



**ADDITIONAL BRIEFING COMMENTS BY EIA FOR THE 65TH MEETING OF THE CITES STANDING COMMITTEE (GENEVA, JULY 7-11, 2014)**

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Please find below the comments of the Environmental Investigation Agency (EIA) on the provisional agenda items for the 65th meeting of the CITES Standing Committee (SC65). In addition to the comments enclosed herein, EIA as a member of the Species Survival Network (SSN) also supports and associates itself with the comments submitted by SSN. EIA's comments on SC65 regarding specific agenda items are as follows:

**SC65 Doc. 16.4, International Consortium on Combating Wildlife Crime (ICCWC)**

EIA welcomes the information provided by the Secretariat that the United Nations Office on Drugs and Crime (UNODC) is in the process of implementing the ICCWC Wildlife and Forest Crime Analytic Toolkit in Angola, Bangladesh, Gabon, Mexico, Nepal, Peru and Vietnam. EIA supports the implementation of the ICCWC Toolkit as an effective tool to identify gaps and obstacles to combating wildlife and forest crime and preparing a strategy to resolve them. EIA would encourage Parties to not only apply the Toolkit but to also ensure that the issues identified through the Toolkit process are addressed in an effective and time-bound manner.

Further, the Secretariat has reported that the Secretariat is taking the lead within ICCWC to finalize indicators to assess effective enforcement. EIA believes that indicators of effective enforcement such as those that seek to measure application of specialist investigative techniques, multi-agency cooperation, international communication, prosecutions, confiscation of proceeds of crime and disruption of criminal networks are critical to ensuring that enforcement efforts are proactive, targeted and intelligence-led, to present the best possible deterrent through meaningful sentences, fines and the recovery of assets and proceeds of crime. It is important that such indicators are adopted when made available and are fully implemented.

EIA *recommends* that the Standing Committee adopt a decision:

- encouraging Parties to apply the ICCWC Wildlife and Forest Crime Analytic Toolkit, and
- directing the Secretariat to finalize indicators of effective enforcement and report its recommendations to the 66th meeting of the Standing Committee for meaningful implementation of such indicators by Parties. *[see also below: related recommendations in relation to SC65 Doc. 24.2, Special reporting requirements and reporting on trade in artificially propagated plants].*

**SC65 Doc. 24.2, Special reporting requirements and reporting on trade in artificially propagated plants: Annex 3: Proposal for a new national report format under Article VIII, paragraph 7 (b)**

The need for Parties to report on illegal trade has been recognized under several relevant CITES Resolutions and Decisions. At CoP16, Parties adopted Decision 16.44(e) which directs the Standing Committee to “*consider appropriate means for collecting statistical information on illegal trade through the annual report, taking into account the data fields contained in the INTERPOL Ecomessage or other relevant reporting formats*”. Further Decision 16.46(d) directs the Secretariat to: “*develop a special report format for use by Parties under Decision 16.43 to provide statistical information for the calendar year 2013 on: administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related violations; significant seizures, confiscations and forfeitures of CITES specimens; criminal prosecutions or other court actions; and disposal of confiscated specimens;*”. Additionally, Res. Conf. 11.3 (Rev. CoP16), *Compliance and enforcement*, recommends that “*Parties provide to the Secretariat detailed information on significant cases of illegal trade*” and “*inform the Secretariat, when possible, about convicted illegal traders and persistent offenders;*”. Res. Conf. 11.3 directs the Secretariat to communicate such information quickly to the Parties. Further, SC65 Doc. 24.2, Annex 1 has identified several valid existing reporting requirements related to illegal trade, enforcement and compliance under the Convention and various Resolutions and Decisions.

EIA believes that there is an urgent need to clarify and stream-line the reporting on illegal trade and enforcement so that such information can better inform decision-making under CITES. **In the absence of**

**meaningful information related to illegal trade and enforcement actions adopted by Parties to combat illegal trade in CITES-listed species, it is impossible for Parties to evaluate the implementation of CITES requirements and to assess the degree of the threat posed by trade to CITES-listed species.**

SC65 Doc. 24.2, Annex 3 provides a revised proposed format for an “implementation report” - formerly known as the biennial report (which would now become a triennial report). However, while this reporting format includes important questions about existing laws and enforcement mechanisms, it does not include questions geared to obtain information on how these laws and mechanisms are implemented in practice in combating illegal trade in CITES-listed species. EIA would therefore suggest amending the revised implementation report format in Annex 3 by inserting two new sub-questions after 1.7.3(a) as follows:

- *“What are the minimum and maximum penalties prescribed under existing applicable laws for offences related to CITES? Please provide a brief summary of the applicable legal provision and prescribed penalties under that provision in relation to the specific offence.”*
- *“Do you collect and analyse information on prosecution and convictions imposed for CITES offences? If yes, please provide a brief summary of the convictions and penalties imposed during this reporting period in relation to the CITES offences.”*

Further, the Working Group on Special Reporting Requirements has recommended that the Group should further analyse the opportunities for collecting information on illegal trade by CITES and report its findings and recommendations to the 66th meeting of the Standing Committee. EIA supports this recommendation for continuing the mandate of the Working Group to specifically consider reporting on illegal trade and enforcement action and has provided additional recommendations below.

EIA recommends that the Standing Committee revise Annex 3 of SC65 Doc. 24.2 (*Proposal for a new national report format under Article VIII, paragraph 7 (b)*) by inserting two new questions after 1.7.3(a): *“What are the minimum and maximum penalties prescribed under existing applicable laws for offences related to CITES? Please provide a brief summary of the applicable legal provision and prescribed penalties under that provision in relation to the specific offence.”* and *“Do you collect and analyse information on prosecution and convictions imposed for CITES offences? If yes, please provide a brief summary of the convictions and penalties imposed during this reporting period in relation to the CITES offences.”*

EIA recommends that the Standing Committee adopt a decision directing the Working Group on Special Reporting Requirements and the Secretariat to:

- prepare a reporting format to be included in the annual report for Parties to report on illegal trade and enforcement, including the areas identified in Decision 16.46(d) such as administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related violations; significant seizures, confiscations and forfeitures of CITES specimens; criminal prosecutions or other court actions; and disposal of confiscated specimens,
- provide recommendations for including, where appropriate, reporting on ICCWC indicators of effective enforcement (when finalised) in the revised annual reporting format, and
- provide its findings and recommendations on the above at the 66th meeting of the Standing Committee.



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