

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Interpretation and implementation matters

General compliance and enforcement

ILLEGAL INTERNATIONAL TRADE IN WILDLIFE

1. This document has been prepared by South Africa.*

Background

2. Illegal trade in wildlife is a matter of global significance that has environmental, social and economic consequence.
3. A number of resolutions aimed at addressing illegal trade in wildlife have been adopted by international fora, including the first United Nations Environment Assembly (UNEA – Resolution 1/3 – *Illegal trade in wildlife*) and the United Nations General Assembly (Resolution A/69/L.80 – *Tackling illicit trafficking in wildlife*).
4. The United Nations General Assembly adopted Resolution 70/1 on Transforming Our World: The 2030 Agenda for Sustainable Development; and a number of Sustainable Development Goals specifically address conservation and sustainable utilisation of marine resources and terrestrial ecosystems, as well as strengthening the means of implementation, that are relevant to discussions relating to international trade in endangered species and illegal international trade in wildlife.
5. These resolutions recognise the legal framework provided by and the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as the international agreement that stands at the intersection between trade, the environment and development and that promotes the conservation and sustainable use of biodiversity.
6. The role of the International Consortium on Combating Wildlife Crime in assisting countries to strengthen capacity and effectiveness of enforcement and improve cooperation has also been recognised widely.
7. Interventions to address illegal trade in wildlife as identified in terms of the above-mentioned resolutions are focused on enforcement and collaboration, and the need to consider communities affected by illegal trade in wildlife is recognised.
8. The Conference of the Parties has also adopted a number of Decisions relating to species listed on the Appendices that are affected by illegal international trade. These Decisions are, by nature, short-term specific interventions and have assisted Parties to make progress in addressing specific challenges presented by illegal trade.

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

Discussion

9. South Africa is of the view that based on the lessons learnt through the implementation of a number of Decisions relating to illegal international trade in certain CITES listed species, and in addition to what is already contained in the provisions of Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and Enforcement*, and some other species specific Resolutions, further guidance could be provided to CITES Parties relating to cooperation and collaboration on matters that relates to illegal trade in wildlife within the scope of the Convention.
10. Key issues that could assist CITES Parties in their efforts to address illegal international trade in wildlife include information sharing, training, joint operations and information and trends that could be identified through the annual reports on illegal trade.
11. Due to the fact that illegal international trade in wildlife is in some instances linked to transnational organised crime syndicates and associated with corruption, the need to increasingly collaborate with relevant conventions aimed at addressing these matters should be explored.
12. Two of the key challenges that CITES Parties experience to effectively address illegal international trade in wildlife relates to funding to implement and sustain interventions aimed at preventing and detecting illegal international trade in wildlife and implementation of measures to ensure that communities livelihoods and economic opportunities relating to wildlife are secured while illegal activities are addressed.

Recommendations

13. To assist Parties with the uniform interpretation and implementation of the Convention regarding illegal international trade in wildlife, South Africa proposes that the Conference of the Parties adopt the Resolution presented in Annex 1.
14. It is furthermore recommended that the Conference of Parties explore options to further strengthen cooperation and collaboration between CITES and the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. South Africa proposes that the Conference of Parties adopt the Decision presented in Annex 2 to give effect to this recommendation.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat agrees that there is a need to further strengthen cooperation and collaboration on matters that relate to illegal trade in wildlife within the scope of the Convention. The Secretariat acknowledges the role of sustained interventions aimed at preventing and detecting international illegal trade in wildlife, as well as the implementation of measures to support communities livelihoods.
- B. The issue of illegal trade in wildlife is addressed in document CoP17 Doc. 25 on *Enforcement matters* prepared by the Secretariat. This includes proposed amendments to Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*, available as Annex II of CoP17 Doc. 25, and a number of Decisions on enforcement matters, including on corruption. The issue of livelihoods is addressed in CoP17 Doc. 16 on CITES and livelihoods, as well as in Resolution Conf. 16.6 on *CITES and livelihoods*.
- C. The Secretariat supports the intent of the proposed resolution on illegal international trade in wildlife, but considers that some aspects of the proposed standalone resolution in the present document are addressed in the proposed amendments of Resolution Conf. 11.3 on *Compliance and enforcement* and in Resolution Conf. 16.6 on *CITES and livelihoods*. The Secretariat therefore recommends that the Conference of the Parties consider amending the above Resolutions to include the contents of the proposed resolution on illegal international trade in wildlife. In particular, the following sections could be incorporated into Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement* and into Resolution Conf. 16.6 on *CITES and livelihoods* as proposed below:

Into Resolution Conf. 11.3 (Rev. CoP16) on Compliance and enforcement

Paragraph a) under 'URGES Parties to' under 'Regarding cooperation on enforcement matters' of the proposed resolution could be included into Resolution 11.3 (Rev. CoP16) under 'Regarding communication of information and coordination', RECOMMENDS that, as a new item g) as follows, and noting the items below would have to be renumbered:

- g) Parties strengthen cooperation relating to enforcement measures implemented across range, transit and destination States to address illegal international wildlife trade;

Paragraph a) under 'DIRECTS the CITES Secretariat to, subject to available resources' of the proposed Resolution could be included into Resolution Conf. 11.3 (Rev. CoP16) after o) under 'Regarding additional actions to promote enforcement' of the proposed revised resolution in Annex 2 of document CoP17 Doc. 25 as follows:

DIRECTS the CITES Secretariat to subject to available resources:

- a) Analyse, in collaboration with ~~members of the International Consortium to Combat Wildlife Crime (ICCWC)~~ partners, the annual reports on illegal international wildlife trade, and
 - i) Share information relating to the analysis with Parties to support further enforcement activities;
 - ii) Submit a report to the Standing Committee and the Conference of Parties based on the analysis and other relevant information available through ICCWC partners; ~~and~~
 - iii) ~~Include in the report to the Standing Committee and the Conference of Parties, information obtained from global studies and analysis of international wildlife crime conducted by the members of ICCWC,~~

Paragraph c) and d) under 'DIRECTS the CITES Secretariat to, subject to available resources' of the proposed resolution could be incorporated into Resolution Conf. 11.3 (Rev. CoP16) under 'Regarding enforcement activities of the Secretariat' as part of the proposed revised ii) as follows:

- ii) ~~submit a report on activities that have been conducted under the auspices of ICCWC at each Standing Committee meeting and each regular meeting of the Conference of the Parties and consult with the Standing Committee on the development of the ICCWC Programme of Work to ensure CITES Parties needs are adequately addressed;~~
- iii) maintain the dedicated portal on ICCWC, in the official languages of the Convention, on the CITES website to enable Parties to identify the opportunities and support available through ICCWC

Paragraph 'INVITES all Parties, donors, intergovernmental organizations...' under 'Regarding funding to sustain interventions to address illegal wildlife trade' of the proposed resolution could be incorporated into Resolution Conf. 11.3 (Rev. CoP16) as part of paragraph 'URGES the Parties, intergovernmental and non-governmental organizations to provide...' as follows:

URGES the Parties, intergovernmental and non-governmental organizations to provide, as a matter of urgency, funds and expertise to enable enforcement-related training or the provision of training materials, focusing preferably on a regional or subregional basis, on developing countries and countries with economies in transition and range States affected by illegal international wildlife trade, preferably on a regional or subregional basis, and provide funds to ensure that wildlife-law enforcement personnel in such countries are adequately trained and equipped;

D. The Secretariat notes that:

paragraph a) ii) A of the proposed resolution is reflected in paragraph j) under 'Regarding communication of information and coordination' as well as under RECOMMENDS further, paragraph h) under 'Regarding additional actions to promote enforcement' of Resolution Conf. 11.3 (Rev. CoP16).

paragraph a) ii) B of the proposed resolution would be addressed through proposed Decision 17.A c) proposed in Annex I of CoP17 Doc. 25 on Enforcement matters.

paragraph a) ii) C of the proposed resolution is reflected under ‘Regarding communication of information and coordination’ as well as under RECOMMENDS further, paragraph h) under ‘Regarding additional actions to promote enforcement’ of Resolution Conf. 11.3 (Rev. CoP16).

paragraph a) ii) D of the proposed resolution is reflected in the proposed amendments of Resolution Conf. 11.3 (Rev. CoP16) through various clauses and in particular through the UNGA Resolution on ‘Tackling illicit Trafficking in Wildlife’ and under a), b) and c) of ‘Regarding compliance, control and cooperation’. The Conference of the Parties may however decide to add a specific clause. This could be added under ‘Regarding additional actions to promote enforcement’, with the following new text, and noting the items below would have to be renumbered:

e) strengthen national measures, including by strengthening legislation, providing for illegal trafficking in wildlife offences to be treated as predicate offences and taking steps to ensure the successful prosecution of offenders as well as to prohibit, prevent and counter corruption

paragraph a) iii) of the proposed resolution is reflected under RECOMMENDS further in paragraph n) under ‘Regarding additional actions to promote enforcement’ of the proposed revised resolution in Annex 2 of document CoP17 Doc. 25.

paragraph b) under ‘URGES Parties to’ under ‘Regarding cooperation on enforcement matters’ of the proposed resolution would be best addressed through a further revision of Resolution Conf. 11.17 (Rev. CoP16) on National reports. The Secretariat provided some initial suggestions to document CoP17 Doc. 35.1 in this regard and recommends this matter be discussed further as part of Resolution 11.17 (Rev. CoP16).

paragraph b) under ‘DIRECTS the CITES Secretariat to, subject to available resources’ “Establish an information sharing mechanism where information mentioned above can be shared between CITES Parties”. This Secretariat notes that ENVIRONET could be a suitable platform for this purpose, but this paragraph could also be included as a decision directed to the Secretariat.

paragraph ‘REQUESTS the CITES Secretariat to promote fundraising for the implementation of initiatives, especially at a regional and sub-regional level, to counter illegal international wildlife trade’ under ‘Regarding funding to sustain interventions to address illegal wildlife trade’ of the proposed resolution would be more suitable to be discussed as part of the budgetary discussions at the CoP.

E. The Secretariat is preparing a draft consolidated revision of Resolution Conf. 11.3 (Rev. CoP16) including all the changes described above.

Into Resolution Conf. 16.6 on CITES and livelihoods

The section under “Regarding communities, governance, incentives and sustainable use in combatting wildlife crime” could be included in Resolution Conf. 16.6 above the section “Regarding the potential shift from in situ to ex situ production” as follows, under a new title “Regarding engagement of rural communities in combating illegal trade in wildlife”:

- F. The above suggested changes cover all the operative paragraphs of the proposed resolution that have either been incorporated in Resolution Conf. 11.3 (Rev. CoP16) or Resolution Conf. 16.6, with the exception of paragraph a) i).
- G. The Secretariat considers the proposed revisions will further update and strengthen both Resolutions and avoid any potential duplication. The Secretariat therefore recommends the above amendments are adopted by the Conference of the Parties.
- H. The Secretariat recognizes the importance of collaborating with relevant Conventions aimed at addressing transnational crime and corruption and the interrelationship between CITES, UNTOC and UNCAC in the context of wildlife crime. As reflected in document CoP17 Doc. 25 on Enforcement matters, the CITES Secretary-General has continued to engage with the Executive Director of UNODC to address this important issue. The Secretariat recommends the draft Decisions included in Annex II are revised and adopted as follows:

Directed to the Standing Committee

- 17.xx The Standing Committee shall, with support of the Secretariat, explore options to strengthen cooperation and collaboration between CITES and the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, including through their respective programmes of work and Secretariats, and report on progress of this work at the 18th meeting of the Conference of the Parties.

Directed to the Standing Committee

- ~~17.xx The Standing Committee shall further pursue this work and report at the 18th meeting of the Conference of the Parties.~~

- I. The oversight of tasks allocated to the Secretariat and ICCWC could be accommodated within the regular work programme of the Secretariat. However, the implementation of tasks allocated to the Secretariat and ICCWC by the draft resolution would require continued financial support to ICCWC through its Strategic Programme 2016-2020¹, and for the ICCWC Support Officer, as reflected in CoP17 Doc. 14.2 on the *International Consortium on Combating Wildlife Crime*. In this context, the Secretariat has prepared draft decision 17.A, paragraph c), for consideration by the Conference of the Parties, as presented in Annex 1 of document CoP17 Doc. 14.2.
- J. The Secretariat notes that the ICCWC Strategic Programme has been developed based on an analysis of priorities identified by CITES Parties and the respective priorities related to wildlife crime of the governing bodies of ICCWC partners, and identifies a number of priority activities to be conducted by the Consortium, subject to availability of external funding through donor support. The Secretariat welcomes continued feedback and recommendations from Parties to ensure its activities remain targeted and to ensure CITES Parties needs are adequately addressed.
- K. Budgetary implications on a yearly basis for the development and analysis of annual reports on wildlife crime as suggested in the proposed resolution would vary depending on the amount of detail that the analysis might require. The Secretariat estimates this could entail between 200,000-300,000USD external funds. Continued updating of the ICCWC website in all languages would require funds for translation (20,000 USD) as well as to cover a percentage of the webmaster's time (10,000 USD). Should Parties decide to adopt a decision on an information sharing mechanism, costs would vary according to the specific needs identified by Parties.
- L. The Secretariat notes it is already working to ensure Parties benefit from increased financial support and from the implementation of targeted activities through, for example, its engagement with a number of donors, the Global Environment Facility, or through ICCWC. The Secretariat would be able to mobilize additional support to assist Parties further if resources are allocated for additional support staff or consultants that could focus on fundraising on a part time or full time basis (50,000-150,000USD). In this regard, and in support of other enforcement related activities, Parties might wish to consider the secondment of officers or support staff to the Secretariat as suggested in Resolution Conf. 11.3 (Rev. CoP16).
- M. The tasks allocated to the Standing Committee in the proposed Decision might require time during its meetings and intersessionally. However, the Secretariat believes that this work could be accommodated within the regular work programme of the Committee.

¹ <https://cites.org/eng/prog/iccwc.php/Strategy>

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Illegal international trade in wildlife

CONSIDERING that the Convention provides, in Article III, IV and V for the regulation of trade in specimens of species included in Appendix I, Appendix II and Appendix III respectively;

RECOGNISING that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECOGNISING ALSO the benefits of trade in wildlife as reflected in Resolution Conf. 8.3 (Rev. CoP13);

CONCERNED that unsustainable utilization and illegal trade in wildlife deprive nations of their natural capital and cultural heritage thus undermining sustainable development as well as peace, security, rule of law and good governance;

WELCOMING the *2030 Agenda for Sustainable Development* adopted by the United Nations General Assembly and the sustainable development goals and with specific reference to Goal 15;

CONCERNED that the adverse environmental, economic and social dimensions of unsustainable wildlife use and illegal trade in wildlife and its products, as well as its impacts, will undermine progress towards the 2030 Agenda for Sustainable Development;

WELCOMING the International Consortium on Combatting Wildlife Crime (ICCWC) as an important collaborative effort between the partners in the Consortium and CITES Parties;

RECOGNISING the support provided by ICCWC to Parties in enhancing enforcement and collaboration in this regard;

FURTHER RECOGNISING the significant financial burden on Parties, and especially range States of CITES listed species, to reduce the levels of illegal trade in wildlife;

CONCERNED about the increased militarization of the interventions to address illegal trade and the impact of communities living with wildlife;

RECOGNISING that the international illegal trade in wildlife is a development as well as a conservation issue;

ACKNOWLEDGING the central role of the communities that live with or close to wildlife in addressing and combating illegal trade in wildlife;

FURTHER ACKNOWLEDGING the importance of making a clear distinction between illegal trade in wildlife and legitimate, sustainable use and trade of wild resources;

CONSCIOUS that enforcement efforts must be sensitive to potential negative impacts on local communities and are accompanied by appropriate accountability mechanisms;

RECOGNISING the need to support and provide an enabling environment for communities to be meaningfully involved in wildlife governance and derive locally significant benefits from its conservation and sustainable use;

RECALLING the United Nations General Assembly Resolution 70/1 on Transforming Our World: The 2030 Agenda for Sustainable Development;

ACKNOWLEDGING that a number of sustainable development goals specifically address conservation and sustainable utilisation of marine resources and terrestrial ecosystems, as well as strengthening the means of implementation, that are relevant to discussions relating to international trade in endangered species and illegal international trade in wildlife;

WELCOMING the Resolution adopted by the United Nations General Assembly on “Tackling illicit trafficking in wildlife”; Resolution on illicit trafficking in protected species of wild fauna and flora adopted by the United Nations Economic and Social Council (ECOSOC), amongst others encouraging States to treat illicit trafficking in wild fauna and flora as a serious crime when organized criminal groups are involved, and to fully utilize the United Nations Conventions against Transnational Organized Crime and Corruption to implement appropriate measures to prevent and combat illicit trafficking in wild fauna and flora; the United Nations Environment Assembly Resolution relating to Illegal Trade in Wildlife; and the Resolution on the INTERPOL response to emerging threats in Environmental Security adopted by the INTERPOL General Assembly;

FURTHER WELCOMING regional initiatives to address illegal trade in wildlife, including the development of the “African Common Strategy on Combating Illegal Trade in Wild Fauna and Flora”; and the development of an African Range States Strategic Rhino Conservation Plan;

ENCOURAGING Member States to fully utilize the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to prevent and combat illicit trafficking in endangered species of wild fauna and flora, and call for the full and effective implementation of these Conventions by CITES Parties;

ACKNOWLEDGING that cross border and international cooperation and approaches are essential to effectively address illegal trade in wildlife;

NOTING the outcomes of conferences on illegal wildlife trade and the political commitments and actions associated with these;

RECALLING Resolution Conf. 11.3 (Rev. CoP15) on *Compliance and Enforcement* that urges Parties to strengthen controls on trade in wildlife in territories under their jurisdiction and recommends measures to be implemented to enhance enforcement related interventions.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding cooperation on enforcement matters

URGE Parties to:

- a) Strengthen cooperation relating to enforcement measures implemented across range, transit and destination States to address illegal international wildlife trade, including:
 - i) Through the implementation of recommendations contained in Resolution Conf. 11.3 (Rev. CoP15) regarding compliance, control and cooperation; communication of information and coordination; and additional action to promote enforcement;
 - ii) Information sharing, with a focus on:
 - A. Information about the seizure of specimens involved in illegal international trade and any available associated information to enable follow-up investigation. The State where the seizure took place should share information relating to the seizure with the CITES Secretariat, the State of origin, as well as the relevant range-, transit and destination States;
 - B. Designated forensic laboratories;
 - C. Methods used to conceal illegally traded specimens;
 - D. Legislation enacted and implemented to address illegal trade in wildlife, including offences and penalties, successful prosecutions and measures to address specimens in transit;
 - iii) Joint international operations / investigations aimed at apprehending offenders across the illegal supply chain.
- b) Submit annual reports on illegal international wildlife trade adopted by the 66th Standing Committee; noting that the annual illegal trade report is not subject to compliance procedures.

DIRECTS the CITES Secretariat to, subject to available resources:

- a) Analyse, in collaboration with members of the International Consortium to Combat Wildlife Crime (ICCWC) partners, the annual reports on illegal international wildlife trade, and
 - i) Share information relating to the analysis with Parties to support further enforcement activities;
 - ii) Submit a report to the Standing Committee and the Conference of Parties based on the analysis; and
 - iii) Include in the report to the Standing Committee and the Conference of Parties, information obtained from global studies and analysis of international wildlife crime conducted by the members of ICCWC,
- b) Establish an information sharing mechanism where information mentioned above can be shared between CITES Parties.
- c) Consult with the Standing Committee on the development of the ICCWC Programme of Work to ensure CITES Parties needs are adequately addressed;
- d) Maintain the dedicated portal on ICCWC, in the official languages of the Convention, on the CITES website to enable Parties to identify the opportunities and support available through ICCWC

Regarding funding to sustain interventions to address illegal wildlife trade

INVITES all Parties, donors, inter-governmental organisations and non-governmental organisations, as a matter of urgency, to provide support to range States affected by illegal international wildlife trade.

REQUESTS the CITES Secretariat to promote fundraising for the implementation of initiatives, especially at a regional and sub-regional level, to counter illegal international wildlife trade.

Regarding communities, governance, incentives and sustainable use in combatting wildlife crime

URGES Parties to:

- a) In line with the internationally adopted *2030 Agenda for Sustainable Development* and with specific reference to Goal 15, enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities;
- b) Enable the rights of indigenous and local communities and support livelihood options contributing to the conservation of wildlife as an integral part of the response to address illegal trade in wildlife;
- c) Strengthen community voices; actively supporting them to be involved in decision-making surrounding action to combat international illegal trade in wildlife and to derive benefits from conserving wildlife;
- d) Support a mechanism for communities affected by international illegal trade in wildlife to learn from each other and to have their voices heard in international policy fora;
- e) Build and enhance partnerships to combat international illegal trade in wildlife through encouraging the development of partnerships between communities, conservation non-governmental organisations and law enforcement agencies in tackling international illegal trade in wildlife;
- f) Strengthen the evidence base for community engagement through building knowledge and understanding about the motivations for, drivers of, dynamics of, and responses to illegal international trade in wildlife.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES
ON COOPERATION OF CITES WITH THE UNITED NATIONS CONVENTION
AGAINST TRANSNATIONAL ORGANISED CRIME AND
THE UNITED NATIONS CONVENTION AGAINST CORRUPTION

Directed to the Standing Committee

- 17.xx The Standing Committee shall, with support of the Secretariat, explore options to strengthen cooperation and collaboration between CITES and the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, including through their respective programmes of work and Secretariats.

Directed to the Standing Committee

- 17.xx The Standing Committee shall further pursue this work and report at the 18th meeting of the Conference of the Parties.