

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



Fifty-eighth meeting of the Standing Committee
Geneva (Switzerland), 6-10 July 2009

Interpretation and implementation of the Convention

Compliance and enforcement

NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION

1. This document has been prepared by the Secretariat.

Background

2. At its 14th meeting (The Hague, 2007), the Conference of the Parties adopted Decisions 14.25 and 14.26 as follows:

Directed to Parties

14.25 *Before the 58th meeting of the Standing Committee, any Party or dependent territory that has been party to the Convention for five or more years, with legislation in Category 2 or 3, should:*

- a) *submit to the Secretariat, in one of the working languages of the Convention, newly enacted legislation for implementation of the Convention; or*
- b) *provide adequate justification for its failure to do so.*

Directed to the Standing Committee

14.26 *With respect to Parties and dependent territories that do not comply with Decision 14.25 or decisions of the Standing Committee in relation to national laws for implementation of the Convention, the Standing Committee shall consider appropriate compliance measures, which may include recommendations to suspend commercial trade in specimens of CITES-listed species to and from such Parties.*

3. In January 2009, pursuant to a decision taken at the 57th meeting of the Standing Committee (SC57, Geneva, July 2008), the Secretariat issued written cautions on behalf of the Committee to the Bolivarian Republic of Venezuela, Mozambique and South Africa advising them of the need to accelerate their efforts to enact adequate legislation by the present meeting. In the same month, the Secretariat sent letters on behalf of the Committee to Parties and dependent territories affected by Decision 14.25 reminding them that the Committee would be determining at the present meeting whether they had submitted to the Secretariat newly enacted legislation by that time or provided adequate justification for their failure to do so.
4. During the present meeting, the Standing Committee will need to review compliance with Decision 14.25 by Parties and dependent territories and, pursuant to Decision 14.26, consider any compliance measures that may be appropriate.

Legislative progress

5. In order to ensure that it reflects the latest available information, a legislative status chart will be provided during the present meeting as Annex 1 to this document.
6. Summaries of Parties' legislative progress are provided below in several sections, namely: countries identified by the Standing Committee as requiring attention as a priority under the National Legislation Project; Parties and dependent territories whose legislation is currently placed in Category 2 of the National Legislation Project; and Parties and dependent territories whose legislation is currently placed in Category 3 of the National Legislation Project.
7. In addition, there is a description of legislative progress made by newer Parties that are not affected by Decision 14.25, and of legislative developments in Parties whose legislation has been placed in Category 1.

Countries identified as requiring attention as a priority under the National Legislation Project

Algeria

8. During consultations held with Algeria in the margins of the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews (Kuwait City, March 2009), the Secretariat learned that several legislative texts have been enacted since 2003, including a hunting law and a law protecting some endangered animals. The Secretariat asked for a copy of these texts.

Belize

9. In February 2009, Belize informed the Secretariat that draft legislation was being finalized by the legal counsel to the CITES Management Authority and would be submitted shortly.

Bolivia

10. In May 2009, the CITES Management Authority of Bolivia informed the Secretariat that, during the fourth quarter of 2008, it had revised its draft legislation to align it with the CITES Model Law and had undertaken consultations with other CITES authorities and stakeholders.

Comoros

11. The Secretariat has not received any recent information from the Comoros concerning its legislative progress. The Comoros was invited to attend the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews but was unable to do so.

Djibouti

12. The Secretariat has not received any recent information from Djibouti concerning its legislative progress. Djibouti was invited to attend the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews but was unable to do so. Since 2004, Djibouti has been subject to a recommendation to suspend trade for failing to provide any written indication of legislative progress (see Notification to the Parties No. 2006/073 of 14 December 2006).

El Salvador

13. The Secretariat has been advised by the Management Authority that a Ministerial Decree on the regulation of CITES trade was signed by the President of the Republic in May 2009. The Secretariat expects to receive a copy of the text, as published in the official journal, before the present meeting.

Guinea Bissau

14. Following the submission of a CITES Legislation Plan and legislation enacted in 2004 to regulate hunting, the recommendation to suspend commercial trade in CITES specimens with Guinea-Bissau was withdrawn (see Notification to the Parties No. 2008/071 of 19 December 2008).

Kenya

15. The Secretariat met with representatives of the CITES Management Authority of Kenya in the margins of the 25th meeting of the Governing Council to UNEP (Nairobi, February 2009). At that time, it was learned that the Secretariat's comments on Kenya's draft wildlife legislation had been taken into account during the preparation of a revised draft text, but that many of those comments were more relevant to the implementing legislation that would be developed in the near future, with the assistance of the Law Society of Kenya. The Secretariat was advised that the broader, enabling wildlife legislation which had already been submitted for Cabinet approval was aimed primarily at restructuring the government's institutional arrangements for wildlife management and that it would be supplemented by CITES-related and other implementing regulations.

Liberia

16. Following the submission of a draft National Wildlife Conservation and Protected Area Management Law, which provides *inter alia* for the implementation of CITES, the recommendation to suspend commercial trade in CITES specimens with Liberia was withdrawn (see Notification to the Parties No. 2008/071). Liberia has requested the Secretariat's assistance with the funding of a legal consultant to help it further elaborate the CITES-related provisions of the draft law.

Malaysia

17. During consultations with Malaysia in the margins of the 24th meeting of the Animals Committee (AC24, Geneva, April 2009), the Secretariat learned that draft implementing regulations for Malaysia's recently-enacted federal legislation were under review by the Attorney General's office.

Mauritania

18. During consultations held with Mauritania in the margins of the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews, the Mauritanian representative requested legislative assistance from the Secretariat. In responding to this request, the Secretariat proposed the organization of a sub-regional workshop for Algeria, Djibouti, Mauritania, Morocco and Tunisia to assist them in the development of the CITES-implementing legislation. Mauritania remains subject to a recommendation to suspend trade for failing to provide a written indication of legislative progress (see Notification to the Parties No. 2004/055 of 30 July 2004).

Mozambique

19. During the first quarter of 2009, the CITES Management Authority of Mozambique transmitted to the Secretariat the official gazette issue containing a CITES-related decree promulgated in August 2008. The decree designates both a CITES Management Authority and a Scientific Authority and outlines their respective functions. It also authorizes the development of implementing regulations, which are currently under preparation.

Nigeria

20. The Secretariat has not received any recent information from Nigeria concerning its legislative progress. As indicated in paragraph 15 of document SC58 Doc. 23 on *Enforcement matters*, the Secretariat hopes to undertake a high-level mission to Nigeria later in 2009. Nigeria remains subject to a recommendation to suspend trade for insufficient progress in relation to its action plan to improve implementation of CITES (see Notification to the Parties No. 2005/038 of 19 June 2005).

Pakistan

21. In April 2009, the CITES Management Authority of Pakistan advised the Secretariat that draft CITES-implementing legislation had been approved by the Federal Cabinet and was before Parliament for final vetting and approval.

Paraguay

22. In May 2009, Paraguay enacted a Resolution partially withdrawing the voluntary moratorium established in 2003. The Management Authority advised the Secretariat that CITES-implementing legislation is still under development.

Peru

23. Peru has conducted major legislative reforms to adapt its legal system to its international commitments. The reform resulted in a decree regulating CITES and in amendments to the environmental chapter of the penal code, which is now strengthened to allow better enforcement of the provisions of the Convention. As a result, Peru's CITES-implementing legislation now qualifies for Category 1 under the National Legislation Project. It can therefore be deleted from the list of countries requiring attention as a priority under the Project.

Rwanda

24. Using external funds provided by Japan, the Secretariat undertook a legislative assistance mission to Rwanda in February 2009. During the mission, copies of relevant existing legislation were obtained and a draft CITES Legislation Plan was developed. The Secretariat will issue a Notification withdrawing the current recommendation to suspend trade with Rwanda (see Notification to the Parties No. 2006/073 of 14 December 2006) as soon as it receives written confirmation from Rwanda that the CITES Legislation Plan has been finalized and adopted.

Somalia

25. As indicated in paragraph 5 of document SC58 Doc. 19 on *National reports*, the Secretariat has established contact with Somalia and a CITES Management Authority should be designated soon. Somalia remains subject to a recommendation to suspend trade for failing to provide any written indication of legislative progress (see Notification to the Parties No. 2004/055 of 30 July 2004).

South Africa

26. During consultations held with South Africa in the margins of AC24, the Secretariat provided the Management Authority with written comments on the country's draft CITES-implementing legislation. Thereafter South Africa sent a letter to the Secretariat explaining that national and provincial elections were held on 22 April 2009, which meant that a new cabinet would be appointed during the second week of May 2009. The draft regulations would be discussed on 25 May 2009 by the heads of the provincial departments and the Director General of the Department of Environmental Affairs and Tourism. If approved, they would be published in early June 2009 for public comment and by December 2009 for implementation. South Africa can provide an update on this process at the present meeting.

United Republic of Tanzania

27. During consultations with the United Republic of Tanzania in the margins of AC24, the Secretariat learned that the CITES Management Authority had met with government colleagues in Zanzibar and that agreement had been reached on the steps and timetable for ensuring that Zanzibar had adequate legislation for implementation of the Convention. Amendments to address identified weaknesses or gaps in existing CITES-implementing legislation for the United Republic of Tanzania are currently under development.

Venezuela (Bolivarian Republic of)

28. On 7 May 2009, the Secretariat received from the Management Authority a draft decree on the implementation of CITES in the Bolivarian Republic of Venezuela. The Authorities explained that this new draft was adapted to the new reforms taking place in the country. The decree is expected to be enacted in the near future.

Other Parties and dependent territories affected by Decision 14.25

a) Category 2

29. Uruguay issued a CITES-implementing decree in November 2008. Its legislation is now adequate for implementation of the Convention and qualifies for Category 1 under the CITES Legislation Project.
30. During the Oceania Regional CITES Capacity Building Workshop (Brisbane, March 2009), Papua New Guinea reported on its national legislation for implementation of the Convention. The Management Authority thereafter provided the Secretariat with an electronic version of the legislation for its review and preparation of a revised legislative analysis.
31. In early May 2009, Namibia advised the Secretariat that it had enacted the *Controlled Wildlife Products and Trade Act* and that a printed copy of the legislation would be provided to the Secretariat later that month.
32. As of 7 May 2009, the following Parties had provided information about their legislative progress or adequate justification for not having enacted legislation by the present meeting: Azerbaijan, Chile, Ecuador, Guyana, India, Israel, Jordan, Kuwait, Malawi, the Sudan, Tunisia and Zambia.
33. As of 7 May 2009, the following Parties had not provided any information about their legislative progress or adequate justification for not having enacted legislation by the present meeting: Bangladesh, Belarus, Benin, Botswana, Burkina Faso, the Congo, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea, Iceland, Kazakhstan, Mali, Mauritius, Mongolia, the Philippines, the Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, and Uzbekistan.

b) Category 3

34. As of 7 May 2009, the following Parties had provided information about their legislative progress or adequate justification for not having enacted legislation by the present meeting: Brunei Darussalam, Chad, Georgia, Myanmar and Uganda.
35. As of 7 May 2009, the following Parties had not provided any information about their legislative progress or adequate justification for not having enacted legislation by the present meeting: Afghanistan, Antigua and Barbuda, Burundi, the Central African Republic, Côte d'Ivoire, Dominica, Ghana, Grenada, Morocco, Nepal, Seychelles, Sierra Leone, Sri Lanka and Swaziland.

c) Dependent territories

36. As of 7 May 2009, the following dependent territories had provided information about their legislative progress or adequate justification for not having enacted legislation by the present meeting: Aruba (NL), Bailiwick of Guernsey (UK), Bailiwick of Jersey (UK), Bermuda (UK), British Indian Ocean Territory (UK), British Virgin Islands (UK), Cayman Islands (UK), French Polynesia (FR), Isle of Man (UK), Macao Special Administrative Region (CN), Montserrat (UK), Netherlands Antilles (NL), New Caledonia (FR), Saint Helena and Dependencies (UK), and Wallis and Futuna Islands (FR).
37. As of 7 May 2009, Greenland (DK) had not provided any information about its legislative progress or adequate justification for not having enacted legislation by the present meeting.

Parties not affected by Decision 14.25

38. In February 2009, the Secretariat provided legislative advice and guidance material to Armenia. It was then informed by its Management Authority that Armenia had started to prepare CITES-implementing legislation and that it did not yet have the funds for translating into English existing legislation which was relevant to CITES. During consultations held with the Libyan Arab Jamahiriya in the margins of the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews, the Secretariat learned that draft CITES-implementing legislation had been prepared and asked for a copy of such legislation. In March 2009, the Secretariat provided detailed legislative comments to Palau on its draft CITES-implementing legislation.

Developments concerning legislation placed in Category 1

39. The regional report for Central and South America and the Caribbean for AC24 indicates that Costa Rica has adopted new legislation modifying Chapters 10 and 11 of the Wildlife Conservation Act which provide offences and penalties related to CITES. The Secretariat has been advised that Norway is continuing to work on new CITES legislation, Switzerland has initiated the development of consolidated CITES legislation and the United Kingdom of Great Britain and Northern Ireland will be working to amend its CITES-implementing regulations during the next 18 months to two years.

Analysis of Parties' legislative provisions and draft legislative guidance on the transport of live CITES specimens

40. As directed by Decision 14.59, the Secretariat prepared an analysis of Parties' legislative provisions and draft legislative guidance on the transport of live CITES specimens for consideration by the Animals Committee at its 24th meeting. A copy of document AC24 Doc. 15.2 is attached for the Standing Committee's information (see Annex 2 to this document). It was considered in some detail by the Transport Working Group, which found that the transport-related legislative guidance contained in paragraphs 77-89 of the document was useful and should be incorporated into the CITES National Legislation Project. The Secretariat would welcome any comments that Committee members or observers may have on this guidance.

General legislative assistance

41. Bilateral and regional trade agreements (i.e. the United States of America - Peru Trade Promotion Agreement and the Central America – Dominican Republic - United States of America Free Trade Agreement) have been used by participating countries and the Secretariat to strengthen national legislation and address other aspects of CITES implementation. In addition, participating countries (Bahrain, Jordan, Morocco, Oman and the United States) and the Secretariat have been working under a set of bilateral environmental cooperation agreements, funded by the U.S. Department of the Interior, to strengthen national legislation and institutions concerned with application of the Convention. Under this cooperative framework, technical assistance has also been provided to Algeria, Iraq, Lebanon, Jordan, Qatar, Saudi Arabia, the United Arab Emirates and Yemen.
42. During the second half of 2008, the Secretariat provided an external legal consultant with a set of CITES legislative guidance materials for use in assisting Grenada and Saint Vincent and the Grenadines with the development of biodiversity coordination legislation.
43. The Secretariat provided presentations related to CITES legislation during the *Master's Course in Management, Access, Conservation and Trade of Species: The International Framework* offered by the University of Córdoba and the International University of Andalusia (April – June 2009).
44. The Secretariat was invited to speak in a Wildlife Management Regional Dialogue (Suriname, May 2009) organized by WWF, in consultation with the CITES Management Authorities of French Guiana, Guyana and Suriname. It was unfortunately not possible for the Secretariat to accept the invitation because of work associated with preparations for the present meeting. Guyana and Suriname had requested that the Secretariat provide legislative assistance during the proposed visit, and the Secretariat has offered to explore options for undertaking a related mission in the near future.
45. Using external funds provided by Japan, the Secretariat plans to undertake additional legislative missions and to organize a subregional legislative workshop in North Africa during the second half of 2009.

Support to the judiciary

46. During October 2008, the CITES Management Authority of France and the Secretariat made complementary presentations to a group of French prosecutors and magistrates participating in a course on environmental law.
47. The Secretariat was invited by the Secretariat of the Ramsar Convention on Wetlands to participate in a national seminar for the judiciary held during April 2009 in Côte d'Ivoire. Owing to work

responsibilities connected with the present meeting, the Secretariat could not attend but it provided a powerpoint presentation for use by the Ramsar Secretariat and expressed interest in participating in a future seminar of this kind.

Recommendations

48. It is recommended that the Standing Committee issue a written caution to those Parties and dependent territories that it determines, on the basis of the information contained in this document and any additional information provided before or during the present meeting, have not complied with Decision 14.25.
49. The Standing Committee is invited to take note of paragraphs 77-89 of document AC24 Doc. 15.2, which will be added to the legislative guidance materials available under the National Legislation Project. If members of the Standing Committee or observers at the present meeting have any comments on these paragraphs, they are invited to convey them to the Secretariat during or in the margins of the present meeting.