



**National Ivory Action Plan Process**  
**EIA recommendations to the 77<sup>th</sup> meeting of the CITES**  
**Standing Committee**

**November 2023**

**Contents**

<b>Introduction and procedural recommendations.....</b>	<b>2</b>
<b>Category A Country Assessments and Recommendations .....</b>	<b>3</b>
<b>Democratic Republic of the Congo .....</b>	<b>3</b>
<b>Nigeria .....</b>	<b>5</b>
<b>Togo.....</b>	<b>9</b>
<b>Viet Nam.....</b>	<b>10</b>
<b>Category B Country Assessments and Recommendations.....</b>	<b>13</b>
<b>Gabon .....</b>	<b>13</b>
<b>Category C Country Assessments and Recommendations.....</b>	<b>14</b>
<b>Angola.....</b>	<b>14</b>
<b>Cameroon .....</b>	<b>17</b>
<b>Republic of Congo.....</b>	<b>19</b>

## Introduction and procedural recommendations

The National Ivory Action Plan (NIAP) process is an important elephant conservation tool and framework which was developed in 2013. EIA commends the progress made so far by Parties participating in the NIAP process and commends the Secretariat for its efforts in the assessment process.

After a decade of implementation, at CoP19 in November 2022, Parties agreed to conduct a review of the NIAP process to ensure countries affected by elephant poaching and trafficking continue to make effective progress to address the identified challenges and issues.<sup>1</sup> EIA joins the Secretariat in expressing its gratitude to the United Kingdom for contributing funding to the review and encourages other Parties to follow suit to address the funding gap. EIA calls on the Secretariat to provide clarity regarding the status of the recruitment of a consultant and timeframes for the review.

There are currently 13 Parties included in the NIAP process as follows:

- Category A (most affected by the illegal trade in ivory): Democratic Republic of the Congo (DRC), Nigeria, Togo and Viet Nam.
- Category B (markedly affected by the illegal trade in ivory): Cambodia, Gabon, Malaysia and Mozambique.
- Category C (affected by the illegal trade in ivory): Angola, Congo, Cameroon, Lao PDR and Qatar.

Non-compliance with the NIAP process is a persistent and serious issue including low-reporting rates and inadequate, or slow, implementation of NIAP activities. Seven out of 13<sup>2</sup> Parties failed to submit progress reports in time for assessment at SC77, as per the NIAP Guidelines in Res. Conf. 10.10 (Rev. CoP19). Furthermore, the report submitted by Angola did not provide any new information. This represents a non-reporting rate of 62 per cent.

It is particularly worrying that non-reporting Parties include three out of four Category A Parties, including Viet Nam and DRC who continue to play a significant role in ivory trafficking globally.<sup>3</sup> For example, since 2020, more than 15 tonnes of ivory has been seized implicating Viet Nam and approximately four tonnes of ivory were seized in DRC during the same period of time.<sup>4</sup> The DRC is also currently subject to Article XIII compliance proceedings, including concerns regarding the illegal trade in ivory.

While EIA generally supports the Secretariat's recommendations in SC77 Doc. 34, EIA is concerned that numerous gaps in implementation remain and provides below a brief analysis of key countries<sup>5</sup> in need of attention to expedite progress to tackle ivory poaching and trafficking.

Furthermore, EIA does not support the Secretariat's requests for non-reporting countries to provide oral updates at SC77. This request goes against the NIAP Guidelines, and oral updates would not provide adequate time for Parties and the Standing Committee (SC) to consider and

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<sup>1</sup> <https://cites.org/sites/default/files/documents/E-CoP19-Com-II-Rec-07-R1.pdf>; EIA, WCS, WWF 2022. *A Decade of National Ivory Action Plans: Where do we go from here?* Available online at: <https://eia-international.org/report/niap-review/> [Accessed 29/10/2023]

<sup>2</sup> Democratic Republic of the Congo; Togo; Vietnam; Gabon; Malaysia (submitted late); Congo; Lao PDR

<sup>3</sup> CoP19 Doc. 66.6; EIA Global Environmental Crime Tracker

<sup>4</sup> EIA Global Environmental Crime Tracker

<sup>5</sup> EIA has analysed the progress of DRC, Nigeria, Viet Nam, Togo, Gabon, Angola, Cameroon and Congo as these are focus countries for the organisation.

analyse progress. The Secretariat recommended oral updates at previous regular Standing Committee meetings, and this should not become a trend as it risks perpetuating non-reporting.

Importantly, in paragraph 8 of SC77 Doc. 34, the Secretariat has flagged it is struggling to adequately produce NIAP progress assessments due to capacity and resource constraints. Therefore, EIA urges the Standing Committee to explore additional funding streams; to consider the recruitment of an independent, external assessor to undertake the NIAP assessments; and to make use of existing expertise amongst stakeholders involved in assisting Parties with the implementation of NIAP activities. This could, for example, be considered as part of the NIAP review decided at CoP19.

#### **Regarding procedural matters, EIA recommends that the Standing Committee:**

- **Encourage Parties to provide funding to meet financial requirements for the NIAP review;**
- **Request the Secretariat to provide clarity and transparency regarding the status of the recruitment of a consultant and timeframes for the review.**
- **Reject the Secretariat's requests for non-reporting countries to provide oral updates at SC77; and**
- **Consider the Secretariat's capacity constraints to conduct assessments of progress under the NIAP process and explore additional funding streams and avenues to harness existing expertise.**

## **Category A Country Assessments and Recommendations**

### **Democratic Republic of the Congo**

- In the NIAP process since 2014
- Last revised its NIAP in 2017
- Moved from Category C to Category A in the ETIS report to CoP19

The DRC did not submit a NIAP progress report to SC77. Previously, the SC agreed an overall rating of "partial progress" for DRC's last report to SC74.

EIA supports the Secretariat's recommendation to SC77 to issue a Notification to the Parties recommending that Parties suspend commercial trade in all CITES-listed species with DRC as per Step 4, paragraph f), of the Guidelines to the NIAP process and Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures. EIA does not support the Secretariat's recommendation for DRC to provide oral updates to SC77, as oral updates are not in line with the NIAP Guidelines.

The DRC's categorisation under the NIAP process was recently escalated from Category C to Category A at CoP19, marking the most significant shift amongst all Parties identified in the ETIS report to CoP19.

Since the DRC's inclusion in the NIAP process, the Party has failed to implement its NIAP activities consistently or adequately in line with CITES Resolution Conf. 10.10 (Rev CoP18). At SC75, the Standing Committee requested that DRC urgently expedite progress with the implementation of its NIAP (particularly pillars C and E on information related to crimes and law enforcement operations respectively) between SC75 and SC77. In the absence of such progress

by SC77, the Standing Committee agreed to consider recommendations in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures.

While EIA notes the DRC's reasons for postponing its reporting obligations to SC78, the Standing Committee is reminded that DRC's weak implementation of NIAP activities has been a longstanding issue of non-compliance at meetings of the Standing Committee, and the continued absence of progress and delays in implementation are unacceptable, especially considering the Party's escalation from Category C to A.

### **Corruption**

DRC has one of the highest Corruption Perception Index<sup>6</sup> scores as well as one of the highest "Organized Crime Index" scores.<sup>7</sup> However, the country's NIAP does not contain any activities to tackle corruption. As recently as August 2023, the US Government designated three public officials involved in CITES matters as generally ineligible for entry into the US for significant corruption in DRC.<sup>8</sup> The DRC last updated its NIAP in 2017 and the Standing Committee should consider requesting that the DRC update its NIAP in light of the DRC's escalation to Category A, and emphasis should be placed on the inclusion of anti-corruption activities.

### **Legislation and regulation**

The absence of a progress report to SC77 means there is little clarity regarding the status of key NIAP activities, including the closure of DRC's domestic ivory market. In its last progress report to SC74, the DRC noted that a national decree to close the national ivory market had been drafted and was awaiting signature from the Minister of Environment. The Standing Committee should request that DRC provide a written progress report within 60 days of the conclusion of SC77 to provide updates on this activity. This is especially important in light of ongoing discussions under SC77 Doc 63.1 regarding the planned analysis of ETIS data connected to each Party with a legal domestic ivory market.<sup>9</sup>

### **Stockpiles**

EIA encourages the Standing Committee to request the DRC to submit an ivory stockpile report to the Secretariat prior to SC78. EIA reminds the Standing Committee that paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP19) urges Parties to maintain an inventory of government-held ivory stockpiles and, where possible, private stockpiles and to submit regular annual reports to the CITES Secretariat. Although the DRC's latest report to SC74 highlights progress with the establishment of an ivory stockpile management system, the Party has never actually submitted an ivory stockpile report as flagged in SC77 Doc 63.1.

A recent study that was an initial step toward the future establishment of an ivory stock management system in the DRC revealed that, over the last 26 years, a minimum of 7,686 kg of ivory has gone missing from government custody.<sup>10</sup> Greater scrutiny of DRC's stockpile management is therefore necessary.

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<sup>6</sup> <https://www.transparency.org/en/cpi/2022/index/cod>

<sup>7</sup> [https://africa.ocindex.net/country/democratic\\_republic\\_of\\_the\\_congo](https://africa.ocindex.net/country/democratic_republic_of_the_congo)

<sup>8</sup> <https://www.state.gov/designation-of-democratic-republic-of-the-congo-drc-public-officials-for-significant-corruption/>

<sup>9</sup> See EIA's briefing for SC77 for more detailed discussion on SC77 Doc.51

<sup>10</sup> TRAFFIC. 2020. *Stockpiles of elephant ivory in DRC: what management measures to put in place?* Available online: <https://www.traffic.org/publications/reports/new-traffic-study-encourages-drc-to-develop-a-robust-ivory-stockpile-management-system/> [Last accessed 26/10/2023]

Levels of ivory stockpiles worldwide have been increasing since 2020. Coupled with trends in ivory trafficking in West and Central Africa and DRC's role as a Category A Party, DRC's weak implementation of its NIAP activities and Resolution Conf 10.10 must be considered seriously. In the context of SC77 Doc. 51 and SC77 Doc. 34, EIA calls on the Standing Committee to urge Parties in the NIAP process to submit ivory stockpile reports before SC78 in accordance with Resolution Conf. 14.3 and Decision 18.185 (Rev. CoP19) and to consider appropriate compliance proceedings in the absence of these reports.

#### **EIA recommends that the Standing Committee:**

- **Support the Secretariat's recommendation to issue a Notification to the Parties recommending Parties to suspend commercial trade in all CITES-listed species with DRC.**
- **Reject the Secretariat's requests for DRC and other non-reporting countries to provide oral updates at SC77.**
- **Request that the DRC revise its NIAP to include anti-corruption measures and to action these as matter of urgency.**
- **Request that the DRC expedite the signature of the decree to close the domestic ivory market.**
- **Request that the DRC submit an ivory stockpile report prior to SC78, as per paragraph 7 e) of Res. Conf. 10.10 (Rev.CoP19).**
- **Support the DRC's request for inclusion in the Compliance Assistance Programme as per SC77 Doc.33.6.**

### **Nigeria**

- In the process since 2014
- Last revised its NIAP in 2019
- Nigeria moved from Category B to Category A at CoP18 due to the country's central role as a source and transit country of illegally traded ivory

EIA supports the Secretariat's assessment that Nigeria has made "partial progress" in the implementation of its NIAP activities and calls on Nigeria to step-up efforts to expedite progress.

At CoP18, Nigeria moved from Category B to that of highest concern, Category A, given the rampant illegal trade in, and from, Nigeria, as well as the country's weak enforcement. The ETIS report to CoP19 noted the ongoing alarming role of Nigeria in illegal ivory trade from 2018 to 2020: Nigeria ranked second of all Parties in terms of total weight exported, accounting for 29% of the implicated ivory trade volume, including the third largest seizure ever reported to ETIS. The report further notes that, during the same period, Nigeria made few in-country seizures and that the Party has not reported to ETIS since 2016. EIA investigations align with findings by ETIS that Nigeria serves as an export country for large illegal shipments of wildlife from Africa to Asia and that these activities are likely facilitated by organised crime groups.<sup>11</sup>

Despite these concerning issues, Nigeria has made commendable progress in establishing frameworks to better tackle its role in illegal ivory trafficking. This includes the publication of the

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<sup>11</sup> EIA UK. 2020. Out of Africa: How West and Central Africa have become the epicentre of ivory and pangolin scale trafficking to Asia. Available at: <https://eia-international.org/wp-content/uploads/2020-Out-of-Africa-SPREADS.pdf>; EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>

National Strategy on Wildlife and Forest Crime in Nigeria 2022 – 2026. Nigeria is also in receipt of support from the Compliance Assistance Programme. Nigeria continues to receive considerable support from organisations including the UN Office on Drugs and Crime (UNODC), Africa Nature Investors Foundation (ANI) and EIA, to strengthen anti-wildlife crime measures.

### **Legislation (A1 & A2)**

The legislative analysis mentioned against priority action A1 involved broad-based consultations and analysis, relating to the laws of the identified Nigerian states; penalties in other African countries; Nigeria's treaty obligations; and the need for deterrent penalties for illegal wildlife trade offences. The recommendations for Federal legislation with a sufficient range of offences, sentencing and ancillary powers have now been embodied in a new bill (the Endangered Species Conservation and Protection Bill), which includes improved fines and penalties that meet regional standards and Nigeria's obligation under CITES, the Convention on Migratory Species (CMS), the UN Convention Against Transnational Organized Crime (UNTOC), and the UN Convention against Corruption (UNCAC). Nonetheless, the enactment of the bill is still pending, and the Standing Committee should urge Nigeria to expedite progress with its enactment to fully bring Nigeria into compliance with its obligations on legislation and to demonstrate efforts to strengthen wildlife laws and introduce harmony between State and Federal level laws and regulations.<sup>12</sup>

### **National Level Enforcement Action and Collaboration (B1)**

EIA agrees with Secretariat's assessment to revise Nigeria's rating for action B1 from "achieved" to "on track", considering continued weakness or absence of local and/or cross border law enforcement collaborations through post-incident investigations of wildlife trafficking cases since 2021. Despite a number of IWT incidents implicating Nigeria since 2021, EIA understands that there has been a low rate of convictions for wildlife crime and no record of convictions for corruption, money laundering or forfeiture proceedings associated with IWT. Nigeria has therefore not met a key milestone – compliance with Recommendation h) on the Application of Article XIII in Nigeria as agreed by the Standing Committee at SC70.

### **Closure of Domestic Illegal Ivory Markets (B2)**

While the reported periodic raiding of Lekki market is commendable, the absence of transparency about the outcomes, including follow up investigation and prosecutions, makes it difficult to measure the impact of this activity. EIA suggests that a rating of "partial progress" is more accurate and looks forward to future progress reports providing the missing details regarding follow-up disruption and deterrence activities.

### **Detection at the Ports (B4)**

EIA urges the Standing Committee to encourage Nigeria to review the assessment of "substantially achieved" to "partial progress" for action B4. The continued entry and exit of

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<sup>12</sup> It should be noted that the penalties excerpted in the progress report against priority action A2 are not from the Endangered Species Conservation and Protection Bill.

wildlife contraband into and out of Nigeria, from Cameroon and other neighbouring countries,<sup>13</sup> indicates that sustained efforts are needed to police and equip Nigeria's border areas to address wildlife trafficking. Furthermore, no details are provided to clarify whether any measures have been introduced to address corruption at ports.

### **Cooperation Amongst Law Enforcement Agencies (B5)**

There is a lack of clarity regarding progress in managing and inventorying stockpiles of elephant ivory held with other Federal government agencies and State-controlled in-situ conservation sites hosting elephant populations. There are also no activities regarding periodic independent verification of stockpiles records. Furthermore, EIA queries Nigeria's rating of "achieved" for this activity considering anecdotal reports of an ongoing lack of cooperation between national enforcement agencies on live investigations and prosecutions, which arguably reduces the opportunity for effective criminal justice outcomes. As such, this activity cannot realistically be "achieved" and a rating of "on track" is instead suggested.

### **Anti-corruption and anti-bribery measures (B11)**

Progress, albeit limited, regarding anti-corruption measures is welcomed, however the Standing Committee should request additional information regarding any measures to undertake a corruption risk assessment of port operations and any corresponding strategy to develop corruption risk mitigation policies. Furthermore, clarity should be requested regarding cooperation with the anti-corruption agencies such as the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) to address corruption at the ports. Importantly, State level agencies in charge of key forest elephant sites in Nigeria are not referred to in the reported development of corruption risk assessments and mitigation strategies. Furthermore, no modalities appear to be in place to ensure all wildlife crimes (including those that occur at State level) are reported to the anti-money laundering and anti-corruption agencies. As such, EIA supports the Secretariat's assessment of this action as "on track".

### **Mapping of organised crime groups involved in IWT (B13)**

EIA supports the Secretariat's recommendation that this activity should be rated as "partial progress" instead of "on track" as reported by Nigeria, especially as milestones M2, M3 and M4 have not been achieved.

### **Transboundary Wildlife Enforcement Network (C1)**

Despite the reported development of a Wildlife Enforcement Taskforce, cooperation, and coordination with other implicated countries in West and Central Africa remains elusive. Memorandums of Understandings (MoUs) with Viet Nam and Cameroon are still pending. EIA therefore supports the Secretariat's assessment of "partial progress".

### **Increasing awareness and capacity of judiciary (D1)**

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<sup>13</sup> EIA UK. 2020. Out of Africa: How West and Central Africa have become the epicentre of ivory and pangolin scale trafficking to Asia. Available at: <https://eia-international.org/wp-content/uploads/2020-Out-of-Africa-SPREADS.pdf>; EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>

EIA disagrees with Nigeria's self-assessment that action D1 is achieved, as a key milestone under this pillar to ensure effective sentencing practices has yet to be progressed. EIA urges the Standing Committee to remind Nigeria, and indeed all CITES Parties affected by environmental crime, that seizures alone are not enforcement outcomes and case-follow up including investigation and prosecutions are more effective indicators of long-term enforcement and resilience against wildlife crime. Furthermore, regarding Nigeria, there continues to be a need for consistency and transparency regarding sentencing outcomes for wildlife trafficking cases. EIA would suggest a rating of "partial progress" instead.

### **Specialist training on applicable laws (D2)**

EIA disagrees with Nigeria's self-assessment that action D2 is achieved. Despite the activities reported under this priority action, there is a need to specify whether trained officials from the judiciary and other government agencies are the employees assigned to work on wildlife trafficking cases to ensure continuity and implementation of best practice and lessons learned. Further details should also be requested regarding efforts to increase collaboration, transparency, and consistency in the exercise of investigative, prosecution and sentencing mandates of the national agencies in connection with wildlife trafficking. EIA would suggest a rating of "on track" instead.

### **Regular reporting to ETIS (E1)**

EIA agrees with the Secretariat that the rating "achieved" is not justified as the Party has failed to consistently provide data to ETIS – the last time was 2017. Furthermore, in 2019 it was reported that Nigeria had no centralised database to collect information on wildlife crime<sup>14</sup>, suggesting that records may still only be domiciled with intercepting agencies across the country. Nigeria should be encouraged to provide clarity and any updates on this issue as the absence of a centralised database may diminish the ability of the CITES Management Authority to fulfil its ETIS reporting obligations. As such, the Secretariat's assessment that this priority action has not been achieved is justified. A rating of "partial progress" is instead recommended.

### **EIA recommends that the Standing Committee:**

- **Supports the Secretariat's overall rating of "partial progress" and request Nigeria to step up efforts to progress implementation of its NIAP.**
- **Encourages Nigeria to revise the ratings of activities B1; B2; B4; B5; B11; B13; C1; D1; D2; as above.**
- **Encourages Nigeria to prioritise strengthening criminal justice responses to wildlife trafficking through the pursuit of investigations, prosecutions, and convictions.**
- **Encourages Nigeria to expedite progress with anti-corruption measures in its NIAP, which is also a requirement under Nigeria's Article XIII compliance proceedings.**
- **Encourages Nigeria to strengthen international and regional cooperation, in particular with Cameroon, Congo, and Viet Nam in light of the persistent illegal trade route between these countries. This should include urgently signing an MoU between the relevant Ministries.**
- **Urges Nigeria to swiftly enact the Endangered Species Conservation and Protection Bill.**

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<sup>14</sup> USAID, 2019. Nigeria Issues Brief: Combating wildlife trafficking. Available online at: <https://www.wabicc.org/mdocs-posts/combating-wildlife-trafficking-in-nigeria/> [Accessed 30/10/2023]

- **Calls on Nigeria to step up efforts to use existing mechanisms under INTERPOL and the World Customs Organisation(WCO) to facilitate intelligence exchange to investigate and disrupt traffickers.**
- **Urges Nigeria to increase transparency around wildlife trafficking incidents and submit regularly to ETIS.**

## **Togo**

- In the NIAP process as Category A Party since 2018
- Togo has not been requested to revise its NIAP since inclusion in the process

Togo failed to submit a progress report in time for consideration in the Secretariat's report to SC77. Togo also previously failed to submit a progress report in time for SC74. The Standing Committee should urge Togo to comply with timely reporting obligations under the NIAP Guidelines.

EIA agrees with the Secretariat's conclusion that, although the ETIS reports prepared for CoP18 and CoP19 no longer identify Togo as a priority Party, sustained action and vigilance are essential, and Togo should be required to step-up implementation of its NIAP with a greater sense of urgency.

At SC75, the Standing Committee agreed to an overall rating of "limited progress" and requested that Togo step-up efforts to implement its NIAP, noting that seven out of 21 actions had not yet commenced. In its report uploaded to the SC77 website on October 30<sup>th</sup> 2023, Togo highlights that two activities have since commenced, meaning five out of 21 actions remain uncommenced, namely the following:

- Activity 2.6: Establish risk-profiles specific to national level and indicators to tackle wildlife trafficking, in particular ivory trafficking.
- Activity 3.3: Strengthen the current mechanism for collaboration with countries of origin and transit or destination in the fight against wildlife crime and in particular to ivory trafficking, in order to guarantee an exchange of information and appropriate information and to promote follow-up surveys throughout the trade chain to combat wildlife trafficking, in particular ivory trafficking
- Activity 4.3: Produce films and documentaries on poaching and ivory trafficking
- Activity 5.1: Carry out an audit and inventory of seized ivory.
- Activity 5.2: Improve seizure reporting to ETIS.

The Standing Committee is reminded that the outstanding activities, which represent 23% of the Party's NIAP activities include critical baselines in Togo's fight against ivory trafficking. As such, Togo should be requested to urgently step up implementation of its NIAP.

EIA is concerned that the outcome of several other activities in Togo's NIAP may depend on the commencement of Activity 2.6 and 3.3. The absence of any progress with these activities may undermine national and international enforcement action owing to the lack of clear risk profiles and mechanisms for international information exchange relating to wildlife trafficking cases.

Togo should be commended for its efforts to commence Activity 2.3 regarding the construction of a secure storeroom for ivory stockpiles, which was reported as not commenced at SC75. However, it is concerning that Togo has still not commenced action 5.1, regarding an audit of stockpiled ivory. As the Secretariat flags in SC77 Doc. 63.1, Togo is one of three NIAP Parties that have never submitted an ivory stockpile report as per requirements under paragraph 7 e) of Res. Conf. 10.10 (Rev. CoP19). Given that several ETIS reports have identified ivory seizures in Togo

between 2014-2020, the Category A Party should be requested to report on all corresponding ivory stockpiles in the interests of transparency and accountability. Progress regarding activities 2.3 and 5.1 is necessary to establish whether Togo may in fact be lacking the necessary frameworks and systems to effectively implement its obligations under Res. Conf. 10.10 (Rev. CoP19) regarding stockpile management and reporting. The Standing Committee should request urgent progress by Togo and in the absence of this, should consider appropriate compliance measures under Res. Conf. 14.3.

Regarding information exchange, transnational cooperation, and investigations, the Standing Committee is encouraged to remind Togo to align its activities with the recommendations of the intersessional working group on wildlife crime enforcement support in Africa (SC77 Doc. 39.4), which has called for the increased use of existing tools such as INTERPOL and WCO and the operationalisation of the West Africa Network to Combat Wildlife Crime (WAN), as well as development of National Wildlife Crime Strategies and Taskforces.

EIA is concerned that Togo has never been requested to revise its NIAP since inclusion in the NIAP process and encourages the Standing Committee to recommend that Togo revise and update its NIAP to ensure it continues to be relevant and effective.

#### **EIA recommends that the Standing Committee:**

- **Remind Togo to comply with the NIAP guidelines and to submit timely reports 90 days ahead of each regular Standing Committee meeting.**
- **Encourages Togo to revise and update its NIAP in accordance with the NIAP Guidelines.**
- **Urges Togo to rapidly commence implementation of Activities 2.6, 3.3, 4.3, 5.1, 5.2 and;**
- **Urges Togo to submit an ivory stockpile report before SC78.**

#### **Viet Nam**

- In the NIAP process since 2013
- Last revised its NIAP in 2018
- Viet Nam has been considered as a Party of "primary concern" – Category A Party in the illegal trade in elephant ivory since the beginning of the NIAP process in 2013.

Viet Nam did not submit a progress report to SC77. Previously at SC74, Viet Nam's request to exit the National Ivory and Rhino Action Plan (NIRAP) process was rejected by the Standing Committee due to an overall rating of "partial progress". The Standing Committee further requested that Viet Nam continue to progress the implementation of its NIRAP between SC74 and SC77.<sup>15</sup>

EIA supports the Secretariat's recommendation to instigate compliance proceedings should Viet Nam fail to submit a NIRAP progress report in the 60 days following SC77 pursuant to Resolution Conf. 14.3. EIA rejects the Secretariat's requests for Viet Nam and other non-reporting countries to provide oral updates at SC77.

Despite recent progress in addressing its role in wildlife trafficking, Viet Nam continues to be exploited as a significant hub by organised wildlife crime networks trafficking ivory and other endangered wildlife products from Africa to Asia. This is exemplified by the confiscation of more than 8.2 tonnes of ivory in Viet Nam in 2023 (as of 30 September 2023), including more than 7.6

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<sup>15</sup> SC74 SR. Available at: <https://cites.org/sites/default/files/eng/com/sc/74/exsum/E-SC74-SR.pdf>

tonnes of ivory contained in a shipment arriving from Angola in March this year.<sup>16</sup> In addition, the ETIS report submitted to CoP19 noted that Viet Nam is “perhaps the most important Southeast Asian country in the illicit wildlife trade”.<sup>17</sup>

EIA urges SC77 to consider the remaining substantial and concerning gaps as follows in assessing progress made by Viet Nam in tackling the illegal trade in ivory and rhino horns.

### **Limited international cooperation to disrupt transnational wildlife crime networks**

Parties are encouraged to increase the use of Mutual Legal Assistance Treaties (MLAT) and existing platforms such as INTERPOL, WCO, and UNTOC to strengthen regional and international cooperation to tackle wildlife trafficking.<sup>18</sup> CITES Resolution Conf. 11.3 (Rev.CoP19) on Compliance and Enforcement also contains several recommendations to facilitate and strengthen cooperation “across range, transit and destination States to address illegal wildlife trade”. However, in its NIRAP progress report to SC74, there is very little information available on effective international law enforcement cooperation between Viet Nam with source and transit countries in Africa and Asia to disrupt Vietnamese-led wildlife crime networks<sup>19</sup> operating across the two continents.

For example, despite the adoption of a MLAT with Mozambique in 2018, no tangible cooperation between the two countries has been reported on the disruption of organised crime groups implicated in ivory and rhino horn trafficking. This is despite Decision 19.118 being adopted at CoP19 encouraging both Viet Nam and Mozambique to undertake joint operations and strengthen information and intelligence exchange to address illegal trade in rhino horns.

Similarly, though there has been some bilateral cooperation between Viet Nam and South Africa to transfer rhino horn samples confiscated in Viet Nam to South Africa for forensic analysis, it is unknown whether these analyses have been used to inform any enforcement action leading to prosecutions of traffickers. It is worth noting that, at CoP19, South Africa, Viet Nam and Mozambique were recognised as three of the most affected countries in the illegal trade in rhino specimens.<sup>20</sup>

Similarly, the finalisation of a Memorandum of Understanding (MoU) is pending between Viet Nam and Nigeria.<sup>21</sup> The Standing Committee should encourage the two Parties to expedite the signing and implementation of the agreement to practically and effectively tackle the Vietnamese syndicates operating in Nigeria.<sup>22</sup>

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<sup>16</sup> EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>

<sup>17</sup> CoP19 Doc. 66.6. Available at: <https://cites.org/sites/default/files/documents/COP19/agenda/E-CoP19-66-06.pdf>

<sup>18</sup> CITES. Guidance to Parties developing and implementing National Ivory Action Plans (NIAPs). Available at: [https://cites.org/sites/default/files/common/prog/niaps/E-Maputo\\_recommended\\_actions\\_2020.pdf](https://cites.org/sites/default/files/common/prog/niaps/E-Maputo_recommended_actions_2020.pdf) [Accessed 30/10/2023]

<sup>19</sup> EIA. 2021. Vietnam’s Footprint in Africa: An analysis of the role of Vietnamese criminal groups in wildlife trafficking. Available at: <https://eia-international.org/wp-content/uploads/EIA-Report-Vietnams-Footprint-in-Africa-Spreads-2021-11.pdf>

<sup>20</sup> CoP19 Doc. 75. Available at: <https://cites.org/sites/default/files/documents/E-CoP19-75.pdf>

<sup>21</sup> WCS. 2022. Technical meeting draft Memorandum of Understanding (MoU) between Viet Nam and Nigeria on combating against illegal wildlife trade. Available at: <https://bit.ly/3gstszs>

<sup>22</sup> Soyele, S. 2023 ‘Wildlife Trafficking: Court Jails Three Vietnamese, One Guinean’, *Channels TV*, 20 July. Available at: <https://www.channelstv.com/2023/07/20/wildlife-trafficking-court-jails-three-vietnamese-one-guinean/#~:text=The%20Federal%20High%20Court%20sitting.and%20a%20Guinean%2C%20Mory%20Berrette.> (Accessed on 26 October 2023)

## **Limited post-incident investigations and prosecutions for large-scale ivory and other wildlife shipments**

EIA agrees with the Secretariat's assessment that there is a low overall enforcement effort to tackle ivory and wildlife trafficking in Viet Nam. For example, there have been limited post-incident investigations and prosecutions for large-scale ivory shipments confiscated in Viet Nam, including the world's largest seizure of ivory (9.1 tonnes) made in Da Nang seaport in 2019 which has not reached a prosecution conclusion.

In February 2023, a Vietnamese national called Nguyễn Đức Tài was convicted to 13 years in prison for involvement in the trafficking of approximately 10 tonnes of ivory, pangolin scales, rhino horns, and lion bones from Nigeria and South Africa to Viet Nam between July 2021 and January 2022.<sup>23</sup> This is one of a few large-scale wildlife shipments at Vietnamese seaports since 2018 that has resulted in prosecutions and convictions. Although EIA welcomes the outcome of this case, it is concerning that Viet Nam did not appear to work with the Nigerian, South African, and other relevant law enforcement agencies to conduct in-depth investigations to identify other high-level suspects involved in the case for further potential prosecution.

EIA is also concerned that seizures and arrests of suspects are often considered as enforcement outcomes by many Parties, including Viet Nam. The interception of wildlife contraband or the arrest of a suspect should be followed by comprehensive investigations to identify additional members of criminal networks and gather robust evidence to support prosecutions, leading to tangible deterrents and consequently preventing wildlife crime.

## **Non-reporting of ivory and other CITES specimens stockpiles**

Viet Nam does not have an adequate system for the inventory and management of confiscated ivory, rhino horns and other wildlife specimens. Viet Nam's latest NIRAP<sup>24</sup> does not include activities to tackle security concerns related to its stockpiles and it is unknown whether Viet Nam has submitted reports on its ivory stockpile since CoP17 as recommended under paragraph 7 e) of the Resolution Conf. 10.10 (Rev. CoP19).<sup>25</sup> As of September 2023, according to EIA's seizure database, it is estimated that Viet Nam's seized stockpiles include at least 80 tonnes of ivory and 1.1 tonnes of rhino horns (excluding 2.2 tonnes of ivory and 70 kg of rhino horns destroyed in 2016).<sup>26</sup> Due to inadequate control and security measures, nearly 240 kg of ivory and 6.1 kg of rhino horn were stolen in 2017.<sup>27</sup>

Under Directive No. 29/CT-TTg, the Ministry of Finance and the Ministry of Agriculture and Rural Development were tasked with developing plans for the destruction of Viet Nam's large stockpiles of confiscated ivory and rhino horns. However to date, no publicly available information has been made available regarding the destruction of wildlife stockpiles in Viet Nam. Furthermore, it is important to ensure that stockpiles are only destroyed following a comprehensive and

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<sup>23</sup> Viet Nam News. 2023. Man given 13 years in prison for trading endangered animal products. Available at: <https://vietnamnews.vn/environment/1489600/man-given-13-years-in-prison-for-trading-endangered-animal-products.html> (Accessed on 25 October 2023)

<sup>24</sup> Viet Nam's National Ivory and Rhino Horn Action Plan, 2018-2020. Available at:

[https://cites.org/sites/default/files/common/prog/niaps/NIRAP\\_Vietnam\\_EN\\_FINAL%20-%20Copy.pdf](https://cites.org/sites/default/files/common/prog/niaps/NIRAP_Vietnam_EN_FINAL%20-%20Copy.pdf)

<sup>25</sup> CoP17 Doc.57.6 (Rev.1). Available at: <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-06-R1.pdf>

<sup>26</sup> Reuters. 2016. Vietnam destroys mass rhino horns and elephant ivory. Available at:

<https://www.reuters.com/article/us-vietnam-wildlife/vietnam-destroys-mass-rhino-horns-and-elephant-ivory-idUSKBN1370G8> (Accessed on 20 October 2023)

<sup>27</sup> TRAFFIC. 2017. Former Hanoi Customs officer gets 16-years following ivory and rhino horn theft from government warehouse. Available at: <https://www.traffic.org/news/former-hanoi-customs-officer-gets-16-years/> (Accessed on 25 October 2023)

transparent audit in which the specimens are no longer needed for investigations and prosecutions.

#### **EIA recommends that Standing Committee:**

- **Supports the Secretariat's recommendation to instigate compliance proceedings should Viet Nam fail to submit a NIRAP progress report in the 60 days following SC77 pursuant to Resolution Conf. 14.3.**
- **Rejects the Secretariat's requests for Viet Nam and other non-reporting countries to provide oral updates at SC77.**
- **Urges Viet Nam to increase transnational law enforcement cooperation with Angola, Mozambique, Nigeria, South Africa, and other relevant countries to tackle the illegal trade in ivory and rhino horns pursuant to Decision 19.118 and Resolution Conf. 11.3 (Rev. CoP19).**
- **Considers appropriate measures as per Res. Conf. 14.3 (Rev.CoP19), namely paragraph 29 on measures to achieve compliance including requesting special reporting by Viet Nam regarding efforts to increase law enforcement efforts to conduct joint operations with source and transit countries in Africa to tackle ivory and rhino horn trafficking.**
- **Urges Viet Nam to submit their reports on ivory and rhino horn stockpiles for consideration at SC78.**
- **Urges Viet Nam to publicise ivory and rhino horn destruction events and/or share destruction plans for consideration at SC7.**
- **Instigates compliance proceedings should Viet Nam fail to submit ivory stockpile report by SC78 pursuant to Resolution Conf. 14.3 (Rev. CoP19), Resolution Conf. 10.10 (rev. CoP19) and Decision 18.185 (Rev. CoP19).**

## **Category B Country Assessments and Recommendations**

### **Gabon**

- In the NIAP process since 2014
- Moved from Category C to Category B following ETIS report to CoP19
- Gabon has not been requested to revise its NIAP since inclusion in the process

Gabon failed to submit a progress report to SC77, although EIA notes the Party has generally submitted progress reports in a timely fashion for consideration at regular meetings of the Standing Committee. However, to ensure consistency regarding recommendations for non-reporting Parties, and given Gabon's recent escalation to Category B, EIA supports the Secretariat's recommendation for the Standing Committee to issue a warning to Gabon to submit a progress report within 60 days of the conclusion of SC77. The Secretariat and the Standing Committee are however, encouraged to note the current political climate in Gabon as a potential mitigating factor. EIA further supports the Secretariat's recommendation urging Gabon to submit reports to ETIS as a matter of urgency. EIA does not support the Secretariat's recommendation for Gabon to provide oral updates to SC77.

Previously, the Standing Committee agreed on an overall rating of "partial progress" regarding Gabon's progress report submitted for SC74. It further noted that Gabon had again failed to provide updates on matters raised in the Secretariat's assessments prepared for SC69 and SC70

regarding actions B.2 (plans regarding the establishment of a monitoring plan for legal proceedings); C.2 (plans regarding the establishment of a remuneration system for informers); and E.9 (plans regarding the burning of ivory stocks). Gabon should be urgently requested to provide updates on these activities in its overdue progress report. Continued non-response and the failure to provide adequate information should be treated as a non-compliance issue.

Similarly, the Secretariat flagged concern with Gabon's self-assessment of numerous activities. For example, although Gabon rated C.3 as "substantially achieved", the Secretariat highlighted the use of WhatsApp as a means of information exchange. EIA submits that the absence of a formal and secure information exchange system warrants a rating of "on track" instead. Updates on this activity should be sought in Gabon's overdue progress report.

Furthermore, Gabon rated D.1 as "on track" although the Secretariat noted "partial progress" was more appropriate, given that it appears to date that no intergovernmental protocols to combat poaching and illegal trade in ivory have been signed with Cameroon, the Central African Republic, Congo, and Equatorial Guinea. EIA recalls the intervention made by Belgium at SC75 urging Parties to increase transnational cooperation to tackle ivory and other wildlife trafficking. EIA encourages the Standing Committee to urge Gabon to expedite progress under D.5 (strengthen collaboration for intelligence exchange with specialised agencies), previously rated as "on track", especially in light of the recommendations of the intersessional working group on wildlife crime enforcement support to increase the use of existing tools such as INTERPOL and WCO to facilitate investigations and information exchange (SC77 Doc. 39.4)

EIA is concerned that Gabon has never been asked to revise its NIAP since inclusion in the NIAP process and encourages the Standing Committee to recommend that Gabon revise and update its NIAP to ensure it continues to be relevant and effective.

#### **EIA recommends that the Standing Committee:**

- **Supports the Secretariat's recommendation that a written caution should be issued should Gabon fail to submit a progress report in the 60 days following the conclusion of SC77.**
- **Supports the Secretariat's recommendation for Gabon to urgently report to ETIS.**
- **Rejects the Secretariat's requests for Gabon and other non-reporting countries to provide oral updates at SC77.**
- **Urges Gabon to report on progress with activities B.2, C.2, C.3, D.1, D.2 and E.9.**
- **Encourages Gabon to revise and update its NIAP in accordance with the NIAP Guidelines.**

## **Category C Country Assessments and Recommendations**

### **Angola**

- In the NIAP process since 2014
- Last revised its NIAP in 2018
- Angola has participated in the NIAP process as a Party of "importance to watch" – Category C Party since 2014

In 2022, Angola failed to submit a progress report in time for SC74. At SC75, the Standing Committee agreed to an overall rating of “limited progress”. The Standing Committee also requested that Angola strengthen its NIAP implementation, however Angola’s report to SC77 has not indicated any progress over the last two years regarding the Party’s efforts in tackling the illegal trade in ivory. Angola highlights that the lack of progress is due to a number of reasons, including the lack of commitment of some government agencies to implement the NIAP.

EIA expresses serious concern about the stagnation of NIAP implementation in Angola and supports the Secretariat’s recommendation that the Standing Committee issue a warning to Angola requesting that the Party submit its progress report within 60 days of the conclusion of SC77. EIA does not support the Secretariat’s recommendation for Angola to provide oral updates to SC77.

Angola has highlighted that it is experiencing difficulties in the control of ivory trafficking. EIA supports the Secretariat’s recommendation calling for financial support to assist Angola in the implementation of its NIAP in light of these challenges. EIA also calls upon the International Consortium on Combating Wildlife Crime (ICWC) partners and member Parties to provide support to Angola to address gaps in the national law enforcement response to ivory trafficking and other wildlife crimes as identified in the ICWC Indicator Framework process conducted in Angola.

In SC77 Doc. 34, the Secretariat highlights challenges currently facing Angola in controlling illegal ivory trade include the increasing elephant populations across the country and limited national capacity in monitoring those populations. The Kavango Zambezi (KAZA) Elephant Survey Report in 2023<sup>28</sup> indicates that, at present, Angola is home to a population of 5,983 elephants. Worryingly, of all the KAZA countries surveyed, Angola recorded the third-highest carcass ratio (the number of dead elephants observed during survey counts as a percentage of the total population) of 16.7 per cent.<sup>29</sup> Carcass ratios above eight per cent may be indicative of high mortality and a possible negative population trend, and thus warrant further investigation as to the causes and identification of appropriate interventions to address these.<sup>30</sup> The ratio of fresh and recent carcasses was recorded at 0.57 per cent, which was the second highest of all surveyed countries. As identified in the KAZA Survey, investigating the high mortality ratios should be prioritised, together with implementing appropriate interventions. It is also worth noting that Angola’s south-east elephant population represents a key linkage between the larger populations of Namibia, Botswana, and Zambia.

The ETIS report to CoP19 noted that between 2016-2019, transnational organised networks shifted their bases from East Africa to Angola and DRC. This aligns with EIA’s intelligence and research which indicates Vietnamese syndicates have been exploiting Angola for ivory and rhino horn trafficking.<sup>31</sup> Angola has been flagged as one of the top African countries implicated in rhino horn

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<sup>28</sup> Kavango Zambezi. 2023. KAZA Launches its 2022 KAZA Elephant Survey results. Available at: <https://www.kavangozambezi.org/2023/08/31/kaza-launches-its-2022-kaza-elephant-survey-results/> (Accessed on 27 October 2023)

<sup>29</sup> Bussière, E.M.S. and Potgieter, D. 2023. KAZA Elephant Survey 2022, Volume I: Results and Technical Report. Available at: <https://www.kavangozambezi.org/download/81/kaza-elephant-survey-report-english/1891/1-kaza-elephant-survey-volume-i.pdf>

<sup>30</sup> Ibid.

<sup>31</sup> EIA. 2021. Vietnam’s Footprint in Africa: An analysis of the role of Vietnamese criminal groups in wildlife trafficking. Available at: <https://eia-international.org/wp-content/uploads/EIA-Report-Vietnams-Footprint-in-Africa-Spreads-2021-11.pdf>

trafficking imports in Viet Nam via airports. Since 2020, more than 100 kg of rhino horns have been trafficked from Angola to Viet Nam despite the impact of the COVID 19 pandemic.<sup>32</sup>

### **The implementation of Criminal Code**

Angola's revised Criminal Code was ratified in November 2020, however, there is very little information available regarding follow-up investigations to elephant poaching and ivory seizures and related prosecution outcomes for these offences. The Standing Committee should encourage Angola to report on prosecution outcomes in its NIAP progress report and through other available avenues such as the Annual Illegal Trade Report (AITR). It is noted that Angola has not submitted an AITR since 2016.<sup>33</sup> In addition, the implementation of the new Criminal Code should be expedited with a view to criminalising a range of offences related to illegal ivory trade including, for example, possession, dealing and trafficking.

### **Inter-agency cooperation**

Although an Inter-ministerial Commission and a multi-agency enforcement unit have been established to combat environmental crimes in Angola, these agencies have not been fully operationalised and/or deployed in an effective manner to combat ivory trafficking or other wildlife crimes. In its progress report to SC77, Angola notes that effective cooperation between relevant national agencies is lacking, including between the Ministry of Environment, Ministry of the Interior (which includes the Taxation Police Force, Economic Affairs Police and Border Guard service), Ministry of Finance (Department for Management of Fiscal Administration – Customs), Ministry of Justice, and other authorities such as the External Intelligence Service and the National Intelligence and Security Service – SINSE. Inter-agency cooperation is a key NIAP activity and an indicator of long-term resilience to ivory and wildlife trafficking. The Standing Committee should therefore urge Angola to fully deploy its multi-agency unit to ensure that it is used in an effective manner.

### **Regional and international cooperation**

Although the ETIS report to CoP19 no longer identifies Angola as a priority Party, EIA agrees with the Secretariat's recommendation that sustained action and vigilance remain essential. Angola continues to operate as an export and transit country for ivory trafficking. Desk-based research and analysis of publicly available information conducted by EIA has found that, since 2016, Angola has been implicated in at least 38 seizures amounting to over 11 tonnes of ivory, yet only 16 seizures amounting to approximately 2.5 tonnes of ivory were made in the country.<sup>34</sup> This highlights that large amounts of illegal ivory have left Angola undetected and have been seized abroad.

Key countries linked to the ivory trade in Angola include its neighbour, Namibia, and Viet Nam as the primary import hub for the contraband. For example, since 2016, more than 8.3 tonnes ivory originating from Angola were seized in Viet Nam, while many ivory seizures made in Namibia involved Angolan nationals. However, no information could be sourced regarding collaboration

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<sup>32</sup> EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>

<sup>33</sup> CITES. 2023. Annual Illegal Trade Report. Available at: [https://cites.org/eng/resources/reports/Annual\\_Illegal\\_trade\\_report#:~:text=Unless%20otherwise%20specified%20by%20the.on%20wildlife%20and%20forest%20crime](https://cites.org/eng/resources/reports/Annual_Illegal_trade_report#:~:text=Unless%20otherwise%20specified%20by%20the.on%20wildlife%20and%20forest%20crime). (Accessed on 27 October 2023)

<sup>34</sup> EIA Global Environmental Crime Tracker

between Angola and these countries to exchange intelligence and conduct joint investigations in line with actions C5, C6, D4 and E3 under its NIAP.<sup>35</sup>

EIA calls for strengthened regional and international cooperation to investigate and disrupt the transnational organised criminal syndicates trafficking ivory through Angola. In particular, bilateral co-operation with Viet Nam should be increased with a view to investigating Vietnamese nationals who are implicated in ivory and rhino horn trafficking. Both countries are Parties to UNTOC and could improve their cooperation under this framework, as well as making better use of the existing mechanisms provided by INTERPOL and WCO. Angola and Viet Nam could also consider adopting an MoU to facilitate collaboration to facilitate efforts to address wildlife crime between their countries.

#### **EIA recommends that the Standing Committee:**

- **Supports the Secretariat's overall rate of "limited progress".**
- **Supports the Secretariat's recommendation that a written caution be issued should Angola fail to submit a progress report in the 60 days following the conclusion of SC77.**
- **Supports the Secretariat's recommendation calling for financial support in assisting Angola with the implementation of its existing NIA;**
- **Urges Angola to fully deploy the operationalization of the inter-agency enforcement unit to combat ivory trafficking in line with action D5 under its NIAP.**
- **Urges Angola to increase international law enforcement cooperation with Viet Nam and Namibia to tackle ivory and rhino horn trafficking pursuant to Resolution Conf. 11.3 (Rev. CoP19).**
- **Urges Angola to submit an Annual Illegal Trade Report pursuant to Resolution Conf. 11.17 (Rev. CoP19).**
- **Urges Angola to investigate the causes of the high mortality rates identified in the KAZA Survey and to include findings and identified interventions in its NIAP progress report to SC78.**

#### **Cameroon**

- In the NIAP process since 2014
- Last revised its NIAP in 2015
- Cameroon first participated in the NIAP as Category B Party and then moved to Category C Party at CoP18 in 2019

EIA supports the Secretariat's overall rating of "limited progress" regarding Cameroon's progress in implementing its NIAP. EIA notes that Cameroon has not been asked to update or revise its NIAP since it entered the process 10 years ago.

The ETIS reports prepared for CoP16 and CoP17 identified Cameroon as a Category B Party, whilst the ETIS report prepared for CoP18 identified Cameroon as a Category C Party. The ETIS report prepared for CoP19 no longer identifies Cameroon as a priority Party. However, EIA intelligence indicates that Cameroon continues to be exploited by wildlife traffickers as both a source and a transit country. Illegal wildlife parts and products sourced from Cameroon include elephant ivory (raw and processed) and tails; pangolins and their scales; big cat (mostly leopards and sometimes lions) parts such as teeth, claws and skins.

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<sup>35</sup> Angola's NIAP 2018-2020. Available at: <https://cites.org/sites/default/files/common/prog/niaps/ANGOLA%20signed%20revised%20NIAP%202018.pdf>

Illegal wildlife goods may also be sourced from neighbouring countries, especially Gabon and the Republic of the Congo. From there, the goods are transported to Cameroon for consolidation. Many traffickers operate in Cameroon, especially Douala and Yaoundé, which are considered key trading and transit points.

EIA investigations to date suggest that illegal wildlife that is sourced in, or transits through, Cameroon is exported from Nigeria to consumer markets in Asia. EIA investigations in the region have shown that many Nigeria-based traffickers work in close collaboration with their counterparts in Cameroon.

### **Legislation and regulations**

EIA queries the categorisation of activity 1.1.1 as “achieved”. While EIA welcomes the legislative revisions, Cameroon notes that the draft law is awaiting validation by the President before it can proceed through the stages of adoption by the National Assembly. As such, this activity cannot be “achieved” and should instead be classified as “on track” until the draft law has been adopted and enacted.

### **Information gathering and investigation**

Cameroon rates activity 3.1.1 as “achieved” although there is no indication in the report to measure long-term sustainability or the impact of this activity, beyond the 10 individuals who participated in the most recent training sessions. The Standing Committee should seek further clarification on how the longevity of this activity’s impact is ensured, in light, for example, staff turnover and so on. EIA suggests instead a rating of “on track”.

Regarding setting up information exchange mechanisms (3.1.2), EIA agrees with the rating “on track” and welcomes Cameroon’s progress with the Trade in Wildlife Information exchange (TWIX) project. However, EIA finds it concerning that no provision is made as to how Cameroon intends to make use of existing mechanisms such as INTERPOL and WCO to facilitate information exchange, which was a recommendation of the Wildlife Crime Enforcement Support working group in SC77 Doc 39.4, of which Cameroon is a member.

### **National and international cooperation on wildlife crime**

Cameroon rates cooperation between the Ministry of Forestry and Wildlife (MINFOF), INTERPOL and other international networks as “on track” (4.3.2), although it fails in activity 3.1.2 above regarding information exchange mechanisms, to report on progress made on the use of INTERPOL / WCO tools regarding intelligence exchange and investigation best practice. EIA would therefore suggest a rating of “partial progress” . Furthermore, Cameroon should be encouraged to report on the prosecution outcomes of joint interventions with INTERPOL to promote the enforcement of penalties.

EIA investigations highlight that illegal wildlife products, including ivory, are sourced in and/or transported through Cameroon to Nigeria primarily via waterways and roads, for onward export from Nigeria to consumer markets in Asia. Our investigations in the region have shown that many Nigeria-based traffickers work in close collaboration with their counterparts in Cameroon. However, there is a lack of clarity regarding the extent to which Cameroon and Nigeria cooperate bilaterally and regionally to investigate and prosecute ivory trafficking networks. EIA is aware an MoU is pending between Cameroon and Nigeria regarding wildlife conservation, although it notes this is absent from Cameroon’s NIAP report. Similarly, there appears to be limited cooperation between Cameroon and Asian consumer markets such as Viet Nam. As such, EIA queries Cameroon’s “on track” rating for activity 4.3.3 and suggests a rating of “partial progress” is more

appropriate. EIA recommends that the Standing Committee request that the signing and enactment of the agreement between Nigeria and Cameroon be expedited, and urges stronger international cooperation across the entire illegal trade supply chain.

### **Stockpiles**

EIA welcomes the progress made by Cameroon regarding an independent audit of its ivory stockpiles and notes Cameroon reports as of July 2023, that 4,223kg of ivory is contained in the national ivory stockpile (activities 5.1.1-5.1.2) However, Cameroon has never submitted an ivory stockpile report as required under paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP19), and as flagged in SC77 Doc 63.1. EIA encourages the Standing Committee to request that Cameroon submit its ivory stockpile report to the Secretariat prior to SC78. In the context of SC77 Doc. 51 and SC77 Doc. 34, EIA calls on the Standing Committee to urge Parties in the NIAP process to submit ivory stockpile reports before SC78 in accordance with Resolution Conf. 14.3 and Decision 18.185 (Rev. CoP19) and to consider appropriate compliance proceedings in the absence of these reports.

### **Court outcomes**

As the Secretariat highlights, Cameroon notes insufficient financial resources make it difficult to implement activity 5.7.4 regarding sentences and penalties, which suggests this activity cannot realistically be “substantially achieved”. EIA suggests a rating of “limited progress” would be more appropriate. Prosecutions and convictions are a long-term indicator of capacity and prioritisation to tackle ivory trafficking. The low rate of prosecutions and convictions in Cameroon is especially worrying to EIA whose findings show Cameroon acts as a key source, transit and consolidation country for ivory sourced across the West and Central Africa region.

### **EIA recommends that the Standing Committee:**

- **Supports the Secretariat’s overall rating of “limited progress” and request that Cameroon step up efforts to progress implementation of its NIAP.**
- **Encourages Cameroon to revise the ratings of activities 1.1.1; 3.1.1, 4.3.2, 4.3.3 and 5.7.4 as above.**
- **Urges Cameroon to increase international cooperation with Nigeria and other neighbouring West and Central African countries, as well as Asian countries implicated in the illegal trade supply chain.**
- **Calls on Cameroon to step up efforts to use existing mechanisms under INTERPOL and WCO to facilitate intelligence exchange to investigate and disrupt traffickers.**
- **Urge Cameroon to submit an ivory stockpile report before SC78.**
- **Encourages Cameroon, in cooperation with the Secretariat, to revise and update its NIAP in accordance with Step 3 of the NIAP Guidelines.**

## **Republic of Congo**

- In the NIAP process since 2013
- Has not been requested to update its NIAP since its inclusion in the process at SC65

The Republic of Congo (Congo) did not submit a NIAP progress report for consideration at SC77. AT SC74, the Standing Committee agreed to an overall rating of “limited progress” for Congo’s most up to date report and encouraged Congo to step up efforts to progress implementation of its NIAP.

EIA supports the Secretariat's recommendation that the Standing Committee issue a warning to Congo requesting the Party to submit its progress report within 60 days of the conclusion of SC77. EIA does not support the Secretariat's recommendation for Congo to provide oral updates to SC77.

EIA data indicates the Congo is primarily known as a source country for ivory, which is then trafficked to Cameroon and Nigeria primarily, for onward transportation to Asia. During the last three years (October 2020-2013) 17 ivory seizures within the Congo have been reported to EIA, which have resulted in arrests of at least 40 traffickers. However, it is unclear how many of those arrested led to prosecutions or convictions, highlighting a gap in enforcement and transparency regarding court outcomes.

### **Legislation and regulations**

The absence of Congo's NIAP progress report to SC77 should be considered in conjunction with discussions under SC77 Doc. 31 regarding national legislation. Congo has been flagged as a Party requiring the attention of the Standing Committee as a priority regarding its national legislation. In SC77 Doc. 31, the Secretariat highlights that Congo has not provided an update since January 2019 regarding measures taken to update its national legislation as per Decision 19.58. In accordance with Decisions 19.60 and 19.61, the Secretariat recommends in SC77 Doc.31 that the Standing Committee agree to suspend trade in all CITES-listed species for commercial purposes with Congo.

### **Prosecutions**

Activities 3.3-3.4 to dismantle ivory trafficking networks were rated "on track" and partially progressed in Congo's previous report to SC74, based on joint operations of the Lusaka Agreement Task Force, INTERPOL and various national agencies and capacity building workshops respectively. However, EIA is concerned that no details regarding investigation, prosecution or conviction rates linked to these joint-operations or following the training workshops have been provided. EIA calls on Parties and the Secretariat to request that NIAP Parties include details regarding case follow-ups, including investigation, prosecution and conviction, to effectively measure enforcement success and long-term resilience to wildlife crime.

Furthermore, in its previous submission to SC74, Congo noted that the establishment of a network of prosecutors specialised in wildlife trafficking had not yet commenced (2.2). A network of prosecutors can strengthen weaknesses and harmonise proceedings against wildlife offences and the Standing Committee is encouraged to request that Congo expedite this activity.

In its report to SC74, Congo rated the establishment of a Criminal Records Management System database as "on track" (2.3). However, the absence of a NIAP progress report to SC77 means there is no clarity regarding the *implementation* of the database to assess its viability in assisting investigations and prosecutions of wildlife offences. This level of detail should be provided in the next progress report.

### **Institutional cooperation**

In its report to SC74, Congo noted partial progress had been made to strengthen ties with INTERPOL and other stakeholders involved in tackling wildlife crime, based on a meeting in 2019 (4.2). EIA encourages the Standing Committee to seek updates regarding Congo's ongoing cooperation with INTERPOL and ICCWC partners. Meetings are not measurable indicators of lessons learned or indeed an indicator of a practically stronger partnership. This is especially important as the intersessional working group on wildlife crime enforcement support in West and Central Africa recommends that Parties in the region increase their use of existing

mechanisms such as INTERPOL / WCO to enhance and facilitate information exchange and investigations across borders (SC77 Doc 39.4).

EIA is concerned that Congo has never been asked to revise its NIAP since inclusion in the NIAP process and encourages the Standing Committee to recommend that Congo revise and update its NIAP to ensure it continues to be relevant and effective.

**EIA recommends that the Standing Committee:**

- **Supports the Secretariat's recommendation that a written caution should be issued should Congo fail to submit a progress report in the 60 days following the conclusion of SC77.**
- **Rejects the Secretariat's requests for Congo and other non-reporting countries to provide oral updates at SC77.**
- **Encourages Congo to revise and update its NIAP in accordance with the NIAP Guidelines**
- **Calls on Congo to step up efforts to use existing mechanisms under INTERPOL and WCO to facilitate intelligence exchange to investigate and disrupt traffickers.**
- **Encourages Congo to increase regional and international cooperation with countries in the illegal trade supply chain, such as Nigeria, Cameroon and Vietnam, regarding investigations and prosecutions.**
- **Directs Congo, in cooperation with the Secretariat, to revise and update its NIAP in accordance with Step 3 of the NIAP Guidelines.**