Briefing on SC70  
Geneva, 21 September 2018  
Juan Carlos Vasquez, CITES Secretariat

Juan Carlos VASQUEZ, Chief, Legal Affairs & Compliance, CITES Secretariat  
Sofie FLENSBORG, Legal Officer, CITES Secretariat

LAC briefing to you will focus on two main blocks:

1. Legal and compliance issues that will be introduced by myself

2. National legislation for the implementation of CITES that will be presented by my colleague Sofie Flensborg. She will also give a brief presentation on the situation in Lao PDR and other procedural and substantive legal aspects.

Turning to the first block, I will invite your attention to:

**Agenda item 13: Potential Conflicts of Interest in the animals and plants committees**

The current CITES conflict of interest policy is being applied diligently and there have been no conflict of interest either reported or alleged. **Recommendation:** The Standing Committee is invited to consider and approve the standard disclosure form for declarations of interest contained in the Annex to document 12, as a means of promoting a standardized approach to such declarations.

**Agenda item 26.1: Submission of annual reports**

The deadline for annual reports is 31 October each year for trade in the previous calendar year (e.g. 31 October 2018 for the 2017 CITES annual report). The Secretariat would like to inform that, for the first time ever, its records show that no Parties have failed to submit annual reports for three consecutive years (or more) during the period 2015–2017.

However, the Secretariat’s table of annual report submissions shows that the following Parties have not yet submitted their annual reports for the past two years (2015 and 2016): Albania, Fiji, Guatemala, Iceland, Mali, Mauritania, Mauritius, Papua New Guinea, Saint Kitts and Nevis, Samoa, Solomon Islands, Somalia and Ukraine. If the above-mentioned Parties fail to submit their 2017 CITES annual report, due on 31 October 2018 without adequate justification, they could be subject to a Standing Committee recommendation to suspend trade.

**Agenda item 27.1: Guidance for verifying the legal acquisition of CITES specimens**

Legal verification is one of the key requirements for the issuance of the CITES export permit. The Convention and relevant Resolutions of the Conference of the Parties leave to the Parties the decision on how to determine whether the specimen was acquired legally. The Secretariat has prepared draft guidance building upon the existing practice reported by Parties, the
recommendations of an international workshop and additional inputs received from Parties and other stakeholders. The aim of the guidance is to provide a common ground for the understanding and application of this key requirement to the Management Authorities and other relevant actors, including enforcement authorities, e.g. customs and permit applicants. The draft resolution in Annex 1 reflects the guiding principles (flexibility, proportionality and transparency) in an attempt to balance the responsibility of demonstrating the legality of acquisition attributed to the applicant of CITES permits with minimum elements that any verification of legal acquisition should observe.

Recommendation: The Standing Committee is invited to submit the draft resolution and related decisions to CoP18.

Agenda item 27.2: Possible establishment of a Compliance Assistance Programme

This document tries to respond to two questions:

   a) how to provide effective support to CITES authorities of Parties subject to compliance measures to ensure optimal outcomes, e.g. full and timely implementation of Standing Committee’s recommendations; and
   b) how to respond to persistent or recurrent non-compliance.

The different CITES compliance mechanisms are revealing the increasing need for the adoption of an integrated approach that serves as a facilitator to assist the Parties in achieving their objectives. The merit of establishing an integrated Compliance Assistance Programme (CAP) would be to ensure a better alignment of CITES interventions, promote a common vision and strategy and create the conditions for joint funding, joint planning and joint delivery. The CAP can be defined as an accelerator of compliance.

Recommendation: The Standing Committee is invited to consider the merits of establishing a Compliance Assistance Programme (CAP) and instruct the Secretariat accordingly.

Agenda item 27.3.2.1/2: Application of Article XIII in the Democratic Republic of Congo

In the view of the Secretariat, DRC has implemented several of the recommendations made by the Standing Committee, notably on a reliable system to issue the CITES permits and the implementation of measures to fight the illegal trade more effectively. DRC has partially implemented the recommendations on the management of trade in African grey parrots (Psittacus erithacus) as the elaboration of a national action plan for the conservation of the species and development of a scientifically based field survey to establish the population status of the species in the country remain pending.

Regarding trade in a timber species known as Afrormosia (Pericopsis elata), the Plants Committee should further assess the content of the scientific assessment of sustainability (called Non-Detriment Finding) in the context of the ongoing Review of Significant Trade case and recommend future actions.
Challenges remain regarding the setting and management of export quotas and the development of the scientific basis and capacity for the making of non-detriment findings. DRC should focus a great part of the available resources to strengthen its scientific and species-management capacity.

**Recommendation:** The Standing Committee is invited to consider a set of recommendations suggested by the Secretariat, including some compliance measures.

**Agenda item 27.3.5: Application of Article XIII in Nigeria**

The Secretariat conducted a technical visit to Nigeria at the invitation of the Federal Government, from 29 May to 2 June 2018. The Secretariat is concerned that the Nigerian population of the African rosewood (*Pterocarpus erinaceus*), in Nigeria locally known as ‘Kosso’ or ‘Madrid’, may be adversely affected by unsustainable or untraceable trade and that the provisions of the Convention are not being effectively implemented. Many challenges remain regarding the management of trade and the development of the scientific basis and capacity for the making of non-detriment findings. Nigeria is also facing significant challenges with respect to the effective enforcement of CITES and to fight against transnational organized wildlife crime, involving ivory and pangolin scales.

**Recommendation:** Parties shall suspend commercial trade in specimens of the species *Pterocarpus erinaceus* from Nigeria until the Party makes scientifically based non-detriment findings for trade in the species in the country to the satisfaction of the Secretariat and the Chair of the Plants Committee. The Standing Committee is also invited to consider a set of recommendations suggested by the Secretariat.

**Agenda item 67.1: Annotations**

One of the key discussions on the agenda for the upcoming meeting will be about the timber products that should be regulated by CITES, with a special focus on Rosewood (*Dalbergias*). Should international trade in musical instruments, such as guitars or clarinets, be regulated by CITES? What about furniture made with that wood? Flooring? All this is defined in the small print of the CITES listings, that sometimes may pass unnoticed and it is called in CITES jargon: the annotations. They are important because they form part of the legally binding part of the Convention. They are hard law applicable to wildlife products.

The SC has established a working group on annotations that has discussed, at length, several annotations, including Annotation #15 in its current form, and the challenges to implement and interpret that annotation. WG Members agreed to explore options for amending or replacing it, with attention to specimens that initially appear in international trade, and to eliminating the administrative and enforcement burden generated through regulation of finished musical instruments and cross-border movement of musical instruments containing rosewood (*Dalbergia* spp.).
Recommendation: The Standing Committee is invited to consider, among other things, the two options identified by the Working Group for the revision or replacement of Annotation #15 and, depending on its assessment, provide guidance on the possible way forward.

Finally, Agenda item 27.3.4: Introduction from the sea of sei whales

At the invitation of the Japanese government, the CITES Secretariat conducted a technical mission to Japan from 19 to 22 March 2018 to identify potential compliance matters regarding introductions from the sea of sei whales from the North Pacific. The results of the technical mission will be presented and discussed at the SC70 meeting.