](#)]. At SC70, an amendment to the Terms of Reference of the MIKE and ETIS Subgroup was adopted to clarify the attendance at its meetings by observers. The Standing Committee also requested TRAFFIC to compile aggregated summaries of validated ETIS data on an annual basis for presentation on the CITES website, noting that Parties should continue to be involved in the validation of ETIS data. Aggregated ETIS data on the numbers and weight of ivory seizure data at the national level will be compiled by country and by year, and presented on the CITES website in the first quarter of 2019.
55. The Standing Committee also requested the Secretariat to develop a proposal for consideration at its 73rd meeting on possible approaches that can be explored to address the financial and operational sustainability of the MIKE and ETIS programmes [[SC70 Sum 12 \(Rev. 1\)](#)].
56. Resolution Conf. 10.10 (Rev. CoP17) directs the Standing Committee to establish an independent technical advisory group to provide technical oversight to MIKE and ETIS. At SC70, the composition of the MIKE and ETIS Technical Advisory Group (TAG) was amended with two new global members being appointed. Unfortunately, one global member subsequently withdrew, and a process was initiated to appoint a replacement. The MIKE and ETIS TAG still operates under the revised terms of the reference adopted at the 65th meeting of the Standing Committee (SC65, Geneva, July 2014)<sup>13</sup>.
57. The TAG met on 6 and 7 November 2018 in Nairobi to discuss, among other issues, the Terms of Reference of the TAG, and the data access provisions in Resolution Conf. 10.10 (Rev. CoP17). Proposed amendments to the Terms of Reference will be submitted to Standing Committee at SC73, for consideration. A more urgent matter relates to the lack of access to detailed data by TAG members. TAG members are tasked to provide advice on the data analysis to ensure its technical soundness, but the current data access provisions do not provide for access to the detailed data by TAG members. The data access provisions for MIKE, as previously contained in Annex 2 of Resolution Conf.10.10 (Rev. CoP16), allowed for detailed data to be made accessible to the TAG for review purposes. However, during the amalgamation of the data access provisions for MIKE and ETIS at CoP17, this particular provision was omitted. It is recommended that provisions should be made for TAG members to access detailed data for review purposes in fulfilment of their responsibilities. An amendment to paragraph 26 g) of Resolution Conf. 10.10 (Rev. CoP17) is therefore proposed in **Annex 3** of the present document.

*Reports on the conservation status of elephants, the legal trade in elephant specimens, African Elephant Action Plan, MIKE and ETIS*

58. In compliance with paragraph 11 b) of Resolution Conf. 10.10 (Rev. CoP17), the Secretariat invited the United Nations Environment Programme – World Conservation Monitoring Centre (UNEP-WCMC); the International Union for Conservation of Nature (IUCN) Species Survival Commission (IUCN/SSC) African and Asian Elephant Specialist Groups; and African elephant range States to provide information referred to

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<sup>13</sup> [https://cites.org/sites/default/files/eng/prog/MIKE/mike\\_etis\\_subgrp/1407\\_MIKE-ETIS\\_TAG\\_TOR.pdf](https://cites.org/sites/default/files/eng/prog/MIKE/mike_etis_subgrp/1407_MIKE-ETIS_TAG_TOR.pdf)

in paragraph 11 b). The Secretariat compiled and submitted comprehensive reports to SC69 (document SC69 Doc. 51.1 and its Annex) and SC70 (document SC 70 Doc. 49.1 and its Annex 1).

59. The Standing Committee agreed a number of recommendations emanating from these reports and discussions at the meeting, including recommendations on the use of the *Guidelines for the preparation and submission of CITES annual reports*; the reporting timeframes and requirements relating to ivory seizure information; and the collection of samples from ivory seizures greater than 500 kg for forensic analysis [document [SC70 Sum. 5 \(Rev. 1\)](#)].

#### Recommendations

60. The Conference of Parties is invited to:

- a) consider for adoption the following draft decisions contained in **Annex 1** to the present document:
  - i) Draft decision 18.AA concerning Stocks and Stockpiles (elephant ivory) to replace Decision 17.172;
  - ii) Draft decisions 18.BB and 18.CC concerning trade in Asian elephants to replace Decisions 17.217 and 17.218;
  - iii) Draft decisions 18.DD and 18.EE concerning the review of the ETIS programme.
- b) consider for adoption the proposed amendments to Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* contained in Annex 3 to the present document,
- c) agree the deletion of Decisions 17.70, 17.71, 17.72, 17.73, 17.74, 17.75, 17.76, 17.77, 17.80, 17.81, 17.82 and 17.171 as these have been implemented; and
- d) agree the deletion of Decisions 17.78 and 17.79, as these have been incorporated into the draft revised version of Annex 3 to Resolution Conf. 10.10 (Rev. CoP17).

#### COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends the adoption of the draft decisions contained in Annex 1 and the proposed amendments to Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* contained in Annex 3 of the present document.
- B. The Secretariat furthermore recommends the deletion of the Decisions as recommended in paragraph 60.
- C. The Secretariat is of the opinion that although the Standing Committee requested the Secretariat to develop a proposal for consideration by the 73rd meeting of the Standing Committee on possible approaches to be explored to address the financial and operational sustainability of the MIKE and ETIS programmes [[SC70 Sum 12 \(Rev. 1\)](#)], a mandate from the Conference of Parties is required to address financial matters. In this regard the Secretariat would propose the following draft decisions for consideration by the Conference of Parties:

Draft decisions on possible approaches to be explored to address financial and operational sustainability of the MIKE and ETIS programmes

#### ***Directed to the Secretariat***

- 18.FF *The Secretariat shall develop a proposal for consideration by the Standing Committee at its 73rd meeting on possible approaches to address the financial and operational sustainability of the MIKE and ETIS programmes.*

***Directed to the Standing Committee***

*18.GG The Standing Committee shall review the proposal developed by the Secretariat in terms of Decision 18.FF, and make recommendations for consideration at the 19th meeting of the Conference of Parties.*

These proposed draft decisions are shown as draft decisions 18.FF and 18GG in Annex 1.

- D. The Secretariat proposes a tentative budget and source of funding for the implementation of the draft decisions and amendments to Resolution Conf. 10.10 (Rev. CoP17) in Annex 5 to the present document.

**Draft decisions on Elephants (*Elephantidae* spp.)**

1. Draft decision concerning Stocks and Stockpiles (elephant ivory) to replace Decision 17.172.

***Directed to the Standing Committee***

18.AA The Standing Committee shall review the practical guidance prepared by the Secretariat for the management of ivory stockpiles, including their disposal, and make recommendations as appropriate for consideration at the 19th meeting of the Conference of the Parties.

2. Draft decisions concerning Trade in Asian elephants (replacing Decisions 17.217 and 17.218).

***Directed to Parties***

18.BB All Parties involved in the trade in Asian elephants and their parts and derivatives are encouraged to:

- a) undertake, as necessary, investigations into the illegal trade in Asian elephants and their parts and derivatives, and endeavour to enforce, and where necessary improve, national laws concerning international trade in specimens of Asian elephants with the explicit intention of preventing illegal trade;
- b) develop strategies to manage captive Asian elephant populations;
- c) ensure that trade in, and cross-border movements of live Asian elephants are conducted in compliance with CITES, including the provisions in Article III, paragraph 3, for Asian elephants of wild origin;
- d) collaborate in the development and application of a regional system for registering, marking and tracing live Asian elephants, requesting as necessary assistance from experts, specialized agencies or the Secretariat; and
- e) at the request of the Secretariat, provide information on the implementation of this Decision for reporting by the Secretariat to the Standing Committee.

***Directed to the Secretariat***

18.CC The Secretariat shall:

- a) request a report from all Parties involved in trade in Asian elephants and their parts and derivatives on the implementation of paragraphs a) through d) of Decision 18.BB;
- b) upon request and pending the availability of external funding, assist range States of Asian elephants in their implementation of Decision 18.BB; and
- c) incorporate information provided by range States in accordance with Decision 18.BB, paragraph e), together with other findings and recommendations concerning trade in Asian elephants and their parts and derivatives as appropriate, into its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*.

3. Draft decisions concerning the review of the ETIS programme.

***Directed to the Secretariat***

18.DD The Secretariat shall report the findings of the review of the ETIS programme requested by the Standing Committee, and any recommendations emanating from the review, at the 73rd meeting of the Standing Committee.

***Directed to the Standing Committee***

18.EE The Standing Committee shall review the findings and recommendations reported by the Secretariat in accordance with Decision 18.DD, and make recommendations for consideration at the 19th meeting of the Conference the Parties.

4. Draft decisions on possible approaches to be explored to address financial and operational sustainability of the MIKE and ETIS programmes

**Directed to the Secretariat**

18.FF The Secretariat shall develop a proposal for consideration by the Standing Committee at its 73rd meeting on possible approaches to address the financial and operational sustainability of the MIKE and ETIS programmes.

**Directed to the Standing Committee**

18.GG The Standing Committee shall review the proposal developed by the Secretariat in terms of Decision 18.FF, and make recommendations for consideration at the 19th meeting of the Conference of Parties.

**Decisions 17.70 to 17.82 on  
National ivory action plans process (NIAP)**

**Directed to Parties**

- 17.70 *Parties that have been implementing the National ivory action plans process (NIAPS) at the request of the Standing Committee, should complete the implementation of any NIAP actions in accordance with the Guidelines to the NIAP Process.*
- 17.71 *New Parties identified in document CoP17 Doc. 57.6 (Rev. 1) on ETIS Report of TRAFFIC, shall, upon the conclusion of the Conference of Parties at its 17th meeting, collaborate with the Secretariat in regards of Step I of the NIAP process as defined in the Guidelines to the NIAP Process.*
- 17.72 *All Parties are invited to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.*

**Directed to the Standing Committee**

- 17.73 *The Standing Committee is directed to:*
- a) *review the reports presented by Parties already in the NIAP process in accordance with the Guidelines and determine, on the basis of these reports, whether assistance is required by these countries or if any other measures are required to ensure timely and effective completion of the NIAPs;*
  - b) *on the basis of recommendations by the Secretariat, determine in accordance with the Guidelines to the NIAP Process whether any Party should continue to participate in the NIAP process;*
  - c) *report to the Conference of Parties at its 18th meeting on the implementation of these decisions as part of its report on the general implementation of Resolution Conf. 10.10 (Rev. CoP17) on Trade in elephant specimens.*

**Directed to the Secretariat**

- 17.74 *The Secretariat shall upon the conclusion of the 17th meeting of the Conference of the Parties consult with TRAFFIC in order to review current names of the categories used to group Parties identified in the ETIS Report of TRAFFIC and present its conclusions to the 69th meeting of the Standing Committee.*
- 17.75 *The Secretariat shall, upon the conclusion of the 17th meeting of the Conference of the Parties, commence the process of identifying new Parties to participate in the NIAP process in accordance with the Guidelines to the NIAP Process contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP17).*
- 17.76 *The Secretariat shall, upon the conclusion of the 17th meeting of the Conference of the Parties, commence the application of the Guidelines to the NIAP Process to Parties already participating in the NIAP process.*
- 17.77 *The Secretariat shall develop a template for NIAPs and progress reports in accordance with the Guidelines to the NIAP Process.*
- 17.78 *The Secretariat shall submit progress reports of Parties to the Standing Committee at each of its meetings.*
- 17.79 *The Secretariat shall make all NIAPs and progress reports publicly available on the CITES NIAP webpage.*

17.80 *The Secretariat shall, subject to external funding:*

- a) *convene a meeting from representatives of Parties concerned with the development and implementation of National Ivory Action Plans, in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime (ICCWC) and, as appropriate, other Parties, experts and donors, to:*
  - i) *review the development and implementation of National Ivory Action Plans and, inter alia, exchange experiences and best practices;*
  - ii) *identify opportunities including opportunities that promote long-term collaboration among enforcement authorities, for cross-border collaboration and regional cooperation, joint actions, and resource mobilisation; and*
  - iii) *discuss shared challenges and technical assistance needs;*
- b) *report on the implementation of the present decision to the Standing Committee at its 69th or 70th meeting with recommendations, as appropriate.*

17.81 *The Secretariat shall liaise with ICCWC and its members to seek their cooperation for the development of the NIAPs and the monitoring of their implementation.*

17.82 *The Secretariat shall approach Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.*

## PROPOSED AMENDMENTS TO RESOLUTION CONF. 10.10 (REV. COP17~~8~~)<sup>\*</sup>

1. Text proposed to be deleted is ~~crossed out~~. Proposed new text is underlined.
2. Draft amendment to paragraph 26 g) of Resolution Conf. 10.10 (Rev. CoP17) to allow members of the MIKE and ETIS Technical Advisory Group to access detailed data of the MIKE and ETIS programmes to enable them to fulfil their responsibilities as set out in the Terms of Reference.

*26. g) summaries and aggregates of data provided to MIKE and ETIS, and the analyses of such data, constitute information that will be considered to be in the public domain once they are published on the CITES website, or otherwise publicly distributed; the detailed data on individual seizure cases, elephant mortalities and law enforcement submitted to MIKE or ETIS are owned by the respective data providers, which in most case are the CITES Parties; any such data relating to a CITES Party will be accessible to that Party and the members of the MIKE and ETIS Technical Advisory Group for information and review purposes, but will not be released to any third party without the consent of the Party concerned; data may also be released to contractors (e.g. statisticians) or other researchers (e.g. MIKE ETIS Subgroup-approved research collaborations) under appropriate nondisclosure agreements; and*
3. Draft amendments proposed to Annex 3 (Guidelines to the National Ivory Action Plans Process) of Resolution Conf. 10.10 (Rev. CoP17):

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## Annex 3

## Guidelines to the National Ivory Action Plans Process

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

- a) The foundation for identifying Parties to participate in the National Ivory Action Plans ~~(NIAP) Process~~, ~~(NIAP) process~~ is the ETIS report submitted to each meeting of the Conference of the Parties (CoP) under this Resolution.
- b) For Parties identified through the ETIS report to CoP as requiring attention, as described in Step 1, paragraph a), above analysis as requiring attention, the CITES Secretariat will, in cooperation and consultation with the Party concerned, determine whether there is additional information to be considered in developing its recommendation to the Standing Committee, on whether the Party should be included in the process or not. The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process.
- c) ~~The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process.~~ The Secretariat will prepare within 90 days from the submission of the ETIS report to CoP, in consultation with the Party concerned, using other relevant information and taking into account the purpose and intended outcome of the NIAP process, a recommendation to the Standing Committee as to whether a Party should be included in the process or not.
  - There is a presumption that Parties categorised as of ~~'primary concern'~~ 'Category A Parties' are to be recommended for participation in the NIAP Process.
  - No presumption will be made for 'Category B Parties' ~~of 'secondary concern'~~.

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<sup>1</sup> Category A Parties consist of Parties most affected by illegal trade in ivory

<sup>2</sup> Category B Parties consist of Parties markedly affected by illegal trade in ivory

- There is a presumption that ~~Parties categorised as of 'importance to watch'~~ Category C Parties<sup>3</sup> are not recommended for participation in the NIAP Process.
- d) Where the Standing Committee has determined that it is appropriate, it will recommend that a Party participates in the NIAP Process and request the Party to develop a NIAP, including by postal procedure.
- e) Where the Standing Committee has determined that it is not appropriate, it will recommend that a Party not participate in the NIAP process and document and communicate this decision.

## **Step 2: Development of a NIAP**

- a) Upon the request by the Standing Committee, the Party concerned will develop an 'adequate' NIAP, which is a NIAP that:
  1. Addresses the specific issues (or gaps) identified in Step 1;
  2. Is structured along the following five pillars, as required:
    - i) Legislation and regulations;
    - ii) National level enforcement action and inter-agency collaboration;
    - iii) International and regional enforcement collaboration;
    - iv) Outreach, public awareness and education; and
    - v) Reporting;
  3. Has the following characteristics:
    - i) Clearly outlines the actions to be implemented;
    - ii) Is time-bound and clearly outlines the timeframe for implementation of each action;
    - iii) Is approved at a level that represents national commitment;
    - iv) Is developed through a consultative and participatory process and involves all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);
    - v) Indicates the costs and funding needs, as well as availability of such funds, as appropriate; and
    - vi) Includes performance indicators and targets directly related to the actions required and which measure the impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph 6. d) of this Resolution; changes to legislation; and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.
  4. Is developed using in accordance with the template for the development of a NIAP,<sup>4</sup> available on the NIAP webpage on the CITES Website, provided by the Secretariat; and
  5. Includes whose measures which are proportional to the problems they are intended to solve.
- b) Parties should submit a NIAP, to the Secretariat within a period of 120 days from the time the Standing Committee requested the concerned Party to develop a NIAP.

<sup>3</sup> *Category C Parties consist of Parties affected by illegal trade in ivory*

<sup>4</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

- c) Parties are invited to, as appropriate, draw upon the *Guidance to Parties developing and implementing National Ivory Action Plans*,<sup>5</sup> available on the CITES Secretariat NIAP webpage, when developing and implementing their NIAPs.

### **Step 3: Assessment of the adequacy of a NIAP**

- a) Upon the development of a NIAP by a Party, the Secretariat will, in consultation with experts, if needed, assess the adequacy of the NIAP;<sub>2</sub>
- b) If revisions to a NIAP are required, a Party should submit these within a period of 60 days from the time the Secretariat requested the concerned Party to revise its NIAP.
- c) The Secretariat will accept the Plan and the Party will approve its plan.
- d) If a Party wishes to revise and update its NIAP previously found to be adequate, to incorporate new actions needed to respond to any emerging elephant poaching or ivory trafficking trends or related matters, the Party shall submit the proposed revised and updated NIAP to the Secretariat, together with an explanation for revising and updating its NIAP. Where any actions in the NIAP previously found to be adequate were not yet 'Achieved' or 'Substantially achieved' but removed from the revised and updated NIAP, the Party should provide justification for the removal of these actions.
- e) The Secretariat shall assess the adequacy of any revised and updated NIAP received from a Party, in accordance with Step 3, paragraphs a)-c), above.
- f) The Secretariat shall make any new, revised or updated NIAP accepted as 'adequate' publicly available on the NIAP webpage.

### **Step 4: Monitoring of implementation**

- a) Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting, using the template for progress reports on NIAP implementation,<sup>6</sup> available on the NIAP webpage on the CITES Website;
- b) Parties should report on the implementation of each NIAP action using in the template provided by the Secretariat, and allocating to each NIAP action one of the following ratings, as relevant:
1. *Achieved* – item or action is completed<sub>2</sub>
  2. *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved;<sub>2</sub>
  3. *On track* – there has been good progress with implementation and the specified milestones and timeframes appear to be on track or largely on track for achievement;<sub>2</sub>
  4. *Partial progress* – there has been limited progress with implementation, and achievement of the specified milestones and timeframes appears unlikely. When this category is used, the reporting Party should provide an explanation on any reasons for the lack of progress or any challenges experienced in the implementation of the rated action;<sub>2</sub>
  5. *Pending completion of another action* - the implementation of an action cannot start or the set milestones and timeframes for an action cannot be achieved unless another action in the NIAP is progressed or completed. When this category is used, the reporting Party should provide an explanation of the action that should be completed or progressed, and how it relates to the rated action;<sub>2</sub>
  6. *Not commenced* – the action has, in accordance with the timeframe set for it in the NIAP, not been commenced. Where a Party achieves partial or limited progress due to limited capacity, it should communicate this to the Secretariat.

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<sup>5</sup> <https://cites.org/sites/default/files/common/prog/niaps/Maputo%20recommended%20actions.pdf>

<sup>6</sup> [https://cites.org/eng/prog/niaps/Guidelines\\_templates](https://cites.org/eng/prog/niaps/Guidelines_templates)

- c) The Secretariat will evaluate the reports, based on the self-assessments and in cooperation with experts, if needed, submit the reports to the Standing Committee at each of its regular meetings, and make recommendations to the Standing Committee, as appropriate, and also make the reports publicly available on the NIAP webpage.
- d) The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or objectives.
- e) Upon the overall assessment by the Secretariat of a Party's progress report, the Standing Committee should consider the following ratings:
  1. *Achieved* – a minimum of 80% of NIAP actions have been assessed as 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.
  2. *Partial progress* – a minimum of 50% of NIAP actions have been assessed as 'on track'; any remaining actions have been assessed as '~~commencement/progress~~-pending completion of another action' and/or 'partial progress'. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.
  3. *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.
- f) If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 on *CITES Compliance Procedures* to ensure compliance with the NIAP Process.

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

- a) Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as 'substantially achieved' and all remaining NIAP actions as 'on track'.
- b) The Secretariat will, ~~in consultation with relevant experts (e.g. ICCWC and its members)~~, evaluate the progress reported by the Party concerned, and consider if sufficient detail is provided on the measures and activities implemented for each action in the NIAP to justify the allocated self-assessment progress ratings implementation by the Party. The Secretariat is encouraged to engage relevant experts or conduct including through a country missions, as required, to assist in this process, and formulate recommendations for consideration by the Standing Committee on whether:
  - i) there is a need for the Party to revise and update the NIAP and continue implementation;
  - ii) any other measures need to be taken; or
  - iii) the Party has 'Achieved' its NIAP and exits the NIAP Process.
- c) In formulating recommendations for consideration by the Committee in accordance with Step 5, paragraph b) above, the Secretariat should take into consideration the following elements, when relevant and appropriate:
  - i) the provisions of Resolution Conf. 10.10 (Rev. CoP17);
  - ii) if the ETIS analysis continues to identify the Party as requiring attention;
  - iii) any significant measures implemented or policy developments effected by the Party to address, as applicable, elephant poaching and illegal trade in ivory; and
  - iv) any other information that may be available, for example a marked reduction in, as applicable, elephant poaching and illegal trade in ivory as it affects the Party, or any continued, new or emerging trends that may be of concern.

- ~~e) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported and ETIS analysis no longer identifies the Party, the Secretariat will recommend that the Party has 'achieved' its NIAP and recommend to the Standing Committee that the Party exits the NIAP Process.~~
- ~~d) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis continues to identify the Party, the Secretariat will recommend to the Standing Committee to identify the gaps in the NIAP in order to evaluate whether there is a need to revise or update the completed NIAP or whether the Party exits the NIAP Process or any other measures need to be taken.~~
- ~~e) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis is not available, the Secretariat will indicate that the Party's NIAP is achieved however the Secretariat will recommend to the Standing Committee that the Party do not enter into a new NIAP until the ETIS analysis is available. The status of this Party will be noted as 'NIAP completed awaiting new ETIS analysis'.~~
- ~~f) If the Secretariat, in consultation with relevant experts is not satisfied that the Party concerned has implemented all NIAP actions as reported, the Secretariat will recommend appropriate measures to the Standing Committee.~~

## Terms of Reference for the review of the ETIS programme adopted by SC70

### TERMS OF REFERENCE FOR THE REVIEW OF THE ETIS PROGRAMME, INCLUDING OPERATIONS, DATA COLLECTION, VALIDATION AND MANAGEMENT, ANALYSIS AND TECHNICAL OUTPUTS

#### Activities

1. Review the provisions in Annex 1 (*Monitoring illegal trade in ivory and other elephant specimens*) of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*, with special reference to sections 2 (*Scope*), 3 (*Methods*), 4 (*Data collection and compilation*) and 5 (*Information, data analysis and interpretation*), to determine:
  - a) whether these provisions and their implementation are adequate to meet the objectives of ETIS, as set out in paragraph 26 of Resolution Conf. 10.10 (Rev. CoP17), and are sufficiently robust, transparent and scientifically justifiable;
  - b) whether the following processes and methods used by TRAFFIC are adequately described in Annex 1 to Resolution Conf. 10.10 (Rev. CoP17), and sufficiently contribute to achieving the objectives of ETIS:
    - data collection
    - data validation
    - data management
    - data analysis and interpretation, including the code (algorithm used for the analysis)
    - data dissemination
    - review of analysis
    - technical outputs and reports; and
  - c) whether there is a need to amend Annex 1 in Resolution Conf. 10.10 (Rev. CoP17) and if so, propose amendments as required; and
  - d) whether the ETIS analysis is able to support CITES processes and decision making such as the National Ivory Action Plan process
2. In undertaking the review indicated above, due consideration should be given to:
  - a) the context within which ETIS was developed and how the ETIS analysis is currently used in CITES processes and decision making;
  - b) the institutional arrangements, operations and ability to meet the objectives of ETIS set out in paragraph 26 of Resolution Conf. 10.10 (Rev. CoP17);
  - c) the issues raised by Parties in relation to the ETIS methodology and analysis (to be provided by the Secretariat);
  - d) the submissions received from Parties concerning the ETIS methodology, in accordance with paragraph 158 v) of document SC69 Doc. 29.3 and submissions received by the Secretariat on or before 28 February 2019 (to be provided by the Secretariat);
  - e) ETIS reports submitted for consideration by the Conference of Parties, including documents CoP17 Doc. 57.6 (Rev. 1) and CoP16 Doc. 53.2.2 (Rev. 1);

- f) information provided by the MIKE-ETIS Technical Advisory Group relating to the ETIS analysis (including Information documents CoP17 Inf. 67 and SC69 Inf. 22);
  - g) peer-reviewed scientific publications relating to the ETIS analyses, including: Underwood, F.M., Burn, R.W., Milliken, T. (2013). *Dissecting the illegal ivory trade: an analysis of ivory seizures data*. PLoS One 8(10): e76539; and Burn, R.W., Underwood, F.M. (2012). *A new statistical modelling framework to interpret ivory seizures data: A technical report describing the new modelling framework for analysing seizures data from the Elephant Trade Information System*. Mathematics Report series (1/2013), Department of Mathematics and Statistics, University of Reading, UK;
  - h) the existing databases and standard operating procedures used in the ETIS analysis; and
  - i) other relevant scientific literature and studies on the statistical analysis of:
    - i) data relating to illegal trade in elephant specimens,
    - ii) illegal wildlife trade data, and
    - iii) other illicit trade data.
3. In undertaking the review, due consideration should furthermore be given to the institutional arrangements and resources needed to:
- a) implement any proposed recommendations to amend the current ETIS methodology or Resolution Conf. 10.10 (Rev. CoP17); and
  - b) adequately meet the objectives of ETIS and ensure its longer-term sustainability.
4. Consult with Parties, TRAFFIC, the statisticians involved in the development of the statistical analysis for ETIS and responsible for the ETIS analysis, the MIKE and ETIS Technical Advisory Group members and the Standing Committee. This should include sharing the progress report, preliminary findings and the final report with Parties, TRAFFIC and the statisticians involved in the development of the statistical analysis for ETIS and responsible for the ETIS analysis.

### **Timeframe**

6 months

### **Deliverables**

A report to the Secretariat that includes specific sections on the following:

- a) the key outcomes of the review of the ETIS programme relating to:
  - i) the technical<sup>1</sup> and operational aspects of the analytical framework of the ETIS programme;
  - ii) the institutional arrangements for ETIS, including operations and resources;
  - iii) the provisions contained in Annex 1 of Resolution Conf. 10.10 (Rev. CoP17), with specific reference to sections 2 to 5;
  - iv) whether these provisions and their implementation are adequate to meet the objectives of ETIS, set out in paragraph 26 of Resolution Conf. 10.10 (Rev. CoP17); and
  - v) any other matter identified in the review process that could strengthen the ETIS programme.
- b) recommendations resulting from the review of the ETIS programme, as appropriate.

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<sup>1</sup> *Technical aspects include all aspects referred to in paragraph 1 b) of the Terms of Reference as well as other considerations such as socio-economic and governance aspects.*

## Competencies / expertise

Key competencies and areas of expertise that are required as a minimum to effectively carry out this review are:

- a) knowledge and understanding of institutional governance, especially in terms of managing sensitive and controversial processes, and balancing the interests of a diversity of stakeholders;
- b) experience in programme and project evaluation, with a strong focus on institutional strengthening, change and restructuring processes;
- c) expertise in business process analysis and auditing, especially analysing business processes to improve transparency, and verifying if procedures, practices and controls are adequate;
- d) expertise in statistical modelling and interpretation, particularly the use of Bayesian hierarchical models, and in reviewing statistical methodology;
- e) postgraduate qualification in statistics and extensive experience of applying modern statistical methods to produce pragmatic solutions to real world problems;
- f) experience in managing the collection and processing of data and its flow through a system to provide information to policy makers at national and international level, for example from leading a government statistics office or from performing statistical audits;
- g) knowledge of database management and maintenance; and
- h) skills in networking and communications, and experience structuring meaningful engagement with multiple parties, scientists, specialists and stakeholders.

Knowledge of CITES, in particular decisions, processes and discussions relating to elephant conservation, trade in elephant specimens, elephant poaching and illegal trade in ivory [Resolution Conf. 10.10 (Rev. CoP17)] will be advantageous.

Members of the MIKE and ETIS Technical Advisory Group and MIKE and ETIS Subgroup shall not be appointed as independent experts due to the oversight role members will fulfil.

**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 relating to tentative budget and source of funding:

1. The implementation of the draft decisions presented in **Annex 1** would not have any significant budgetary and workload implications for the Secretariat and the Standing Committee, and these can be absorbed in the regular programme of work.
2. The resources required to implement MIKE and ETIS in their current form are indicated in relevant sections in documents CoP18 Doc. 69.2 and CoP18 Doc. 69.3 respectively.
3. In terms of the role of the Secretariat in the NIAP process, the Secretariat proposed in paragraph 41 to incorporate the cost associated with monitoring and supporting the NIAP process in the CITES Trust Fund (CTL) budget for the years 2020-2022, and more specifically through the creation of a Compliance Support Officer post, which would support the implementation of NIAPs and other CITES compliance processes. This proposal is presented in the document on *Budget and work programme for 2020 to 2022*, prepared for the present meeting, for consideration by the Conference of the Parties.
4. The implementation of the draft decision proposed by the Secretariat and captured under the Comments of the Secretariat will have funding implications. Approximately USD 30,000 will be required to prepare a proposal relating to the possible approaches to address financial and operational sustainability of the MIKE and ETIS programmes, and external funding will have to be sourced.

<b>Activity</b>	<b>Approximate cost</b>
Development of possible approaches to address the financial and operational sustainability of the MIKE and ETIS programmes	USD 27 000
Programme support cost (13%)	USD 3 510
<b>TOTAL</b>	<b>USD 30 510</b>