

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

TRADE IN ELEPHANT SPECIMENS

1. The attached document has been submitted by Kenya and Mali. It is presented as an alternative to CoP14 Doc. 53.1 Addendum. The draft Decisions proposed would supersede Decision 13.26 and incorporate the *Action Plan for the Control of trade in African elephant ivory*, as amended in Annex 2.
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.

ANNEX 1

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Control of Trade in Elephant Ivory

These draft Decisions supersede Decision 13.26, and incorporate the *Action Plan for the Control of trade in African elephant ivory*, as amended in Annex 2.

Decision 14.XX

Directed to the Parties

All African and Asian elephant range States, as well as all other countries and dependent territories identified in Table 3 of the ETIS report to CoP14 (CoP14 Doc. 53.2) should provide to the Secretariat, no later than 31 December 2007, the questionnaire referred to in Decision 14.XX, as well as, where relevant, copies of new legislation and copies of administrative instructions or orders to enforcement agencies.

Decision 14.XX

Directed to Parties that have been designated as ivory importing countries under the Convention and elephant range States whose populations are in Appendix II

Those Parties which have been designated as 'ivory importing countries' by the Standing Committee in accordance with the requirements for internal trade in ivory in Resolution Conf. 10.10 (Rev. CoP12) and elephant range States whose populations are in Appendix II, should present an update report on the implementation of its ivory trade control system to each subsequent meeting of the Standing Committee, including, in cases where there is an ivory carving industry, information on the total volume of raw ivory (both tusks and pieces) in legal possession of all registered importers, and manufacturers; the total volume of raw ivory stock that has been transformed into ivory products by all manufacturers; the total volume of ivory products held in stock by all manufacturers, wholesalers and retailers; and the total volume of ivory products.

Directed to the Secretariat

- 1) The Secretariat shall, by 31 August 2007, distribute to all elephant range States, designated ivory importing countries and all other countries and dependent territories that have been identified in Table 3 of the Elephant Trade Information System (ETIS) report to the 14th Conference of the Parties (CoP14 Doc. 53.2) as being affected by illicit trade in ivory a questionnaire relating to the control of trade in ivory. The questionnaire should address national policy and legislation, the status and implementation of control systems in the context of implementation of Resolution Conf. 10.10 (Rev. CoP12), law enforcement actions, seizures and prosecutions, public awareness and outreach programmes, ivory stocks and other relevant developments.
- 2) From 1 January 2008, the Secretariat shall undertake work to analyze, on a country-by-country basis, the status of compliance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) and the *Action Plan for the Control of trade in elephant ivory*, particularly as relates to details of legislation, market control systems and law enforcement. Where appropriate, this shall include *in situ* verification missions. The analyses should be reported on a country-by-country basis to the Standing Committee in the Secretariat's regular update reports. These reports shall be posted to the CITES website and be made publicly available.
- 3) Elephant range States whose populations are in Appendix II and have an ivory carving industry, and the following Parties and dependent territories, based on the ETIS report to CoP14, should be the first priority of the Secretariat for evaluation and response. The Parties and dependent territories identified by ETIS should be analysed in this order (by cluster):
 - a) Democratic Republic of Congo and Thailand; Cameroon and Nigeria; China;
 - b) Other countries of secondary concern include Hong Kong SAR, Philippines, Singapore; United Arab Emirates, Benin, Djibouti, Gabon, Ghana, Macao SAR, Malaysia, Mozambique, Rwanda, Sudan, and Vietnam.
- 4) The Secretariat shall:

- a) fully evaluate information received from all Parties, with prioritization of those in paragraph 3, above;
 - b) analyze the information received, both from Parties and solicited from external experts and intergovernmental organizations;
 - c) report to the 57th and all subsequent meetings of the Standing Committee, and the 15th meeting of the Conference of the Parties, on the progress of Parties and dependent territories in implementation of the *Action Plan for the Control of trade in elephant ivory*;
 - d) issue a Notification advising that the Conference of the Parties recommends that Parties not authorize commercial trade in specimens of CITES-listed species with States and dependent territories that fail to submit the questionnaire referred to in Decision 14.XX by 31 December 2007. Such a recommendation shall remain in force until a completed questionnaire is received by the Secretariat; and
 - e) monitor progress of all other countries, particularly those in paragraph 3, above, in the context of the *Action Plan for the Control of trade in elephant ivory*, and make recommendations to the Standing Committee, including trade suspensions.
- 5) Include this issue in its workplan and budget, and work with the Parties to ensure effective implementation of the *Action Plan for the Control of trade in elephant ivory*, the effectiveness of which will be evaluated in the ETIS report to CoP15.

Directed to the Standing Committee

The Standing Committee shall monitor this issue closely, and shall instruct the Secretariat to issue a Notification to the Parties recommending a suspension of commercial trade in specimens of CITES-listed species from countries that fail to show significant progress on this issue, with priority given to those highlighted in paragraph 3, above. Significant progress must be judged against the *Action Plan for the Control of trade in elephant ivory*, and Resolution Conf. 10.10 (Rev. CoP12).

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

ACTION PLAN FOR THE CONTROL OF TRADE IN AFRICAN ELEPHANT IVORY

1. ~~All African elephant range States⁴, and other Parties and non-Parties with an ivory carving industry or internal trade in ivory that is unregulated, should urgently:~~
 - a) ~~prohibit the unregulated domestic sales of ivory (raw, semi-worked or worked), except where legislation and measures exist to regulate domestic sales in accordance with Resolution Conf. 10.10 (Rev. CoP12). Legislation should include a provision which places the onus of proof of lawful possession upon any person found in possession of ivory in circumstances from which it can reasonably be inferred that such possession was for the purpose of unauthorized transfer, sale, offer for sale, exchange or export or any person transporting ivory for such purposes.~~
 - b) ~~issue instructions to all law enforcement and border control agencies to enforce existing or new legislation rigorously; and~~
 - c) ~~engage in public awareness campaigns publicizing existing or new prohibitions on ivory sales.~~
2. ~~Parties should, by 31 March 2005, report to the Secretariat on progress made. Such reports should include details of seizures, copies of new legislation, copies of administrative instructions or orders to enforcement agencies and details of awareness campaigns. The Secretariat should report on Parties' progress at the 53rd meeting of the Standing Committee.~~
3. ~~In the interim, the Secretariat should work with the relevant countries in Africa to provide any technical assistance that may be necessary to aid the implementation of this action plan.~~
4. ~~The Secretariat should also engage in efforts to publicize the present action plan and the subsequent halting of domestic ivory sales in individual African countries through contacting relevant organizations such as airlines and IATA. It should also, via ICPO-Interpol and the World Customs Organization, communicate with the heads of police and Customs authorities in Africa, advising them of this initiative. Furthermore the Secretariat should request all Parties worldwide to publicize the action plan, particularly to discourage persons who are travelling to Africa from purchasing raw, semi-worked or worked⁴ ivory and to encourage border control authorities to be alert to illegal imports of ivory and to make every effort to intercept illicit movements of ivory.~~
- 5.2. ~~All elephant range States are recommended to cooperate with existing relevant research projects studying the identification of ivory, especially by supplying relevant samples for DNA and other forensic science profiling. All such research projects should be encouraged to consolidate and share their reference data and cooperate wherever possible, and to make their data available to appropriate institutions in elephant range States.~~
- 6.3. ~~The Secretariat should seek the assistance of Governments, international organizations and non-governmental organizations in supporting the work to eradicate illegal exports of ivory from the African continent and the unregulated domestic markets that contribute to illicit trade. The Secretariat shall also, if requested, work with relevant countries in Africa and Asia to provide technical assistance for the implementation of this action plan. It shall provide similar assistance to any other Parties that have an ivory carving industry or internal trade in ivory. The Secretariat shall also continue its work, in conjunction with national, regional and international law enforcement organizations and networks (such as the ASEAN Wildlife Enforcement Network, ICPO-Interpol, Lusaka Agreement Task Force and the World Customs Organization) to assist in combating illicit trade in ivory.~~
7. ~~At the 13th meeting of the Conference of the Parties, the Secretariat should seek the agreement of the Parties that it would, from 1 June 2005, ensure that work is undertaken, including *in situ* verification missions where appropriate, to assess, on a country-by-country basis, progress made with the~~

⁴ ~~Except any Party for which an annotation in the Appendices authorizes trade in worked ivory.~~

² ~~Except Parties where the export of worked ivory for non-commercial purposes is lawful.~~

~~implementation of the action plan. Priority should be given to those Parties that are identified during research by the Secretariat and through other appropriate sources of information to have active and unregulated internal markets for ivory. Priority should be given to Cameroon, the Democratic Republic of the Congo, Djibouti, Nigeria and any other country identified through ETIS.~~

- ~~8.4. In cases where relevant Parties or non-Parties are found not to implement this action plan or Resolution Conf. 10.10 (Rev. CoP12), or where significant quantities of ivory ~~is~~ are found to be illegally sold, or illegally exported, re-exported or imported, the Secretariat ~~should~~ shall, following consultation with the Standing Committee, issue a Notification to the Parties advising ~~them~~ that the Conference of the Parties recommends that Parties not authorize commercial trade in specimens of CITES-listed species with the State in question. Subsequently, the Secretariat shall monitor progress, and make recommendations to the Standing Committee regarding all other Parties, as per Decision 14.XX.~~
- 5 In cases where there is evidence provided by ETIS or other credible sources of a substantial increase in illegal trade of ivory into or from a designated ivory importing country, the secretariat shall recommend to the Standing Committee that such designation be rescinded.
- ~~9.6. The Secretariat should continue to monitor all domestic ivory markets outside Africa to ensure that internal controls are adequate and comply with the relevant provisions of Resolution Conf. 10.10 (Rev. CoP12) on Trade in elephant specimens. Priority should be given to China, Japan and Thailand, with particular attention being paid to any Party that has notified the Secretariat that it wishes to authorize imports of ivory for commercial purposes. Further priorities should be established pursuant to the ETIS analysis and other relevant sources of information.~~
- ~~10.7. The Secretariat ~~should~~ shall report upon the implementation of the action plan at each regular meeting of the Standing Committee.~~