

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



Seventy-seventh meeting of the Standing Committee
Geneva (Switzerland), 6–10 November 2023

Appendices of the Convention

Nomenclature matters

TAXONOMY AND NOMENCLATURE OF AFRICAN ELEPHANTS (*LOXODONTA SPP.*)

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19, Panama City, 2022), the Conference of the Parties (CoP) adopted the following Decisions on *Taxonomy and nomenclature of African elephants* (*Loxodonta spp.*) at the recommendation of the Animals Committee:

Directed to the Secretariat

19.275 *The Secretariat shall:*

- a) *issue a Notification seeking the perspectives of Parties and other stakeholders on the potential effects of recognizing African forest elephant (*Loxodonta cyclotis*) as a separate species to African savannah elephant (*Loxodonta africana*) for CITES purposes;*
- b) *develop a list of all current Resolutions and Decisions of the Conference of the Parties that would be impacted by such a change of nomenclature;*
- c) *collate the responses to the Notification to the Parties and prepare a review of the potential impacts of recognizing *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties; and*
- d) *prepare a report of its findings pursuant to a), b) and c) above and submit this report to the Standing Committee for its consideration.*

Directed to the Animals Committee

19.276 *The Animals Committee shall:*

- a) *in consultation with the IUCN African Elephant Specialist Group, review the taxonomic-nomenclatural history of African elephant *Loxodonta africana* in CITES and the nomenclature that reflects accepted use in biology, at its 32nd meeting; and*
- b) *if appropriate, make a recommendation on adopting a new standard nomenclature reference for African elephants, for decision at the 20th meeting of the Conference of the Parties.*

Directed to the Standing Committee

19.277 *The Standing Committee shall:*

- a) *review the report submitted by the Secretariat under paragraph d) of Decision 19.275; and*

- b) *provide advice and any recommendations on the potential impacts of recognizing *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties, for consideration at the 20th meeting of the Conference of the Parties.*

Perspectives of Parties and other stakeholders

3. On 11 July 2023, the Secretariat issued [Notification to the Parties No. 2023/078](#) seeking the perspectives of Parties and other stakeholders on the potential effects of recognizing the African forest elephant (*L. cyclotis*) as a separate species from the African savannah elephant (*L. africana*) for CITES purposes. Referring to document [AC32 Doc. 46](#) and the discussions at the 32nd meeting of the Animals Committee (AC32; Geneva, June 2023), in which the Animals Committee had *inter alia* acknowledged the scientific merit of recognizing the two species of African elephants, the Secretariat also invited Parties and stakeholders to submit references of publications that could serve as nomenclatural standard references for African elephants (see [summary record AC32 SR](#)).
4. By the deadline of 10 August 2023, the Secretariat had received responses from the following nine Parties: Austria, Benin, Brazil, Burkina Faso, Central African Republic, Nigeria, Senegal, United States of America and Zimbabwe and the following non-governmental organizations: Centre for Biological Diversity, Wildlife Conservation Society as well as from one wildlife forensic expert. The responses are made available as received in an information document and summarized in the following paragraphs.
5. Austria noted that from a scientific point of view, the low number of known hybrids and the absence of broad hybridization zone clearly recommend the recognition of two separate species, the African savannah elephant (*L. africana*) and the African forest elephant (*L. cyclotis*). Delaying the alignment of CITES nomenclature with scientific consensus would hinder scientific progress and accurate conservation decisions. Recognizing two species would be particularly important for countries with *L. cyclotis* populations emphasizing the need for enhanced conservation measures. Regarding nomenclature references, Austria recommended transitioning to the "Handbook of the Mammals of the World" by Wilson and Mittermeier, particularly Volume 2, for elephants. Austria noted that Mondol *et al.* (2015) presented data supporting the recognition of two species but avoided formalizing the split thereby leaving the classification open-ended; it should therefore not be used as a standard reference for distinguishing *L. africana* and *L. cyclotis* as separate species.
6. In its response, Brazil noted that the African forest elephant (*L. cyclotis*) was recognized as a species distinct from the African savannah elephant (*L. africana*) due to genetic studies and distinct physical traits and highlighted some of the differences between the two species. In recognition of this distinction, Brazil claimed it is necessary to establish a new CITES standard nomenclature to improve identification of the different species and to better protect the species against poachers.
7. Benin agreed that the two species, *L. cyclotis* and *L. africana*, are scientifically recognized in Africa and recommended listing them at the genus level for the following reasons: there are already several relevant CITES Decisions relating to African elephants which support the listing of the genus. This would also make reporting and enforcement of illegal trade easier. Indeed, a separate listing would require DNA testing to differentiate products from the two species and would unnecessarily complicate the task of law enforcement officers, requiring time and expertise. Resources allocated to capacity-building could be better used for more pressing conservation priorities. Additionally, since both Asian and African elephants have been listed in CITES Appendices for decades, many CITES Resolutions refer to "elephants" (without specifying the species), "ivory," or "tusks." Thus, solving the African elephant nomenclature by including *Loxodonta spp.* at the genus level would have minimal impact on these Resolutions and the obligations of Parties in implementing them would remain unchanged.
8. Burkina Faso, the Central African Republic, Nigeria and Senegal agreed that *L. cyclotis* should be recognized as a separate species and expressed a preference for the listing at the genus level (*Loxodonta spp.*), ideally without a formal CoP proposal, given that this would be a nomenclatural change that would not change the Appendix in which the populations of elephants are currently listed. The Parties provided several arguments for the preference of a genus listing and noted *inter alia* that it would facilitate the permitting process for range States for both species as well as non-range States as they would not have to identify the specimens at species but only at the genus level. For ETIS reporting, it would not always be possible to report at the species level either and the continuity of the MIKE and ETIS trend analyses would be facilitated with the genus listing. The impact on CITES Resolutions and Decisions was expected to be minimal but the Parties

mentioned that three Resolutions might require updating and careful consideration¹. For the nomenclature change to be effective, a new standard reference would be required. Currently lacking an updated, peer-reviewed publication, the Parties suggested to continue discussions on elephant taxonomy. It was noted that a new status report on *L. cyclotis* was expected but this was not recommended as a standard nomenclature reference due to its lack of peer review. The Parties recommended to await a more authoritative reference.

9. With respect to the scope of a possible nomenclature change, the United States of America affirmed that this would not affect the provisions or the scope in the CITES protection of African elephants. All species in the genus *Loxodonta* (all African elephants) are presently included in the current listing of *L. africana* in Appendix I with only the populations of Botswana, Namibia, South Africa and Zimbabwe included in Appendix II, subject to annotation A10. According to the United States, the Conference of the Parties would have two options for pursuing the nomenclature change:
 - a) Recognize both the African savannah elephant (*L. africana*) and the African forest elephant (*L. cyclotis*) and include both species in the Appendices at the species level. Both species names would appear in Appendix I, while maintaining the four *L. africana* populations of Botswana, Namibia, South Africa, and Zimbabwe included in Appendix II subject to annotation A10.
 - b) Recognize both species and include African elephants at the genus level in Appendix I (*Loxodonta* spp.), while again maintaining the four *L. africana* populations of Botswana, Namibia, South Africa, and Zimbabwe included in Appendix II subject to annotation A10. USA considered that this option would be most consistent with how the species was originally listed and is presently listed, with all elephants in the genus *Loxodonta* included in the current listing of *L. africana*.
10. With respect to the potential implications of a nomenclature change, the United States noted that this could affect a number of Resolutions, Decisions and other guidance that would need to be updated, including Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature*, Resolution Conf. 11.20 (Rev. CoP18) on *Definition of the term 'appropriate and acceptable destinations'*, with regard to delineating the natural and historical range for *L. africana* compared to *L. cyclotis* and 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* (see document CoP19 Doc. 48). The CITES Trade database and illegal trade database would need to be updated and, in the future, Parties would be encouraged to report on the species-level. Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens* would also be affected, but reporting in ivory stockpiles might need to continue at the genus-level as it would not always be possible to carry out the test to confirm the species. With regard to reservations, the United States recalled paragraph 2 of Resolution Conf. 4.25 (Rev. CoP19) on *Reservations* and noted that a nomenclature change would not be subject to reservations – and even if such were submitted, they would have no substantive effect. The United States of America also noted that there would be domestic policy considerations that Parties should carefully consider if a nomenclature change were to be agreed and referred to the domestic legislation of the United States. If proposals on African elephants were to be submitted to CoP20, it was noted that it would be important to specify the preferred taxonomy – or wait until the new nomenclature had been accepted; and for any proposal all African elephant range States should be consulted, irrespective of whether the proposal focuses on one or the other species.
11. With respect to the nomenclature, the United States indicated a preference for Wilson and Reeder (2005), with possible supplemental reference(s) to identify geographic ranges and provided the rationale for the preference. Further, the United States noted that because current research on African elephants is extensive and ongoing, any selection of a standard nomenclature reference would likely need supplementation from other references now, and in the future, as understanding of distributions and extent of hybridization grows. Should there be preference for a more recent primary literature source to serve as the nomenclatural standard reference for African elephants, the United States recommends the source to have gone through the peer-review process and have its data be publicly available.
12. Zimbabwe noted that African forest elephants (*L. cyclotis*) are found in Central and West Africa, while African savannah elephants (*L. africana*) occur in Central, East and Southern Africa. The populations of the African savannah elephant (*L. africana*) in Botswana, Namibia, South Africa and Zimbabwe are in Appendix II where there are no records of forest elephants or hybrid elephants. The forest elephant and African savannah elephant are therefore geographically differentiated elephant populations with different growth trends and trajectories and hence one-size-fits-all policies do not apply. Zimbabwe supported the recognition of *L.*

¹ Resolution Conf. 10.10 (Rev. CoP19) on Trade in elephant specimens; Resolution Conf. 16.9 on African Elephant Action Plan and African Elephant Fund; and Resolution Conf. 11.20 (Rev. CoP18) on Definition of the term 'appropriate and acceptable destinations'

cyclotis as a distinct separate species from *L. africana*; this was not only supported by science, but also allowed consideration of the different challenges the two elephant species face. Zimbabwe further noted that lumping the two species into one disregarded successful national management regimes resulting in overabundance and local community livelihood realities like damage caused by the African savannah elephant (*L. africana*). As the two species had different geographical ranges and were therefore exposed to different extinction risks, southern African States were claiming that the African savannah elephant (*L. africana*) population allows sustainable use due its large and stable population. The two species therefore needed different conservation priorities and strategies. *L. cyclotis* was facing serious poaching in West Africa as revealed by the west African countries.

13. Zimbabwe also referred to the Convention on Migratory Species (CMS) which recognized *L. cyclotis* as a distinct separate species since adopting Wilson & Reeder (2005) as standard reference at its CoP9 in 2008. Zimbabwe further noted that the CMS Decision 13.24 identified the African forest elephant (*L. cyclotis*) as one of the five species categorized for an in-depth review of the conservation status of individual CMS-listed species. It was also noted that the African Elephant Specialist Group of the International Union for Conservation of Nature (IUCN) prepared its Red List assessments separately for African savannah elephants and African forest elephants at the species level in 2021.
14. Finally, Zimbabwe noted that the splitting the African elephant into two species would definitely result in narrower geographic ranges and smaller population sizes post-split hence theoretically exposing both species to extinction risk, but this fear remained hypothetical because the savannah elephant population was large, stable and under sound management regimes. Different and focused strategies were needed for the two different species. Timely acceptance of the split would allow quick development and implementation of relevant policies and strategies for the two species.
15. The responses from non-governmental organizations repeated many of the same points as the Parties. The Centre for Biological Diversity also recommended to list the two African elephant species at the genus-level rather than as separate species due to practical implementation issues related to CITES permitting, reporting, and data collection. If listed separately, it would burden Parties that are range States for both savannah and forest elephant species. Distinguishing between the species would require testing, which would be costly and not always conclusive. The trade database shows numerous instances of exports from countries with both species. Similarly, enforcing species-level reporting for seizures and analyzing trends would be challenging and resource-intensive due to the difficulty in distinguishing ivory sources. Like the West African Parties, the response suggested that no current reference can effectively replace the existing nomenclature standard (Wilson & Reeder, 1993), as alternatives lack updated range information. The update of African elephant taxonomy, recognizing the two species under a genus listing, would have minimal impact on prior CITES decision-making. Several CITES Resolutions refer generically to ivory, tusks, and elephants. Certain key Resolutions like Resolutions Conf. 10.10 (Rev. CoP19), Conf. 16.9, and Conf. 11.20 (Rev. CoP18) would require detailed analysis and potential updates to address the nomenclature change.
16. The Wildlife Conservation Society (WCS) acknowledged the presence of two distinct African elephant species: the African savannah elephant (*L. africana*) and the African forest elephant (*L. cyclotis*). WCS suggested that a taxonomic change in CITES Appendices, replacing "*Loxodonta africana*" with "*Loxodonta* spp." would be purely taxonomic and could be done without revising Appendix listings. Populations of both species in Appendices I and II would remain unchanged, and annotations like A10 would still apply. WCS argued that this approach would align with CITES precedents, Resolutions, and treaty principles. Split listings were discouraged by CITES, and a genus-level listing would avoid confusion between Appendices I and II. WCS emphasizes that the change would not greatly affect existing CITES Resolutions and Decisions. Reporting and permitting processes under MIKE, ETIS, and for law enforcement purposes would be more straightforward with a genus-level listing. Hybrids between the two species in populations in Appendix I would pose no implementation challenges as the regulation is clear in Resolution Conf. 10.17 (Rev. CoP14) on *Animal hybrids*.
17. Finally, one wildlife forensic expert noted that species identification for wildlife crime investigations is increasingly reliant on DNA analysis. Species identification using DNA analysis was almost entirely performed via sequencing of mitochondrial DNA. This process targeted specific sections of DNA allowing for a comparison of sequences from evidence samples against reference sequence databases to identify the species of origin of the evidence. While this generally worked well, it would be problematic for the two African elephant species. Historic mixing (hybridization) of forest and savannah elephants in central and east Africa had led to mixing of their mitochondrial DNA types. This effectively meant that it would not be possible to say definitely whether ivory coming from this region originated from forest elephants, or savannah elephants. This could mean that laboratories would be limited to identifying ivory to the level of genus (*Loxodonta* spp.). Despite both species being likely to remain in Appendix I, most national legislation relates to the protection

of individual species, requiring the identification of evidence to species level. While this might not seem problematic in court, it has previously been successfully argued in the United Kingdom that genus level identification would be insufficient to secure a conviction, even when members of that genus are all protected.

List of current Resolutions, Decisions and processes impacted by a potential nomenclature change

18. Pursuant to Decision 19.275, paragraph b), and taking into account the responses from Parties and stakeholders, the Secretariat has developed a preliminary list of all current Resolutions, Decisions and processes that might be impacted by a nomenclature change, whether this is done by recognizing *L. cyclotis* as a separate species or by changing *L. africana* to *Loxodonta* spp.

Resolution Conf. 10.10 (Rev. CoP19) on Trade in elephant specimens

19. The Resolution provides recommendations related both to species of African and Asian elephants. Except for the first two preambular paragraphs in the Resolution, no other provisions refer to the specific species of elephant – all provisions apply to African and Asian elephants or just to elephants, elephant ivory or other elephant specimens. This does not preclude the possibility of reviewing the provisions and make a differentiation with respect to the different species, if considered necessary and Parties so wish.
20. In terms of Monitoring of Illegal Killing of Elephants (MIKE), the Secretariat notes that while MIKE sites could be delineated as forest elephant or savannah elephant sites (or forest plus hybrid or savannah plus hybrid individuals), the analysis prepared from the data collected at MIKE sites should continue to be provided and analyzed at the genus level so that trend analyses of datasets collected over past years, which CITES stakeholders have come to rely upon, can continue. However, the Secretariat proposes to engage the MIKE-ETIS Technical Advisory Group (TAG) on this to consider whether an analysis of the trends based on the two species can be provided in the future in addition to the analysis of the genus level trends in the subregions.
21. As noted above, it could be challenging to identify ivory from African elephants to the species level, in particular with regard to specimens from West and Central Africa, where the species historically have been less distinct than in other regions and in cases where the ivory is carved or otherwise transformed. Parties might therefore need to report on ivory seizures and stockpiles to the genus level. Although forensic testing of large-scale seizures (i.e., a seizure of 500kg or more) is required to determine the origin and age of the ivory, this is not a requirement for all ivory seizures. The Secretariat also notes that Parties in their submissions on government-held ivory stockpiles under paragraph 7 e) of the Resolution do not generally differentiate between the two elephant species (*L. africana* and *Elephas maximus*), currently recognized by CITES but could be encouraged to do so in future reports.
22. Reporting of ivory seizures to the Elephant Trade Information System (ETIS) may not be possible at the species-level for the bulk of seizures unless each tusk or product is tested. This would pose significant financial and administrative burdens on Parties and could complicate and delay Parties' reporting, and potentially lead to an incomplete or skewed ETIS analysis. Continued reporting on the genus level would be preferable.
23. The National Ivory Action Plan Process (NIAP) is also covered by Resolution Conf. 10.10 (Rev. CoP19). It is not expected that the process would need to change in case of a nomenclature change. However, at CoP19, the Conference of the Parties adopted Decisions 19.68 to 19.70 on the *Review of the National Ivory Action Plan (NIAP) process*. This review could consider the implications, if any, of a nomenclature change for the NIAP process.

Resolution Conf. 11.20 (Rev. CoP18) on Definition of the term 'appropriate and acceptable destinations'

24. In this context, Resolution Conf. 11.20 (Rev. CoP18) is relevant to annotation A10 for the four populations of *L. africana* included in Appendix II (Botswana, Namibia, South Africa and Zimbabwe). It is not directly relevant for species of *L. cyclotis*. However, the Resolution makes reference to the natural and historical range of *Loxodonta africana* and it might be necessary to delineate the historical range of *L. africana* as compared to *L. cyclotis* when applying the Resolution.

Resolution Conf. 12.11 (Rev. CoP19) on Standard nomenclature

25. Resolution Conf. 12.11 (Rev. CoP19) would need to be amended to reflect the agreed standard reference in the Annex. This is the formal way in which the CoP will recognize the second species of *Loxodonta*. It may be by including a specific reference for elephants or by indicating that the standard reference for mammals also applies to species in the family Elephantidae. It is for the Animals Committee to recommend a new standard reference to the Conference of the Parties. In this context, it is noted that standard references are often supplemented with additional sources when the range of individual species is to be determined in the CITES checklist, see further below.

Resolution Conf. 14.5 on Dialogue meetings

26. This Resolution refers to range States of a certain species or group of species and has been used in the past to convene meetings of range States of the African elephant. If a nomenclature change is adopted, this should be taken into account when convening dialogue meetings. It might be considered pertinent that such meetings be convened for range States of all African elephant species – irrespective of the scope of the proposal to be discussed.

Resolution Conf. 16.9 on African Elephant Action Plan and African Elephant Fund

27. The Resolution encourages range States, donors and other biodiversity-related multilateral environmental agreements to support the implementation of the African Elephant Action Plan through the African Elephant Fund. As described in document SC77 Doc. 63.1, the African Elephant Action Plan was recently revised and so the Resolution should be updated to refer to the revised Plan as adopted in 2023. However, the Resolution only refers to the African elephant and does not mention the species of African elephant.

Regulation of trade – CITES Trade Database

28. A nomenclature change would need to be reflected in the CITES Trade Database and be managed the same way as any other nomenclature change. This means that future reports will be included under the genus unless reported at the species level. Past records of the trade in *L. africana* would generally also be recorded under the genus.
29. The nomenclature change should be reflected on any future CITES permit or certificate in accordance with the Convention and Resolution Conf. 12.3 (Rev. CoP19) on *Permits and certificates*. In this context, it is important to note that the permits and certificates should include the scientific name of the species to which the specimen belong. Parties have agreed that permits and certificates that do not indicate the scientific name of the species concerned should not be accepted except in a few limited circumstances, listed in the Resolution. This is important as it would be required to differentiate between *L. africana* and *L. cyclotis*, irrespective of whether the two species were to be recognized separately or under the genus (unlike what some Parties have indicated in their responses to the Secretariat referred to above).
30. Non-detriment findings (NDFs) should also be carried out at the species level and may be different given the different population trends of the two species. However, NDFs are normally carried out at national/sub-national or exploited population level for the species, not at the level of the range of the species. Therefore, in practice, NDFs for exports of specimens from the populations in Appendix II for instance would not, or barely, be affected by nomenclatural changes concerning a population not part of the national elephant population.

Decisions

31. A number of CoP19 Decisions refer or relate to African elephants. If such Decisions are proposed to be renewed or revised at CoP20, it would need to be considered whether they apply to both species if a nomenclature change is accepted at CoP20. The Annex to the present document includes the list of Decisions directly relevant for the African elephant.

Guidance documents

32. 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 \(CoP19 Doc. 48\)](#) would likely need to be updated as *L. africana* and *L. cyclotis* differ in habitat needs and diet (with possible additional considerations for hybrids).

33. Although the nomenclature change would be reflected in the CITES Illegal Trade Database, because it follows the CITES nomenclature, that data included in the annual illegal trade reports may not be at the species level, but may continue to be reported at the genus level as in the past. The [Guidelines for the preparation and submission of the CITES annual illegal trade report](#) already notes in section 3 that *If the specimens/species cannot be identified the name of the genus or a higher taxon should be indicated*. Therefore, it would seem that no changes are required to the guidelines or the form for submission of the information.

Discussion and conclusions

Regarding the implementation of the nomenclature change

34. There is a scientific consensus and agreement among respondents to the Notification that there are two distinct species of African elephants on the African continent: the forest elephant (*L. cyclotis*) and the savannah elephant (*L. africana*) and that it is time for CITES to recognize that *L. africana* should be split into two species.
35. The taxonomic change to recognize the new species of African elephant can be implemented by either recognizing *Loxodonta cyclotis* as a separate species in Appendix I in addition to *Loxodonta africana* (which would become *L. africana africana*) or by changing *Loxodonta africana* to *Loxodonta* spp. in Appendix I, i.e., by recognizing the higher taxon in Appendix I rather than the two separate species. Neither of the two options would have any impact on the four populations of *L. africana* in Appendix II subject to annotation A10. The Secretariat recalls that some responses to the Notification expressed a preference for listing the genus *Loxodonta* spp. in Appendix I whereas others did not express any views on this possibility.
36. With respect to nomenclature changes, the Secretariat recalls Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature*, paragraph 2 f) which provides:
- f) *whenever a change in the name of a taxon included in the Appendices is proposed, the Secretariat, in consultation with the Animals or Plants Committee, determine whether this change would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall evaluate whether acceptance of the taxonomic change would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices and, if that is the case, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees will be considered;*
37. The elements in paragraph f) of Resolution Conf. 12.11 (Rev. CoP19) to be considered when a name change of a taxon is proposed are:
- a) whether the name change would alter the scope of protection;
- b) whether it would cause additional species to be included, in which case the Depositary Government should be requested to submit an amendment proposal; and
- c) ensure that the original intent of the listing is retained
38. With respect to a), the current listing of *Loxodonta africana* includes all elephants on the African continent. All populations of the species (*L. africana*) are included in Appendix I (except for the four populations of *L. africana* in Appendix II). Recognizing *L. cyclotis* as a separate species in Appendix I would not alter the scope of any of the populations currently in Appendix I. Similarly, *Loxodonta* spp. in Appendix I (except the four populations of *L. africana* currently in Appendix II) would not alter the scope of protection for any of the species because the four populations in Appendix II would not be impacted by the taxonomic change and remain in Appendix II.
39. With respect to b), the name change of certain populations of *L. africana* to *L. cyclotis* would not mean any additional species to be included in Appendix I. The genus *Loxodonta* spp. in Appendix I could in theory mean that additional species could be included. The Conference of the Parties has previously agreed that inclusion of a higher taxon could potentially widen the scope of the original listing. However, in this particular case, where it has taken over two decades to recognize the second species of the African elephant and

where science is clear that there are only these two species in the genus *Loxodonta*, there would appear to be no risk of widening the scope of the original listing if the genus is in Appendix I. There are only two species in the genus, so it appears to be more in line with the principles of CITES as expressed in for instance in Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II* to recognize the genus rather than the two separate species. When the taxonomic change does not cause additional species to be included in the Appendices, no amendment proposal is required and hence the adopted taxonomic changes would not be subject to reservations.

40. Regarding c), it appears clear that the original intent of the proposals was to include all African elephants under the scope of CITES. The species was included in Appendix II at CoP1 based on a proposal by Switzerland which made reference to the African elephant when proposing the inclusion of *Loxodonta africana* in Appendix II. When the species was transferred from Appendix II to Appendix I at the 7th meeting of the Conference of the Parties (CoP7; Lausanne, 1989), the intent was also to cover all African elephants; the justification refers to the “African elephant” throughout the amendment proposal.
41. If Parties agree to recognize *L. cyclotis* as a separate species, it would appear to be consistent to have the genus in Appendix I (maintaining the four populations of Botswana, Namibia, South Africa and Zimbabwe in Appendix II, subject to annotation A10).
42. The Secretariat would like to emphasize that the case of the taxonomy of the African elephant is special and recognition of the genus rather than the two separate species as a taxonomic change rather than through an amendment proposal in accordance with Article XV is only possible because the science is unambiguous. It is noted that the CMS recognized *L. cyclotis* already at CoP9 in 2008 through the adoption of Wilson-Reeder 2005 as the standard reference for terrestrial mammals.
43. Based on the above, it would appear that both options would be possible and have the same legal effect and that neither of the two options would change the current level of protection of the species included in the Appendices. It is, however, important to keep in mind that for reporting on illegal trade in and seizures of elephant ivory, it might be necessary to continue with reporting at the genus level or even higher taxon as species level reporting would not always be possible.
44. In this context, the Secretariat would also like to draw the attention to the Annex to document SC77 Doc. 55 on the dialogue meeting for African elephant range States. In the proposed terms of reference for the dialogue meeting, *Separation of African elephant to Savannah and Forest elephants in CITES processes* is among the pertinent topics that could potentially be discussed at the Dialogue meeting and the African elephant range States will thus have an opportunity to discuss the issue further at the occasion of the dialogue meeting.

Regarding the effect and implications of a nomenclature change

45. The Secretariat notes that the review of the implications of a potential nomenclature change at the level of CITES Resolutions, processes and decisions appears to be manageable in terms of the implementation of these CITES provisions and processes if the Conference of the Parties agree to the nomenclature change irrespective of the approach taken. Implications for domestic legislation at the national level would be up to the individual Parties to consider and review. These may be significant and may also be different depending on the approach taken to implement the nomenclature change.
46. In this context, it will be useful for Parties to know for which species they would be considered a range State if the nomenclature change is agreed. This will depend on the final standard nomenclature reference which has not yet been agreed. However, as noted in document AC32 Doc. 46, based on Mondol *et al.* (2015) and the IUCN Red List assessments, the individual countries of occurrence are:

Loxodonta africana (savannah elephant) – Extant (resident): Angola; Botswana; Cameroon; Central African Republic; Chad; Democratic Republic of the Congo; Eritrea; Ethiopia; Kenya; Malawi; Mali; Mozambique; Namibia; Nigeria; Rwanda; Somalia; South Africa; South Sudan; United Republic of Tanzania; Uganda; Zambia; Zimbabwe. Extant (passage): Burkina Faso. Extant (reintroduced, resident): Eswatini. Extinct: Burundi; Mauritania.

Loxodonta cyclotis (forest elephant) – Extant (resident): Angola; Benin; Burkina Faso; Cameroon; Central African Republic; Congo; Democratic Republic of the Congo; Côte d'Ivoire; Equatorial Guinea; Gabon; Ghana; Guinea; Guinea-Bissau; Liberia; Niger; Nigeria; Rwanda; Senegal; Sierra Leone; South Sudan; Togo. Extinct: the Gambia.

Hybrid individuals have been detected by molecular methods in Mali; in the border region of Benin with Burkina Faso; in the Central African Republic; and in the border regions of the Democratic Republic of the Congo with Rwanda, Uganda, and possibly South Sudan.

47. Other nomenclature references have a different distribution which is why it might be necessary to supplement the nomenclature reference with additional sources in determining the distribution, which is not unusual. Irrespective of the nomenclature reference adopted, there will be certain Parties with native resident or migrating elephant populations of both species, which could include Angola, Burkina Faso, Cameroon, the Central African Republic, the Democratic Republic of the Congo, Nigeria, Rwanda, and one non-Party: South Sudan. These Parties would potentially face more challenges both in terms of legislation and in terms of practical implementation as they would need to identify the correct species on any future CITES permits and certificates, noting that their populations of both species would be included in Appendix I.

Regarding nomenclature references

48. At its 32nd meeting (AC32; Geneva, June 2023), the Animals Committee agreed that a relevant nomenclature standard reference for these animals be further deliberated intersessionally, with the outcomes of deliberations to be reported to AC33. The Committee established an intersessional working group on nomenclature with the identification of an appropriate nomenclature standard reference for the African elephant(s) as part of its mandate.
49. As noted in paragraph 3 above, the Animals Committee invited additional suggestions for nomenclature references. The following references were included in the responses to the Notification:
- a) Wilson DE & Reeder DM, (ed.) 2005. *Mammals of the World. A Taxonomic and Geographic Reference*. Volume I, Third Edition. John Hopkins University Press [current standard reference for mammals]
 - b) Wilson DE & Mittermeier RA (Eds.). 2011. *Handbook of the Mammals of the World*, Volume 2. Hoofed Mammals. [pages 76-78]. Lynx Editions, Barcelona. ISBN 978-84-96553-77-4.
 - c) Mondol et al., 2015. *New evidence for hybrid zones of forest and savanna elephants in Central and West Africa*. *Molecular Ecology*, 24(24): 6134-6147.
50. The respondents generally seemed to agree that none of the cited options (including the current standard reference) were ideal. It was also noted that the CMS has adopted option a) above as the standard reference for the two species (Annex to CMS Resolution 12.27). However, some respondents noted that this reference is becoming increasingly outdated while others preferred to adopt this reference with possible supplemental references to identify the geographical ranges. A number of Parties noted that all three options were outdated and that the nomenclature change should not be agreed without an up-to-date, peer-reviewed publication to serve as the nomenclature standard reference which is currently not available.

Conclusions

51. Based on the information received and reviewed, there appears to be no strong opposition against the recognition of two separate species of African elephants. However, views differ with respect to the nomenclature reference. In this context, it is recalled that the Animals Committee has established an intersessional working group on zoological nomenclature which is mandated to “b) *identify an appropriate nomenclature standard reference for the African elephant(s)*”. The Secretariat therefore recommends that this issue be deferred to the Animals Committee which will consider it at its 33rd meeting in July 2024.
52. At the same time, should the Animals Committee come to an agreement on the nomenclature reference and recommend a change in the nomenclature at CoP20, the Standing Committee should be ready to propose corresponding amendments to relevant Resolutions as noted above. If such an agreement is reached by the Animals Committee, the Secretariat could prepare possible amendments to relevant Resolutions for the consideration of the Standing Committee at its next meeting.

Recommendations

53. The Standing Committee is invited to:
- a) consider the summary of the information provided by the Parties and stakeholders with respect to the effect and implications of a change to the nomenclature of the African elephant;

- b) consider the list of Resolutions, Decisions and other matters analyzed by the Secretariat in paragraphs 18-33 that could be potentially impacted by a taxonomic change and provide any additional perspectives;
- c) consider the approach to the implementation of the taxonomic change as outlined in paragraphs 34 to 47 of the present document;
- d) recommend the inclusion of the topic African elephant nomenclature changes in the proposed dialogue meeting for African elephant range States;
- e) defer any conclusion on the standard nomenclature reference to the Animals Committee for its consideration its 33rd meeting; and
- f) should the Animals Committee agree to recommend a change to nomenclature and to the standard reference at its 33rd meeting, request the Secretariat to prepare possible proposals for consequential amendments to relevant Resolutions and CITES guidelines and submit them for consideration by the Committee at its 78th meeting.

Possible change in elephant nomenclature

VALID DECISIONS SPECIFICALLY RELEVANT TO THE AFRICAN ELEPHANT

19.68 to 19.70	Review of the National Ivory Action Plans Process
19.94 to 19.96	Implementation of the priority recommendations from the review of the ETIS programme
19.97 & 19.98	ETIS categorization of Parties
19.99 to 19.101	Ivory seizures and domestic ivory markets
19.102 & 19.103	Trade in mammoth ivory
19.156, 19.157, 18.184 (Rev. CoP19), 18.185 (Rev. CoP19)	Stocks and stockpiles (elephant ivory)
19.164 to 19.166	Definition of the term 'appropriate and acceptable destinations'
19.167 & 19.168	Trade in live African elephants (<i>L. africana</i>)
19.275 to 19.277	Taxonomy and nomenclature of African elephants (<i>Loxodonta</i> spp.)