

WORKSHOP FOR SELECTED AFRICAN CITES PARTIES  
**Strengthening national legal frameworks for the effective implementation of CITES and  
for combating illegal trade in wildlife**

UN Environment Sub-regional Office, Abidjan, Côte d'Ivoire  
13 – 14 February 2017  
**Draft Concept Note**

## Background

**CITES** (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) and **UN Environment (UNEP)** have agreed to collaborate to strengthen legislation for the implementation of CITES.

CITES is an international agreement between governments which aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species. Parties to CITES need to adopt adequate national legislation to effectively implement and enforce the Convention.

CITES Resolution Conf. 8.4 (Rev. CoP15) on National laws for implementation of the Convention initially adopted by the Conference of the Parties in 1992, provides the basis for the CITES National Legislation Project (NLP), the Convention's primary mechanism for encouraging and assisting Parties' legislative efforts.

The Resolution directs the Secretariat, within available resources, to identify those Parties whose domestic measures do not provide them with the authority to:

- i) designate at least one Management Authority and one Scientific Authority;
- ii) prohibit trade in specimens in violation of the Convention;
- iii) penalize such trade; or
- iv) confiscate specimens illegally traded or possessed;

Under the CITES NLP, and in consultation with the concerned Party, national legislation is analyzed by the Secretariat in relation to these four minimum requirements and placed in one of three categories, as follows:

**Category 1:** legislation that is generally believed to meet the minimum requirements for implementation of CITES, currently 95 Parties;

**Category 2:** legislation that is believed to meet 2 or 3 of the requirements for the implementation of CITES, currently 45 Parties; and

**Category 3:** legislation that is believed not to meet the requirements for the implementation of CITES currently 35 Parties.

The CITES Standing Committee has identified countries that require attention as a priority under the National Legislation Project in the African region, namely Algeria, Comoros, Djibouti, Guinea-Bissau, Kenya, Liberia, Mauritania, Mozambique, Rwanda, Somalia and United Republic of Tanzania. The

Conference of the Parties has requested the Standing Committee with the assistance of the Secretariat to identify additional Parties requiring attention as a priority.

The CITES Secretariat and UN Environment have launched a joint initiative to assist the Parties in Africa, upon their request, to finalize their legislation in order for it to meet all the minimum requirements listed above.

In addition to the African Parties that require attention as a priority listed above, this assistance is extended to all Parties in Africa requesting it. A first workshop under the joint project was held in Nairobi in April 2016 with participation of the following Parties: Algeria, Angola, Burkina Faso, the Central African Republic, Comoros, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Mauritania, Mozambique, Niger, Rwanda, Somalia and the United Republic of Tanzania.

This second workshop will focus on West African Parties and other Parties that were not involved in the first workshop or have made little or no progress since then: Benin, Cabo Verde, Chad, Congo, Djibouti, Eritrea, Gambia, Mali, Sao Tomé, Sierra Leone, Togo and Tunisia, as well as Burkina Faso, Côte d'Ivoire and Guinea-Bissau.

In June 2014, the first session of the United Nations Environment Assembly (UNEA) adopted Resolution 1/3 on Illegal Trade in Wildlife, speaking to the need to implement existing commitments, ensure synergies in efforts to address illicit trade in wildlife and forest resources, and to enhance international coordination to counter the illegal trade and national legislation. The Resolution also called upon member States and regional economic integration organizations to: *(d) Support work to reinforce the legal framework, including through deterrent measures, where necessary, and to strengthen capacity throughout the entire enforcement chain;*

At the second session of UNEA, the Assembly adopted Resolution 2/14 on Illegal trade in wildlife and wildlife products, which *inter alia* requested the Executive Director to *support national Governments, upon their request, in facilitating the development and implementation of national legislation related to illegal trade and trafficking in wildlife, including through capacity-building for, inter alia, prosecutorial investigations;*

The seventeenth meeting of the Conference of the Parties to CITES adopted Decision 17.64 that *inter alia* requested the Secretariat to *subject to external funding, provide legal advice and assistance to Parties on the development of appropriate measures for effective implementation of the Convention, including legislative guidance for and training of CITES authorities, legislative drafters, policymakers, the judiciary, parliamentarians and other relevant government officials responsible for the formulation and adoption of CITES-related legislation.*

## Participants

The participants invited to the workshop will include a representative of the Management Authority as well as the legal adviser involved in the preparation of the implementing legislation in the Party concerned. The two participants from each Party are expected to be at a sufficiently high level to be able to take action on the preparation of the legislation following the workshop.

## Objective of the Workshop

The ultimate goal is to ensure that CITES is effectively implemented by the Parties to the Convention. Without a strong legal basis, it will be impossible to combat poaching and illegal wildlife trade.

The main objective of this workshop is to provide the participants with a deeper understanding of the essential legal and institutional requirements for strengthening national legislation for the implementation of the Convention at the national level. This will enable participants to ascertain their needs for assistance and allow them to draw up a realistic and ambitious work plan for the legislative process, indicating the kind of assistance required and the timing of such assistance.

The workshop will also provide a platform for selected countries to share their views on how best they can strengthen their legal and institutional frameworks.

#### **Expected Outcome**

- A deeper understanding by the participants of the minimum requirements for the implementing legislation
- A commitment of Management Authorities to engage in developing or strengthening the implementing legislation
- Participants engaged in the initial process of mobilizing their legislative authorities in addressing gaps in the national laws and institutional frameworks.

#### **Expected Outputs**

- A time-bound plan for each of the selected countries for their national legislation process, indicating the requested assistance;
- Next steps on working with individual countries based on assessed needs.

#### **Preparations**

To ensure effective use of the little time available at the workshop itself, participants are expected to be familiar with the Convention and its main principles. Participants should also know and preferably bring copies of the current national legislation, even if this only exist in a draft form and only in the national language. Translation of such documents into one of the languages of the Convention (English, French or Spanish) is strongly encouraged.

Finally, participants should familiarize themselves with the documents that will be circulated to them in advance:

- Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and
- Decisions of CoP17: 17.58-17.64
- Notification 2016/066 of 13 December on Format for legislative timetables – National laws for the implementation of the Convention
- Interpretation and implementation of Convention: National Laws for Implementation of the Convention (CoP12 Doc. 28)
- CITES Model law
- Resolution Conf. 12.3 (Rev. CoP16) on *Permits and Certificates*

#### **Format of the Workshop**

The workshop will take place over two days (13-14 February 2017) with a social networking event taking place on the evening of the first day. The format of the workshop will be participatory and

interactive. There will be few presentations in plenary and ample time for discussion and interaction among participants and with officials from CITES Secretariat and UN Environment. There will be simultaneous interpretation in English and French at the workshop.

### Logistics

The workshop will be held at the UNEP Sub-regional Office in Abidjan, Côte d'Ivoire. Participants will be staying in a hotel, close to the meeting venue. An information sheet has been made available to the participants.

Travel, accommodation and DSA will be covered by the organizers.

Contacts/Organizers		
UNEP	CITES	UNEP Sub-Regional Office
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[Provisional Agenda](#)

*This programme is provisional and may be adapted to the specific needs and interests of the participants.*

**Monday, 13 February 2017**

<b>8:30-9:00</b>	<b>Arrivals and Registration</b>	
<b>9:00-9:45</b>	<p><b>Introductory session</b></p> <ul style="list-style-type: none"> <li>Opening Remarks: UNEP CITES Secretariat</li> <li>Introduction of participants</li> <li>Discussion of workshop objectives and organization of work</li> </ul>	<p><b>Moderator:</b> Angele Luh, UN Environment</p> <p><i>Interpretation English-French</i></p>
<b>9:45 – 10:15</b>	<b>Tea/Coffee break and Group Photo</b>	
<b>10:15-12:15</b>	<p><b>Session 1: Designing the legislative approach – challenges in the legislative process</b></p> <p>There are a multitude of options and combination of options for implementing these requirements in national legislation – and for ensuring regular updating of the provisions as the Appendices to the Convention are updated. This session will discuss advantages and disadvantages of various approaches, including the use of enabling laws and implementing regulations. Parliamentary processes and lobbying will also be discussed.</p> <p><b>Participants will be invited to share their current legislative status as well as the challenges related to legislative procedures and possible strategies for overcoming these.</b></p> <p><b>Q &amp; A - Discussion</b></p>	<p><b>Moderator:</b> Sylvia Bankobeza, UN Environment</p> <p><b>Speakers:</b> Hayat Mesbah, Morocco</p> <p><b>All participants</b></p> <p><i>Interpretation English/French</i></p>
<b>12:15-13:30</b>	<b>Lunch break</b>	
<b>13:30-16:00</b>	<p><b>Session 2: Implementing CITES in National Legislation</b></p> <p>CITES is not a self-executing Convention; appropriate national legislative measures are required to implement and enforce the provisions of the</p>	<p><b>Moderator:</b> Yacouba Savadogo, IUCN</p>

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Convention. The aim of CITES National Legislation Project is to ensure that the legislation of each Party to the Convention meets a certain set of minimum requirements. This session will provide an overview of these requirements and examples of national implementation.

**Speakers:**  
Sofie H. Flensburg,  
Marceil Yeater  
CITES Secretariat

The session will be a combination of presentations and discussion.

Hayat Mesbah,  
Morocco

- a. Designation of national CITES authorities
- b. Prohibition of trade in violation of the Convention
- c. Penalization of illegal trade
- d. Authorization to confiscate illegally traded or possessed specimens

*Interpretation*  
*English/French*

For each of these requirements, a short presentation will introduce the issue. **Participants are invited to share their experiences and challenges in implementing these requirements.**

#### Q & A - Discussion

**16:00-16:15**    **Tea/Coffee break**

**16:15-16:45**    **Session 3: Identifying and addressing the legislative challenges**

It is the responsibility of each Party to ensure compliance with and enforcement of the Convention. Recognizing the challenges that Parties may encounter in the legislative process, UNEP and the CITES Secretariat are jointly offering legislative assistance to CITES Parties, upon their request. This brief introductory session will prepare for the group work in sessions 3 and 5.

**Introduction:**  
Sofie H. Flensburg,  
Sylvia Bankobeza

*Interpretation*  
*English/French*

**16.45-17.30**    **GROUP WORK**

Based on the brief introductions from UNEP and CITES, participants will be invited to identify and present their challenges and specific needs for assistance to be followed by a discussion in the group.

*Two groups – one*  
*Anglophone and one*  
*Francophone*

For the sake of efficiency and effectiveness, this session will be organized in two parallel groups (English/French)

*Resource persons*

*No interpretation*

**18.00-19.30**    **Informal networking cocktail**

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**Tuesday, 14 February 2017**

<b>Tuesday, 14 February 2017</b>		
<b>8:30-9:00</b>	<b>Arrival and Coffee</b>	
<b>9:00-9:30</b>	<b>Recap of day 1 and introduction to group work in session 4</b>	Speakers: All <i>Interpretation</i>
<b>9:30-11:00</b>	<b>Session 4: Group Work: Legal analysis exercise</b> This session will allow the participants to test their understanding of the four legal requirements in more detail. Participants will be invited to analyze examples of legislation and discuss how they meet the requirements set out in the Convention and Resolution Conf. 8.4 on <i>National Laws for the Implementation of the Convention</i> .	<i>Two groups - one Anglophone and one Francophone</i> <i>Resource persons</i> <i>No interpretation</i>
<b>11:00-11:15</b>	<b>Tea/Coffee break</b>	
<b>11:15-12:30</b>	<b>Session 5: Group Work: Legislative plans and next steps</b> Based on the discussions in session 3, participants from each Party will be invited to present and receive feedback on their draft legislative measures or their draft legislative plan. Participants will also be invited to prepare a draft “appropriate legislative timetable to be agreed with the Secretariat”.  Other questions may be addressed as well.	Speakers: All <i>Two groups – one Anglophone and one Francophone</i> <i>Resource persons</i> <i>No interpretation</i>
<b>12:30-14:00</b>	<b>Lunch break</b>	
<b>14:00-16:00</b>	<b>Session 6: Report back on group work and other issues TBD</b> Participants will review the results of group work in session 4 as well as other questions related to the implementation of the Convention, to be determined based on the needs and requests of the participants. This could include topics like: <ul style="list-style-type: none"> <li>- Implementation of relevant decisions of CoP17</li> <li>- Roles and responsibilities of CITES Authorities</li> <li>- CITES permits and certificates</li> <li>- Disposal of confiscated illegally traded specimens</li> </ul>	<b>Moderator:</b> Angele Luh, UN Environment  <b>Speakers:</b> TBD  <i>Interpretation</i> <i>English/French</i>
<b>16:00-16:15</b>	<b>Tea/Coffee break</b>	
<b>16:15-17:30</b>	<b>Session 7: Presentation of legislative plans</b> Participants from each Party will be invited to present an outline of the legislative plans developed in the previous session to be followed by a discussion. The aim is to ensure that a solid and time-bound plan for the steps required to be placed in category 1 in the NLP will be established for each Party.	<b>Moderator:</b> Marceil Yeater <b>Speakers:</b> All  <i>Interpretation</i> <i>English/French</i>
<b>17:30-18.00</b>	<b>Discussion of next steps and way forward</b>	