

CITES Compliance and Enforcement Regime

**Expert meeting on compliance with the
Nagoya Protocol to CBD
(Montreal, 28 February – 1 March 2012)**



CITES

- CITES is the **Convention on International Trade in Endangered Species of Wild Fauna and Flora** (also known as the Washington Convention)
- CITES was signed on 3 March 1973, and entered into force on **1 July 1975**



CITES now has 175 Parties
(with 8 more States in the
process of adherence) and
has been in operation for over 35 years



Framework for tracing trade

- CITES uses a system of **permits and certificates** to regulate international trade in animal and plant species listed in one of three Appendices
- An appropriate permit or certificate accompanies the products, which makes their trade **traceable**
- To date there have been over **11 million** CITES trade transactions

CITES CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		PERMIT/CERTIFICATE No.		Original	
		<input type="checkbox"/> EXPORT <input type="checkbox"/> RE-EXPORT <input type="checkbox"/> IMPORT <input type="checkbox"/> OTHER:		2. Valid until	
3. Importer (name and address)		4. Exporter/re-exporter (name, address and country)			
3a. Country of origin		Signature of the applicant			
5. Special conditions		6. Name, address, national seal/stamp and country of Management Authority			
<small>For live animals, this permit or certificate is only valid if the transport conditions conform to the Guidelines for Transport of Live Animals in the Case of Re-Export, in the C.I.T.A. Code of Practice Regulations.</small>					
7a. Purpose of the transaction (see reverse)	7b. Security stamp no.				
8a. Scientific name (genus and species) and common name of animal or plant	8b. Description of specimens, including identifying marks or numbers (alphabet / line)	10. Appendix no. and source (see reverse)	11. Quantity (including unit)	12a. Total expected/Quota	
8a.	8b.	10.	11.	12a.	
A		12b. Country of origin	Permit no.	Date	12c. Country of last re-export
B		12b. Country of origin	Permit no.	Date	12c. Country of last re-export
C		12b. Country of origin	Permit no.	Date	12c. Country of last re-export
D		12b. Country of origin	Permit no.	Date	12c. Country of last re-export
<small>1. Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export)</small> <small>2. Only for specimens of Appendix I species listed in captivity or artificially propagated for commercial purposes</small> <small>3. For pre-Convention specimens</small>		13. The permit/certificate is issued by:			
Place		Date		Security stamp, signature and official seal	
14. Export endorsement		15. Bill of Lading No. vessel number			
Block	Quantity				
A					
B					
C					
D					
Place of origin		Date	Signature	Official stamp and title	



Scope of the trade being traced

- Species = approximately 35,000 animal and plant species
- Trade = export, import, re-export and introduction from the sea
- Purpose = commercial or non-commercial
- Source = wild or produced (e.g. nurseries/captive breeding operations)
- **Specimens** in trade include: live/dead animals and plants as well as their parts and derivatives



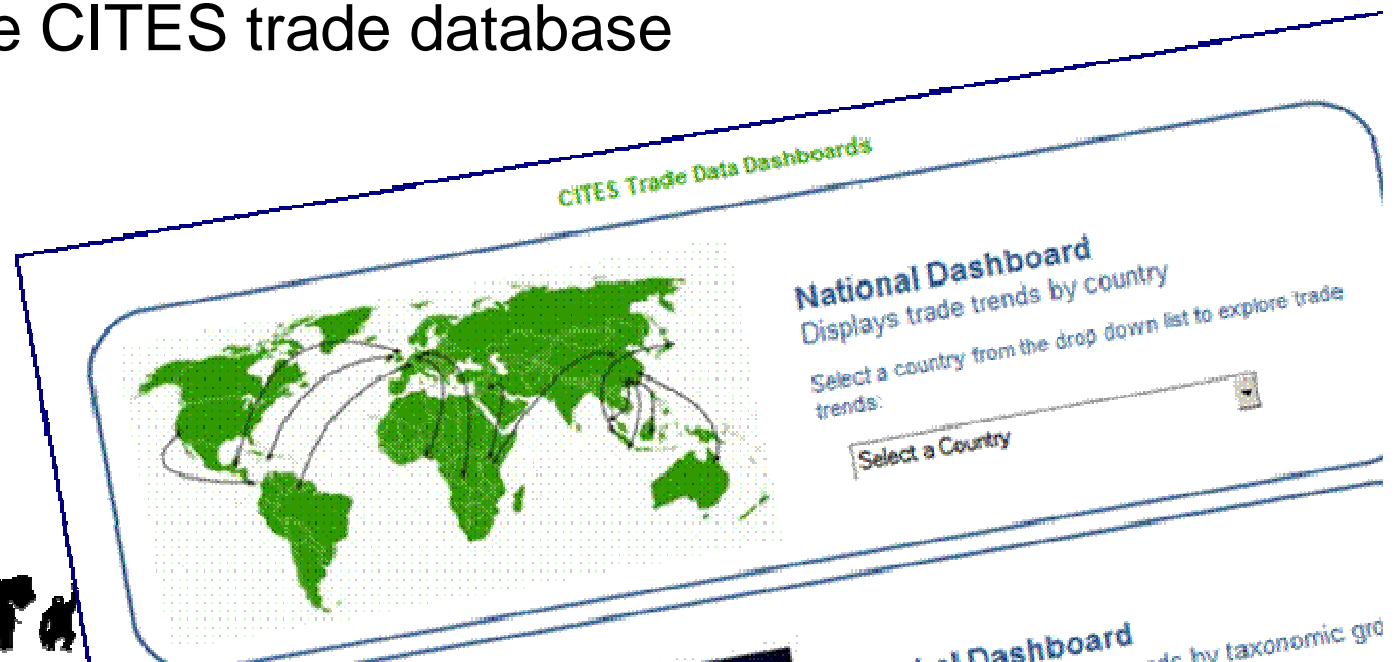
Why trade is traced

- The aim of regulation under the Convention is to ensure that trade is **legal and sustainable** (as well as traceable)
- **Legal** – the product was obtained in accordance with relevant national legislation
- **Sustainable** – trade in the product will not be detrimental to the survival of the species in the wild
- *Sustainability is a key factor for Appendix II species but not for Appendix III species (where the focus is on legality and traceability)*



Document control and recordkeeping

- Effective implementation and enforcement of the Convention depend largely on control over the issuance, inspection and acceptance of CITES documentation
- Each Party maintains records of its CITES trade and submits annual trade reports, which are available through the CITES trade database



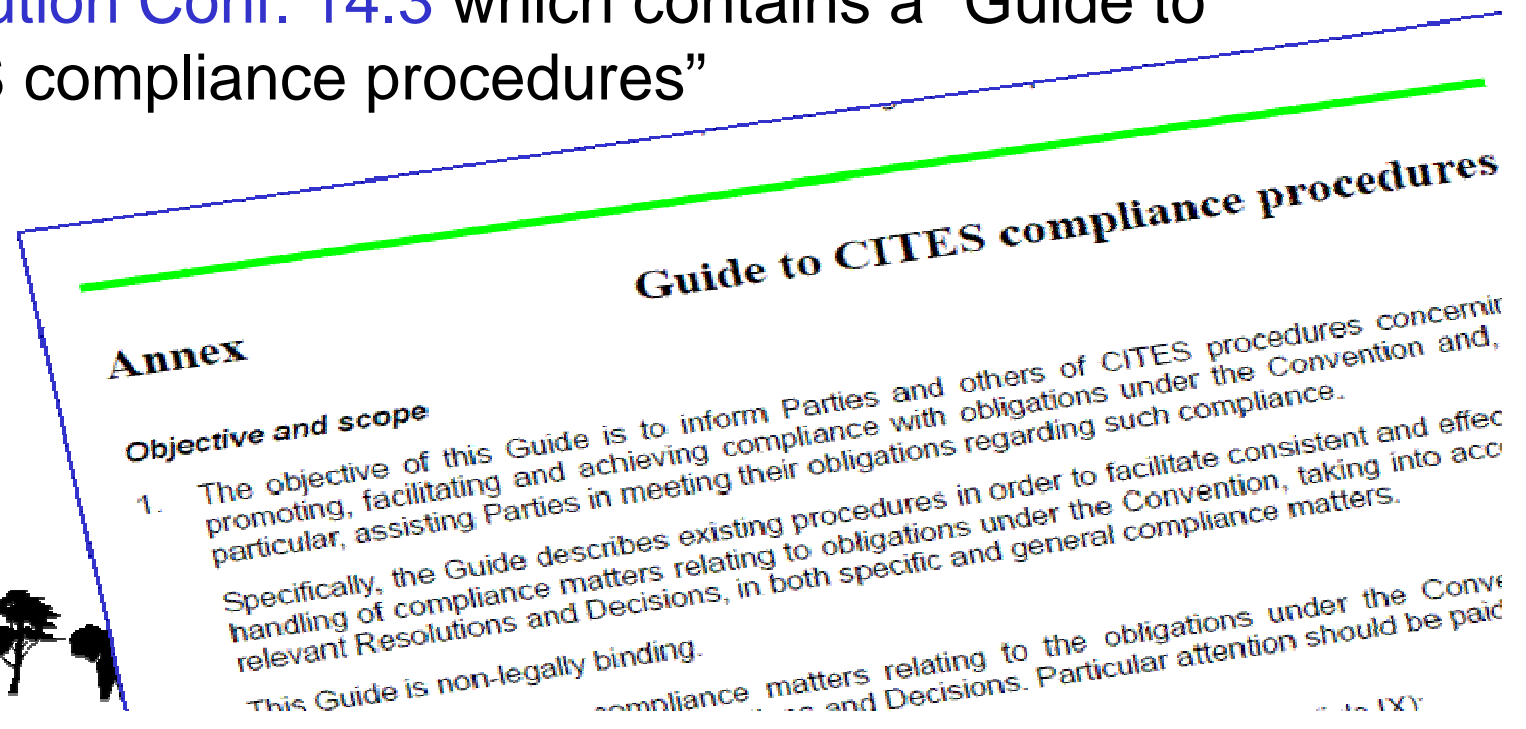
Key Convention provision

- **Article XIII** of the Convention, on *International measures*, provides cooperative procedures and institutional mechanisms for dealing with possible non-compliance



Key Resolutions of the CoP

- Resolution Conf. 11.3 (Rev. CoP15) on *Compliance and enforcement* addresses application of Article XIII and provides guidance on national law enforcement
- In 2007, following several years of negotiations by an intersessional working group, the CoP adopted Resolution Conf. 14.3 which contains a “Guide to CITES compliance procedures”



Specific categories of compliance matters

- Submission of CITES annual reports [Article VIII; Resolution Conf. 11.17 (Rev. CoP14)]
- National Legislation Project [Article VIII; Resolution Conf. 8.4 (Rev. CoP15)]
- Review of Significant Trade [Article IV; Resolution Conf. 12.8 (Rev. CoP13)]
- Enforcement (illegal trade) matters [Article VIII; Resolution Conf. 11.1 (Rev. CoP15); Resolution Conf. 11.3 (Rev. CoP15)]
- The permit confirmation process under the Convention (sample trade documents, authorized signatories, sample signatures, use of security paper or stamps) has links with compliance and enforcement
- Parties have considered but not yet included as categories of compliance matters (1) contributions to the CITES Trust Fund and (2) management of ranching and captive breeding operations



Bodies with compliance-related tasks

- Conference of the Parties
- Standing Committee
- Animals and Plants Committees
- Secretariat



The compliance procedures

1

1. Identification of potential compliance matters

- Any Party concerned over matters related to trade in specimens of CITES-listed species by another Party may bring the matter up directly with that Party and/or call upon the Secretariat for assistance
- The Secretariat provides a Party concerned with information it receives about that Party's compliance, and communicates with the Party regarding this matter
- Parties themselves are encouraged to give the Secretariat early warning of any compliance matter, including the inability to provide information by a certain deadline, and indicate the reasons and any need for assistance



The compliance procedures

2

2. Consideration of compliance matters

- If the Party fails to take sufficient remedial action within a reasonable time limit, the compliance matter is brought to the attention of the Standing Committee by the Secretariat, in direct contact with the Party concerned
- Compliance matters brought to the attention of the Standing Committee are generally done in writing and include details as to which specific obligations are concerned and an assessment of the reasons why the Party concerned may be unable to meet those obligations
- The Standing Committee rejects compliance matters which it considers are trivial or ill-founded



The compliance procedures

3

3. Measures to achieve compliance

- If a compliance matter has not been resolved, the Standing Committee decides to take one or more of the following measures:
 - provide advice, information and appropriate facilitation of assistance and other capacity-building support
 - request special reporting
 - issue a written caution, requesting a response and offering assistance
 - recommend specific capacity-building actions to be undertaken



The compliance procedures

3

3. Measures to achieve compliance

- provide in-country assistance, technical assessment and a verification mission, upon the invitation of the Party concerned
- send a public notification of a compliance matter through the Secretariat to all Parties advising that compliance matters have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action
- issue a warning to the Party concerned that it is in non-compliance; and
- request a compliance action plan to be submitted to the Standing Committee



The compliance procedures

3

3. Measures to achieve compliance

- In certain cases, the Standing Committee decides to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species
 - Such a recommendation may be made in cases where a Party's compliance matter is unresolved and persistent and the Party is showing no intention to achieve compliance, or a non-party is not issuing the documentation referred to in Article X
 - Such a recommendation is always specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties



The compliance procedures

3

3. Measures to achieve compliance

- When the Standing Committee decides upon one or more of the measures mentioned above, it takes into account:
 - the capacity of the Party concerned
 - such factors as the cause, type, degree and frequency of the compliance matters
 - the appropriateness of the measures so that they are commensurate with the gravity of the compliance matter; and
 - the possible impact on conservation and sustainable use with a view to avoiding negative results



The compliance procedures

4

4. Monitoring and implementation of measures to achieve compliance

- The Standing Committee, with the assistance of the Secretariat, monitors the actions taken
- The Standing Committee may request progress reports in accordance with a schedule and arrange, upon the invitation of the Party concerned, for an in-country technical assessment and for a verification mission
- In the light of progress, the Standing Committee decides whether to adjust the measures it has taken, or to take other measures
- A recommendation to suspend trade is withdrawn as soon as the compliance matter has been resolved or sufficient progress has been made.



The compliance procedures

5

5. Reporting and reviews

- The Standing Committee reports to the Conference of the Parties on compliance matters
- The Secretariat reports to the Standing Committee and the Conference of the Parties on compliance matters
- The Conference of the Parties may review the *Guide* periodically and revise it where appropriate



Positive examples of compliance matters

- Efforts under the Review of Significant Trade process, supported by the ITTO-CITES timber project as well as private sector funds, resulted in Cameroon improving the scientific basis for its determination whether the export of a particular tree species would be detrimental for the survival of the species in the wild and enabled a return to sustainable levels of trade
- At the 61st meeting of the Standing Committee (Geneva, August 2011),
 - the legislation of Nigeria was placed in Category 1 under the National Legislation Project and a SC recommendation to suspend trade (based on the absence of adequate legislation and law enforcement effort) was withdrawn;
 - a set of three SC compliance indicators directed to Peru was determined to have been fulfilled, thereby avoiding a potential recommendation to suspend trade



Lessons learned/challenges

- A capacity building project funded by the European Commission focuses on working with Parties to identify and implement the steps needed for the withdrawal of SC recommended trade suspensions under CITES and/or trade suspensions imposed by the EU
- Emphasis has been placed on establishing direct and regular communication with Parties in relation to compliance matters
- Efforts have been made to establish reasonable steps and timetables for demonstrating or achieving compliance
- Work related to electronic systems and information technology is aimed, *inter alia* at assisting Parties with their compliance and enforcement efforts
- There is an ongoing initiative to assist Parties in accessing GEF and other funds for CITES implementation



CITES Secretariat Geneva

