

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



Nineteenth meeting of the Conference of the Parties  
Panama City (Panama), 14 – 25 November 2022

Species specific matters

Elephants (Elephantidae spp.)

INTERNATIONAL TRADE IN LIVE AFRICAN ELEPHANT SPECIMENS:  
PROPOSED REVISION OF RESOLUTION CONF. 10.10 (REV. COP18)

1. This document has been submitted by Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Liberia, Niger, Senegal and Togo.<sup>1</sup>
2. The present document proposes a revision of Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens.

Background

3. African elephants are split-listed between CITES Appendix I and Appendix II. The populations of South Africa, Zimbabwe, Botswana and Namibia are listed in Appendix II, subject to an annotation<sup>2</sup> for the exclusive purpose of allowing, *inter alia*, trade in live animals “to appropriate and acceptable destinations”, as defined in Resolution Conf. 11.20 (Rev. CoP18), for Botswana and Zimbabwe and for *in situ* conservation programmes for Namibia and South Africa. Live African elephants from Appendix I populations can be traded subject to the provisions of Article III of the Convention<sup>3</sup> to destinations “suitably equipped to house and care for them,” and cannot be exported for primarily commercial purposes.
4. The split-listing of African elephant populations and the two criteria within the annotation relevant to the Appendix II populations have created different provisions for trade in live African elephants, depending on the country of origin. Lack of uniform criteria concerning the trade in live African elephants undermines the implementation and enforcement of CITES.
5. Resolution Conf. 10.10 (Rev. CoP18) is the most comprehensive CITES resolution concerning trade in elephant specimens, but has currently no provision regarding the specific issue of trade in live wild-caught African elephants.
6. In 2003, the IUCN-SSC African Elephant Specialist Group (AfESG) stated that: “Believing there to be no direct benefit for *in situ* conservation of African elephants, the African Elephant Specialist Group of the IUCN Species Survival Commission does not endorse the removal of African elephants from the wild for any captive use”.<sup>4</sup> This position was reaffirmed at the AfESG meeting in Pretoria, South Africa in July

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<sup>1</sup> The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

<sup>2</sup> Annotation 2. b) <https://www.cites.org/eng/app/appendices.php#ftnt2>

<sup>3</sup> These include non-detriment findings by importing and exporting Parties, a legal acquisition finding, and welfare requirements.

<sup>4</sup> <https://www.iucn.org/ssc-groups/mammals/african-elephant-specialist-group/afesg-statements/removal-african-elephants-captive-use>

2019.<sup>5</sup>

7. At SC69 (69<sup>th</sup> meeting of the Standing Committee, Geneva, Switzerland, November 2017), Burkina Faso and Niger, on behalf of several NGOs, submitted an Information Document (SC69 Inf. 36)<sup>6</sup> entitled *Challenges to CITES regulation of the international trade in live, wild-caught African elephants*. The document presents a detailed analysis of the legal implications, biological impacts and welfare outcomes of the trade in live African elephants and includes a number of case studies. It concludes that, emergencies aside, the only recipients that should be regarded as “appropriate and acceptable” for wild-caught African elephants are *in situ* conservation programmes or secure areas in the wild within the species’ natural range.
8. The African Elephant Coalition (AEC), representing 30 African elephant range States, held a Summit in Addis Ababa from 1-3 June 2018<sup>7</sup>. Among several pertinent issues discussed concerning the protection of elephants were the continued international trade of live wild elephants and the conditions under which these animals were caught and traded. The AEC reaffirmed its position that the only “appropriate and acceptable” destinations for live wild elephants are *in situ* conservation programmes within their natural range.

### **Outcomes from CoP18**

9. At the 18<sup>th</sup> meeting of the Conference of the Parties (CoP18, Geneva, August 2019), Parties agreed to amend Resolution Conf. 11.20 (Rev. CoP17) so that the only recipients that should be regarded as “appropriate and acceptable” for African elephants taken from the wild in Botswana and Zimbabwe are “in situ conservation programmes or secure areas in the wild within the species’ natural and historical range in Africa” (this restriction already applies to Namibia and South Africa through direct language in the Appendix II listing annotation). The only exceptions to this are “*exceptional circumstances where, in consultation with the Animals Committee, through its Chair with the support of the Secretariat, and in consultation with the IUCN elephant specialist group, it is considered that a transfer to ex-situ locations will provide demonstrable in-situ conservation benefits for African elephants*” and “*temporary transfers in emergency situations*”.
10. Parties also adopted Decision 18.153, which states that “*the Secretariat shall consult with Parties whose elephants are listed in Appendix II and who have exported wild caught elephants to a non-elephant range State since CoP11 on their implementation of Resolution Conf. 11.20 on Definition of the term ‘appropriate and acceptable destinations’, in particular considering the role and responsibility of the State of export in Article IV and Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings, and provide the information received to the Animals Committee, for its consideration*”.

### **Matters considered by the Animals Committee AC31**

11. In accordance with Decision 18.153, on 17 April 2020, the Secretariat wrote to countries whose elephant populations are included in Appendix II and who had exported wild caught specimens to a non-African elephant range State since CoP11, requesting that these Parties submit information to the Secretariat on their implementation of Resolution Conf. 11.20. Responses to the CITES Secretariat’s request were received from Namibia, South Africa and Zimbabwe prior to the Animals Committee’s 31st meeting (AC31, Online, May-June 2021). No response was received from Botswana.
12. In response to the Secretariat’s letter, Namibia confirmed that Resolution Conf. 11.20 had not been considered because all exports of live African elephants from Namibia to non-range States were undertaken under the provisions of Article III and not Article IV. Namibia further stated that there have been “*no exports of live wild-caught elephants to non-elephant range States other than those which took place between 2000 and 2018*”. Namibia stated that “*Resolution Conf. 16.7 was also taken into consideration during these transactions whereby assessments were conducted prior to the exports, to ensure that export does not pose any detrimental effect to the survival of the species in the wild*”.<sup>8</sup>

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5 Balfour, D., Thouless, C., Maisels, F., Ferreira, S., Skinner, D., Dublin, H., Sebogo, L., Selier, J., Okita-Ouma, B. & Slotow, R. 2019. (Compiled and edited) *Proceedings of the 8th Meeting of the IUCN/SSC African Elephant Specialist Group, 14-19 July 2019, Pretoria, South Africa*. Unpublished report. 159 pp.

6 <https://cites.org/sites/default/files/eng/com/sc/69/inf/E-SC69-Inf-36.pdf>

7 AEC member countries present at the Summit were: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Republic of Congo, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Mali, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Togo, and Uganda.

8 [https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-50\\_0.pdf](https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-50_0.pdf)

13. Burkina Faso and Niger submitted Doc. 18.2 to AC31 (31<sup>st</sup> meeting of the CITES Animals Committee, online, 31 May-24 June 2021), providing information on exports from four countries involved in the trade in live African elephants since 2010 - Zimbabwe, Namibia, Eswatini and Tanzania - with the aim of informing discussions by the Animals Committee pertaining to Decision 18.155, as well as its consideration of Decision 18.153.
14. Following the postponement due to the COVID-19 pandemic of AC31, that had been scheduled to take place from 13-17 July 2020, the Committee took intersessional decisions<sup>9</sup>, including the establishment of an intersessional working group on the definition of the term “appropriate and acceptable destinations”. At AC31, the Animals Committee continued to work on the definition of the term “appropriate and acceptable destinations”, through the establishment an in-session working group.
15. At the conclusion of AC31, the Animals Committee adopted the following recommendations:
  - a) The Committee agreed to submit the non-binding guidance for determining whether a proposed recipient of a living specimen of African elephant and/or southern white rhinoceros is suitably equipped to house and care for it, as amended in Annex 2 to document AC31 Com. 2,<sup>10</sup> to the Standing Committee for consideration and possible endorsement.
  - b) The Committee agreed to submit the non-binding best practice guidance on how to determine whether “*the trade would promote in situ conservation*”, as amended in Annex 1 to document AC31 Com. 2, to the Standing Committee at its 74<sup>th</sup> meeting for further discussion and, if appropriate, modification and onward submission to the 19<sup>th</sup> meeting of the Conference of the Parties.
  - c) The Committee further agreed to refer the following concerns to the Standing Committee for its advice and recommendations, as appropriate:
    - i) Namibia’s interpretation of its exports of live African elephants to non-range States outlined in paragraph 7 of document AC31 Doc. 18.1, Addendum 1, and
    - ii) Zimbabwe’s reservation submitted following the changes adopted at the 18<sup>th</sup> meeting of the Conference of the Parties in Resolution Conf. 11.20 (Rev. CoP18) on *Definition of the term ‘appropriate and acceptable destinations’* and the export of live elephants occurring in 2019 as outlined in paragraph 9 of document AC31 Doc. 18.1, Addendum 1, while noting discrepancies between document AC31 Doc. 18.2 and the response provided by Zimbabwe in Annex 3 to document AC31 Doc. 18.1.

#### **Outcomes from Standing Committee SC74**

16. Burkina Faso presented an Information Document to the 74<sup>th</sup> meeting of the Standing Committee (SC74, Lyon, March 2022), containing in Annex 1 a legal opinion on CITES rules on exports of live African elephants from Namibia<sup>11</sup>, with the aim of contributing to the discussions of the Standing Committee on the legality of Namibia’s interpretation of its exports of African elephants to non-range States. The findings of the legal opinion are as follows:

*Namibia’s elephant population is listed in CITES Appendix II, subject to annotation 2. The annotation clearly states that it allows trade in live elephants from Namibia exclusively for in situ conservation programmes, but by inference not to other locations or for any other purpose. Any previous or future export of live wild-caught elephants from Namibia to a destination outside the natural range of the species therefore does not comply with the provisions of CITES.*

*The last paragraph of annotation 2 does not apply to live wild-caught specimens and any interpretation implying that live elephants may be exported from Namibia to ex situ locations is contrary to CITES and the fundamental principles of interpretation of treaties.*

*In conclusion, given that Namibia’s elephant population is listed in CITES Appendix II, which is subject to a legally binding restriction on live trade, in force since 2003, limiting such trade to in situ*

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<sup>9</sup> Notification No. 2020/057 of 22 September 2020

<sup>10</sup> <https://cites.org/sites/default/files/eng/com/ac/31/com/E-AC31-Com-02.pdf>

<sup>11</sup> <https://cites.org/sites/default/files/eng/com/sc/74/Inf/E-SC74-Inf-15.pdf>

*conservation programmes only, exports of live wild-caught elephants from Namibia should only be permissible to destinations within the natural range of the species.*

17. The Animals Committee presented its report to the Standing Committee in SC74 Doc. 50.<sup>12</sup>
18. On 6 March 2022, just one day before the start of SC74, the Namibian Ministry of Environment, Forestry and Tourism confirmed<sup>13</sup> that it had completed an export of 22 wild caught elephants to unspecified zoos in the United Arab Emirates (UAE). One of the recipients is Al Ain Zoo which is facing sanctions from the European Association of Zoos and Aquaria (EAZA) and possible expulsion from the World Association of Zoos and Aquariums (WAZA) as a result of the import (see below).<sup>14</sup> The other destination is understood to be Sharjah Safari Park.<sup>15</sup>
19. During SC74, a number of Standing Committee members and observer Parties expressed deep concerns about Namibia's exports of live wild-caught African elephants carried out under Article III of CITES, despite Namibia's elephants being listed in Appendix II, questioning their legality and highlighting a grave lack of transparency in the export of March 2022. In its public statement criticizing the export, EAZA expressed its concern about *"the **extreme lack of transparency** (...) both from the side of the importing facilities as well as from the authorities of the exporting and importing countries"* (emphasis added, see below).<sup>16</sup>
20. Following the discussions at SC74, the Standing Committee agreed to propose a number of draft decisions to CoP19 to replace Decisions 18.152 to 18.165.<sup>17</sup> The Committee also "noted the concerns raised about the export of live African elephants by Namibia and Zimbabwe **and invited Parties to propose to the Conference of the Parties a clear legal framework for trade in live African elephants**"<sup>18</sup> (emphasis added).

#### Exports of live elephants from Africa since 2010

21. An analysis of data from the CITES trade database, and including the exports that took place in October 2019 from Zimbabwe and March 2022 from Namibia (referenced in more detail below), reveals that since 2010, the overwhelming majority of live, wild-caught elephants exported from Africa came from Zimbabwe (144 elephants); followed by Namibia (46); Eswatini - formerly Kingdom of Swaziland (17); and Tanzania (9). Most of the elephants were imported by China (147). The other importing countries were Mexico (18), United States of America (17), Cuba (6), United Arab Emirates (26) and The Republic of Korea (South Korea; 2).

#### **Zimbabwe**

22. According to the CITES trade database between 2012 and the end of 2019, Zimbabwe exported 140 juvenile, wild-caught elephants to China, and 4 to the UAE. Of these, some 22 are now dead or presumed to be dead.<sup>19</sup> Reports indicate that many others have died in the process of capture and preparation for export; the details provided in the text below were obtained from a variety of media and investigative reports cited in this document. The exports in 2019 took place after the amendment of Resolution 11.20 (CoP18) had been agreed by Parties, in which they clearly interpreted "appropriate and acceptable destinations" to mean only *in situ* conservation programmes or secure areas in the wild, within the species' natural and historical range in Africa.
23. Since 2012, the pattern for the capture and exports of African elephants from Zimbabwe has been the same – juvenile elephants ranging in age from two years or less (as appeared to be the case with the October

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<sup>12</sup> [https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-50\\_0.pdf](https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-50_0.pdf)

<sup>13</sup> <https://www.namibian.com.na/6218539/archive-read/22-elephants-exported-to-United-Arab-Emirates>

<sup>14</sup> <https://www.waza.org/news/position-statement-on-export-of-wild-african-elephants/>; <https://www.eaza.net/assets/Uploads/EAZA-Documents-Other/2022-3-Elephant-import-AIAin-EAZA-response.pdf>; <https://www.nationalgeographic.com/animals/article/namibia-wild-elephant-sales-draw-global-condemnation>

<sup>15</sup> <https://news.mongabay.com/2022/04/export-of-elephants-to-uae-drags-namibia-wildlife-policy-into-the-spotlight/>

<sup>16</sup> <https://www.eaza.net/assets/Uploads/EAZA-Documents-Other/2022-3-Elephant-import-AIAin-EAZA-response.pdf>

<sup>17</sup> <https://cites.org/sites/default/files/eng/com/sc/74/exsum/E-SC74-Sum-07.pdf>

<sup>18</sup> SC74, Executive Summary 7. <https://cites.org/sites/default/files/eng/com/sc/74/exsum/E-SC74-Sum-07.pdf>

<sup>19</sup> <https://cites.org/sites/default/files/eng/com/ac/31/Docs/E-AC31-18-02.pdf>, para 8

2019 exports)<sup>20</sup> to seven years are captured from wild herds within Zimbabwe's Hwange National Park. If the age estimates of the youngest elephants in this range – less than two years old – were accurate, this is younger than the age of weaning (see the sections on the 2012 and 2017 exports below) and therefore removal from their families would be life-threatening. The method of capture relies on shooters darting young elephants from a helicopter. The helicopter is then deployed to drive away the rest of the herd as a ground crew moves in to winch the sedated elephants onto trailers before the herd returns. The young elephants are then loaded into waiting crates and trucked to pens at a holding facility near Hwange's Main Camp, and quarantined for a few months before being flown on a cargo plane to China or UAE.<sup>21</sup> Once in China, after another few months at a quarantine facility, they are separated and sent to a variety of zoos, animal parks and circuses across the country.<sup>22</sup> In the UAE, the elephants were put on display at Dubai Safari Park.<sup>23</sup>

24. A lack of transparency characterized all the exports. The capture and transportation have always been conducted in secrecy, and there have been reports that high-level government officials in Zimbabwe have used the proceeds to pay off government debts.<sup>24</sup> Most of the information available (photographs, video footage and written materials) has come from undercover investigations, further illustrating the opaque, sensitive and secret nature of these transactions.

## **Namibia**

25. In 2012 and 2013, Namibia exported 24 wild-caught elephants to Mexico (18) and Cuba (6) respectively.<sup>25</sup> Analysis of the exports to Mexico reveals a discrepancy between the export and import data – Namibia registered an export of nine elephants while Mexico claimed it received 18 individuals.
26. In May 2017, Namibia issued CITES permits to export five elephant calves to Dubai Safari Park in the UAE, under Article III rules. The sale was reportedly abandoned by the Namibian Ministry of Environment and Tourism after capture but prior to transportation because the seller of the elephants had not met the regulations for capture and transportation and there were doubts as to whether Dubai Safari Park was suitably equipped to house and care for them.<sup>26</sup>
27. Pakistan first attempted to import 2 elephants for the Lahore Zoo from Namibia in late 2019, and then decided against it.<sup>27</sup>
28. On 2 December 2020, Namibia's Ministry of Environment, Forestry and Tourism announced its intention to offer 170 wild elephants for auction to domestic or international bidders, subject to them meeting certain criteria.<sup>28</sup> The announcement by Namibia triggered concerns expressed in the international media, a global citizen's petition condemning the sale which attracted over 100,000 signatures, and criticism from conservation NGOs.<sup>29</sup> In response, the CITES Secretariat issued a public statement on 8 September 2021, which it then revised on 17 September 2021, providing "background information" on the trade in live African elephants under Articles III and IV of CITES and confirming that Namibia intended to export its

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20 Cruise, A. 2020. *in email exchanges with elephant experts: Lindsay, K (Amboseli Trust for Elephants) & Poole J. (Elephant Voices), January 2020*

21 Cruise, A. & Russo, C. 2017. *Exclusive: footage shows young elephants being captured in Zimbabwe for Chinese zoos. The Guardian, 3 October, 2017. <https://www.theguardian.com/environment/2017/oct/03/exclusive-footage-shows-young-elephants-being-captured-in-zimbabwe-for-chinese-zoos>*

22 Russo, C. & Cruise, A. 2015. *Zimbabwe ships wild elephants to wildlife parks in China. The Guardian, December 2016. <https://www.theguardian.com/environment/2016/dec/23/zimbabwe-ships-live-elephants-to-wildlife-parks-in-china>*

23 Saseendran, S. 2018. *Four African elephants arrive at Dubai Safari. Gulf News, 19 June 2018. <https://gulfnews.com/business/tourism/four-african-elephants-arrive-at-dubai-safari-1.2239178>*

24 Graham, S. 2016. *Grace Mugabe pays military debt to China with 35 elephant calves. The Times, 26 December 2016. <https://www.thetimes.co.uk/article/zimbabwark-to-settle-mugabe-debt-vww9ctqrb>*

25 CITES Trade Database, 2012-2013, exporting country: Namibia, taxon: *Loxodonta africana*.

26 Smit, E. 2017. *Court order sought over elephants. Namibian Sun, 24 October 2017. <https://www.namibiansun.com/news/courtorder-sought-over-elephants/>*

27 SAMAA. 2019. *Animal rights groups move court against import of elephants. Samaa Digital, 2 December 2019. <https://www.samaa.tv/news/2019/12/animal-rights-groups-move-court-against-import-of-elephants/>*

28 <https://www.theguardian.com/world/2020/dec/03/namibia-to-auction-170-wild-elephants-saying-rising-numbers-threaten-people> ; <https://www.reuters.com/article/us-namibia-elephants-idUSKBN28C2TH>

29 <https://www.namibiansun.com/news/elephant-exports-reported-to-cites2021-08-17> <https://news.mongabay.com/2021/01/namibia-to-sell-off-wild-elephants-in-controversial-auction/>

elephants under Article III (applicable to Appendix I listed species).<sup>30</sup>

29. On 6 March 2022, Namibia issued a formal statement<sup>31</sup> confirming the export of 22 live wild-caught African elephants to a zoo in the UAE. All 22 elephants were captured from the sparsely settled Kamanjab commercial farming area. According to a report in 2021,<sup>32</sup> this area is part of the semi-desert Kunene Region in north-west Namibia where elephant numbers are dangerously low. This threatened status is mainly due to repeated droughts and to ongoing human-induced disruptions such as trophy hunting, persecution and encroachment into natural habitat by farming activities. Of major concern are the extremely low numbers of breeding bulls and high infant mortality rate (reportedly 100% since 2014) of the population in this arid area of the Kunene Region.<sup>33</sup>
30. Several of the captured females were believed to be pregnant, with at least two calves born while awaiting export.<sup>34</sup>
31. On 4 March 2022, the World Association of Zoos and Aquariums' (WAZA) issued a public statement on these exports, indicating that, *"based on a review of the information provided, WAZA has not been able to determine that the requirements of WAZA's Code of Ethics are met"* and that *"the WAZA Council may impose penalties"* that *"range from a reprimand to expulsion from the Association"*.<sup>35</sup>
32. On 6 March 2022, in its public statement confirming that elephants from Namibia had been sent to zoos in the UAE, including Al Ain Zoo, the European Association of Zoos and Aquaria (EAZA), of which Al Ain Zoo is a member, declared that it had *"been consistently and firmly against this import"*, and that *"the EAZA Ex situ Programme (EEP) for African elephants opposes the inclusion of the elephants from this import into the EEP population"*. EAZA further stated it *"is reviewing the appropriate disciplinary measures, reflecting on the factual situation and the seriousness of the breach of procedures"*. More importantly, EAZA explained that *"while it is true that in some situations moving of wild caught animals into zoos or aquariums can make a difference to the long-term survival chances of a species, **we have been clear that no such justification exists for African elephant at present, ..."*** (emphasis added). As noted above, EAZA also expressed concerns regarding *"the extreme lack of transparency related to the import both from the importing facilities as well as from the authorities of the exporting and importing countries"*.<sup>36</sup>
33. Exports from Namibia were conducted under an Appendix I listing, despite the fact that elephants in Namibia are listed in Appendix II. The annotation for the Appendix II listing specifies that trade in live elephants from Namibia is strictly for *"in situ conservation programmes"*, *i.e.* no live elephants may be exported beyond their natural range.
34. On Wednesday 9 March 2022, the Standing Committee examined SC74 Doc. 50, and in particular it discussed Namibia's recent exports of live wild-caught African elephants. Senegal, Burkina Faso, Congo, Gabon, Guinea, Kenya, the United Kingdom, the European Union (on behalf of its Member States), Israel and Oceania raised concerns regarding these exports, the lack of transparency of these transactions and the inconsistency of international rules on trade in live elephants from Appendix I or Appendix II-listed populations.<sup>37</sup>
35. Namibia's use of Article III rather than Article IV for the export of wild-caught elephants listed on Appendix II highlights the problematic interpretation and implementation of the CITES Appendices for species with a split-listing such as the African elephant, and more specifically reveals a serious lack of clarity of the international legal framework on trade in live, wild-caught African elephants.

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30 [https://cites.org/eng/Statement\\_trade\\_elephants\\_CITES\\_articles3\\_4\\_17\\_sep\\_17092021](https://cites.org/eng/Statement_trade_elephants_CITES_articles3_4_17_sep_17092021)

31 <https://www.ffw.ch/wp-content/uploads/2022/03/Statement-MEFT.pdf>

32 <https://africanelephantjournal.com/investigation-of-live-elephants/>

33 <https://africanelephantjournal.com/investigation-of-live-elephants/>

34 <https://www.nationalgeographic.com/animals/article/namibia-wild-elephant-sales-draw-global-condemnation>

35 <https://www.waza.org/news/position-statement-on-export-of-wild-african-elephants/>

36 <https://www.eaza.net/assets/Uploads/EAZA-Documents-Other/2022-3-Elephant-import-AlAin-EAZA-response.pdf>

37 <https://www.nationalgeographic.com/animals/article/namibia-wild-elephant-sales-draw-global-condemnation>

## Eswatini

36. Eswatini exported 17 elephants under its Appendix I listing to the United States of America in March 2016 (it had previously exported 11 elephants to two US zoos in 2003). The elephants exported in 2016 went to three US zoos: Dallas Zoo, Texas; Sedgwick County Zoo, Kansas; and Henry Doorly Zoo, Nebraska. The group included 11 juvenile females, three juvenile males and three adult females.<sup>38</sup> One juvenile died in December 2015 prior to transportation while a pregnant female gave birth at the Dallas Zoo just two months after arrival. The export of a near term pregnant elephant goes against the International Air Transport Association's (IATA) Live Animals Regulations, which discourage transport of mammals in the last third of pregnancy unless for medical purposes. In September 2017, the Henry Doorly Zoo reported that one of the imported juvenile male elephants had died. This elephant had arrived at the zoo with a broken ankle. He died under anaesthesia during a procedure to address a problem with a cracked tusk that began shortly after his arrival at the zoo.<sup>39</sup>

## Tanzania

37. In 2011, Tanzania exported seven elephants to China and two to the Republic of Korea, although there are no importer records of these transactions. Tanzania's elephants are listed in Appendix I. Little else is known of these exports or what became of the elephants.

### Concerns regarding capture and trade of wild-caught African elephants for captivity purposes

38. The African elephant is a charismatic and iconic species with strong local and international support for its protection. Serious concern has been expressed by elephant scientists and experts, African elephant range States, the general public and others about the negative welfare impacts caused by capture of young elephants from wild herds for the purpose of export to captive facilities outside its natural range, such as zoos and circuses. Elephants are extremely intelligent, sentient animals, with a cohesive social structure including strong family bonds that can last a lifetime. Young elephants are highly dependent on their mothers and other family members to acquire necessary social and behavioural skills that equip them to meet life's challenges. Male calves voluntarily leave their natal families at 12 to 15 years of age and join male-bonded social groups, while females remain with their kin for life. Disruption of these bonds when animals are removed from their herds is physically and psychologically traumatic for both the captured animals and those remaining in their natural habitat, and causes lifelong behavioural, emotional and/or psychological scars.<sup>40</sup> Moreover, morbidity and mortality of calves in the process of capture and transfer to captive facilities is common.
39. Capture of young elephants from their families in situ and movement to ex situ captive facilities has no conservation value for the in situ population.<sup>41</sup> The argument that exports alleviate local population pressure is false. Removal of young elephants would not significantly reduce the supposed habitat pressures posed by the wild population, and in fact the remaining traumatized herd may develop abnormal behaviour,<sup>42</sup> increasing the risk of Human Elephant Conflict.<sup>43</sup> Therefore, the removal of young elephants may have negative conservation consequences on the remaining in situ resident population. There is strong evidence that human-induced trauma, such as from poaching,<sup>44</sup> culling<sup>45</sup> or translocation, causes long-lasting (multi decadal) chronic stress in elephants.<sup>46</sup>

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38 Russo, C. 2016. U.S. says yes to importing 18 elephants from Swaziland. *National Geographic*, 22 January 2016 <https://www.nationalgeographic.com/news/2016/01/160122-Swaziland-Elephants-Import-US-Zoos/>

39 SC69 Inf. 36. *op.cit.*

40 Shannon, G., Slotow, R., Durant, S. M., Sayialel, K. N., Poole, J., Moss, C., & McComb, K. 2013. Effects of social disruption in elephants persist decades after culling. *Frontiers in Zoology*, 10(1): 62. doi:10.1186/1742-9994-10-62

41 Balfour, D., Thouless, C., Maisels, F., Ferreira, S., Skinner, D., Dublin, H., Sebogo, L., Selier, J., Okita-Ouma, B. & Slotow, R. 2019. (Compiled and edited) *Proceedings of the 8th Meeting of the IUCN/SSC African Elephant Specialist Group, 14-19 July 2019, Pretoria, South Africa. Unpublished report. 159 pp.*

42 Shannon et al. 2013. *op.cit.*

43 Slotow, R., Whyte, I., Hofmeyr, M., Kereley, H.I., Conway, T. & Scholes, R.J. 2008. *Lethal management of elephants. in: Scholes, R.J. & Mennell, K.G. (Eds.) Elephant management: A scientific assessment for South Africa. Wits University Press.*

44 Gobush, K.S., Mutayoba, B.M. & Wasser, S.K. 2008. Long term impacts of poaching on relatedness, stress physiology, and reproductive output of adult female African elephants. *Conservation Biology*, 22:1590-1599. DOI: 10.1111/j.1523-1739.2008.01035.x

45 Slotow et al. 2008. *op.cit.*

46 Jachowski, D.S., Slotow, R. & Millspaugh, J.J. 2012. Physiological stress and refuge behaviour by African elephants. *PLoS One*, 7(2): e31818. doi:10.1371/journal.pone.0031818

40. Furthermore, a living elephant remaining in situ has the potential to generate well over US\$1.5 million through tourism in its lifetime<sup>47</sup>. Furthermore, emerging evidence from researchers at the International Monetary Fund estimates the carbon-sequestration value of individual forest elephants over their lifetimes at more than US\$1.75 million (at 2020 carbon market prices) which could be realised for the benefit of local communities, with a strong expectation that savanna elephants will have a similar potential value.<sup>48</sup> These sums contrast with the proceeds from the export of a live elephant to an ex situ location, which is as little as US\$40-60,000<sup>49</sup> - excluding the costs of capture. Removing the possible income from tourism generated by wild elephants and their potential carbon sequestration value away from the local population appears to contradict the Convention on Biological Diversity's Goal 2.1 concerning protected areas – "To promote equity and benefit sharing".<sup>50</sup>
41. It has been well documented that elephants adapt poorly to captivity.<sup>51</sup> The overall infant mortality rate for elephants in zoos is 40 percent<sup>52</sup> – nearly triple the rate of free ranging Asian and African elephants. Elephants in captivity often display behavioural abnormalities and die prematurely of diseases and disabilities caused by captive conditions. Research has shown that bringing elephants into captivity such as in zoos – particularly at a very young age, with no care-giving adult relatives - has profound impacts on their physical and psychological health and viability.
42. The conditions in any *ex situ* destination for live African elephants, whether they are listed in Appendix I or Appendix II, should as a minimum fully provide for their physical, behavioural, social and environmental needs and involve minimum disruption to social groupings and natural, normal behaviour, as found in *in situ* locations.
43. Evidence from studies of elephant biology demonstrates that no *ex situ* captive facility is currently able to meet the social and behavioural needs of wild-caught elephants. For captive facilities to satisfy the basic needs of elephants, they must be prepared to provide the space and habitat complexity required to allow wild-caught African elephants to display normal, continuous movement and searching behaviour for food and to sustain physical fitness. The spatial extent of an *ex situ* facility that would meet these requirements must be in the order of tens or, ideally, hundreds of square kilometres, in a climatic zone that allows year-round and 24-hour activity. Social groups must be formed voluntarily by the elephants, and should address the needs of females and males, adults and juveniles; again, sufficient space is required to allow acceptance or avoidance of potential companions, and the maintenance of family and bachelor groups. These requirements are exceedingly costly to provide and to maintain on a sustainable basis.
44. For this reason, the only 'appropriate and acceptable destination' for African elephants would be an *in situ* location within the species' natural and historical range.<sup>53</sup>

#### Lack of uniform criteria concerning the trade in live wild-caught African elephants

45. African elephant populations listed in Appendix I may only be traded under the provisions of Article III of CITES. Therefore, live African elephants may only be exported if an export and an import permit are granted. The import permit can only be issued if, *inter alia*, a scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it, and a management authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes (Article III paragraphs 3 (b) and (c)).

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47 *Sheldrick Wildlife Trust. 2019. Elephants financially worth 76 times more alive than dead. iWorry Campaign online report. <https://www.sheldrickwildlifetrust.org/news/updates/elephants-financially-worth-76-times-more-alive-than-dead>*

48 <https://www.imf.org/external/pubs/ft/fandd/2020/12/how-african-elephants-fight-climate-change-ralph-chami.htm>

49 *Russo, C. 2015. Undercover photos: Plight of Zimbabwe's captured baby elephants. National Geographic, March 9, 2015. <https://www.nationalgeographic.com/news/2015/03/150309-baby-elephants-zimbabwe-export-mugabe-wildlife-trafficking/>*

50 *Convention on Biological Diversity. 2008. Goal 2.1: To promote equity and benefit-sharing. <https://www.cbd.int/programmes/pa/pow-goal-21.pdf>*

51 *Clubb R. & Mason G. 2002. A Review of the Welfare of Zoo Elephants in Europe. RSPCA Report, University of Oxford; Clubb R., Rowcliffe M., Lee Ph., Mar K.U., Moss C. & Mason G. (2009) Compromised survivorship in zoo elephants. *Science*, 322: 1649. DOI: 10.1126/science.1164298*

52 *Saragusty, J., Hermes, R., Göritz, F., Schmitt, D.L., & Hildebrandt, T.B. 2009. Skewed birth sex ratio and premature mortality in elephants. *Animal Reproduction Science*, 115:247–254*

53 *Lindsay, W.K. 2020. Species-specific guidance for African elephants. Response to the request from CITES Secretariat on Implementation of Decision 18.155 on Definition of 'appropriate and acceptable destinations' prepared on behalf of Fondation Franz Weber, David Shepherd Wildlife Foundation, and Human Society International (April 15, 2020)*

46. The term “primarily commercial purposes” is defined in Resolution Conf. 5.10 (Rev. CoP15). The annex to that resolution provides several examples of categories of transactions in which the non-commercial aspects may or may not be predominant.<sup>54</sup> In particular, transactions which serve a scientific, educational or training purpose are generally considered not to be primarily commercial and are therefore allowed. This justification is applied, generally, to exports of live wild-caught animals to zoos or safari parks, even outside of Africa, despite the fact that most such facilities operate in an overtly commercial manner.
47. The populations of *Loxodonta africana* listed in Appendix II (Botswana, Namibia, South Africa and Zimbabwe) are subject to annotation 2, which specifically limits “*trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20 (Rev. CoP18), for Botswana and Zimbabwe and for in situ conservation programmes for Namibia and South Africa*” (annotation 2 b)).
48. The last paragraph of annotation 2 provides that “*all other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly*”. Namibia has interpreted this paragraph to mean that exports of live wild-caught African elephants from Namibia can be carried out under the rules of Article III of CITES (Appendix I), even though Namibian elephants are listed in Appendix II and should only be sent to “*in situ conservation programmes*”. This interpretation is subject to intense legal debate and has been challenged by Parties and observers, and specifically by Burkina Faso in SC74 Inf. Doc. 15.<sup>55</sup>
49. Currently, live wild-caught African elephants are subject to three different sets of rules under CITES, depending on their country of origin. It is important to note that elephants are a highly migratory species and that their transboundary nature, especially in the region of north-eastern Namibia, northern Botswana, southwestern Zambia, south-eastern Angola and north-western Zimbabwe, implies that the legal framework applicable to the same elephant might change several times in the course of its migration.
50. The lack of uniform criteria concerning the trade in live wild-caught African elephants, as well as the legal debate on the interpretation of annotation 2, imply a great level of legal uncertainty, a lack of clarity, and create difficulties in the implementation of CITES. This situation further undermines the conservation of African elephants as demonstrated by the debates at AC31 and SC74 over the export (or planned export) of live wild-caught elephants from Namibia to *ex situ* destinations.

## Conclusions

51. According to the CITES trade database and the latest reports, since 2010 the exports of wild-caught live African elephants have predominantly originated from Zimbabwe and Namibia, both of whose populations are listed in Appendix II. Namibia has carried out its exports under the provisions of Article III of CITES, using a controversial interpretation of the last paragraph of the annotation 2 to the African elephant listing in Appendix II. By contrast, Zimbabwe has carried out its exports under Article IV (which regulates Appendix II listed species), claiming that the destinations for the elephants it has exported met the ‘appropriate and acceptable’ requirement detailed in Annotation 2 and Resolution Conf. 11.20 (Rev. CoP18).
52. Both the AfESG<sup>56</sup> and the AEC have stated that exports of African elephant to *ex situ* captive facilities have no *in situ* benefit for the conservation of the species. The CITES Conference of the Parties itself agreed at its 18<sup>th</sup> meeting that the only recipients that should be regarded as “appropriate and acceptable” for African elephants caught from the wild from Botswana and Zimbabwe are “*in situ conservation programmes or secure areas in the wild within the species’ natural and historical range in Africa*”.<sup>57</sup> Meanwhile, exports of live elephants from Namibia and South Africa had already been restricted to *in situ* conservation programmes under annotation 2 since CoP12 in 2002.<sup>58</sup>
53. African elephants are highly social migratory animals which fare very poorly in captivity. Evidence from elephant biology demonstrates that no *ex situ* captive facility is currently able to meet the physical,

54 <https://cites.org/eng/res/05/05-10R15.php>

55 <https://cites.org/sites/default/files/eng/com/sc/74/Inf/E-SC74-Inf-15.pdf>

56 Balfour, D., Thouless, C., Maisels, F., Ferreira, S., Skinner, D., Dublin, H., Sebogo, L., Selier, J., Okita-Ouma, B. & Slotow, R. 2019. (Compiled and edited) *Proceedings of the 8th Meeting of the IUCN/SSC African Elephant Specialist Group, 14-19 July 2019, Pretoria, South Africa. Unpublished report. 159 pp.*

57 Resolution Conf. 11.20 (Rev. CoP18)

58 [https://cites.org/sites/default/files/eng/cop/12/Adopted\\_Amendments.pdf](https://cites.org/sites/default/files/eng/cop/12/Adopted_Amendments.pdf)

behavioural, social and environmental needs of wild-caught elephants. For this reason, the only option for 'suitably equipped' or 'appropriate and acceptable destinations' for African elephants should be an *in situ* location within the species' natural and historical range.<sup>59</sup>

54. The current lack of uniform criteria concerning the trade in live wild-caught African elephants, as well as the legal debate on the interpretation of annotation 2, imply legal uncertainty, lack of clarity and create difficulties in the implementation of CITES. This situation further undermines the conservation of African elephants.
55. A unified legal framework, limiting the exports of all live wild-caught African elephants to *in situ* conservation programmes and secure areas in the wild, within the species' natural and historical range, is therefore urgently needed. As Resolution 10.10 (Rev.CoP18) is the most comprehensive CITES resolution on trade in elephant specimens, the proposed amendments to the resolution in the Annex to this document are made in response to the invitation from the CITES Standing Committee, at its 74<sup>th</sup> meeting, to Parties to propose a clear legal framework for trade in live African elephants.<sup>60</sup>

#### Recommendations

56. The Conference of the Parties is requested to adopt the amendments to Resolution 10.10 (Rev.CoP18) proposed in the Annex to this document.

#### COMMENTS OF THE SECRETARIAT

- A. The Secretariat notes the overlapping nature of the matters addressed in documents CoP19 Doc. 66.4.1, submitted by Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Liberia, Niger, Senegal and Togo, and document CoP19 Doc. 66.4.2, submitted by the European Union and its Member States. The Secretariat welcomes the two documents and appreciates the proponents' efforts to contribute to clarifying the conditions for an unambiguous legal framework for trade in live African elephants. The Secretariat draws the attention of the Parties to the importance of finding common ground, bringing all the Parties concerned together and building consensus around a technical and evidence-based deliberation that is aligned with the fundamental principles of the Convention as stated in Article II.
- B. The Secretariat notes the complexities concerning the conditions for a clear legal framework for trade in live African elephants and is of the opinion that further discussion on this matter would be beneficial. The Secretariat believes that the amendments to Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*, as proposed in document CoP19 Doc. 66.4.1, would preclude such a discussion. The Secretariat therefore recommends that the Conference of the Parties do not adopt the amendments to Resolution Conf. 10.10 (Rev. CoP18) proposed in document CoP19 Doc. 66.4.1.
- C. The Secretariat is of the opinion that a discussion on reservations to annotations and the conditions for a clear legal framework for trade in live African elephants could be facilitated through the process proposed in document CoP19 Doc. 66.4.2, including the suggested CITES dialogue meeting for African elephant range States. The Secretariat therefore recommends that the Conference of the Parties adopt the proposed draft decision in Annex 1 of document CoP19 Doc. 66.4.2.
- D. In this context, the Secretariat would like to draw Parties' attention to document [CoP19 Doc. 88](#) on *Communications concerning amendments to the Appendices received by the Depositary Government after CoP18*. The content and recommendations in this document seem to address the issues raised in document CoP19 Doc. 66.4.2, notably the issue of the reservation to annotations and the safeguards to avoid references to Resolutions in annotations. As a result, paragraphs a) and b) of the proposed draft decision in Annex 1 to document CoP19 Doc. 66.4.2 may appear redundant and should be subsumed or taken into account under the discussion on agenda item 88 that is scheduled to take place earlier in the working programme.
- E. The Secretariat would also like draw Parties' attention to document [CoP19 Doc. 85.3](#), which has been submitted by the Chair of the Standing Committee in consultation with the Secretariat and which suggests

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<sup>59</sup> Lindsay, W.K. 2020. *Species-specific guidance for African elephants. Response to the request from CITES Secretariat on Implementation of Decision 18.155 on Definition of 'appropriate and acceptable destinations' prepared on behalf of Fondation Franz Weber, David Shepherd Wildlife Foundation, and Human Society International (April 15, 2020)*

<sup>60</sup> <https://cites.org/sites/default/files/eng/com/sc/74/exsum/E-SC74-Sum-07.pdf>

the development of a proposal on the feasibility and requirements for an informal review mechanism for existing and proposed annotations. The Secretariat notes the complementary contribution of the approach proposed in document CoP19 Doc. 66.4.2 to a potential informal review of existing and proposed annotations.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 10.10 (REV. COP18) ON  
TRADE IN ELEPHANT SPECIMENS

*The following new provisions in underlined text on trade in live wild-caught elephant specimens are proposed for inclusion in Resolution Conf. 10.10 (Rev. CoP18):*

**Preamble**

NOTING that the current annotation to the listing of the Appendix II populations of African elephant, adopted at the 14th meeting of the Conference of the Parties (The Hague, 2007) states, in part, “For the exclusive purpose of allowing trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20 (Rev. CoP18), for Botswana and Zimbabwe and for *in situ* conservation programmes for Namibia and South Africa”;

RECOGNIZING that elephants are highly social animals and that removal of elephants from their social groups disrupts wild populations and has detrimental effects on the physical, behavioural and social well-being of elephants removed from these groups;

NOTING that, in 2003, the IUCN-SSC African Elephant Specialist Group (AfESG) made the following statement: “Believing there to be no direct benefit for *in situ* conservation of African elephants, the African Elephant Specialist Group of the IUCN Species Survival Commission does not endorse the removal of African elephants from the wild for any captive use”.

AKNOWLEDGING the Addis Ababa Communiqué from the African Elephant Coalition Summit, 1-3 June 2018, in which 21 representatives of African elephant range States reaffirmed the position of the 30 African States in the Coalition that the only appropriate and acceptable destinations for live wild African elephants are *in situ* conservation programmes within their wild natural range;

NOTING that, at the 18th meeting of the Conference of the Parties (Geneva, 2019), Parties agreed that “where the term ‘appropriate and acceptable destinations’ appears in an annotation to the listing of *Loxodonta africana* in Appendix II of the Convention with reference to the trade in live elephants taken from the wild, this term shall be defined to mean *in situ* conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa, except in exceptional circumstances where, in consultation with the Animals Committee, through its Chair with the support of the Secretariat, and in consultation with the IUCN elephant specialist group, it is considered that a transfer to *ex-situ* locations will provide demonstrable *in-situ* conservation benefits for African elephants, or in the case of temporary transfers in emergency situations”;

FURTHER ACKNOWLEDGING that according to Resolution Conf. 11.20 (Rev. CoP18) the best way to promote *in situ* conservation of live wild African elephants is through *in situ* conservation programmes within their wild natural range;

*(Note: this text is intended to be added to the existing preamble)*

**Operative section**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

[...]

**Regarding trade in elephant specimens**

[...]

14. RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal trade in live elephants;

15. AGREES that trade in live African elephants taken from the wild should be limited to *in situ* conservation programmes or secure areas in the wild, within the species' natural and historical range in Africa.

TENTATIVE BUDGET AND SOURCE OF FUNDING  
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The Secretariat notes that a cost estimate is provided in document CoP19 Doc. 66.4.2.