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

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

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A.   Proposal

Amendment to Annotation 2 pertaining to the elephant populations of Botswana, Namibia, South Africa and Zimbabwe

Annotation 2 provides the following and the proposed amendments are shown in ~~strike through~~:

For the exclusive purpose of allowing:

a)   trade in hunting trophies for non-commercial purposes

b)   trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20 (Rev. CoP17), for Botswana and Zimbabwe and for in situ conservation programmes for Namibia and South Africa;

c)   trade in hides;

d)   trade in hair;

e)   trade in leather goods for commercial or non-commercial purposes for Botswana, Namibia, South Africa and Zimbabwe ~~and for non-commercial purposes for Zimbabwe;~~

f)   trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe;

g)   trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks and pieces) subject to the following:

  i)   only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);

  ii)   only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to   ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP17) concerning domestic manufacturing and trade;

  iii)   not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks;

  iv)   ~~raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12, which are 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa);~~

  v)   ~~in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be~~

~~traded and despatched, with the ivory in paragraph (g) iv) above, in a single sale per destination under strict supervision of the Secretariat;~~

    vi)   the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and

    ~~vii)   the additional quantities specified in paragraph g) v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; and~~

   ~~h)   no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 16.55 and 14.78 (Rev. CoP16).~~

On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

B.   <u>Proponent</u>

    Zimbabwe[*]

C.   <u>Supporting statement</u>

1.   <u>Taxonomy</u>

    1.1 Class: Mammalia

    1.2 Order: Proboscidea

    1.3 Family: Elephantidae

    1.4 Genus, species or subspecies, including author and year: *Loxodonta africana* (Blumenbach, 1797)

    1.5 Scientific synonyms:

    1.6 Common names: English: African elephant
                                French: éléphantd'Afrique
                                Spanish: elefanteafricano

    1.7 Code numbers: CITES A-115.001.002.001 (1984(1))

                                   ISIS 5301415001002001001

2.   <u>Overview</u>

This proposal seeks to amend the Annotation to the listing of the elephant populations of Botswana, Namibia, South Africa and Zimbabwe in Appendix II as elements of this Annotation are no longer relevant or not appropriate. Southern Africa has the largest population of the African elephant in the world. Despite the increasing threats faced by elephants, chief among them being habitat loss and poaching, the elephant populations of Southern Africa in general and the four countries named in this proposal specifically are secure and expanding. In southern Africa, four countries, Botswana, South Africa, Zambia, and Zimbabwe,

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[*] *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.*

have relatively large elephant populations and show either increasing trends or mild and non-significant declines recently (Chase et al, 2016)

There are more than ten sites in Southern Africa for Monitoring the Illegal Killing of Elephants (MIKE). Elephant carcass data from these sites can be used to calculate the Proportion of Illegally Killed Elephants (PIKE). For Southern Africa between 2007 and 2015 the PIKE values show an increasing trend, with a spike of 0.5 in 2011. Nevertheless, Southern Africa is the only region whose overall PIKE values have not risen above 0.5 since 2003 (CITES Secretariat, 2016). In response to the challenge of increased poaching of elephants and other wildlife, in 2015 the Southern African Development Community (SADC) Ministers responsible for environment and natural resources approved the SADC Law Enforcement and Anti-Poaching Strategy 2016-2021 (SADC, 2015) which most SADC Member States including the four countries specified in this proposal have domesticated through National Law enforcement and Anti-poaching Strategies and similar measures. Previously all populations of the African elephant were listed in CITES Appendix I since 1989; those of Botswana, Namibia and Zimbabwe were transferred to Appendix II in 1997 and South Africa's was transferred in 2000. In 2008, these four elephant range states conducted a one-off legal sale of 101,766 kg of raw ivory to approved trading partners in China and Japan (CITES, 2009; Wijnstekers, 2011) generating much needed revenue for elephant conservation and management.

Most state agencies responsible for conservation in Africa struggle to fund conservation. The African Elephant Fund was established as a funding mechanism for implementing the African Elephant Action Plan (AEAP) in 38 range states to ensure the secure future of African elephant populations and their habitat. Since March 2010 when the AEAP was adopted at the 15th meeting of the Conference of the Parties, implementation of agreed measures and obligations in range states has been slow due to funding constraints. Whilst the plan was developed in response to Decisions 14.75 to 14.79 of CITES CoP14 which envisioned a plan and a fund to assist with its implementation, range states continue to face serious challenges to fund conservation operations that secure elephants and their habitat. Despite the fact that the AEAP is fully owned and managed by the African elephant range States, priorities for implementation among them are understandably very different in Africa`s major 4 blocks namely East Africa, West Africa, Central Africa and Southern Africa. On this note, it is very important to recognize the heterogeneity and unique population trajectories of the African elephant across the continent. Each region has its own requirements based on the realities of the specific conservation challenges that it faces and the specific management needs and strategies that are needed to address those challenges.

When elephants mature and die naturally, their ivory is collected (mostly by park rangers) and officially registered to ensure traceability of every ivory piece and secured in government vaults whose records are monitored by responsible authorities. The same applies to elephants that have to be destroyed for management purposes such as during human-wildlife conflicts. It is such ivory, entirely produced through routine conservation management that can be disposed to responsible markets, generating revenue to fund implementation of national elephant management plans and anti-poaching strategies as well as supporting community-based initiatives for securing elephant habitat, dispersal areas and movement corridors.

The elephant populations of Botswana, Namibia, South Africa and Zimbabwe are an anomaly in CITES. These populations comprise around 256,000 elephants or 61.6% of all remaining elephants in Africa at the time that their continental status was reviewed most recently (Thouless *et al.* 2016). The populations of all four countries show increasing, stable and non-significant declines. Further, a quarter of a million elephants are being managed in the world's largest transfrontier conservation area, the Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA) 520 000km^2 France) by five countries (Angola, Botswana, Namibia, Zambia, Zimbabwe) to which the elephant populations of Botswana, Namibia and Zimbabwe contribute more than 80%. Movement corridors between the various national parks, conservancies, game reserves, state forests and hunting areas in the TFCA are being established or rehabilitated, strong cross border cooperation exists on law enforcement and anti-poaching and a long-term elephant conservation strategy for the TFCA is under development. The costs of these processes are high and beyond the reach of the participating governments[1].

Further resources and incentives are urgently needed to support the community conservation programmes of all four countries listed in this proposal but specifically also their community conservation programmes in the KAZA TFCA. Increasing elephant (and human) populations result in escalated human wildlife conflict and the costs of living with elephants and other wildlife cannot be allowed to exceed their benefits or important elephant habitat will be lost together with landscape connectivity. Botswana, Namibia, South Africa

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[1]   *Great appreciation is extended to partner countries, especially Germany, and organizations for external funds provided thus far. (External funds provide valuable additional support but never cover the recurrent costs of conservation).*

and Zimbabwe are engaged in several other important and impressive transfrontier and community conservation programmes that deserve equal mention e.g (Machena et al, 2017) but space here is limited.

Very little in CITES recognizes or supports any of this enormous achievement or serves to assist countries with large elephant populations to continue protecting them in the face of human population increases, infrastructure development and other changes in land use that erode wildlife habitat. CITES has acted as an inhibitor and not an enabler of progress. The Conference of the Parties has repeatedly discounted the importance of the Southern African elephant population and its conservation needs against other regions in Africa.

Elephant conservation requires enormous resource inputs. The costs of law enforcement alone are crippling conservation agencies, at the expense of many other important conservation activities. In two of the proponents (Namibia and Zimbabwe), rights over wildlife have been legally transferred to local communities. The participation of such communities through conservancy programmes have been pivotal in expanding wildlife numbers and habitat, elephants included. These programmes are being undermined by arbitrary decisions by CITES that remove rather than create incentives for conservation. The proponents can no longer accept that their working conservation models are undermined by an international organization that ostensibly recognizes that "peoples and States are and should be the best protectors of their own wild fauna and flora[2]"; or "that commercial trade may be beneficial to the conservation of species and ecosystems or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question[3]".

The future of elephants ultimately depends on the aspirations, needs and attitudes of the people with whom they have to co-exist (Kideghesho *et al* 2007; Mutanga *et al*, 2015). National parks in the four countries cannot absorb any additional elephants or in some cases even maintain the high levels of elephant populations that they already hold. It is essential that free movement of elephants in and out of protected areas and wildlife habitat on neighbouring land and in neighbouring countries are enabled. For that to happen, the cooperation and goodwill of the people occupying that land are essential. Rural people can co-exist with elephants; there is ample demonstration of that in Southern Africa, under the right conditions of benefitting from elephants and exercising their rights in making decisions over elephants and elephant habitat. Rural people have rights[4], rights that are far more fundamental and internationally recognized than is applied in decision-making in CITES. Such rights cannot just be ignored or discounted in favour of extraneous considerations. The Conference of the Parties should recognize that it has to operate within the overall international governance framework[5], which includes due recognition of the right of local people to development and the right to make decisions over the resources that people depend on.

The Conference of the Parties are accordingly requested to approve this proposal and thus allow the proponents, who are the Parties that have demonstrably been amongst the most successful in conserving elephants, to further strengthen their conservation programmes through regulated trade in elephant products.

It is time to remove the anomaly of having 256,000 elephant on Appendix II being treated as if they are on Appendix I, against the wishes of the people who own them and who have the most to lose or gain from them.

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[2]   *Convention on International Trade in Endangered Species of Wilf Fauna and Flora, 1973, Preamble*

[3]   *Resolution Conf. 8.3 (Rev. CoP13). Recognition of the benefits of trade in wildlife.*

[4]   *The most important articulations of such rights can be found in the UN Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly on 13 September 2007; and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, adopted by the United Nations General Assembly on17 December 2018. A detailed analysis of these instruments and their bearing on natural resources and their management as well as the obligations imposed on States and international bodies - such as the Conference of the Parties to CITES - cannot be given here, save to note that indigenous and rural people have recognized vested rights in the management and use of their natural resources which no State or no international institution can deprive them of – unless providing compensation ("just and fair redress").*

[5]   *For example, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas Article 2, paragraph 4, which states that: States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.*

3.   Species characteristics

3.1   Distribution

Southern Africa has a relatively high reliability and quantity of elephant information, especially for the larger populations (Thouless *et al.* 2016, African Elephant Status Report 2016). Whilst there are 37 countries in Africa, with elephant populations comprising two sub-species (savanna and forest elephants) which some authors regard as separate species. Savanna elephants are restricted to Eastern Africa and Southern Africa, and forest elephants live mainly along the equator in the Congo Basin of Central Africa. The distribution of elephants follows availability of habitat and safety (among other factors).

3.2   Habitat

African elephants occur in diverse habitat across the continent, with the largest numbers by far occurring in the savanna regions.

3.3   Biological characteristics

Elephants are long-lived and slowly reproducing herbivores.

3.4   Morphological characteristics

The African elephant is the largest land mammal on Earth with an average shoulder height that can grow upto 11feet, weighing 6 tonnes and 19-24 feet in length. They are easily recognized by their trunk that is used for communication and handling objects. And their large ears allow them to radiate excess heat. Upper incisor teeth develop into tusks in African elephants and grow throughout their lifetime. There are two subspecies of African elephants—the Savanna (or bush) elephant and the Forest elephant. Savanna elephants are larger than forest elephants, and their tusks curve outwards. In addition to being smaller, forest elephants are darker and their tusks are straighter and point downward.

3.5   Role of the species in its ecosystem

African elephants help to maintain suitable habitats for many other species sharing the same habitat with them (Kohi et al 2011; Pringle, 2008). Some savanna vegetation species require elephants to help with dispersal and germination. They play a pivotal role in shaping their habitat because of the impact they have on factors ranging from fresh water to forest cover. As a keystone species, African elephants shape the structure and composition savanna, vegetation creating the necessary spatial heterogeneity, habitat niches and landscape-level diversity, and facilitating access to water for a range of other species. It is a mega-herbivore with significant impact (both positive and negative) in the socio-ecological system. In higher densities (exceeding ecological carrying capacity), elephants can have undesirable impact on flora and other fauna which can compromise the objectives of biodiversity conservation through excessive damage to vegetation as well as conflict with local people.

4.   Status and trends

4.1   Habitat trends

The AESR 2016 reports a steady loss of elephant range, although it also points out that changes to date cannot distinguish between contraction in true elephant range and changes and improvements in the way that range is estimated. There are some known elephant range expansion initiatives in Botswana, South Africa (Biosphere reserve agreements signed in 2018), Namibia (Community conservancies), Zimbabwe (Hwange Sanyati Biological Corridor, Community conservancies) and 6 TFCA initiatives, including the KAZA TFCA.

4.2   Population size

The AESR 2016 includes data received through 2015; population numbers are categorized as 'Estimates' (e.g. based on data collected from aerial and ground surveys and reliable dung counts) and 'Guesses' (other dung counts and guesses). The most recent continental population total based on 'Estimates' is 415,428 (+/- 20,111). However, important areas that are difficult to survey are under-

represented in this total, such as continuous forests in Gabon and the Republic of Congo, to name a few.

The four Appendix II countries have a corresponding 2015 total of 255,851 and country totals as follows: Botswana 131,626, Namibia 22,754, South Africa 18,841, and Zimbabwe 82,630.

4.3   Population structure

African elephants are have a social structure that is led by a matriarch (adult females). They are known to form life-long families and other social groupings on the basis of kinship. Males usually disperse from natal family groups when they mature and form bonds with other males (bachelor herds) or sometimes solitary bulls are also a common phenomenon.

4.4   Population trends

At continental scale, the African elephants are showing a decline trajectory and at a regional scale in southern Africa, a positive change are evident is specific populations that are well-managed and protected.

4.5   Geographic trends

The elephant range area across Africa is over three million square kilometres. There is a general appreciation that the elephant range is declining spatially in most parts of Africa due to competing landuse systems and human population growth. Whilst the AED range data for southern Africa indicated a regional decline of elephant range, there are some unrealistic assumptions associated with such data as there are other variables that were not taken into consideration. Southern Africa is expanding the network of Transfrontier Conservation Areas, Transfrontier Parks and new community initiatives were established, e.g. in South Africa`s Biosphere Reserve programme, Zimbabwe`s community conservancy expansion programme in Matabeleland and South-east Lowveld.

Botswana: Botswana is home to the largest elephant population with and estimated at 165 000km2 of elephant range. Most of the elephant range area fall in the KAZA TFCA involving Angola, Namibia, Zambia, Zimbabwe and Botswana, followed by the Greater Mapungubwe TFCA involving South Africa, Zimbabwe and Botswana and the Kalagadi Transfrontier Park involving Botswana and South Africa.

Namibia: The elephant population of Namibia is mainly found in its north-western and north-eastern regions (the latter falls within the KAZA TFCA) and the largest numbers are concentrated in the Zambezi and Kavango East Regions. To the south, Etosha National Park is home to a stable-increasing population of elephants. Namibia is well-known for its Community conservancies, of which there are 86 in total and that represent an area larger than the 17% of Namibia's surface area enclosed in national parks and other State protected areas. These conservancies have significantly contributed to elephant range expansion in Namibia and hold the key to the protection of movement corridors to and from neighbouring countries.

South Africa: The Kruger National Park (KNP) host the largest elephant population which constitutes more than 60% of the national population. Whilst some elephant populations are confined to fenced reserves bordering the KNP, the park shares populations with areas contiguous with the Park. Other populations are isolated and scattered around the country are limited by the land and habitat available to them. The establishment of transfrontier conservation areas and biosphere reserves (with Mozambique, Eswatini and Zimbabwe) is expanding elephant ranges in all three countries.

Zimbabwe: Zimbabwe has the second largest elephant population occupying approximately 82 000 km^2). Elephant range areas are found in four landscapes. Elephant populations in three (out of the 4) range areas are increasing and a decline was only recorded in one range area (Sebungwe) (Great Elephant Census Report). Most elephant range areas fall within five Transfrontier Conservation Area initiatives that are at different stages of development namely Kavango-Zambezi TFCA, Greater Mapungubwe TFCA, Great Limpopo TFCA (Mozambique, South Africa and Zimbabwe), Mana Pools-Lower Zambezi TFCA (Zambia and Zimbabwe), and the ZIMOZA TFCA (Zimbabwe, Mozambique and Zambia). Zimbabwe recently completed a comprehensive review of the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) with support from the European Union (EU) (Machena et al 2017) and also successfully secured the Hwange-Sanyati Biological Corridor (HSBC)

involving communal land with support from WWF and the German Government. Such initiatives will benefit local people whilst securing elephant range expansion initiatives and dispersal areas.

5.   Threats

African elephants were numbering up to an estimated three million in the last century and were severely reduced to current levels because of various factors, chief among them being habitat loss and illegal/unsustainable use (Gandiwa, 2013; Robson et al 2017).

In the 1980s, an estimated 100,000 elephants were killed each year and several populations were lost or severely reduced in some regions especially in East, West and Central Africa. Healthy populations have continued to thrive in most parts of southern Africa. In recent years, growing demand for ivory, particularly from Asia, has been linked to the surge in poaching in those range areas where law enforcement is neither strong nor effective.

Demographic factors associated with the increasing human populations convert land for agriculture, settlements and other developments, shrinking elephant habitat. Commercial logging, plantations for biofuels and extractive industries like logging and mining not only destroy habitat but also facilitate accessibility to remote elephant habitat where they are susceptible to poaching (Riggio *et al* 2018).

Moreso, poverty, armed conflict and the displacement of people by civil conflict also add to elephant habitat loss and fragmentation. All of these push elephants into smaller islands of protected areas and hinder elephants' freedom to roam. Nevertheless, this is one of the primary reasons why Southern Africa is expanding the network of Transfrontier Conservation Areas.

Over the years, elephants are increasingly coming into contact with rural communities of people who make their living from subsistence agriculture (Anderson *et al,* 2013). Where communal areas share fuzzy boundaries with protected areas (most protected wildlife areas in southern Africa are open ecosystems, not fenced), or elephant movement corridors, conflicts are inevitable (Evans & Adams, 2018). Damage to crops and property is increasing. In Zimbabwe alone, about 112 human lives were lost to human wildlife conflicts between 2010 and 2017, of which 38% are human-elephant conflict victims (*Zimbabwe Parks and Wildlife Management Authority, Internal database for human wildlife conflicts*).

Many range states have monitoring sites under the MIKE programme which provide estimates of poaching rates based on ranger patrols. Analysis of MIKE data published in 2018 examines PIKE data through the end of 2017 and the results show that poaching levels remain high and that corresponds to the level of efforts that are put by the respective government to curb poaching (beyond signing agreements, declarations, listing proposals and good action plans), implementation of such plans and commitments to save elephants and habitat has been largely lacking. In range states where priority has been placed on anti-poaching, anti-smuggling and expanding elephant range, the outcomes are evident and the populations are thriving.

Not all populations of elephants in all regions are at risk, and it is very important to recognize this fact. If all populations are treated the same, there is a huge risk of dis-incentivizing those range states that are managing to contain the threats.

6.   Utilization and trade

   6.1   National utilization

      Apart from photographic tourism, elephants are also utilized in hunting in Africa: ivory, skin and hair are made into a variety of products; elephant meat is also a source of protein, whilst some live elephants are put in zoos for educational purposes and other leisure activities.

      Legislation in Namibia, South Africa and Zimbabwe supports domestic sales of ivory subject to permit whereas in Botswana allows once-off transfers of ownership. Robust monitoring systems controlled by permits and licences are in place, regular inspections are also done to check on compliance to set standards and security arrangements

   6.2   Legal trade

      Ivory and other specimens from the populations of Appendix II listed species have been traded in the since time immemorial. Under the Appendix II status of these elephant populations, two "once-off" sales

of registered raw ivory from government-owned stocks (*excluding seized ivory and ivory of unknown origin*) were authorized – the first to Japan in 1999 and the second to Japan and China in 2008.

For 9 years after the 2008 sale authorised at CoP14 (i.e. until 2017), Zimbabwe authorized the sale of ivory carvings (Zimbabwe) for non-commercial purposes.

6.3 Parts and derivatives in trade

Ivory (raw tusks and worked ivory), skin, leather, hair, meat and live specimens are all traded.

6.4 Illegal trade

Seizure data from the CITES Elephant Trade Information System (ETIS) compiled by TRAFFIC and published in August 2018 show an increasing trend. TRAFFIC reports highlighted the trade routes that had been focused on West and Central Africa but had shifted to East Africa, particularly Tanzania and Kenya, as the primary exit points for illicit ivory leaving the African continent.

Levels of illegal trade and seizures have remained high through 2017, the most recent year for which reasonably complete records are available. The TRAFFIC-ETIS report to SC70 noted that there are considerable difficulties with non-reporting of seizure data by CITES Parties, despite their obligation to provide information to the Secretariat or directly to TRAFFIC within 90 days. Measures are proposed for improving data acquisition and transparency in analysis, but the ultimate responsibility for a meaningful monitoring and reporting systems lies with the Parties to CITES.

6.5 Actual or potential trade impacts

Ivory sales are an important source of revenue for elephant conservation. There is no scientific evidence that a complete ban in ivory trade results in population recovery. Giving economic value to people living with the resource makes more sense.

7. Legal instruments

7.1 National

Botswana: CITES entered into force in their legislation on 12 February 1978. The Wildlife Conservation and National Parks Regulations (Section 92) 10th August 2001, and in particular Reg. 34/39/40/41, and the Wildlife Conservation and National Parks Act 1992 which implemented CITES. Penalties for offences include fines of $300- $6,000+ and imprisonment of up to 15 years. Under the legislation, hunting is permitted by license, with restrictions on where hunting may take place, which animals may be hunted, the type of weapon, and others, although there are exemptions and loopholes. There are restrictions on import/export/re-export of trophies. There have been moratoria and/or bans on hunting over recent decades: elephant hunting was stopped in 1983 due to concerns that tusk weights were declining and populations were retreating inside protected areas, and reinstated in 1996 with prescribed quotas; lion hunting was stopped during 2001-04 and again from 2008 to present; and hunting of all wildlife was banned in January 2014 because of perceived population declines

Namibia: CITES entered into force on 18 March 1991. The principal domestic legislation (Category 1 'believed generally to meet the requirements for implementation of CITES') is the Nature Conservation Ordinance (4 of 1974), which established controls on the hunting of wildlife, including elephants as "Specially Protected Game", on both state-owned and private land. The Nature Conservation Amendment Act, No. 5 of 1996, gave community conservancies the same rights as freehold landowners over the conservation and management, including hunting, of wildlife. Elephants are classified as a "Specially Protected" species under the Nature Conservation Ordinance (Ordinance 4 of 1975), as amended, in Namibia. Hunting, capture, transport, being in possession, and trade (import, export, re-export), in raw ivory, live animals and other derivatives are subject to permits and conditions. Elephant parts and derivatives are classified as "Controlled Wildlife Products" under the Controlled Wildlife and Trade (Act 9 of 2008), as amended. The maximum penalties for contraventions related to trade in Controlled Wildlife Products and hunting of specially protected species are N$25,000,000 (approx. US$1 780 000) and/or 25 years imprisonment. Penalties are doubled for second and subsequent offences. Deportation of foreign nationals convicted of wildlife crime after serving sentences is mandatory. Prevention of organized crime and forfeiture legislation apply.

South Africa: CITES entered into force on 13 October 1975. Legislative jurisdiction is split between national and provincial governments. South Africa's national legislation is classed as Category 1 by CITES. The most relevant legislation is the National Environmental Management: Biodiversity Act, 10 of 2004 (as amended), which put in place protection for threatened wildlife. It is supplemented by the Threatened or Protected Species Regulations 2007 and the National Norms and Standards for the Management of Elephants in South Africa (GN 251 (29/2/2008). The CITES Regulations (R.173 in GG3302 2010, amended in 2014), began formal implementation only in 2010, establishing management and scientific duties related to environmental affairs, conditions for international trade, registration requirements for individuals trading specimens internationally, and creating offences and penalties. Penalties are doubled for second and subsequent offences and there is provision for imposing a financial penalty equating to three times the value of the animal if protected. Forfeiture legislation applies.

Zimbabwe: CITES entered into force in Zimbabwe on 17 August 1981. Its principal legislation (Category 1) is to be found in the Parks and Wildlife Act 1975, amended 22/2001. Zimbabwe's obligations under CITES in relation to the export and import of ivory were established through the Parks and Wildlife (Import and Export) (Wildlife) Regulations SI 76/1998, which link to Section 129 of the Act. Section 128 of the Act specifies substantial penalties relating to the illegal trading in ivory. It also specifically prohibits the killing or hunting of Specially Protected Animals. Elephants are not designated as Specially Protected Animals; thus, mandatory custodial penalties under Section 128 only apply to illegal trade in ivory, not to offences involving illegal killing or hunting of elephants. The Act incorporates specific forfeiture provisions. In addition, the Environmental Management Act 13/2002 addresses environmental protection and more recently, a statutory instrument to tighten existing regulatory framework on access, possession and use of chemicals such as Cyanide was crafted and presented to the Cabinet Committee on Legislation, soon to become law once endorsed by the Parliament.

7.2   International

In 1989, a decision was taken at CoP7 to list African elephants in Appendix I of CITES as a result of the poaching crisis of the 1970s-80s – against the objections of range states in southern Africa. The species was subsequently split-listed to distinguish populations that are not necessarily in danger of extinction from those facing elevated threat levels. That was when national populations from Botswana, Namibia and Zimbabwe were transferred to Appendix II in 1997, followed by South Africa in 2000. Until to date those populations are still thriving.

8.   Species management

8.1   Management measures

Elephant populations are managed according to elephant management plans and strategies at national level and spatially-explicit management plans that are responsive to local dynamics. Zimbabwe is one such country with an up to date elephant management plan.

Different management measures are employed for elephants throughout the region and continent. They range from creation of migration corridors and transfrontier parks and conservation areas (e.g. the Great Limpopo Transfrontier Park and the Greater Mapungubwe and Kavango-Zambezi Transfrontier Conservation Areas), translocation of animals, creation of artificial waterholes, fencing and deterring animals from crops with, for example chilli peppers or beehives, to shooting of problem animals. Culling has not been employed as a management tool since Zimbabwe halted the practice in 1988 and South Africa in 1995.

8.2   Population monitoring

Elephant range States have an obligation to monitor elephant populations in their areas. The MIKE programme monitors populations and illegal killing at specific sites in several range States. The African Elephant Database stores data from elephant population surveys beginning in 1976. Nevertheless resources are often limiting countries to periodic surveys (usually every 3years) due to the costs involved.

8.3   Control measures

8.3.1   International

The ability of range States to manage elephant populations, to regulate legal take, and to prevent poaching, varies greatly. A number of steps have been taken in recognition of the urgency for action to stem wildlife crime, involving not only elephants but also a wider range of species.

The report to SC66 in January 2016 describes a number of areas where efforts have been made to improve cooperation on the control of wildlife crime. At CoP16 in March 2013, Decision 16.78, paragraph a) called for the Secretariat to convene a CITES Ivory Enforcement Task Force. The Secretariat was not able to raise the funds necessary to convene such a Task Force, but its objectives were considered to have been partially/largely met through the development and implementation of National Ivory Action Plans (NIAPs) – see below – and targeted support from, and collaboration with partners from the International Consortium on Combating Wildlife Crime (ICCWC). The decision was taken at CoP17 to replace the idea of the Task Force with a meeting of Parties concerned by the development and implementation of NIAPs, in cooperation with ICCWC partner organizations and, as appropriate, other Parties and experts.

A range of International organisations have become increasingly engaged in tackling wildlife crime. The United Nations Office on Drugs and Crime (UNODC), on behalf of ICCWC, led the development of "Guidelines for forensic methods and procedures of ivory sampling and analysis", which were finalized and released in November 2014 and were followed up with a global review of forensic laboratory capacity to inform a broader project of combatting wildlife crime that UNODC will implement. The Lusaka Agreement, with seven Parties and three additional signatories, came into force in 1996; the Lusaka Agreement Task Force (LATF) was set up to implement its objectives in 1999. Its objectives are to support the member states and collaborating partners in reducing and ultimately eliminating wildlife crime through facilitating cooperation in law enforcement, investigations, information exchange, and capacity building.

INTERPOL is implementing Project in close cooperation with its ICCWC partners, focusing its first phase on elephant ivory and rhinoceros horn. Zimbabwe plays a pivotal role in such initiatives as it hosts the INTERPOL regional office for southern Africa in line with an agreement signed by SADC member states. It aims to establish an international network of experts, harmonize procedures and develop guidance. The United Nations General Assembly (UNGA) in July 2015 unanimously adopted a Resolution on 'Tackling Illicit Trafficking in Wildlife', which calls upon Member States, inter alia, to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime.

Resolution Conf. 10.10 (Rev. CoP17) urges Parties to maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory. On 23 January 2017, the Secretariat issued Notification to the Parties No. 2017/005 to remind Parties of the above reporting obligation. While some Parties have not yet complied, a number of other countries have inventoried and destroyed their stockpiles. At SC65, the Standing Committee encouraged all Parties in whose territory legal ivory markets exist or that export pre-convention raw elephant ivory for commercial purposes, to provide wholesale price data on such sales of raw ivory to the Secretariat, for integration into MIKE and ETIS analyses.

In addition to these international efforts, the implementation of targeted National Ivory Action Plans (NIAPs) are intended to enhance the national implementation of CITES provisions. Eight Parties of "primary concern", eight Parties of "secondary concern", and three Parties of "importance to watch "in both the poaching of elephants (source countries) and the illegal trade in ivory (transit and end consumer countries) have been directed by the Standing Committee to develop and implement NIAPs. These countries are required to report their progress in NIAP development and implementation to the Secretariat. In addition, a number of countries, including South Africa and Japan, are being monitored by the Secretariat and were requested to report to SC74.

The African Elephant Action Plan (AEAP) was approved by African elephant range States in 2010 at CITES CoP15, and the African Elephant Fund was established to support the implementation of the AEAP. International donors and range States are encouraged to back

this initiative, through technical and financial support, and National Elephant Action Plans (NEAPs) are being developed as a result.

8.4 Captive breeding and artificial propagation

There is no captive breeding of elephants in the parties concerned (proponents of this proposal)

8.5 Habitat conservation

African elephants occur in a number of protected areas, but these account for only 31% of their range; almost 70% of the species range is believed to lie outside protected areas.

8.6 Safeguards

Robust control measures are already in place within the legal framework of the proponents, at national level. The comprehensive commitments under various SADC regional initiatives and agreements ensure accountability and safeguards for compliance

9. Information on similar species

The Asian elephant (*Elephas maximus*) has been listed in CITES Appendix I since 1976. The 2018 report by IUCN/SSC and MIKE to SC70 noted that there are still problems with the reliability of estimates of elephant numbers and of poaching rates in Asian elephant range States. However, it also reported that recent meetings of the Asian Elephant Specialist Group (AsESG) and the MIKE programme have recognised the importance of assessing and improving the quality of data. The report to SC70 notes that, while the main threats to elephants in Asian countries come from habitat loss, degradation and fragmentation in relation to the steadily growing demands by human land use.

10. Consultations

SADC member states, non-state actors and representatives of indigenous people and local communities were consulted on this proposal.

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