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CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

IVORY TRADE

1. The attached document has been submitted by Kenya and Mali.
2. The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries.

Interpretation and implementation of the Convention

Conservation of elephants and trade in elephant specimens

IVORY TRADE

1. This document has been prepared by Kenya and Mali.
2. This document is intended to support CoP14 Prop. 6 submitted by Kenya and Mali on the African elephant. It addresses the illegal ivory trade and proposes a 12 year suspension of trade in ivory during which time an African Elephant Action Plan and African Elephant Conservation Fund will be developed through the dialogue process involving all African elephant range States.
3. At the 54th CITES Standing Committee meeting (SC54) in October 2006, the Director of ETIS (Elephant Trade Information System) confirmed an "upsurge of seizures" in the last year. He also emphasized an increase in organized crime and reported that government stockpiles were disappearing in some countries; this is also confirmed in the Central African Elephant Conservation Strategy¹.
4. The analysis contained in the ETIS report prepared for CoP14 shows that since 2005 there has been an upward thrust in the ivory seizures trend. The ETIS report states that this is all the more remarkable considering that data for 2005 and 2006 are believed to represent somewhat incomplete datasets. As further seizure data are reported for these years, it is likely that the upward trend will become even sharper.
5. The ETIS report states that the fact that illicit trade in ivory is once again increasing is serious cause for concern especially given the fact that it takes place following the adoption of Decision 13.26. The trend clearly suggests that Decision 13.26 is not having the desired impact and it needs to be more forcefully implemented if a decline in illicit trade in ivory is to be realized in the future.
6. The ETIS analysis also concludes that the large-scale ivory seizures are indicative of greater involvement of organized crime in the illegal ivory trade. The creation of efficient systems for the illicit procurement and trade of large volumes of ivory typically requires greater finance, better planning, organization and intelligence, investment in secure facilities for storage and staging purposes, the ability to exploit trading links and networks between sources and end-use markets effectively and covertly, and higher levels of collusion and corruption between private sector operators and government.
7. It appears that the increase of organized crime in the illicit trade in ivory has gone hand-in-hand with the globalization of African markets and economic linkages. Foreign nationals in Africa, especially those with links to important end-use ivory markets, have now developed capabilities to move large consignments of raw ivory as well as processed ivory products directly to key Asian markets.
8. An investigation in China in May and June 2006 found that the price of ivory on the illegal market was US\$560-750 / kg, representing up to a three fold increase in two years². In Sudan and Egypt there has been a twofold to fourfold increase in recent years. Further rises in ivory prices will continue to increase the incentive for those involved in poaching and the illegal sale of ivory.
9. Demand for ivory has increased significantly since CoP13. Continued debate in CITES about re-opening trade serves to fuel this demand, bringing with it increased enforcement challenges, particularly for elephant range States. Such challenges demand fresh approaches. One such approach is DNA profiling, which has been used to analyse the 6.5 tonnes of ivory seized in Singapore in 2002 (the results indicating that the majority of the ivory was from elephants in Zambia (SC54 Doc. 26.1 (Rev. 1))).
10. A suspension of ivory trade would allow time - free from effects of CITES decisions on ivory trade - to establish an African Elephant Conservation Fund and develop an African Elephant Action Plan to: build enforcement capacity in African elephant range States; enhance cooperative enforcement mechanisms such as the Lusaka Agreement Task Force; bring illegal trade under control; develop new methodology (e.g. using DNA profiling) to meet the considerable enforcement challenges facing African (and Asian) elephant range States; allow for the development of minimum standards for an international mechanism to control trade in ivory; determine the effects, if possible, of the one-off stockpile sale agreed to at the 55th Standing Committee meeting; determine and address the factors that are driving the expanding illegal market; provide time to refine MIKE (the

¹ Strategy for the Conservation of elephants in central Africa, 2005 (Anon). <http://www.iucn.org/themes/ssc/sgs/afesg/tools/>

² Ivory Market in China: China Ivory Trade Survey Report, IFAW, Jun 2006.

programme for Monitoring Illegal Killing of Elephants) so that it can become an instrument more capable of detecting trends and problems with poaching at an early stage.

11. With these aims in mind, amendments are suggested to Resolution Conf. 10.10 (Rev. CoP12) in Annex 1 and draft Decisions are proposed in Annex 2.

Annex 1

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of the preamble and selected operative sections of Resolution Conf. 10.10 (Rev. CoP12) on trade in elephant specimens³

NB: Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also 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) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that illegal trade in ivory presents a significant threat to elephant populations;

WELCOMING the Action Plan for the Control of Trade in Elephant Ivory approved at the 14th meeting of the Conference of the Parties;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding trade in raw and worked ivory and quotas for ~~and trade in raw ivory~~ exported as hunting trophies

RECOMMENDS that:

- a) Parties whose elephant populations are listed on Appendix I will not introduce any proposals to downlist their elephant populations for a period of 12 years following the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties;
- b) Parties whose elephant populations are listed on Appendix II shall not trade in raw or worked ivory, for a period of 12 years following the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties, except for:
 - i) raw ivory exported as hunting trophies for non-commercial purposes;
 - ii) ivory carvings from Zimbabwe in accordance with the annotation to the listing of the population of the African elephant of Zimbabwe; and
 - ii) ekipas from Namibia in accordance with the annotation to the listing of the population of the African elephant of Namibia;
- a)c) each State that has a population of African elephants and wishes to authorize export of raw ivory as hunting trophies for non-commercial purposes establish, as part of its management of the population, an annual export quota for ~~raw ivory~~ such trade expressed as a maximum number of tusks;
- b)d) each export quota for such trade be communicated in advance to the CITES Secretariat in writing by 31 December for the next calendar year;
- e) ~~Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;~~

³ Annexes 1 and 2 and all other operative sections of the Resolution remain unchanged.

- d)e) 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)f) the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- f)g) 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)h) ~~no export, re-export or import of~~ trade in raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- h)i) Parties accept raw ivory as hunting trophies for non-commercial purposes only from ~~producer~~ African elephant range States and 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)j) Parties may only accept raw ivory as hunting trophies for non-commercial purposes from ~~a producer~~ an African elephant range 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)k) in compiling their annual reports, ~~producer~~ African elephant range Party and 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)l) 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;
- m) the Secretariat reports to each Conference of the Parties on the levels of raw ivory stocks held within the territories of Parties; and
- l)n) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

Regarding resources required for implementation of this Resolution

APPEALS to all governments, intergovernmental organizations, international aid agencies, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and ~~producer~~ elephant range 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.

ANNEX 2

Decision 14.XX

Directed to African elephant range States

Within the framework of the elephant dialogue process, African elephant range States shall establish a Steering Committee consisting of representatives of all sub-regions;

The African elephant range States shall develop an African Elephant Action Plan aimed at:

- 1) accessing and directing resources towards strengthening enforcement capacity in African elephant range States to combat poaching and illegal trade in ivory;
- 2) enhancing regional cooperation on enforcement through mechanisms such as the Lusaka Agreement Task Force;
- 3) developing minimum standards for an international mechanism to control trade in ivory;
- 4) the implementation of the CITES Action Plan for the Control of Trade in Elephant Ivory; and
- 5) enhancing capacity building, managing translocations, reducing human-elephant conflicts and enhancing community conservation and development programmes within or adjacent to elephant range.

The African elephant range States shall continue a dialogue to develop joint conservation policies and exchange of management experience in order to improve the management of African elephant populations.

The Steering Committee will govern the African Elephant Conservation Fund established under Decision 14.XX.

The African Elephant Range States Steering Committee established under this Decision shall prepare a comprehensive review for consideration at the 17th meeting of the Conference of the Parties of progress in relation to the African Elephant Action Plan referred to in Decision 14.XX, including an evaluation of external data submitted to the Steering Committee by sources including MIKE, ETIS and other experts approved by the Steering Committee;

Decision XX

Directed to the Secretariat

The Secretariat shall:

- a) convene an African elephant dialogue meeting before 31 December 2007 and at later dates as necessary and subject to available funding;
- b) work with UNEP to establish an African Elephant Conservation Fund for implementation of the African Elephant Action Plan which will be administered by UNON;
- c) call upon all governments, intergovernmental organizations, international aid agencies and non-governmental organizations, as a matter of urgency, to support and contribute to the African Elephant Conservation Fund and the elephant dialogue process.

Decision XX

Directed to Parties

Parties are urged to contribute, as a matter of urgency, to the African Elephant Fund and to support the elephant dialogue process.