

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



Sixty-ninth meeting of the Standing Committee  
Geneva (Switzerland), 27 November - 1 December 2017

Interpretation and implementation matters

General compliance and enforcement

NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION:  
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Background

2. Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*, in paragraph 1:

*DIRECTS the Secretariat, within available resources,*

a) *to identify those Parties whose domestic measures do not provide them with the authority to:*

i) *designate at least one Management Authority and one Scientific Authority;*

ii) *prohibit trade in specimens in violation of the Convention;*

iii) *penalize such trade; or*

iv) *confiscate specimens illegally traded or possessed.*

3. All four minimum requirements need to be met by national laws. It is recalled that the Conference of the Parties has discussed the elements of each requirement in document CoP12 Doc.28. The National Legislation Project (NLP) is the Convention's primary mechanism for encouraging and assisting Parties' legislative efforts. In consultation with the concerned Party, national legislation is analyzed by the Secretariat in relation to these four minimum requirements and placed in one of three categories, as follows: Category 1: legislation that is believed generally to meet the requirements for implementation of CITES; Category 2: legislation that is believed generally not to meet all of the requirements for the implementation of CITES; or Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES.
4. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.58-17.64 on *National laws for the implementation of the Convention* as follows:

***Directed to the Parties***

17.58 *Parties whose legislation is in Category 2 or 3 under the National Legislation Project (NLP) are urged to submit to the Secretariat as soon as possible, and no later than by the 70th meeting of the Standing Committee, in one of the three working languages of the Convention, details of appropriate measures that have been adopted for the effective implementation of the Convention. Such Parties are called on to provide an update of their legislative progress by the 69th meeting of the Standing Committee.*

- 17.59 *Such Parties are urged to submit to the Secretariat by 3 January 2017 (i.e. 90 days after the 17th meeting of the Conference of the Parties) a legislative timetable, to be agreed with the Secretariat, if they have not already done so. Such timetables should clearly set out the steps that the Party commits to take in order to adopt appropriate measures to implement the Convention; relevant actors; deadlines and outputs, based on the format provided by the Secretariat.*
- 17.60 *Parties whose legislation is in Category 1 under the National Legislation Project are encouraged to review their national CITES-implementing legislation for areas where it may not fully satisfy the requirements of the Convention, in particular with regard to the possession of illegally traded specimens of CITES-listed species, and to adopt any necessary amendments. Those Parties are also encouraged to provide technical or financial assistance to one or more Parties whose legislation is in Category 2 or 3 under the National Legislation Project, either directly or through the Secretariat.*

**Directed to the Standing Committee**

- 17.61 *At its 69th meeting, the Standing Committee shall review the progress of Parties in adopting appropriate measures for effective implementation of the Convention and submission of agreed timetables and take appropriate compliance measures with regard to Parties affected by Decision 17.58 that have failed to submit an appropriate legislative timetable in accordance with Decision 17.59. The Standing Committee shall identify Parties requiring attention as a priority, with the assistance of the Secretariat.*
- 17.62 *At its 70th meeting, the Standing Committee shall review the progress of Parties in adopting appropriate measures for effective implementation of the Convention and shall take appropriate compliance measures with regard to Parties affected by Decision 17.58 that have failed to adopt appropriate measures for the effective implementation of the Convention or failed to take steps to effectively implement their legislative timetable. For Parties that have acceded to the Convention since March 2008, the Standing Committee may decide to allow more time to adopt appropriate measures.*
- 17.63 *Such compliance measures may include a recommendation to suspend trade with Parties affected by Decision 17.58 that have failed to adopt appropriate measures for the effective implementation of the Convention or failed to submit an appropriate timetable, or failed to effectively implement their legislative timetable, in particular Parties requiring attention as a priority. Any recommendation to suspend trade with the Party concerned shall take effect 60 days after it is agreed, unless the Party adopts appropriate measures before the expiry of the 60 days or submits an appropriate legislative timetable, to be agreed with the Secretariat or takes steps to effectively implement their legislative timetable.*

**Directed to the Secretariat**

- 17.64 *The Secretariat shall:*
- a) *compile and analyse the information submitted by Parties on measures adopted before the 18th meeting of the Conference of the Parties (CoP18) to fulfil the requirements laid down in the text of the Convention and Resolution Conf. 8.4 (Rev. CoP15) on National laws for implementation of the Convention;*
  - b) *review and agree to appropriate timetables, submitted by Parties, to the Secretariat and make such agreed timetables available for information to the Standing Committee;*
  - c) *assist the Standing Committee in identifying countries with legislation in Category 2 or 3 requiring attention as a priority;*
  - d) *subject to external funding, provide legal advice and assistance to Parties on the development of appropriate measures for effective implementation of the Convention, including legislative guidance for and training of CITES authorities, legislative drafters, policymakers, the judiciary, parliamentarians and other relevant government officials responsible for the formulation and adoption of CITES-related legislation;*

- e) *subject to external funding, cooperate, in the provision of legislative assistance, with the legal programmes of United Nations bodies and intergovernmental organizations, such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) the United Nations Environment Programme (UNEP), the World Bank and regional development banks, as well as regional organizations, such as the African, Caribbean and Pacific Group of States (ACP), the Amazon Cooperation Treaty Organization (ACTO), the Association of South East Asian Nations (ASEAN), League of Arab States (LAS), the Organization of American States (OAS) and the South Pacific Regional Environment Programme (SPREP);*
- f) *report at the 69th and 70th meetings of the Standing Committee on Parties' progress in adopting appropriate measures for effective implementation of the Convention and, if necessary, recommend the adoption of appropriate compliance measures, including as a last resort, recommendations to suspend trade in specimens of CITES-listed species; and*
- g) *report at the 18th meeting of the Conference of the Parties on progress made with regard to the implementation of Resolution Conf. 8.4 (Rev. CoP15) and Decisions 17.58 through 17.64.*

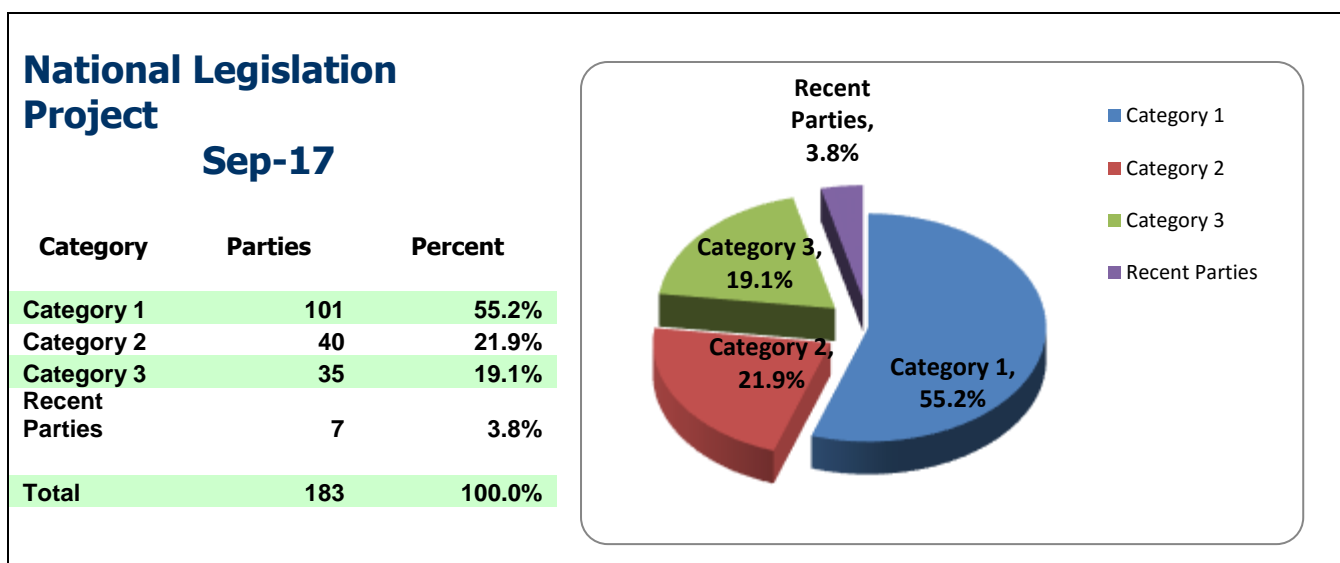
### Summary of progress

5. Since CoP17, considerable progress has been made by a number of Parties towards the adoption of adequate measures to fully implement the Convention and meet the minimum requirements: ten Parties have adopted new legislation and submitted it to the Secretariat in one of the working languages for analysis. At the time of writing, the Secretariat has agreed with six of these Parties, namely Chile, Guinea-Bissau, Guyana, Israel, Kuwait and Morocco, to place their legislation in Category 1 of the NLP. Several of these Parties have been working for a very long time to develop and adopt their national legislation and the Secretariat would like to commend them for their persistence and the results achieved. Liberia, Malawi, Mozambique, Pakistan and the Solomon Islands have adopted and submitted new legislation to the Secretariat for analysis which is currently ongoing or under discussion with the Parties concerned. The Secretariat issued a news item on 19 June 2017 highlighting these significant results achieved since CoP17.<sup>1</sup>
6. The [updated table](#) with the current status of legislative progress for implementing CITES is available on the CITES website on national laws for implementing CITES: <https://cites.org/legislation> (NLP website) and has been provided as an information document for the present meeting. A new column has been added to the table to indicate when the information was last updated by the Secretariat. This allows for a more "real-time" and precise indication of the legislative progress made. As indicated in the table, over fifty Parties have provided updates to the Secretariat since CoP17.
7. Tonga is the most recent Party acceding the Convention, bringing the total number of Parties to 183. Of these, 101 (over 55 %) have legislation placed in Category 1. In addition, a number of dependent territories have made significant progress. The legislation of Cayman Islands and Ascension Islands (dependent territories of the United Kingdom of Great Britain and Northern Ireland) have been placed in Category 1, whereas the final agreement of the legal analysis of others is still pending.
8. While progress and commitment may seem significant with well over half of the Parties with legislation in Category 1, there is still a total of 75 Parties with legislation placed in Category 2 or 3, many of which have been Parties to the Convention for decades. There are also seven Parties in Table 2 of recently acceded Parties. If legislation meeting the minimum requirements has not been submitted to the Secretariat after eight years, the Party will be moved to Table 1 and their legislation placed in Category 3. This was the case with Bosnia and Herzegovina and Oman for the present meeting

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<sup>1</sup> [https://cites.org/eng/news/item/CITES\\_Parties\\_are\\_making\\_headway\\_on\\_strengthening\\_national\\_wildlife\\_legislation\\_19062017](https://cites.org/eng/news/item/CITES_Parties_are_making_headway_on_strengthening_national_wildlife_legislation_19062017)

The status is currently as follows:



#### Implementation of legislative timetables (Decision 17.59)

9. The decision to formalize the submission of CITES legislative timetables and the provision of such timetables to the Standing Committee for information was intended to put on record the commitment of the Parties, to bring about more transparency in the process, to enable a closer monitoring of progress, and to provide more visibility of the needs for technical and legislative assistance. When proposing this to the Conference of the Parties (CoP17 Doc. 22) the Secretariat noted that it remained to be seen whether this approach would provide the required engagement and political attention in the concerned States.
10. To facilitate the submission of timetables by Parties, the Secretariat issued Notification to Parties No. 2016/066 on 13 December 2016<sup>2</sup> with a suggested format for the legislative timetables. This Notification also reminded Parties to keep the Secretariat abreast of legislative progress at any time and no later than 1 September 2017 in preparation of the present meeting. Legislative timetables have been received from a number of Parties as indicated in the status table. The eleven timetables signed by the Secretary-General are available on the NLP website.<sup>3</sup>
11. Only a couple of timetables were submitted directly in response to Decision 17.59 and the subsequent Notification, including from Cabo Verde, Togo and Macao SAR. At this stage, it would seem that the submission of such timetables to the Secretariat is not – or not yet – seen as a tool by the Parties to bring about the necessary engagement and political action in the concerned States. As noted above, legislative progress has been made and communicated to the Secretariat in other forms than the formal legislative timetables.

#### Revision of legislation placed in Category 1 (Decision 17.60)

12. In paragraph 12 of document CoP17 Doc. 22, the Secretariat noted that “a recurrent gap in national legislation is the absence of prohibition of the possession of illegally traded specimens of CITES-species. Resolution Conf. 8.4 (Rev. CoP15) on *National laws for the implementation of the Convention* does not list such prohibition as one of the basic requirements of legislation. The Secretariat always recommends that Parties prohibit possession of illegally traded specimen of CITES-species when it reviews and provides comments on draft national legislation, in accordance with Article VIII, paragraph 1(a), of the Convention.” This led to Decision 17.60 encouraging Parties with legislation in Category 1 to review and ensure that their national laws adequately regulates and prohibits possession of illegally traded specimens of CITES species.
13. To date, the Secretariat has received no information regarding revision of national legislation following the adoption of this Decision. The Secretariat would like to invite Parties to keep it abreast of such revisions and

<sup>2</sup> <https://cites.org/sites/default/files/notif/E-Notif-2016-066.pdf>

<sup>3</sup> Signed with Algeria, Angola, Cabo Verde, Central African Republic, Comoros, Côte d'Ivoire, Guinea, Mauritania, Niger, Sri Lanka and the United Republic of Tanzania, see [https://cites.org/legislation/National\\_Legislation\\_Project](https://cites.org/legislation/National_Legislation_Project)

submit any updates to their national legislation to the Secretariat for information and possible sharing with other Parties.

### Progress of Parties with legislation in Category 2 or 3

#### *Parties subject to a recommendation to suspend trade*

14. Djibouti<sup>4</sup> and Mauritania<sup>5</sup> have been subject to a recommendation to suspend trade since 2004 for their failure to provide written indication of legislative progress. The Secretariat has therefore made considerable effort to understand the challenges faced by these two Parties and to provide appropriate assistance to overcome such challenges. With regard to Mauritania, a small-scale funding agreement (SSFA) was signed in April 2016. After some delays in the transfer of the funds, a draft law was prepared on which the Secretariat provided its observations in January 2017. In April 2017, the bill was approved by the Government and submitted to Parliament where it is currently being discussed.
15. With regard to Djibouti, the Secretariat faced challenges in engaging the designated Management Authority (Ministry for Agriculture and Fisheries) and reached out to the Permanent Mission of Djibouti to the United Nations in Geneva in April 2016. This resulted in representation by Djibouti in the 17th meeting of the CoP for the first time since 1997 through the participation of the Ministry of Environment. Through the Permanent Mission, the Ministry of Environment was also designated to take part in the second CITES/United Nations Environment Programme (UNEP) legislative workshop in February 2017. It is the understanding of the Secretariat that internal discussions regarding the responsibility for CITES are ongoing and need to be concluded before legislative progress can be made by Djibouti.
16. Liberia and Guinea-Bissau have been subject to a recommendation to suspend trade since March 2016.<sup>6</sup> However, in view of the positive developments in the two countries, the Secretariat expects to be able to lift the recommendation to suspend trade with Guinea-Bissau and Liberia before the present meeting. Liberia has adopted new CITES legislation and submitted it to the Secretariat in April 2017. The Secretariat has prepared a draft legislative analysis of the new law which is still under discussion between Liberia and the Secretariat.
17. With respect to Guinea-Bissau, it is worth noting that the Party developed the legislation (a new regulation) with considerable input and advice from the CITES and external legal assistance. Secondly, at the request of the Government of Guinea-Bissau following the illegal export of a shipment of *Pterocarpus erinaceus* in December 2016, the Secretariat has worked closely with the Management Authority and other relevant parts of the Government, as well as the World Bank Office and the delegation of the European Union (EU) in the country, to assist the Government in its effort to put in place all the legislative measures prior to the lifting of the trade suspension and the possible export of a large stock of pre-Convention timber of *Pterocarpus erinaceus* in accordance with the provisions of the Convention. The efforts have consisted of advising the Government to establish solid procedures for approving and controlling the export to avoid a new compliance procedure. At the time of writing, the Notification to lift the recommendation to suspend trade was pending the establishment of the procedures, including a detailed evaluation of the volume of the pre-Convention stock.
18. At its 67th meeting, the Standing Committee also recommended that all Parties suspend commercial trade in specimens of CITES-listed species with Rwanda. The recommendation was to take effect 60 days after the meeting. However, in the meantime Rwanda submitted a timetable, signed by the Chief Executive Officer of the Rwanda Development Board, the designated Management Authority of Rwanda, so the recommendation was never put into effect. UNEP agreed to assist Rwanda in implementing its legislative plan through an SSFA. However, after nine months of discussions with UNEP on the SSFA, Rwanda recently decided that it could not accept the normal conditions in such agreements and would start implementing the plan without the support of UNEP. Hence, at the time of writing, there is no real progress to report from Rwanda.

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<sup>4</sup> Notification to the Parties No. 2011/010 of 19 January 2011

<sup>5</sup> Notification to the Parties No. 2004/055 of 30 July 2004

<sup>6</sup> Notification to the Parties No. 2016/030 of 23 March 2016

#### *Other Parties requiring attention as a priority*

19. At its 67th meeting (SC67), the Standing Committee decided to update the list of Parties requiring attention as a priority by deleting two Parties as their legislation had been placed in Category 1 and by adding Ecuador. The Parties that have been identified in the past by the Standing Committee requiring attention as a priority are the following: Algeria, Belize, Comoros, Djibouti, Ecuador, Guinea, Kazakhstan, Kenya, Liberia, Mauritania, Mozambique, Pakistan, Rwanda, Somalia and the United Republic of Tanzania. These are indicated in bold in the status table.
20. The Secretariat is pleased to report significant legislative progress with respect to the following priority Parties: Algeria, Comoros, Kenya, Liberia, Mozambique and Pakistan, while there are some indications of progress with respect to the following priority Parties: Belize, Rwanda, Somalia and the United Republic of Tanzania. At the time of writing, there was no indication of progress from the last two Parties requiring attention as priority, Ecuador and Kazakhstan. For more details on the progress made, please refer to the status table.

#### *Other Parties subject to a warning*

21. At SC67, the Standing Committee agreed to issue a warning to those Parties that had not responded to a public notice<sup>7</sup> to alert Parties of a compliance matter advising that they are in non-compliance and reminding them of the need to accelerate their efforts to enact adequate legislation as soon as possible ([SR67, paragraph 11](#)). Parties affected by this compliance measure were Afghanistan, Eritrea, Mongolia, Palau, Sierra Leone, Solomon Islands, Tunisia and Uzbekistan to whom the Secretariat addressed warning letters in November 2016. Progress or commitment to make progress has since been reported from Eritrea, Palau, Sierra Leone and Solomon Islands. However, to date, the Secretariat has received no response from Afghanistan, Mongolia, Tunisia and Uzbekistan.

#### *Significant progress of other Parties with legislation in Category 2 or 3*

22. A number of Parties, including Angola, the Central African Republic and Niger have submitted draft legislation for observations and comments by the Secretariat to ensure that the legislation once adopted will meet the CITES requirements.

#### Targeted technical and legislative assistance

23. The Secretariat has continued to provide technical and legislative assistance to most Parties with legislation in Category 2 or 3 through regional workshops and seminars and through bilateral assistance. The assistance has mainly consisted in providing comments and observations on draft legislation to help ensure that it will meet the CITES minimum requirements once it is adopted. Advice on the organization of the management and scientific authorities and on mechanisms for issuing CITES permits and certificates has also been provided to a number of Parties and dependent territories.
24. The Secretariat would like to express its sincere gratitude to the donors that have made it possible to provide this assistance, in particular the European Union. Further, the collaboration with UNEP on assistance to Parties in Africa has continued and the Secretariat is grateful for this support. Finally, the Secretariat would also like to thank Parties with legislation in Category 1 who are providing technical and financial assistance directly to Parties with legislation in Category 2 or 3 (in accordance with Decision 17.60) and invite them to continue to do so while keeping the Secretariat informed.

#### *Workshops and seminars*

25. In February 2017, the CITES Secretariat and UNEP organized a second Workshop for selected African CITES Parties on Strengthening national legal frameworks for the effective implementation of CITES and for combatting illegal trade in wildlife. The workshop, which was held in Abidjan with logistical support provided by UNEP's subregional office for West Africa, was attended by 24 participants from 12 African Parties, mostly from West Africa (Benin, Burkina Faso, Cabo Verde, Chad, Côte d'Ivoire, Djibouti, Eritrea, The Gambia, Guinea Bissau, Mali, Sierra Leone and Togo). The Republic of Congo, Sao Tome and Principe, and Tunisia also responded positively to the workshop invitation, but were not able to attend.

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<sup>7</sup> Notification to the Parties No. 2016/25 of 21 March 2016

26. The main objective of the workshop was to provide participants with a deeper understanding of the essential legal and institutional requirements for strengthening national legislation for the implementation of the Convention at the national level. This enabled participants to ascertain their needs for assistance and allowed them to draw up a realistic work plan/time table for the legislative process, indicating the kind of assistance required and an estimated budget of such assistance. The workshop also provided a platform for the Parties to share their views and experiences on how to best strengthen their legislative and institutional frameworks.
27. A representative of the Moroccan Management Authority gave a presentation on the legislative process and the resulting legislation of Morocco, which gave participants a first-hand experience of what works and what does not work in a given country and how critical it is for effective CITES implementation to have a strong legal basis. The Secretariat would like to express its gratitude to the Management Authority of Morocco for this valuable contribution to the NLP. The workshop achieved its objectives with all 12 Parties present committing to take necessary action and make progress before the end of the year. A number – but not all – of the Parties clearly depend on technical assistance from UNEP and/or CITES. The Secretariat would like to thank UNEP for financing the workshop and its sub-regional office for the logistical support provided.
28. The Secretariat also participated in the Pacific Ocean workshop organized in Fiji with the support of New Zealand in May-June 2017. This provided an opportunity to discuss legislative progress bilaterally with Parties in the region with legislation in Category 2 or 3 (Palau, Samoa, Tonga and Vanuatu) to get a better understanding of the challenges they are facing and the assistance required to overcome these, if any.
29. In July 2017, the CITES Secretariat co-facilitated the *Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime* in Bangkok together with other members of the UN Inter-Agency Task Force on Illicit Trade in Wildlife and Forestry Products [United Nations Development Programme (UNDP), United Nations Office on Drug and Crime (UNODC), the Department of Economic and Social Affairs of the United Nations (DESA), UNEP] in partnership with the United States Agency for International Development (USAID) and the World Bank-led Global Wildlife Programme financed by the Global Environment Facility (GEF). Participants included senior officials from national wildlife authorities and criminal justice in 22 Parties: Botswana, Cambodia, China, Ethiopia, Ghana, India, Indonesia, Kenya, the Lao People's Democratic Republic, Malawi, Malaysia, Mozambique, Myanmar, Nigeria, the Philippines, Solomon Islands, South Africa, Thailand, Uganda, the United Republic of Tanzania, Viet Nam, and Zimbabwe, together with parliamentarians from Cambodia, the Lao People's Democratic Republic, Thailand and the United Republic of Tanzania. The Secretariat would like to thank the Bangkok offices of UNDP and UNEP for taking the lead in organizing the Symposium.
30. The symposium was organized in three main sessions on 1) sustainable natural resource management with a focus on forests, 2) regulation of international trade in CITES-listed species and 3) criminal justice and inter-regional mechanisms. Building on the CITES minimum requirements for national laws, participants in the symposium developed a set of recommendations for further work. Of relevance for the NLP were the following recommendations:
  - a) Develop a set of model legal provisions to assist countries in strengthening national legal frameworks to combat wildlife crime;
  - b) Compile best practices and comparative analysis of penalties, and share experiences;
  - c) Identify priority wildlife crimes and facilitate problem-solving dialogues among concerned parties, including source, transit and destination countries;
  - d) Promote international legal cooperation between regions;
  - e) Promote the creation of informal networks of wildlife authorities, prosecutors, enforcement agencies (e.g. police, customs officials), and judges; and
  - f) Review the status of existing regulatory frameworks governing wildlife, under the CITES National Legislation Project and other relevant initiatives.
31. The Secretariat notes in particular the need for further guidance on criminal provisions with regard to CITES offences and is currently exploring ways to address this need most effectively – see paragraphs. 37-39 below.

### *Small-scale funding agreements*

32. As a preliminary result of the workshop on *Strengthening national legal frameworks for the effective implementation of CITES and for combatting illegal trade in wildlife* – and similar events in the past – a number of Parties have submitted very specific requests for technical and legislative assistance. With generous funding from its donors, in particular the European Union, the Secretariat has aimed to respond to all requests – either through a small scale funding agreement or through other means.
33. Since CoP17, the Secretariat has signed an agreement with Benin and with Saint Lucia, respectively; an agreement with Côte d'Ivoire will also be signed in the very near future. UNEP has signed agreements with Eritrea and Somalia (and offered assistance to Rwanda which in the end did not materialize). Under implementation are the Secretariat's agreements with Niger (almost completed), Comoros and Mauritania, while agreements with Angola (UNEP) and the Maldives have been completed.

### *Plans for future technical and legislative assistance*

34. Tajikistan as a new Party has requested technical and legislative assistance on a number of issues and at several occasions, which the Secretariat would like to respond to. At the same time, none of the other three Parties in the Central Asian sub-region has legislation placed in Category 1 and seem to be rather disengaged from CITES meetings and processes. Therefore the Secretariat plans to organize a regional CITES workshop on regulatory as well as scientific issues for the four Central Asian Parties in spring of 2018. This will also help the Parties to prepare for their participation in the 70th meeting of the Standing Committee (SC70) to take place in Sochi, Russia.
35. The Global Wildlife Programme and the UN Inter-Agency Task Force on Illicit Trade in Wildlife and Forestry Products are currently exploring the feasibility of organizing a similar symposium to the one held in Bangkok, specifically targeting Francophone countries in Africa.
36. Depending on the availability of resources, legislative assistance missions will be carried out in one or two additional Parties where regional assistance is not an option. In this context, the Secretariat would like to welcome the recently approved Cooperative Agreement with the United States of America on *Strengthening CITES compliance and law enforcement in South East Asian Parties*.

### *Guidance on penalizing illegal trade in specimens of CITES-listed species*

37. As a follow to the *Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime* (Bangkok, July 2017) and pursuant to Resolution Conf. 8.4 (Rev. CoP15) and the recently adopted UNGA Resolution 71/326 on tackling illicit trafficking in wildlife, the Secretariat is planning to have a closer look at the third requirement under the National Legislation Project (*penalize trade in specimens in violation of the Convention*), with the aim of developing a set of sanctioning guidelines that can be used by Parties in enforcing CITES effectively, fairly and proportionately at the national level.
38. The sanctioning systems analysed by the Secretariat when assessing national legislation adopted by Parties to implement CITES, including both criminal and non-criminal sanctions, appear to have evolved over time and among countries. There are variations between the definition of offences, minimum and maximum penalties, powers of enforcement officers, valuating and repairing harm and practices among Parties. The review envisaged by the Secretariat is expected to result in a set of model legislative provisions, sentencing guidelines and may further result in a proposal to amend Resolution Conf. 8.4 (Rev. CoP15) to include "*possession of illegally traded specimens*" and thereby better reflect Article VIII, paragraph 1 (a) and (b) of the Convention, which states:
  1. *The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:*
    - (a) *to penalize trade in, or possession of, such specimens, or both; and*
    - (b) *to provide for the confiscation or return to the State of export of such specimens.*
39. The Secretariat intends to conduct this work in close cooperation with UNODC and other partners of the International Consortium on Combating Wildlife Crime (ICWC), as well as with members of the UN Inter-Agency Task Force on Illicit Trade in Wildlife and Forestry Products and other relevant partners.



#### Review of progress by the Standing Committee

40. Decision 17.61 directs the Standing Committee to review progress of Parties in adopting appropriate measures for effective implementation of the Convention and submission of agreed timetables and take appropriate compliance measures with regard to Parties that have failed to submit an appropriate legislative timetable. It further directs the Standing Committee to identify Parties requiring attention as a priority, with the assistance of the Secretariat.
41. As noted above, only a couple of Parties submitted timetables in response to Decision 17.59. The Secretariat would recommend that the Standing Committee focus its attention on adding additional Parties to the list of priority Parties, rather than on adopting specific compliance measures with respect to this Decision at this meeting. It would be more appropriate and effective to consider the adoption of such compliance measures at the next meeting of the Standing Committee, while maintaining the level of assistance and monitoring of the concerned Parties that are developing and adopting adequate legislation.
42. The Conference of the Parties requested the Secretariat to assist the Standing Committee in identifying Parties requiring the attention of the Standing Committee as a priority. The aim is to send a signal to the concerned Parties that the Standing Committee is particularly concerned with the fact that their legislation is not in full compliance with the Convention and hence that trade in CITES-listed species may not necessarily be fully in accordance with the provisions of the Convention. Furthermore – and perhaps equally importantly – such Parties may not be fully equipped from a legislative perspective to combat illegal trade. The Secretariat proposes that the following elements be taken into account to identify such priority Parties:
  - a) Parties that have acceded to the Convention over twenty years ago;
  - b) Parties that have shown no indication of commitment to adopt adequate legislation for implementation of the Convention, e.g. by not submitting a legislative timetable;
  - c) Parties that have relative high volumes of trade as source, transit or destination countries;
  - d) Parties that have received legislative assistance; and
  - e) Parties that are facing compliance procedures under Article XIII.
43. Based on an overall assessment of these elements and the information available to the Secretariat at the time of writing, the Secretariat proposes to add the following Parties to the list of priority Parties: Botswana, Guinea, Congo, India, the Lao People's Democratic Republic, and Uzbekistan. The complete list would then comprise following 20 Parties: Algeria, Belize, Botswana, Comoros, Congo, Djibouti, Ecuador, Guinea, India, Kazakhstan, Kenya, Lao PDR, Liberia, Mauritania, Mozambique, Pakistan, Rwanda, Somalia, the United Republic of Tanzania and Uzbekistan.

#### Recommendations

44. The Secretariat recommends that the Standing Committee:
  - a) congratulate Chile, Guinea-Bissau, Guyana, Israel, Kuwait and Morocco with the results of their efforts leading to an agreement with the Secretariat on placing their legislation in Category 1;
  - b) identify Botswana, Guinea, Congo, India, the Lao People's Democratic Republic and Uzbekistan as additional Parties requiring its attention as a priority and request the Secretariat to inform those Parties of this decision formally, drawing their attention to Decisions 17.62 and 17.63; and to update the legislative status table accordingly; and
  - c) postpone to its 70th meeting the consideration and adoption of appropriate compliance measures with regard to concerned Parties.
45. The Standing Committee may further wish to note the relevant recommendations of the *Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime* and invite the Secretariat, within available resources, to continue to explore the possibility of organizing a similar Symposium for Francophone African Parties and to undertake other follow-up activities with its partners.