



NOTIFICATION TO THE PARTIES

No. 2023/128

Geneva, 23 November 2023

CONCERNING:

APPLICATION OF ARTICLE XIII IN GUINEA

Recommendation to maintain the suspension of trade for commercial purposes with Guinea in specimens of all CITES-listed species and other recommendations

1. At its 77th meeting (SC77, Geneva, November 2023), pursuant to Article XIII of the Convention, the Standing Committee agreed that Parties continue to suspend trade for commercial purposes with Guinea in specimens of all CITES-listed species until Guinea has implemented the recommendations set out in the Annex to this Notification to the satisfaction of the Standing Committee.
2. The recommendations concern actions regarding the proceeds from the export of the stockpile of *Pterocarpus erinaceus*; national legislation; management and issuance of CITES permits and certificates; and compliance and law enforcement.
3. The Committee requested Guinea to submit a report on the implementation of the above recommendations to the Secretariat 90 days before the 78th meeting of the Standing Committee.
4. The Committee invited Parties, ICCWC partners and donors to provide financial, technical and logistical support to Guinea to support the implementation of the above recommendations.
5. The Committee also recommended that any importing Parties seize and confiscate any illegal timber from Guinea and ensure that these are disposed of in a manner that discourages further illegal logging and timber trafficking in accordance with Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.
6. Parties are requested to inform their enforcement and customs authorities of this recommendation to suspend trade and exercise due diligence to avoid the inadvertent acceptance of specimens of species subject to such a recommendation. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under [Documents/Trade suspensions](#).
7. This Notification replaces the Notification to the Parties No. 2022/82 of 5 December 2022.

Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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[cites.org](https://www.cites.org)

SC77 RECOMMENDATIONS
(SEE EXECUTIVE SUMMARY SC77 SUM. 9)

The Committee agreed the following recommendations:

Regarding the recommendation to suspend trade

- a) The Committee recommended that Parties continue to suspend all trade in CITES-listed species with Guinea for commercial purposes until the following recommendations have been met to the satisfaction of the Standing Committee:

Regarding the proceeds from the export of the stockpile of Pterocarpus erinaceus

Guinea should:

- b) provide to the Secretariat evidence from the Public Treasury of the deposit in the State account of the proceeds obtained from the sale of the *Pterocarpus erinaceus* stockpile (4 billion Guinean francs, equivalent to USD 478,650) as well as of the transfer of the 40% (equivalent to USD 190,386) to a separate subaccount of the Ministry of Environment and Sustainable Development, and the establishment of a budget for the use of the funds taking into account the Compliance Assistance Project and in close consultation with the Management Authority;

Regarding national legislation

Guinea should:

- c) adopt legislative measures that meet the minimum requirements of CITES set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Management and Scientific Authorities;

Regarding management and issuance of CITES permits and certificates

Guinea should:

- d) implement an electronic system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, as well as for the timely submission of an annual report; Guinea must ensure a quick setting up of the new Management Authority and submit a new sample signature without delay to the CITES Secretariat and continue to use security paper and security stamps;
- e) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- f) assess the capacity of the CITES Management and Scientific Authority on CITES implementation, including the capacity to make non-detriment and legal acquisition findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- g) in order to prepare for the consideration of a future partial withdrawal of the recommendation to suspend trade, Guinea should submit for approval by the CITES Secretariat a list of species included in CITES Appendix II for which export for commercial purposes could be considered; and initiate the process of collecting data and information related to the approved species in order to develop precautionary voluntary export quotas for consultation with the Animals and

Plants Committees, respectively, and the Standing Committee, taking into account Article IV of the Convention, Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*, Resolution Conf. 18.7 (Rev. CoP19) on *Legal acquisition findings* and Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*;

- h) every six months, submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring;

Regarding compliance and law enforcement

Guinea should:

- i) under the aegis of the Advocate General of the Conakry Court of Appeal (Focal Point for Wildlife Crime of the Ministry of Justice), and in accordance with national law, conduct criminal and financial investigations, through specialized agencies such as INTERPOL's National Central Bureau, the National Financial Information Processing Unit (*Cellule Nationale de traitement des Informations Financières - CENTIF*), the National Anti-corruption and good governance promotion agency, and the National Wildlife and Forest Crime Brigade; and undertake judicial prosecutions against all individuals and entities involved in alleged offences associated with the recent illicit trafficking of *Pterocarpus erinaceus*, including the members of the National Commission, irrespective of their position;
- j) make efforts to also investigate and collect information on the transnational organized syndicates operating in the country so that they can be brought to justice and avoid that only small perpetrators are targeted;
- k) continue to investigate and prosecute other cases of illegal trade in specimens of CITES-listed species and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with the *Guidelines for the preparation and submission of the CITES annual illegal trade report*;
- l) consider developing and implementing a strategy to counter corruption linked to wildlife crime at all levels, including anti-bribery policies, and intensify efforts to ensure full implementation of Resolution Conf. 17.6 (Rev. CoP19) on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*. The strategy should include recommendations to protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats;
- m) establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information;
- n) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species*;
- o) take action to address the gaps identified through the implementation of the Indicator Framework of the International Consortium on Combating Wildlife Crime (ICWC);

Regarding reporting on the implementation of these recommendations

- p) Guinea shall prepare a report on the implementation of these recommendations, including the budget and the use of the funds mentioned in recommendation b) and any progress in the criminal investigations mentioned in recommendation i) and any other pertinent information. Guinea shall submit the report to the Secretariat 90 days before the 78th meeting of the Standing Committee so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting.

The Committee invited Parties, ICCWC partners and donors to provide financial, technical and logistical support to Guinea to support the implementation of the above recommendations.

The Committee recommended that China seize and confiscate any illegal timber from Guinea. Should China reject the import of the illegal shipment and the timber be returned to Guinea, the Committee recommended that Guinea seize the shipments and ensure that these are disposed of in a manner that discourages further illegal logging and timber trafficking in accordance with Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, preferably by complete destruction.

Finally, the Committee requested the Secretariat to publish a Notification to the Parties to replace Notification to the Parties No. 2022/082, recommending that Parties maintain the suspension of trade for commercial purposes with Guinea.