Briefing on SC70
Geneva, 21 September 2018

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Agenda item 25: National Laws for the implementation of the Convention

The National Legislation Project is the Convention’s primary mechanism for encouraging and assisting Parties in their legislative efforts to ensure that their legislation allows them to effectively implement and enforce the Convention. The project is based on Resolution 8.4 in which the Parties agreed on four minimum requirements to national legislation, which in turn are based on the core obligations contained in the Convention. The legislation of each Party is analyzed by the Secretariat and placed in one of three categories.

Of the 183 Parties to the Convention, 101 (55%) have adopted legislation that fully meets the minimum requirements (category 1), while 75 have legislation that is not fully compliant (Category 2 or 3).

Seven Parties have acceded to the Convention less than eight years ago and their legislation has therefore not yet been analyzed by the Secretariat and placed in one of the three categories.

Since SC69 late last year, many Parties have made progress in developing and adopting CITES implementing legislation. This includes inter alia Angola, Benin, Bosnia and Herzegovina, Côte d’Ivoire, Eritrea, the Gambia, Liberia, Nepal, Mauritania, Mozambique, Myanmar, Pakistan, the Solomon Islands, Sri Lanka, Somalia and Uzbekistan. There are good prospects that several of these Parties will have legislation in Category 1 at the time of the next Conference of the Parties.

So that is the good news. The not so good news is that there are also several Parties that have still not made substantive progress or have not reported any such progress to the Secretariat.

The Standing Committee has identified a total of twenty Parties requiring its attention as a priority, based on an overall assessment of the relative volumes of trade, the time since accession, available assistance etc. Of the Parties thus identified, no - or insufficiently substantive - progress has been reported by Botswana, Comoros, Ecuador and Mongolia as well as Kazakhstan. The Secretariat is therefore recommending to the Standing Committee that compliance measures be taken with respect to these Parties. This includes a recommendation to all Parties to suspend commercial trade with these five Parties, unless substantive progress is reported within 60 days of the meeting.

For the other Parties that have not reported any legislative progress at all since CoP17, the Secretariat is proposing that the SC issues a formal warning letter to the fourteen Parties concerned.
The Secretariat will also be reporting on the legal, technical and financial assistance provided to Parties under the NLP - thanks to the generous contribution by the EU.

**Item 10.4 Rules of Procedure**

At CoP17, the Conference adopted a revised set of Rules *inter alia* to allow for a regional economic integration organization to vote with the number of votes corresponding to the number of Member States that are Parties to the Convention in accordance with the provisions in the Convention. This was following the accession of the European Union in 2015 - the only REIO that is a Party to the Convention. The Rules were also updated on other issues, eg to clarify the rules on participation of observers in meetings of the CoP, better regulate the membership of in-session working groups etc.

At the same time, the CoP adopted a Decision requesting the Standing Committee to review five aspects of the Rules of Procedure on which a satisfactory agreement had not been found. At its meeting last year, the Standing Committee established a Working Group on this matter which will be reporting back to the meeting in Sochi. The Working Group was able to make some progress on the voting of a REIO, proposing a new Rule that will require such organizations to indicate in advance the matters on the agenda on which it will exercise the right to vote on behalf of its member states and matters where Member States will vote. A second proposal concerns the majority required to amend the rules which is at present not explicitly set out in the rules. And finally, the WG is proposing a small but important change to the way amendments to listing proposals are considered and decided upon.

The SC will be invited to consider and, if possible, agree to these changes to be put to the CoP.

**Item 27.3.1 Lao PDR**

Lao PDR has been a Party to the Convention since 2004 and has faced difficulties to effectively implement and comply with the Convention on several fronts. In June 2014, the Secretariat therefore sent a formal letter under Article XIII, initiating a comprehensive compliance process concerning Lao PDR.

In mid-2016, the Secretariat undertook a mission to Lao PDR to understand the challenges faced with regard to the effective implementation of CITES in Lao PDR which led to the adoption of a set of recommendations by SC the same year.

Late last year, the Standing Committee reviewed progress by Lao PDR, revised the recommendations and requested that Lao submits a by the end of 2017 and a report on the implementation of the plan by 1 July this year to the Secretariat. Laos complied with these requests.
While significant efforts have been made by the Government of Lao PDR over the past years to address the challenges, there is still some way to go to achieve full and effective implementation and enforcement of the convention in Laos.

In Sochi, the Standing Committee will be invited to consider the information provided by Lao PDR and determine whether further action is required.

The main issues that Lao PDR still needs to address include the following:

- Adequate national legislation to effectively implement CITES (some parts are in place but not fully addressing the requirements)
- Law enforcement (Lao PDR continues to be affected by illegal trade in ivory, pangolins, rhino horn, tiger parts etc. and law enforcement needs to continue and lead to arrests and prosecution of traffickers)
- Capacity of the CITES Scientific Authority to be able to do Non-detriment findings (a fundamental pre-condition for trade)
- Monitoring and oversight of wildlife farms, in particular breeding tigers

Because Lao PDR is exporting products of CITES listed tree species without being in a position to confirm the non-detriment character of these exports, the Secretariat is recommending that this trade be suspended until Lao is in a position to do so.

Fortunately, financial and technical assistance is available to assist Lao PDR in addressing these challenges, including via a project financed by USA and implemented through the Secretariat.