

Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

REVISION OF RESOLUTION CONF. 9.16

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| <ol style="list-style-type: none"> <li>1. This document has been prepared by the Secretariat.</li> <li>2. At the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) the Secretariat, on behalf of the Standing Committee, presented a draft consolidated resolution on trade in African elephant ivory (document Doc. 9.19.2 Annex 3). The draft excluded the contents of Resolution Conf. 5.12, which dealt with the quota system for the control of trade in African elephant ivory. As the African elephant had been transferred to Appendix I, this Resolution was considered to be no longer applicable.</li> <li>3. However, following discussion in a working group, the contents of Resolution Conf. 5.12 were included in the draft consolidated resolution because the quota system was considered to be appropriate for the control of</li> </ol> | <p>trade in hunting trophies. However, there was not a thorough review of the parts of Resolution Conf. 5.12 that remained applicable. The draft consolidated resolution was adopted as Resolution Conf. 9.16.</p> <ol style="list-style-type: none"> <li>4. The Secretariat has since reviewed Resolution Conf. 9.16. Its comments on this Resolution are contained in Annex 1 of the present document. Annex 2 contains a draft resolution to replace Resolution Conf. 9.16.</li> <li>5. The Secretariat believes that a number of paragraphs in Resolution Conf. 9.16 should apply more broadly and has therefore suggested that they should be placed in other Resolutions. The proposed amendments are contained in Annex 3.</li> </ol> |
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Doc. 10.44 Annex 1

Resolution Conf. 9.16 with Notes on Proposed Amendments

Text of Resolution Conf. 9.16	Notes
<p>RECALLING Resolutions Conf. 3.12, Conf. 4.14, Conf. 5.12, Conf. 6.11, Conf. 6.12, Conf. 6.13, Conf. 6.14, Conf. 6.15, Conf. 6.16 and Conf. 7.8, adopted by the Conference of the Parties at its third, fourth, fifth, sixth and seventh meetings (New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Ottawa, 1987; Lausanne, 1989), relating to the control of trade in African elephant ivory;</p> <p>NOTING, however, that the African elephant <i>Loxodonta africana</i> was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989);</p>	<p>As the Resolutions referred to here have all been repealed, any new text should refer only to Resolution Conf. 9.16.</p> <p>No change necessary.</p>

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

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| <ol style="list-style-type: none"> <li>a) any import, export or re-export of African elephant ivory by a Party be authorized only if the Party is satisfied that the ivory was legally acquired in the country of origin;</li> <li>b) the term 'raw ivory' include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory';</li> <li>c) 'worked ivory' be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;</li> <li>d) in applying the provisions of Article VII, paragraph 3, a practical approach be taken in determining what quantity of items qualifies for the exemption;</li> </ol> | <p>This is partly duplicative of paragraph o) of Resolution Conf. 9.3. As it is relevant not only to ivory but to all specimens of all CITES species, the text should be removed here and an appropriate amendment should be made to Resolution Conf. 9.3. See Annex 3.</p> <p>No change necessary.</p> <p>No change necessary.</p> <p>This text seems to be open to a wide range of interpretations and is of little use in providing guidance. In Resolution Conf. 4.12 (Rev.), the first two paragraphs under 'URGES' appear to say all that is now necessary.</p> |
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Text of Resolution Conf. 9.16	Notes
<p>e) permits or certificates for raw ivory be accepted only if they mention the actual country of origin;</p> <p>f) relevant information be exchanged among Parties, and between Parties and the Secretariat and, if there is any doubt concerning the validity of an export permit or re-export certificate for ivory, a copy of the document be submitted to the issuing Management Authority for clarification;</p> <p>g) whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: Country-of-origin ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. KE 127/9414). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour; and</p> <p>h) Parties not accept raw ivory that is not clearly marked;</p>	<p>Export permits are, by definition, issued in the country of origin of the specimens they cover. In Resolution Conf. 9.3 it is <i>agreed</i> that a re-export certificate should specify the country of origin. The text opposite should therefore be considered redundant.</p> <p>Resolution Conf. 9.3 recommends "that whenever irregularities are suspected, the Parties exchange issued and/or accepted permits or certificates to verify their authenticity". This renders the text opposite redundant.</p> <p>The problems with these forms of marking are known and other forms of marking have been investigated. At some time in the future, the Parties may wish to reconsider the approved system of marking raw ivory.</p> <p>This is redundant in view of paragraph h) below under "RECOMMENDS, in relation to quotas".</p>
<p>ENCOURAGES States to offer rewards for information on illegal hunting and trafficking in ivory leading to the arrest and conviction of illegal traffickers in ivory;</p>	<p>The principles in these two paragraphs are good but they should apply not only to the African elephant but also to other species, many of which are much more endangered. It is suggested that they should accordingly be adapted for wider application and included in Resolution Conf. 9.8 on Enforcement. (See Annex 3.)</p>
<p>RECOMMENDS further that Parties notify the Secretariat, when possible, about convicted illegal traders and persistent offenders, and directs the Secretariat to provide such information quickly to the Parties;</p>	<p>No change necessary.</p>
<p>SUGGESTS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled, that internal measures be adopted to:</p>	<p>No change necessary.</p>
<p>a) register or license merchants dealing in raw or worked ivory, either wholesale or retail;</p> <p>b) register or license all people or enterprises that cut or carve ivory; and</p> <p>c) introduce recording and inspection procedures to enable the Management Authority to monitor the flow of ivory within the State;</p>	<p>This originated in Resolution Conf. 7.8, adopted immediately after the transfer of <i>Loxodonta africana</i> to Appendix I, recommending that Parties implement strict controls on ivory trade at once rather than waiting for the listing to come into effect. In that connection the text is no longer useful but, as it relates to members of the public, it is relevant to tourist souvenir specimens and to trade in all CITES specimens, not just ivory. It appears that paragraph d) under 'URGES' in Resolution Conf. 4.12 (Rev.) is now adequate.</p>
<p>RECOMMENDS also that Parties:</p>	<p>No change necessary.</p>
<p>a) review their publicity of CITES controls to ensure that members of the public are aware of them and in particular of controls on ivory;</p>	<p>No change necessary.</p>
<p>b) assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;</p>	<p>No change necessary.</p>
<p>c) improve communications on ivory consignments between producer and consumer States and between such States and the Secretariat by providing Management Authorities of producer countries with the means to do so, and ivory-user States in particular are urged to assist; and</p>	<p>As long as <i>Loxodonta africana</i> remains in Appendix I, this appears unnecessary. If populations are moved to Appendix II it will not be more relevant than now unless a large number of commercial consignments is expected. For the time being it is not and the text therefore appears redundant.</p>

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**Text of Resolution Conf. 9.16**

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- d) use all possible means (including economic, diplomatic and political) to exert pressure on countries continuing to tolerate illegal trade in ivory, to take the necessary action to prohibit such trade;

RECOMMENDS, in relation to quotas:

- a) that each State with a population of African elephants and wishing to export raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) that export permits for raw ivory issued by producer Parties that have set quotas as recommended in a) above be regarded as consistent with the conservation of elephant populations and their habitats in the country of origin, as discussed at the combined meeting of the African Elephant and Rhino Specialist Groups of the Species Survival Commission of IUCN held in Hwange (Wankie), Zimbabwe, in August 1981;
- c) that each quota be communicated to the CITES Secretariat in writing by 1 December for the next calendar year;
- d) that Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- e) that the CITES Secretariat assist in the implementation of the quota system by maintaining a central database, circulating a list of current quotas not later than 1 January of each year, and providing advice on the conservation status of African elephant populations;
- f) that the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- g) that, if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;
- h) that there be no export, re-export or import of raw ivory as defined in this Resolution unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- i) that Parties accept raw ivory from producer States only where the date on the export permit is for a year in which the producer State has a quota in accordance with this Resolution;

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**Notes**

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This originated in Resolution Conf. 6.11, in which specific countries were referred to by name because large volumes of illegal trade in ivory were being tolerated. The original reason for the text has disappeared. The problem now seems to be one of enforcement since there is certainly a continuing illegal trade in ivory carvings. The text has been omitted from the draft of a revised resolution, but discussion might be required on current problems and the best way to tackle them.

Since the export might not be done by the State, it is appropriate to refer to States wishing to *authorize* export.

There seems no longer any reason to refer to the meeting of the IUCN/SSC specialist groups that took place 16 years ago. Besides, there is no reason for the Parties to link export permits to discussions by IUCN. This paragraph has therefore been excluded from the draft revised resolution.

The Secretariat should communicate the quotas for this species at the same time as those for others. Therefore the deadline for submission should be 31 December.

No change necessary.

The data now obtained by the Secretariat are those in the annual reports of the Parties, which are held in the Secretariat's annual report database maintained by WCMC. As long as the species remains in Appendix I, or even if it is in Appendix II with only a few commercial shipments being permitted, there is no sense in paying for the maintenance of a special ivory database. Rather than merely providing advice on the conservation status of populations of the African elephant, it might be appropriate for the Secretariat to review any quota submitted. It should communicate the quota to the Parties only if it has no reason to be concerned that the quota is too high, taking into account information from the State in question and from other sources (notably IUCN). Also, it would be preferable to communicate the quotas relating to the African elephant at the same time as those for other species, by 31 January each year.

This text could be maintained. If it is, the Secretariat will include the updating of the Manual in its work programme.

No change necessary.

The text should refer to authorization of the trade.

The 'date' should be the date of issuance of the permit. It should be clear that a quota must have been communicated to the Parties by the Secretariat.

Text of Resolution Conf. 9.16	Notes
j) that Parties may accept raw ivory from producer non-party States only where the non-party State files an annual report with the CITES Secretariat on its ivory trade, and meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);	This text is not explicit regarding the conditions that should be met by non-party States. The Secretariat suggests that they too should set quotas, which should be subject to review before any trade is permitted.
k) that, in compiling their annual reports, producer party and producer non-party States that have exported raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant data as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and serial numbers;	The text should refer to authorization since the export might not be done by the State itself.
l) that all party States seek to route raw ivory exports to countries of destination only through party States or non-party States that have adopted ivory trade measures in conformity with this Resolution;	This text reflects concern, in 1989, about inadequate controls on large commercial shipments of ivory. The relevance and utility under present circumstances are questionable, and Resolution Conf. 9.7 on Transit and Transshipment should be sufficient.
m) that all Parties maintain details of the stock of raw ivory held in their States which may be destined for international trade, that they inform the Secretariat of the level of this stock before allowing export, and that, in doing so, they take due care so as to avoid the possibility of illegal stocks appearing as legal stocks;	This was relevant while <i>Loxodonta africana</i> was in Appendix II. If any export is permitted now, it will be because a population has been transferred to Appendix II. The Secretariat suggests that, in such cases, binding conditions be specified in the appendices. It would still be useful for each State to be aware of the stocks of raw ivory held in its territory and to keep the Secretariat informed of the amount.
n) that all trade in raw ivory be prohibited with or through any State that does not conform with the ivory quota and trade requirements of CITES as advised by the Secretariat and confirmed by the Standing Committee of the Conference of the Parties; and	This is no longer relevant since all import for commercial purposes is prohibited. If any population of <i>Loxodonta africana</i> is transferred to Appendix II it would be appropriate for the conditions relating to trade to be specified in the appendices, making this text redundant.
o) that Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out;	No change necessary.
APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and	No change proposed.
REPEALS the Resolutions, or parts thereof, listed hereunder:	This is to be amended to refer to Resolution Conf. 9.16, the only current Resolution on this subject.
a) Resolution Conf. 3.12 (New Delhi, 1981) – Trade in African Elephants Ivory;	
b) Resolution Conf. 4.14 (Gaborone, 1983) – Trade in Worked Ivory;	
c) Resolution Conf. 5.12 (Buenos Aires, 1985) – Trade in Ivory from African Elephants – except paragraph m);	
d) Resolution Conf. 6.11 (Ottawa, 1987) – Trade in African Elephant Ivory;	
e) Resolution Conf. 6.12 (Ottawa, 1987) – Integration of the Management of the African Elephant and Ivory Trade Controls;	
f) Resolution Conf. 6.13 (Ottawa, 1987) – Improving, Coordinating and Financing African Elephant Ivory Trade Controls;	
g) Resolution Conf. 6.14 (Ottawa, 1987) – Registration of Raw Ivory Importers and Exporters;	
h) Resolution Conf. 6.15 (Ottawa, 1987) – Marking of Raw Ivory Cut Pieces;	
i) Resolution Conf. 6.16 (Ottawa, 1987) – Trade in Worked Ivory from African Elephants; and	
j) Resolution Conf. 7.8 (Lausanne, 1989) – Trade in Ivory from African Elephants.	

## DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Trade in African Elephant Ivory

RECALLING Resolution Conf. 9.16, adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994); and

NOTING, that the African elephant *Loxodonta africana* was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989);

THE CONFERENCE OF THE PARTIES TO THE  
CONVENTION

Regarding definitions

AGREES that:

- a) the term 'raw ivory' include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) 'worked ivory' be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

Regarding marking

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: Country-of-origin ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. KE 127/9414). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

Regarding control of internal ivory trade

SUGGESTS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled, that internal measures be adopted to:

- a) register or license merchants dealing in raw or worked ivory, either wholesale or retail;
- b) register or license all people or enterprises that cut or carve ivory; and
- c) introduce recording and inspection procedures to enable the Management Authority to monitor the flow of ivory within the State;

Regarding assistance to African elephant range States

RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;

Regarding quotas for and trade in raw ivory

RECOMMENDS:

- a) that each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;

- b) that each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year;
- c) that Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) that the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) that the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) that if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;
- g) that no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- h) that Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) that Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);
- j) that, in compiling their annual reports, producer party and producer non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) that all Parties maintain an inventory of the stock of raw ivory held within their territory, and that they inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) that Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out;

Regarding resources required for implementation of this Resolution

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – Trade in African Elephant Ivory.

PROPOSED AMENDMENT TO OTHER EXISTING RESOLUTIONS

Resolution Conf. 9.3

1. Paragraph o) under the second 'RECOMMENDS' should be replaced by the following text.

"...)that no export permit or re-export certificate be issued for a specimen known to have been acquired illegally, even if it has been imported in accordance with the national legislation, unless the specimen has previously been confiscated;

...) that Parties not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin".

Resolution Conf. 9.8

2. The following paragraph should be inserted after paragraph b) under the first 'RECOMMENDS':

"...)that Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders, and directs the Secretariat to provide such information quickly to the Parties".

3. The following paragraph should be inserted at the end.

"ENCOURAGES States to offer rewards for information on illegal hunting and trafficking of Appendix-I species leading to the arrest and conviction of the offenders".

Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

CONDITIONS FOR RESUMPTION OF TRADE IN IVORY AND THE DISPOSAL OF IVORY STOCKPILES FROM AFRICAN ELEPHANT RANGE STATES

1. This document has been submitted by the delegation of Namibia.

Doc. 10.44.1 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conditions for Resumption of Trade in Ivory and the Disposal of Ivory Stockpiles from African Elephant Range States

ACKNOWLEDGING the progress achieved to build common understanding through the African Elephant Range States Dialogue meetings held after the 9<sup>th</sup> meeting of the Conference of the Parties to CITES in Dakar, Senegal, November 1996, and Darwendale, Zimbabwe, June 1997, and the support given to this process by international donors and Parties, the IUCN and the CITES Secretariat;

NOTING that some southern African Parties have made significant achievements in the conservation of the African elephant and the management of ivory stocks through effective habitat protection, wildlife management programmes, elephant population monitoring, the establishment of community-based conservation and development programmes, and effective law enforcement;

RECOGNIZING that some populations do not meet the criteria for Appendix I as outlined in Resolution Conf. 9.24 and have satisfied the requirements of Resolution Conf. 7.9 as verified by the Panel of Experts and that such populations should be transferred to Appendix II;

RECOGNIZING further that some range States have established comprehensive ivory stock management systems, internal trade controls, co-operation amongst CITES Management Authorities and other law enforcement agencies and mechanisms to reinvest trade revenues into elephant conservation and have proposed the establishment of a restricted form of trade in raw ivory under international supervision;

AWARE however, that other elephant range States are concerned about potential harmful impacts of any resumption of international trade in ivory and that serious concerns exist about the conservation and protection of some elephant populations;

AWARE also of the growing stocks of ivory in other range States that do not currently meet the criteria for transfer to Appendix II or do not wish to trade in ivory, and of the con-

siderable problems that such stocks pose in terms of security and economic opportunity costs;

CONCERNED about the dire need for new resources for elephant conservation in African elephant range States and unfulfilled commitments for significant funding from international donors;

NOTING the requirements for trade and management of ivory stocks as well as international monitoring of illegal trade and illegal hunting of elephants outlined in Resolution Conf. 9.16 (Rev.);

NOTING that the Depositary Government has agreed to submit upon request from the Standing Committee a proposal to retransfer to Appendix I any population of the African elephant in the event of any abuse of an annotated Appendix II listing or escalation in illegal hunting of elephants or illegal trade in elephant products as a result of the transfer to Appendix II as determined by the evaluation procedures established in Resolution Conf. 9.16 (Rev.);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ACCEPTS the conditions for resumption of trade in raw ivory based on the consensus in the Annex and on Resolution Conf. 9.16 (Rev.);

ACCEPTS the conditions for disposal of accumulated government stocks of ivory declared through the African Elephant Range States Dialogue before the 10th meeting of the Conference of the Parties, based on the consensus in the Annex;

URGES Parties and appropriate institutions to buy out all declared stocks for non-commercial purposes to generate resources for elephant conservation and community conservation and development programmes in the African elephant range States, subject to the conditions outlined in the Annex.

Annex

African Consensus on Elephant Transfer Proposals from Botswana, Namibia and Zimbabwe, Ivory Stocks and Resources for Conservation in Other Elephant Range States

A. Proposals

Trade in raw ivory will only resume after the following conditions are satisfied and have been verified by a panel of African Parties to CITES with balanced regional representation. Reservations will be withdrawn by proponent countries once this panel has confirmed that all conditions have been met.

B. Conditions for resumption of trade

1. Independent verification of trade controls in importing country(ies) and exporting countries

through a mechanism such as the CITES Panel of Experts;

2. Support and commitment to the implementation by the proponent countries of international co-operation in law enforcement through a mechanism such as the Lusaka Agreement;
3. Strengthening and/or establishment of mechanisms by proponent countries to reinvest trade revenues into elephant conservation;

4. Establishment of a mechanism to halt trade and immediately re-transfer down-listed populations to Appendix I in the event of abuse;
5. All other precautionary undertakings by the proponent countries enclosed in the original proposals as outlined in this Annex; and
6. Agreement between proponent States and CITES Secretariat, TRAFFIC International and any other agreed party to monitor legal trade from proponent countries:

subject to the Proponents agreeing to and participating in:

- i) an international reporting and monitoring system for illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
- ii) an international reporting and monitoring system for illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, with support from TRAFFIC International, institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.

#### C. Disposal of ivory stockpiles

1. The African elephant range States recognize:
  - i) the threats that stockpiles pose to sustainable legal trade;
  - ii) that stockpiles are a vital economic resource which is important to them;
  - iii) that various funding commitments were made by donor countries and agencies to offset the loss of assets in the interest of unifying African elephant range States on Appendix I for African elephant populations;
  - iv) the significance of channelling such ivory assets into improving conservation and community-based conservation and development programmes;
  - v) the failure of donors to fund elephant conservation action plans drawn up by the range States at the urging of donor countries and conservation organizations; and

vi) the ninth meeting of the Conference of the Parties to CITES was asked to review the issue of stockpiles and report back to the 10th meeting of the Conference of the Parties.

2. Accordingly, the African elephant range States agree that all revenues from the purchase of stockpiles by donor countries and organizations will be managed through conservation trust funds and that:

- i) such funds shall be managed by a Board of Trustees (such as governments, donors, CITES Secretariat, etc.) which would direct the proceeds into enhanced conservation, monitoring, capacity building and local community-based programmes;
- ii) these funds must have a positive rather than harmful influence on elephant conservation; and
- iii) it is understood that this is a once-off purchase of legal stockpiles declared by some African elephant range States before the 10<sup>th</sup> meeting of the Conference of the Parties to CITES.

3. The balance of African elephant range States who have not yet been able to develop adequate controls over ivory stocks require priority assistance from donor countries to establish a level of conservation management conducive to the long-term survival of the African elephant.

4. The African elephant range States therefore urge that this matter be acted upon urgently since any delays will result in illegal trade and the premature opening of ivory trade in non-proponent range States:

subject to the range States wishing to dispose of ivory stocks agreeing to and participating in:

- i) an international reporting and monitoring system for illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
- ii) an international reporting and monitoring system for illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, TRAFFIC International and institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.



Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

REVISION OF RESOLUTION CONF. 9.16

1. This document has been submitted by the delegation of Namibia.

Doc. 10.44.2 Annex

DRAFT AMENDMENT TO DOCUMENT DOC. 10.44 ANNEX 2

Revision of Resolution Conf. 9.16

The following text to be inserted in the draft resolution contained in Annex 2 of Doc. 10.44 immediately prior to the paragraph headed "Regarding assistance to African elephant range States".

Regarding monitoring of poaching and illegal trade in elephant products

AGREES that a comprehensive, international monitoring system shall be established under the supervision and direction of the Standing Committee with the objectives of:

- a) measuring and recording current levels and trends of poaching (= illegal hunting) and illegal trade in ivory in African and Asian range States, and in trade entrepôts;

- b) assessing whether and to what extent observed trends are a result of changes in the listing of elephant populations in the CITES appendices and/or the resumption of legal international trade in ivory; and
- c) establishing a mechanism to take appropriate remedial action in the event of any problems with compliance or potential detriment to the species;

in accordance with the framework outlined in Annex 1 for assessing illegal trade in ivory and in Annex 2 for assessing levels and trends of poaching.

Annex 1

Monitoring Illegal Trade in Ivory and Other Elephant Products

1. Introduction

In order to monitor and record levels of illegal trade in ivory and other elephant products on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. For this purpose, it is recognized that TRAFFIC established the Bad Ivory Database System (BIDS) in 1992. Currently, BIDS contains the details of more than 4,000 ivory seizures, representing nearly 100 tonnes of ivory, from over 40 countries around the world since 1989.

It is further recognized that BIDS has been useful in assessing ivory trade developments since the seventh meeting of the Conference of the Parties (Lausanne, 1989). The African Elephant Range State Dialogue Meeting (Dakar, 1996) agreed that illegal trade in ivory is a concern and improvements in enforcement and management capacity should be a priority for all African Elephant Range States. It was also agreed that all CITES Parties should provide information about ivory seizures to TRAFFIC for inclusion in its database.

With further development and refinement, BIDS is designated as the appropriate instrument for measuring the pattern and scale of illegal trade in ivory and other elephant products.

2. Scope

BIDS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant products which have occurred anywhere in the world since 1989.

3. Method

Data and information on illegal trade in elephant ivory and other elephant products will be collected by TRAFFIC using a refined version of the existing BIDS. In this regard, a standardized methodology for the

collection of data will be developed, including, but not limited to, information on:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- modus operandi
- profile of offenders/suspects
- status of case in the courts
- law enforcement effort.

A data collection format will be designed by TRAFFIC and circulated to all Parties by the CITES Secretariat within 90 days of this resolution taking effect.

4. Data collection and compilation

BIDS will be managed and co-ordinated by TRAFFIC from an appropriate location in Africa.

All Parties should provide information on seizures and confiscations of ivory or other elephant products in the prescribed format to TRAFFIC within 90 days of occurrence. In addition, law enforcement institutions in non-Party States are also requested to provide such information.

TRAFFIC will oversee collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

5. Data analysis and interpretation

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the coordinator of the system to monitor levels of elephant poaching (see Annex 2).

6. Reporting

TRAFFIC will produce a comprehensive report to each meeting of the Conference of the Parties.

7. Intersessional remedial action

In the event that there is need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

8. Funding

A funding mechanism will be established to ensure that BIDS is fully operational.

## Annex 2

### Monitoring Poaching (= Illegal Hunting) in Elephant Range States

1. Introduction

In order to address the concerns of many range States it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant products can be measured. Of primary importance is to establish a simple system of international reporting of incidents of illegal hunting to establish a baseline against which changes in trends can be detected.

It is recognized that such measurement must consist of two elements. The first of these is the monitoring of parameters relevant to the issue such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention and the monetary value of illegal ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

The second element is the establishment or otherwise of a causal relationship between changes in these parameters and the decisions of CITES with regard to elephants.

The overall aim is to build institutional capacity within the range States for the management of their elephant populations in the long term.

2. Scope and methodology

The system will include elephant range States in both Africa and Asia and trade entrepôts.

It will be based on a standardized methodology for the reporting of poaching by CITES Management Authorities in range States and monitoring in specific sites or areas. A database and standard reporting protocol will be established within CITES Secretariat in consultation with IUCN/SSC and TRAFFIC, for approval by the Standing Committee.

Sites will be selected on the basis of representative sampling (since it is not possible nor practical to cover all range States), which will include a variety of habitat types, geographical regions and both protected areas

and non protected areas. The sites for inclusion in the system will be selected through the range State representation within the IUCN/SSC African Elephant Specialist Group (AfESG) and the Asian Elephant Specialist Group (AsESG).

In addition to those selected sample sites it will be possible, and desirable, for countries wishing to have additional sites included, to contribute data voluntarily.

Data collection will cover the following topics:

- elephant population data/trends
- incidence and patterns of poaching
- measures of the effort and resources employed in detection and prevention of poaching and illegal trade.

Data and information on illegal trade in ivory will be collected by TRAFFIC using a refined version of their existing BIDS (Bad Ivory Database System) (see Annex 1).

3. Data collection and compilation

The CITES Secretariat will request/sub-contract technical support from AfESG and AsESG to:

- a) select specific monitoring sites selected as representational samples;
- b) develop a standardized methodology for data collection and analysis;
- c) provide training to designated officials in those countries with target sites and CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified;
- e) report to the CITES Secretariat for transmission to the Standing Committee and other Parties to CITES.

4. Funding

All components of the system will require substantial financial input.

Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

REVISION OF RESOLUTION CONF. 9.16

1. This document has been submitted by the delegation of Namibia.

Doc. 10.44.3 Annex

DRAFT AMENDMENT TO DOCUMENT DOC. 10.44 ANNEX 2

Revision of Resolution Conf. 9.16

The following amendments (underlined) to be added to the paragraph headed "Regarding control of internal ivory trade":

SUGGESTS RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and those Parties designated as specified ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

- a) register or license merchants dealing in raw or worked ivory, either wholesale or retail all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;

- b) register or license all people or enterprises that cut or carve ivory; and
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
- 1) compulsory trade controls over raw ivory;
  - 2) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory.

Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

REVISION OF RESOLUTION CONF. 7.9

1. This document has been prepared by the Secretariat.
2. At the ninth meeting of the Conference of the Parties, the Standing Committee was directed, in Decision No. 6, to:
  3. – revisit, in close co-operation with the African region, the review procedure for African elephant proposals;
  4. – address concerns regarding stockpiles of African elephant ivory, regarding producer and consumer countries; and
  5. – submit its recommendations to the tenth meeting of the Conference of the Parties.
6. The subject of stockpiles has been dealt with separately (see document Doc. 10.46). The present paper deals only with the question of the procedure for reviewing proposals to amend the appendices.
7. At the 35th meeting of the Standing Committee (Geneva, March 1995), the representative of the Depositary Government presented a paper (Doc. SC.35.15) indicating four options that should be considered. After some discussion, the Committee requested the Secretariat to prepare a discussion document on this subject, in consultation with the representative of the Depositary Government and taking into account the comments of the African regional representatives and alternates at their meeting in April 1995.
8. At the 36th meeting of the Standing Committee (Geneva, January/February 1996), the Secretariat presented document Doc. SC.36.13.2, which suggested that Resolution Conf. 7.9 (Annex 1) no longer satisfied the needs of the Conference of the Parties and that the Standing Committee should propose to the Conference that this Resolution be repealed. After some discussion, it was agreed that the Standing Committee should discuss this issue again after the meeting of African elephant range States (Dakar, Senegal, 11 to 15 November 1996).
9. At this meeting however, the Standing Committee did agree to an addition to the terms of reference of the Panel of Experts on the African Elephant, in accordance with Decision No. 7 of the Conference of the Parties. After the meeting, it agreed, by postal procedure, to make a further addition. The agreed additions are indicated in Annex 2.
10. At the 37th meeting of the Standing Committee (Rome, December 1996), the Secretariat presented a further paper on this subject (Doc. SC.37.14.2). It again expressed the view that Resolution Conf. 7.9 should be repealed. The argument it presented is contained in Annex 3. The majority view of the Committee was that it would be premature for the Committee to propose to the Conference of the Parties to repeal Resolution Conf. 7.9 because a Panel of Experts was currently reviewing proposals to amend the appendices. The Secretariat was requested to prepare a draft resolution for consideration at the tenth meeting of the Conference, to replace Resolution Conf. 7.9, reflecting the views of the Standing Committee and addressing the concerns of the Secretariat.
11. The Secretariat has prepared the draft resolution that was requested by the Standing Committee. This is attached as Annex 4. The main differences between this and Resolution Conf. 7.9 are as follows.
12. – Resolution Conf. 7.9 applies only to "certain populations" of African elephant but these are not defined. It might have been intended that these populations should be the ones that did not meet the criteria for transfer to Appendix I. In this case, it would have made sense to indicate that, proposals to transfer them to Appendix II need not meet the usual criteria but rather be considered only in the context of Resolution Conf. 7.9. Otherwise, it appears that African elephant populations in Appendix I that did not meet the criteria for inclusion in that appendix must not only meet the usual criteria for transfer to Appendix II but also be subject to the **additional** process in Resolution Conf. 7.9. Since it is not possible to determine which ones were the "certain" populations referred to in the Resolution, however, it should refer to all populations. This is done in the attached draft resolution in Annex 4.
13. – The terms of reference of the Panel of Experts have been amended to add the points agreed by the Standing Committee (see paragraph 9. above).
14. – Resolution Conf. 7.9 requires the proponent State to nominate its representative in the Panel of Experts. It has been suggested by past members of the Panel that the inclusion of such a representative in the membership of the Panel inevitably brings into question the impartiality of the Panel, since one of its members is then advocating a particular point of view. It has been suggested that the role of the representative of the proponent should be that of a facilitator and adviser. The Secretariat agrees with this suggestion and has taken it into account in the attached draft resolution.
15. The Secretariat has done what was requested, and presents for consideration a draft of a resolution to replace Resolution Conf. 7.9. However it is compelled to say that it still believes there is no need for a special procedure for considering proposals to transfer populations of African elephant from Appendix I to Appendix II. The Secretariat considers that Resolution Conf. 9.24 alone provides adequate criteria for considering such proposals.

## RESOLUTION CONF. 7.9

Terms of Reference for the Panel of Experts on the African Elephant and  
Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II

RECOGNIZING that the Parties did not adopt the six unamended proposals submitted by Austria, the Gambia, Hungary, Kenya, the United Republic of Tanzania and the United States of America to transfer the African elephant to Appendix I;

RECOGNIZING further that the Parties adopted the amended proposal submitted by Somalia (document Doc. 7.43.8) with the intent of providing a special mechanism for the transfer of African elephant populations from Appendix I to Appendix II;

AWARE that, thereby, populations of elephants in certain African States which may not meet the criteria provided for in Resolution Conf. 1.1, adopted at the first meeting of the Conference of the Parties (Berne, 1976), were transferred to Appendix I;

NOTING that the Parties have agreed that transfer to Appendix II shall be considered on the basis of a report to the Parties that addresses, *inter alia*, the status of elephant populations, the effectiveness of elephant conservation measures, and the degree of control of the movement of ivory within and through the Parties including those that may have entered a reservation with respect to the listing of *Loxodonta africana* in Appendix I of the Convention;

NOTING further that the Parties have called upon UNEP, IUCN and TRAFFIC to provide nominees to serve on a Panel of Experts to advise the Conference of the Parties on requests for transferring particular elephant populations back to Appendix II;

THE CONFERENCE OF THE PARTIES TO THE  
CONVENTION

## RESOLVES:

- a) to establish a Panel of Experts on the African Elephant for the purpose of reviewing certain populations whose transfer to Appendix II has been requested, with respect to:
  - i) the scientific evidence regarding their numbers and trends;
  - ii) the practices of conservation and management of these populations, and threats to their status; and
  - iii) the adequacy of ivory trade controls;
- b) that the Panel of Experts shall include expertise from the following areas:
  - i) elephant ecology and population biology;
  - ii) field conservation and management;
  - iii) monitoring of trade in elephant products;
  - iv) establishment and operation of trade regimes; and
  - v) security aspects of elephant products and/or wild-life law enforcement;
- c) that the Standing Committee, after consultation as appropriate with UNEP, IUCN, TRAFFIC International, the affected range State and the region concerned, shall nominate the members of the Panel of Experts, which should not exceed six in number;
- d) that the selection should take into account the need for appropriate geographical representation and should include a representative to be nominated by the affected range State;

- e) that the Standing Committee shall direct the CITES Secretariat to notify and convene the Panel of Experts;
- f) that the Panel of Experts shall:
  - i) meet at its earliest convenience but no later than two months following the receipt of an application (submitted to the CITES Secretariat), and as frequently thereafter as is necessary;
  - ii) evaluate an applicant's proposal to transfer a population to Appendix II with the intent to complete such evaluation within forty-five days after its first meeting;
  - iii) elect its Chairman from within its own membership;
  - iv) be provided with technical assistance and support as required;
  - v) assign particular tasks to individual members and may appoint consultants to carry out studies on its behalf; and
  - vi) be financed from the regular budget of the CITES Secretariat or from funds assigned for this purpose by Parties;
- g) that the applicants shall undertake to give the Panel or its accredited consultants free and unrestricted access to all data in their possession regarding elephant populations, elephant management, trade in elephant products and, as appropriate, law enforcement procedures;
- h) that in evaluating the status and management of an elephant population the Panel of Experts shall take into account:
  - i) the viability and sustainability of the population, and potential risks;
  - ii) the affected range State's demonstrated ability to monitor the subject population; and
  - iii) the effectiveness of current anti-poaching measures;
- i) that in evaluating the affected range State's ability to control trade in ivory from African elephants, the Panel of Experts shall take into account:
  - i) whether total levels of offtake from both legal and illegal killing are sustainable;
  - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
  - iii) whether law enforcement is effective; and
  - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State;
- j) that, for the purpose of deciding on the transfer of a population of the African elephant from Appendix I to Appendix II and the necessary conditions to be attached to such a transfer, the Parties should take into account the report of the Panel of Experts and in particular:
  - i) the status of the elephant population in the affected range State;

- ii) the affected range State's ability to manage and conserve its population effectively; and
- iii) the affected range State's ability to control trade in elephant ivory;
- k) that, for the purposes of this Resolution, the term "applicant" shall mean any Party to the Convention,

- including any Party that may have entered a reservation with regard to the listing of *Loxodonta africana* in Appendix I of the Convention; and
- l) that the above process is deemed to be in compliance with the obligations of the Conference of the Parties regarding the establishment of the Panel of Experts under document Doc. 7.43.8, as adopted.

**Doc. 10.45 (Rev.) Annex 2**

Additions to the Terms of Reference of the Panel of Experts on the African Elephant

In accordance with Decision No. 7 of the Conference of the Parties addressed to the Standing Committee, the Committee has added the following to the terms of reference of the Panel of Experts on the African Elephant.

The Panel of experts should:

- a) when appropriate, consider:
  - i) the trade in products from the African elephant other than ivory and the controls on such trade; and

- ii) the controls on ivory trade in specified importing countries; and
- b) evaluate whether implementation of the proposal is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the range State.

**Doc. 10.45 (Rev.) Annex 3**

Argument for Repealing Resolution Conf. 7.9 Presented to the Standing Committee In Document Doc. S.C.37.14.2

1. The argument for repealing Resolution Conf. 7.9 can be presented as follows.
2. Resolution Conf. 7.9 contains a procedure for reviewing proposals to transfer "certain populations" of African elephant from Appendix I to Appendix II. The populations concerned are not indicated. Probably they are the populations referred to in the preamble as those that were transferred to Appendix I but that "may not meet the criteria provided for in Resolution Conf. 1.1" (the Berne criteria). The question of which populations did not meet the criteria is open to interpretation.
3. If Resolution Conf. 7.9 was intended to apply to populations of African elephant that did not meet the criteria for inclusion in Appendix I, in Resolution Conf. 1.1, it seems probable that the intention was to recognize that they also did not need to meet the criteria for transfer to Appendix II, in Resolution Conf. 1.2, which would require evidence of the recovery of a population. Proposals for the transfer to Appendix II of populations that did not meet the criteria for inclusion in Appendix I should only be subject to the procedure in Resolution Conf. 7.9.
4. However, Resolutions Conf. 1.1 and Conf. 1.2 have been replaced by the new criteria for amending Appendices I and II, in Resolution Conf. 9.24. For the transfer of a population from Appendix I to Appendix II, these new criteria do not require evidence of the

- recovery of the population but they do introduce a number of safeguards and could replace Resolution Conf. 7.9.
- 5. Since the adoption of Resolution Conf. 7.9, proposals have been submitted for the transfer of seven populations of African elephant from Appendix I to Appendix II. In a number of cases, the report of the Panel of Experts indicated that the concerns specified in the Resolution had been satisfied. However, in all cases, the proposal was either rejected or withdrawn because of opposition. During the discussions of the proposals, no Party expressed the view that the concerns specified in Resolution Conf. 7.9 were not satisfied. It therefore appears that the Resolution does not provide the criteria by which proposals are judged by the Parties.
- 6. The cost of sending a Panel of Experts to a proponent State is high. In preparation for the tenth meeting of the Conference of the Parties, the cost is likely to be CHF 20,000 to 30,000. Yet it appears that the results do not satisfy the needs of the Parties.
- 7. Finally, there is a cost that can not be measured in financial terms. The experts who have given their time to work as members of the Panels of Experts and to produce reports are inevitably frustrated that these are virtually ignored, thus implying that their expertise was not valued and that their time was wasted.

**Doc. 10.45 (Rev.) Annex 4**

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Consideration of Proposals for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II

RECALLING Resolution Conf. 7.9, adopted by the Conference of the Parties at its seventh meeting (Lausanne, 1989), which provided a special mechanism for considering proposals to transfer certain African elephant populations from Appendix I to Appendix II; and

RECOGNIZING that the transfer of the African elephant to Appendix I was agreed by the Conference of the Parties in 1989 although populations in certain range States may not

have met the criteria in Resolution Conf. 1.1, adopted at the first meeting of the Conference of the Parties (Berne, 1976);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) all proposals to transfer populations of the African elephant from Appendix I to Appendix II shall be sub-

ject to a review by a Panel of Experts, which shall consider:

- i) the scientific evidence regarding the numbers and trends of the populations;
  - ii) the conservation and management of these populations, and threats to their status; and
  - iii) the adequacy of controls on trade in ivory and other parts and derivatives;
- b) the Panel of Experts shall include expertise in the following areas:
- i) elephant ecology and population biology;
  - ii) field conservation and management;
  - iii) monitoring of trade in parts and derivatives of elephants;
  - iv) establishment and operation of trade regimes, including establishment of quotas; and
  - v) security of stocks of elephant parts and derivatives and/or wildlife law enforcement;
- c) the Standing Committee, after consultation as appropriate with UNEP, IUCN, TRAFFIC International, the affected range State and the region concerned, shall nominate the members of the Panel of Experts, which should not exceed six in number;
- d) the selection should take into account the need for appropriate geographical representation;
- e) the proponent State should appoint a representative to facilitate the work of the Panel and to act as an adviser;
- f) the Standing Committee shall direct the CITES Secretariat to convene the Panel of Experts;
- g) the Panel of Experts shall:
- i) meet at its earliest convenience but no later than two months following the receipt by the Secretariat of a proposal to be reviewed and as frequently thereafter as is necessary;
  - ii) evaluate, within 45 days after its first meeting if possible, each proposal to transfer a population to Appendix II;
  - iii) elect its Chairman from within its own membership;
  - iv) be provided with technical assistance and support as required;
  - v) assign particular tasks to individual members and may appoint consultants to carry out studies on its behalf; and
  - vi) be financed from the regular budget of the CITES Secretariat or from funds assigned for this purpose by Parties;
- h) the proponent State should undertake to give the Panel or its accredited consultants free and unrestricted access to all data in its possession regarding elephant populations, elephant management, trade in

parts and derivatives of elephants and, as appropriate, law enforcement procedures and actions;

- i) in evaluating the status and management of an elephant population the Panel of Experts shall take into account:
  - i) the viability and sustainability of the population, and potential risks;
  - ii) the affected range State's demonstrated ability to monitor the subject population; and
  - iii) the effectiveness of current anti-poaching measures;
- j) in evaluating the affected range State's ability to control trade in ivory from African elephants, the Panel of Experts shall take into account:
  - i) whether total levels of offtake from both legal and illegal killing are sustainable;
  - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
  - iii) whether law enforcement is effective; and
  - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State;
- k) when appropriate, the Panel of Experts shall also consider:
  - i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
  - ii) the controls on ivory trade in specified importing countries;
- l) the Panel of Experts shall also evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State;
- m) for the purpose of deciding on the transfer of a population of the African elephant from Appendix I to Appendix II and the necessary conditions to be attached to such a transfer, the Parties shall take into account the report of the Panel of Experts and in particular:
  - i) the status of the elephant population in the affected range State;
  - ii) the affected range State's ability to manage and conserve its population effectively; and
  - iii) the affected range State's ability to control trade in elephant ivory; and

REPEALS Resolution Conf. 7.9 (Lausanne, 1989) – Terms of Reference for the Panel of Experts on the African Elephant and Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II.

Interpretation and Implementation of the Convention

TRADE IN AFRICAN ELEPHANT SPECIMENS

STOCKPILES OF IVORY

Introduction

1. This document has been prepared by the Secretariat.
2. In the decisions taken by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) Decision 6.b) and c) directed to the Standing Committee instructs it to address concerns regarding stockpiles of African elephant ivory, regarding producer and consumer countries, and to submit its recommendations to the tenth meeting of the Conference. This report presents an account of the actions to follow-up that decision.

Dialogue on the conservation of the African elephant

3. At its 35th meeting, the Standing Committee asked the Representatives of the African Region, and their Alternates, to meet in order to plan a programme of activities that should be undertaken before the tenth meeting of the Conference of the Parties. UNEP offered to host and to meet the cost of the meeting, which was convened at its headquarters in Nairobi, Kenya, on 24 and 25 April 1995. The CITES Secretariat, liaising closely with UNEP, made the necessary arrangements.
4. The recommendations of the meeting were communicated to the African elephant range States for their approval, which they gave. One of the activities recommended was to convene sub-regional and regional meetings of the African elephant range States, with IUCN – The World Conservation Union to serve as the organizer and facilitator of the sub-regional meetings and, together with UNEP, to serve a similar function with respect to the regional meeting. The Secretariat was asked to oversee the implementation of the programme of activities recommended by the Nairobi meeting. The result of the Nairobi meeting was reported to the 36th meeting of the Standing Committee.
5. Because of logistical problems in organizing five separate meetings and because of inadequate funding, the sub-regional meetings and the meeting of range States were held consecutively in Dakar, Senegal, from 11 to 16 November 1996. The Government of Senegal hosted the meetings.
6. The Secretariat reported the results of the meetings at the 37th meeting of the Standing Committee. The Communiqué issued from the meeting of the range States in Dakar is annexed to this report and provides a detailed summary of the results, which are discussed briefly below.
7. Importantly, the meeting provided the African elephant range States with an opportunity to consult each other on issues related to the conservation of the species, without much external interference, because it had been decided early in the preparation to limit invitations to external observers only to donors who contributed financially to the meeting. The donors were Canada, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America and World Wide Fund for Nature (WWF). However, only Japan, the United Kingdom and the United States of America sent observers to the meetings.

8. Background overview reports prepared for the meetings focused on the main issues of concern to the range States and included:
9. – Conservation of the African elephant: Issues and actions;
10. – The Status of ivory stocks in Africa, 1990-1996;
11. – The illegal ivory trade since the CITES ban: Using law enforcement data to assess trends;
12. – Controls on the ivory trade;
13. – The trade in non-ivory elephant products: The significance of hides; and
14. – Sustainable funding of elephant conservation in Africa.

Status of elephant populations

15. The continental population of the African elephant has been estimated by the IUCN/SSC African Elephant Specialist Group to be between 387,500 and 579,500 animals, with central Africa holding about one-third, eastern Africa about 20 per cent, southern Africa about one-third and west Africa only about two per cent. There has been a general increase in elephant populations in some of the range States, especially in eastern and southern Africa.
16. Information on elephant populations in central and west African range States is very poor. Data on eastern and southern African range States need some updating and surveys are needed in Angola, Ethiopia, Mozambique and the Sudan.
17. Problems associated with human population growth, some of which have given rise to serious conflicts between humans and elephants, include agricultural and pastoral expansion, competition for water and other natural resources, logging, mining and the effects of political instability. Restrictions imposed by countries and organizations outside Africa have influenced negatively the funding for elephant conservation.

Status of ivory stocks

18. From information gathered by TRAFFIC East/Southern Africa, and updated by some of the range States during the meeting, it appears that about 461,853 kg of elephant ivory are currently held by governments and privately, as follows:

Southern Africa	213,207 kg	of which 29% is privately owned
Eastern Africa	132,536 kg	of which 29% is privately owned
Non-range States	87,664 kg	comprising stocks held by Governments of Burundi and Djibouti before January 1990
Central Africa	22,752 kg	
West Africa	5,694 kg	
<b>Total</b>	<b>461,853 kg</b>	



19. In eastern and southern Africa the stocks are increasing rapidly, the result of an increase in anti-poaching and enforcement efforts. Range States holding the largest ivory stocks include:

South Africa	89,134 kg	
Burundi	86,000 kg	if the stock is still intact following the civil disturbances
United Republic of Tanzania	71,667 kg	
Namibia	51,200 kg	
Sudan	46,828 kg	
Botswana	29,706 kg	
Zimbabwe	29,279 kg	allows internal trade for the carving industry
<b>Total</b>	<b>403,814 kg</b>	

20. The range States recognized that data on ivory stocks in central Africa and west Africa was poor and needed up-dating. Their recommendations are included in the Communiqué.
21. No clear solution emerged from the meeting as to what to do with the stockpiles, even though there was a broad acknowledgement that these stockpiles pose problems, and are the subject of political pressure and pressure from traders who legally own ivory stocks. The range States discussed six options for the disposal of the stockpiles but left it to the individual States to make their own choice. The six options are discussed in the Communiqué.
22. At the request of the Secretariat, and as a follow-up to the Dakar meeting, some range States have provided information on the status of their elephant populations and ivory stocks held at the end of 1996. This information is presented in the table at the end of this report. For the other range States the Secretariat has used the data compiled during the Dakar meeting, which should be interpreted with caution because not all the range States were in a position to update information compiled by the IUCN/SSC African Elephant Specialist Group in their African Elephant Database for 1995. It is expected that a more complete picture will emerge from the pre-Conference meeting of the African region CITES Parties / elephant range States, in Harare, scheduled from 5 to 6 June 1997.

#### Illegal ivory trade

23. The data on ivory seizures compiled by TRAFFIC in its 'Bad Ivory Database System' (BIDS) indicate that these have been more frequent in eastern and southern Africa than in central and west Africa, where anti-poaching and law enforcement effort is much lower.
24. The market for illegal trade in elephant ivory is still in existence, as evidenced by interceptions of movements of ivory in both producer and consumer countries. Recent seizures indicate that ivory is exported illegally in many forms: in small cubes or semi-processed seals and chopsticks, in larger cut pieces disguised as wood, etc. In most cases the final intended destination of this semi-processed ivory has been Asia (about 80 per cent).
25. A recent development is the establishment of Africa-based Asian-run ivory processing operations, which produce and export clandestinely semi-worked ivory blocks, 'crude blanks' to be fashioned later into name

seals, etc. Such operations are reported by TRAFFIC to be operating in at least 12 African elephant range States. This development is worrying because it renders the detection of such ivory difficult.

26. At their meeting the range States acknowledged that the data compiled by TRAFFIC were inadequate to indicate any trend, and recent data on seizures in the west African sub-region were lacking. The delegates agreed to co-operate with TRAFFIC in updating the information it had collected and to continue to co-operate with TRAFFIC in this regard.
27. Concern was also expressed regarding the carving industry in some of the range States, especially because of a lack of adequate controls. This was seen as one of the means for illegal acquisition of elephant ivory and also of avoiding compliance with the provisions of CITES, since most of the buyers of ivory carvings are tourists mainly from Europe and other regions of the world.
28. From information available in the Secretariat, the elephant ivory is traded illegally in three forms: a) raw ivory from Africa mainly to Asia and the Middle East; b) semi-processed ivory from Africa to Asia, including by mail; and c) worked ivory bought mainly by tourists and exported to Europe and other parts of the world. This last form generates non-negligible intra-African illegal trade in raw ivory. Details are given in document Doc. 10.28 on Alleged infractions.

#### Proposals to transfer certain elephant populations to Appendix II

29. At the meeting in Dakar controls on trade in African elephant ivory within the framework of CITES were explained, as well as the role of the Panel of Experts, under the provisions of Resolution Conf. 7.9. The range States discussed the trade in ivory and had the opportunity of being briefed by representatives of Botswana, Namibia and Zimbabwe about their proposals to transfer their elephant populations to Appendix II of CITES, with a view to trading mainly in ivory. These representatives did not wish the other range States to take position regarding the proposals, but rather sought an open and frank discussion about the possibility of future trade in elephant ivory. This consultative approach taken by the proponents was very much appreciated and the other range States wished to discuss the proposals further before the 10th meeting of the Conference of the Parties.
30. The other range States undertook to study the information provided by the three proponent States, carefully examine it and continue dialogue with them to obtain additional clarification, before the 10th meeting of the Conference of the Parties.
31. Also at the meeting the representative of the Sudan indicated that his country intended to submit a proposal to the 10th meeting to transfer its elephant population to Appendix II in order to dispose of its ivory stockpile (about 46.8 tonnes), most of which is privately owned. He stressed that his Government was under heavy and mounting political pressure and pressure from owners of ivory stocks to find a solution.
32. Later, in a letter from the head of the Management Authority of the Sudan to the Chairman of the Standing Committee, the Government of the Sudan requested the guidance of the Standing Committee, during its 37th meeting, on the disposal of the ivory stockpile in his country. The Committee discussed the issue and, in response, in a letter signed by the Chairman, advised that the Sudan should examine the six options for disposing of ivory stockpiles that were considered at the Dakar meeting.

33. Furthermore, the Committee noted that it would not be in accordance with the provisions of CITES for the Sudan to allow the export of any of the ivory held in its country if it were to be imported for primarily commercial purposes, except if the tusks were taken from populations included in Appendix II. The Committee further cautioned that it was highly unlikely that the 10th meeting of the Conference of the Parties would adopt a proposal to transfer the elephant population of the Sudan to Appendix II because of the current state of management and the conservation status of that population.
34. At the meeting, the Standing Committee, recognized the difficult problem facing the Sudan and, in the letter, the Committee encouraged the Government of the Sudan to continue dialogue with the Secretariat and others concerning the development of a management and funding plan for its population of elephants, to be submitted to potential donors for funding. At the meeting the delegation of the United States of America indicated that its Government would give favourable consideration to funding elephant conservation in the Sudan.
35. The Secretariat has contacted the Management Authority of the Sudan to initiate the dialogue. The Management Authority has indicated that it is preparing two draft project proposals for discussion and further development before presenting them to potential donors.

#### Trade in non-ivory elephant products

36. At the meeting in Dakar, not a single range State reported any incident of poaching of elephants for their hide or of trafficking in this product. They broadly agreed that trade in elephant hide did not pose a threat to elephant populations at present. No other non-ivory products were discussed.

#### Sustainable funding of elephant conservation in Africa

37. Many of the range States suffer from inadequate manpower and field equipment, mainly because of inadequate funding and, as a result, are unable to effectively manage and control the exploitation of wildlife resources, including elephants. During the meeting the range States explored ways and means of overcoming this serious handicap and recommended various measures that should be taken by range States and the international community. Details are given in the Communiqué.
38. The range States further stressed the importance of funding for national capacity building relating to elephant conservation. Accordingly, UNEP was requested to explore and expedite further the obtaining of financial resources, including through the UNEP Elephant and Rhinoceros Conservation Facility, and from the Global Environment Facility, other multilateral sources and through bilateral agreements with donors.

#### Building consensus among the range States

39. The range States noted, with concern, that pressures and constraints originating outside Africa (by governments, international financing institutions such as the World Bank, international non-governmental organizations, etc.) potentially limit options for effective management and conservation of their elephants, and

agreed that such limitations could be minimized through the process of consensus-building among the range States. They considered it inappropriate to accept any requirement for there to be complete African consensus or unanimity on proposals as a condition for support.

#### Conclusion

40. The Secretariat is pleased to report that it has accomplished the task of overseeing the implementation of the programme of activities recommended by the Representatives of the African region to the Standing Committee, thanks to the close collaboration of IUCN and donors who contributed financially in support of the range States meetings in Dakar. The Secretariat very much hopes that this effort has helped to bridge the rift between the range States that resulted from the decision taken by the Conference of the Parties at its seventh meeting (Lausanne, 1989) to include the African elephant in Appendix I, effective from January 1990.
41. The elephant populations appear to be growing, particularly in eastern and southern African sub-regions, and so are the stocks of ivory. Both are a cause for concern by range States, most of which have barely enough financial means to address adequately their overwhelming socio-economic problems. Therefore the funding of elephant conservation continues to be a serious problem, especially in range States where political commitment to wildlife conservation and development is low.
42. The international community needs to consider seriously playing a bigger role in the conservation of African elephants than it has done. One step would be to encourage UNEP to re-activate the UNEP Elephant and Rhinoceros Conservation Facility, which was conceived with the purpose of catalyzing and mobilizing external financial resources for the conservation of elephants and rhinoceroses.
43. At the meeting in Dakar, no conclusive evidence emerged to support the claim that the inclusion of the African elephant in Appendix I has reduced poaching significantly. The study conducted by TRAFFIC on illegal trade in elephant ivory has demonstrated that the trade has gone underground and that new methods of smuggling ivory have been invented.
44. Regional initiatives such as the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora have the potential to suppress significantly illegal trade in elephant ivory and in such other wildlife products as rhinoceros horn. However, in order for such initiatives to have the expected impact, not only must the signatories be fully committed politically and financially, but other countries that could benefit equally from such an initiative should consider seriously becoming an active party.
45. There is a need for the range States to consider seriously all options that could ensure the security of their populations and of the maximum benefits from them. Range States must also be prepared to give guidance to the Conference of the Parties to enable it to make the best decision on any proposals concerning the transfer to Appendix II of a population of the African elephant.

**African Elephant Population Status and Ivory Stocks – January 1997**

COUNTRY	Elephant population	Ivory Stocks (kg / tusks)		
		Government	Private	Total
BENIN	est. 1,170	– / 5	0	– / 5
BOTSWANA	77,920	32,760 / 6,781	299 / 39	33,060 / 6,820
BURKINA FASO*	2,050			
CAMEROON*	6,690	511		511
CENTRAL AFRICAN REP.	est. 8,000	80	0	80
CHAD*	(1,040)	0		
CONGO*	(32,560)	1,000	3,000	3,000
ERITREA	8	0	2,755	2,755
EQUATORIAL GUINEA*	(400)	0	1,000	
ETHIOPIA	855 (est. 1,568)	2,001 / 854	2,088	4,089 / >854
GABON	62,000	660 / 183 + 352 kg polished	0	660 / 183 + 352 kg polished
GHANA*	670	380	1,150	1,530
GUINEA*	(0)			
GUINEA-BISSAU	<50	0	0	0
KENYA	26,000	3,445 / 342	0	3,445 / 342
LIBERIA*	(1,780)			
MALAWI	2,424	4,954 / 1,624	0	4,954 / 1,624
MALI*	610			
MOZAMBIQUE*	20,000	2,000		2,000
NAMIBIA	7,770	44,483 / 7,857	9,800	53,483 / >7,857
NIGER*	(0)			56
NIGERIA*	(1,065)	80		80
RWANDA*	40			
SENEGAL*	(20)			
SIERRA LEONE*				
SOUTH AFRICA	10,505	37,850 / 5,853	51,284 / 5,503	89,134 / 11,356
SUDAN	est. 40,200	4,865 / 1,168	41,963	46,828 / >1,168
SWAZILAND*	20	0	0	0
TOGO*	(85)		3,937	
UGANDA*	2,500	778	676	1,454
UNITED REPUBLIC OF TANZANIA	73,459	70,607 / 17,883	0	70,607 / 17,883
ZAIRE*	13,175 (65,975)	1,600	14,123	15,723
ZAMBIA*	22,000	30,514		30,514
ZIMBABWE	66,362	32,365 / 3,682	90,104	122,469 / >3,682
Continental Total	443,425 [547,918]	>271,285 / >>46,232	>222,179 / >>5,542	>486,784 / >>51,774
* means the data are those given at the Dakar meeting				
** means the data are from the 1995 African Elephant Database, as compiled by the African Elephant Specialist Group; figures in brackets mean probable population size				

## African Elephant Range States Dialogue Communiqué

In January 1990, the ban on international commercial trade in African elephant ivory took effect. This marked a new era of debates on the ecological, ethical, political and financial issues associated with trade in elephant ivory that had wide-reaching ramifications for the 37 African elephant Range States.

Lack of adequate funding capacities, poaching, civil instability, constraints deriving from external influences, and a lack of data on elephant population size and range present serious impediments to the future of elephant conservation. Challenges now include direct human-elephant conflicts, loss of range and habitat, the impact of locally-abundant elephants on biodiversity, the management of elephants outside protected areas, and the need to restore viable elephant populations in some countries. The circumstances of each State and the status of their elephant populations varies greatly, but many of their challenges are shared.

At its 9th meeting, the Conference of the Parties to CITES mandated inter-session dialogue to address the issue of Africa's ivory stocks and other African elephant conservation matters. Accordingly, on 11-16 November 1996, representatives from 31<sup>1</sup> African countries met in Dakar, Senegal. Delegates included high-ranking government officials and their technical advisors. Particular emphasis was placed on complex issues such as: monitoring the status of elephant populations; government and privately-held ivory stocks (which are growing in most cases); the threat of continuing illegal ivory trade, and necessary controls for any future legal trade in elephant products.

The objective of the Meeting was to increase understanding between Range States of the issues relating to elephant conservation prior to the 10th meeting of the Conference of Parties to CITES (June, 1997). At the request of the Representatives of the African Region to the CITES Standing Committee, and their alternates, IUCN – The World Conservation Union and the CITES Secretariat (on behalf of UNEP) served as the Secretariat for this dialogue. The Meeting was hosted by Senegal and was opened by the Minister of Environment and Protection of Nature. The Meeting was chaired by Senegal, with Cameroon, Sierra Leone, Uganda and Zimbabwe serving as Vice-Chairs and Chairs of the Subregional Groups. The Meeting was financed by Canada, Japan, the United Kingdom, the United States, and the World Wide Fund for Nature.

#### Sub-regional Meetings

The initial two days of the Meeting were devoted to sub-regional discussions, each assisted by neutral facilitators. These meetings provided the delegates with the opportunity to share new data and information regarding the status of their sub-region's elephant populations, the threats that these populations face, the status of ivory stocks, and illegal ivory trade. The results of these discussions were reported to the plenary, and are summarized below:

The Central African sub-region, represented by the countries of Cameroon, Zaire, Chad, Equatorial Guinea, the Central African Republic, and Congo, with Gabon and Rwanda absent, may hold one-third of Africa's total elephant population. The States reported that national inventories of elephant populations were needed, as well as joint efforts between neighbouring countries to quantify transfrontier

elephants. Their collective known ivory stocks measure 22,752 kg, approximately five per cent of Africa's known stocks. Eighty per cent of Central Africa's stocks are privately held. Surveys and data collection to update the ivory stocks were recommended, as well as stricter adherence to marking and registering ivory. While domestic trade in raw and worked ivory is generally prohibited, internal ivory markets are found in the sub-region.

The Southern African sub-region, represented by Botswana, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe, with Angola absent, holds an estimated one third of African elephants. Forty-six per cent of African ivory stocks (213,207 kg) are held in Southern African states. Generally the sub-region's ivory stocks are expanding. Their management systems are effective, resulting in less illegal hunting and an increase or stabilization of the known elephant populations. All Southern African countries view ivory as an economic asset and most of them have legal domestic ivory trades. They also view externally-imposed constraints, expanding elephant populations in limited habitats, and the inability to realise full economic benefits from elephants as three of the major threats to elephant conservation in the sub-region.

The East African sub-region, represented by Eritrea, Ethiopia, Kenya, the Sudan, Uganda, and the United Republic of Tanzania, with Somalia absent, holds approximately 20 per cent of the continent's known elephant population and 29 per cent (132,536 kg) of its known ivory stocks. These states reaffirmed their history of co-operation in elephant management and regular status surveys of elephant populations, in addition to their general policy of limited killing of elephants for management purposes. Surveys indicate a rising elephant population, leading to increased conflict with local human communities. Stockpiles are growing, the states reported, with improvements in law enforcement and increases in illegal ivory trade. A few legal internal ivory markets exist in some countries. The most serious problems of the sub-region include human-elephant conflicts, increased poaching, increased illegal ivory trade, impacts of locally abundant elephants on biodiversity and inadequate funding.

The West African sub-region, represented by Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo, with Benin and Liberia absent, holds about two per cent of the continent's elephant population and less than 2 per cent (5,694 kg) of its ivory stocks. Ninety per cent of these stocks are privately held. Illegal trade is suspected to be on the rise due to inadequate controls on internal ivory markets which are widespread in the sub-region. The elephant populations are fragmented and there are few surveys to indicate population trends. As with Central Africa, transfrontier populations are common and the delegates recommended that cross-border surveys be initiated. Some of the major concerns specific to West Africa include habitat fragmentation and loss, human population pressure, changing land-use patterns, and weak institutional capacity. Suggested solutions include co-operative management, strengthening political will, improved technical training, as well as sub-regional, pan-African and international efforts. The West African countries also proposed further investigations into the ivory trade in their sub-region.

<sup>1</sup> Botswana, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Eritrea, Ethiopia, Equatorial Guinea, Ghana, Guinea, Guinea-Bissau, Kenya, Malawi, Mali, Mozambique, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

In addition to the sub-regional reports above, it was noted that two African non-Range States, Burundi (86,000 kg) and Djibouti (1,664 kg), hold 19% of all the ivory stock in Africa.

#### Issues of Common Concern to Africa

The African elephant Range States share many problems and concerns. All sub-regions reiterated the need for more field studies to determine the status of the African elephant. Additionally, there were numerous calls for neighbouring countries with shared elephant populations to work together on collecting relevant data.

The elephants in all sub-regions are experiencing problems associated with human population pressure. These problems take various forms in different areas including: agricultural and pastoral expansion, competition for water and other natural resources, logging, mining, and the effects of political instability. All sub-regions report that direct human-elephant conflicts are on the rise, resulting in the death or injury of humans and elephants and the destruction of crops and property. They are further faced with managing populations in confined areas, often due to encroachment by human settlement. There is a widespread lack of adequate funding for elephant conservation. In some countries, restrictions imposed by countries outside Africa, lack of political will, and civil instability add to this problem.

Illegal ivory trade was of concern to all. Many countries agreed that continued illegal trade reflects inadequate management capacity. It was further believed that the CITES ban is being violated as a result of domestic ivory markets that supply international buyers.

While all sub-regions do not have ivory stocks of similar volume, they share the belief that any stocks present problems for long-term management. Solutions must be found that are feasible within the specific contexts of each country's circumstances. All ivory stocks, both government and privately held, should be registered, regardless of origin. Where possible, the sources of such stocks should be documented.

The Range States found further common ground on the following issues:

#### 1. Issues and Options Relating to Ivory Stocks

The Range States agreed that there are generally large and growing ivory stocks in Africa, but that surveys of ivory stocks in some countries have been inadequate and some current data are unreliable.

##### *Recommendations*

The Range States recommended that:

- a) accurate records of ivory stocks, both government and private, should be established and maintained in every Range State;
- b) surveys to identify and register ivory stocks should be carried out in some countries as a matter of urgency;
- c) ivory stocks should be identified according to source (legal or illegal) and geographic origin, to the extent possible;
- d) research which will lead to techniques for rapid and reliable identification of ivory origin should be promoted;
- e) all ivory stocks should be marked and recorded in compliance with the system approved under CITES; and
- f) some Range States may consider, under exceptional circumstances and as appropriate, an amnesty in order to achieve the registration of all stocks of ivory in private hands.

#### *Options*

Further deliberation on the disposal of ivory stocks led to several possible options, each with advantages and disadvantages, and some qualifications were noted:

- g) Destruction without compensation. This option was not generally favoured except at the discretion of the Sovereign State.
- h) Destruction with compensation. This option was recognized as unrealistic at present for some Range States because no source of long-term compensation has been identified. However, it was noted that opportunities may exist for specific bilateral agreements.
- i) Indefinite secure storage. This option was not regarded as viable in the long term. It was recognized, however, that currently it was the default option employed by most Range States.
- j) Mortgage the ivory. This was raised as a possibility for some States.
- k) Sale through legal, well-managed domestic markets. It was noted that in certain countries domestic markets do exist, but, in many instances, require improved management and control.
- l) Sale through re-established legal system to international markets. International trade was considered a possibility, but there were concerns about stimulation of illegal trade and negative impacts on some elephant populations.

#### 2. Issues Relating to Illegal Ivory Trade

Having considered information provided by delegates and by TRAFFIC in its Bad Ivory Database System (BIDS) relating to seizures of illegal ivory consignments around the world between 1989 and 1996, the Meeting noted that an illegal ivory trade has continued since the ban on international commercial trade which took effect in January 1990. So far the data do not enable a trend to be established.

The Range States agreed that TRAFFIC needs more information, especially for the years 1994 to 1996, in order to establish whether or not there is a trend developing. They therefore urged all CITES Parties, including the African Elephant Range States, to support TRAFFIC by supplying full and timely information on ivory seizures for the BIDS.

It was further agreed that co-operation, both within and between Range States, was necessary in order to deter illegal trade and to determine its extent. Improvements in enforcement and management capacity should be regarded as a matter of priority for Range States. Improved enforcement may result in an increasing number of seizures, which would not necessarily imply an increase in the actual level of illegal trade.

Noting that an illegal commercial market for ivory continues outside Africa, as evidenced by many illegal ivory seizures, the Meeting also agreed that further pressure should be applied to such consumer states to tighten their enforcement and to collaborate with Range States in eliminating this aspect of the illegal trade.

The Range States agreed that illegal commercial markets also continue inside Africa. There are indications from the Subregions that African-based, Asian-run ivory processing operations may be increasing. The Range States also agreed that internal ivory markets in Africa should be investigated with the aim of developing a fully regulated domestic ivory trade.

3. Issues Relating to Proposals for Future Trade in Elephant Products

Proposals from Botswana, Namibia, Sudan and Zimbabwe for future trade in elephant products were presented to the Range States' Meeting for information and to promote dialogue. The proposals elicited an initial response of searching questions and comments. The Delegates will analyze the proposals more fully on their return home.

The open and consultative approach taken by the proponents was welcomed and a broad appreciation of the situations in their respective countries was expressed by the Range States.

A valuable initial exploration of the proposals and their implications ensued.

A range of precautionary measures for controlled trade in ivory was introduced and assurances were given by three southern African countries that only ivory held by their governments, originating from their countries, would be traded. These countries also agreed that any resumption of trade would require a review by CITES after a two-year period.

Concerns were expressed over the possible effects of any future legal trade on other Range States and clarification was sought on how potentially negative consequences would be avoided.

It was suggested that in order to detect negative impacts of renewed legal trade, monitoring should be improved.

The Range States were assured that in the event of abuse, the existing procedure for re-transfer to Appendix I of populations transferred to Appendix II would be activated through the CITES Standing Committee with the assistance of the Depository Government.

It was suggested that there should be a close examination of the relationship between the levels of export and import being proposed.

The Range States also expressed their desire for more information on internal trade controls from Japan, the specified trading partner.

Noting that there was no demonstrated link between trade in hides and poaching, the Range States broadly agreed that such trade would not seem to endanger elephant populations for the moment.

Following a constructive exchange, it was further agreed that the Range States should take the information supplied by the proposing countries, carefully examine it and continue the dialogue with them on any outstanding questions, between now and the 10th meeting of the Conference of the Parties to CITES in Harare.

4. Options for Sustainable Funding of Elephant Conservation by Range State Authorities

The Range States reviewed all sources of funding: state funding (either direct or through grants-in-aid), self-generated revenues and donor funding which could be direct, project orientated, trust funds and/or debt-for-nature swaps.

The Range States noted that government funding of elephant conservation in many countries is inadequate

and uncertain; and that donor funding is variable, irregular, limited and insufficient with serious shortcomings not the least of which is that it is not sustainable in the long term.

They further noted that, in order to succeed with long-term planning for elephant management, conservation agencies must have reasonably predictable financial resources.

It was recommended that the Range States consider giving statutory powers to their conservation agencies so that they may generate and manage their own funds from the sustainable use of their natural resources as well as permitting them to deal directly with donors and assume accountability for donations; and/or

- a) The establishment of statutory trust funds specifically dedicated to elephant and nature conservation; and/or
- b) Creating systems that ensure that local communities, affected by conservation activities, share in any financial benefits derived from sustainable use of the relevant wildlife resources; and/or
- c) Establishing management committees to deal with shared elephant populations and ensure equitable sharing of revenues derived from the sustainable exploitation of such populations.

The Range States further recommended and stressed the importance of funding for national capacity-building relating to elephant conservation. Accordingly, UNEP was requested to explore and expedite further mobilization and catalyzation of resources, including through the Elephant and Rhinoceros Conservation Facility, as well as from the Global Environment Facility and other bilateral and multilateral funding sources.

5. Building Consensus Among the Range States

The Range States noted, with concern, that pressures and constraints originating from outside Africa potentially limit options for effective management and conservation of their elephants. It was further agreed that such limitations could be minimized through the process of consensus building among the Range States.

The Range States fully endorsed the desirability of achieving consensus amongst themselves on issues pertaining to the status of the African elephant under CITES, and acknowledged the progress made in Dakar towards building such consensus. However, the need for consensus should not be a conditionality for support from outside Africa.

With a view to continuing the dialogue at the tenth meeting of the Conference of the Parties to CITES, 9-20 June 1997 in Zimbabwe, the Range States recommended that a meeting be held just before the Conference in Harare. The Range States urged donors to assist IUCN and the CITES Secretariat to convene this meeting on their behalf.

Vote of Thanks to the Host Country

The Range States expressed their deep gratitude to the Government of Senegal for hosting the meeting, and for providing such strong and impartial leadership to the dialogue process.