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

CE

Seventy-eighth meeting of the Standing Committee Geneva (Switzerland), 3-8 February 2025

Appendices of the Convention

Nomenclature matters: Fauna

TAXONOMY AND NOMENCLATURE OF AFRICAN ELEPHANTS (LOXODONTA SPP.)

- This document has been prepared by the Secretariat.
- 2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.275 to 19.277 on *Taxonomy and nomenclature of African elephants* (Loxodonta *spp.*):

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 taxonomicnomenclatural 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.

Background

- 3. In document <u>SC77 Doc. 74</u>, the Secretariat summarized the views and perspectives received from nine Parties and three observers in response to Notification to the Parties No. 2023/078 and provided a comprehensive analysis of the Resolutions and other processes that might be impacted by the nomenclature change. The document also discussed possible new standard nomenclature references and how to reflect the nomenclature change in the Appendices. At its 77th meeting (SC77; Geneva, November 2023), the Standing Committee agreed to defer any conclusion on the standard nomenclature reference to the Animals Committee and, in case the Animals Committee would agree to recommend a change to nomenclature and to the standard reference, requested 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.
- 4. At its 33rd meeting (AC33; Geneva, July 2024), the Animals Committee agreed to reconfirm its acknowledgment of the scientific merit of recognizing the two species of African elephants, recognizing that hybrids and mixed-species groupings do occur. The Committee recommended that the nomenclatural standard references concerning African elephants be updated by:
 - a) deleting Wilson & Reeder 1993 as the specific reference for *Loxodonta africana* in the Annex to Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature* and therefore including African elephants as covered by the adopted nomenclatural standard reference Wilson & Reeder 2005; and
 - b) adopting as a supplementary standard reference to clarify the distribution of *Loxodonta africana*, *L. cyclotis*, and their hybrids, Mondol et al. 2015, or a more up-to-date publication if that becomes available before the document submission deadline for the 20th meeting of the Conference of the Parties.
- The Animals Committee also agreed to defer to the Standing Committee and the Conference of the Parties the considerations on how to reflect the recognition of these taxa in the Appendices, noting the discussion at SC77.

Implications of the taxonomy and nomenclature change

6. In view of the recommendations of the Animals Committee and as requested by SC77, the Secretariat, in the following paragraphs, revisited its analysis of the Resolutions and other documents and processes that might be impacted by the change to the standard nomenclature reference following the recognition of two separate *Loxodonta* species. Focus was given on whether any amendments or adjustments are required and should be proposed to the 20th meeting of the Conference of the Parties to ensure consistency in case the recommended standard nomenclature reference is adopted.

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

7. The Annex to Resolution Conf. 12.11 (Rev. CoP19) would need to be amended to reflect the agreed standard reference changes. This is the formal way in which the Conference of the Parties recognizes the second species in the genus Loxodonta spp. As noted in paragraph 4 above, the Animals Committee has agreed on a recommended new standard reference that it will submit for consideration by the Conference of the Parties.

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

8. The Resolution provides recommendations related to species of both African and Asian elephants. Except for the first two preambular paragraphs in the Resolution that recalls when the Asian elephant (*Elephas maximus*) and African elephant (*Loxodonta africana*) were included in the Appendices, no other provisions explicitly refer to their taxonomic names – all provisions apply to "African and Asian elephants" or just to "elephant" or "elephants", making no distinction between the species. The Resolution contains the provisions related to Monitoring of Illegal Killing of Elephants (MIKE), Elephant Trade Information System (ETIS) and the National Ivory Action Plan (NIAP) process as well as provisions on reporting on seizures and stockpiles of ivory.

- 9. In terms of 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. The Secretariat proposes to engage the MIKE-ETIS Technical Advisory Group (TAG) on this to advise 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 continental and subregional trends that is provided currently; the Secretariat has included a draft decision to this effect in Annex 1 to the present document.
- 10. The provisions in the Resolution related to Parties' reporting of seizures and stockpiles of elephant ivory do not require Parties to report the seizures or the stockpiles at the species-level. As it could be challenging to differentiate ivory between the two African elephant species, it is proposed not to make any changes to these provisions in the Resolution. Reporting of ivory seizures to ETIS is not presently required at the species level and since ETIS does not distinguish between Asian and African elephant ivory in its analyses, the Secretariat suggests not to change this practice, except in cases of large-scale seizures as described below.
- 11. Paragraphs 23 and 24 of the Resolution provide specific recommendations related to large-scale ivory seizures (i.e. a seizure of 500 kg or more). The provisions read as follows:
 - 23. URGES Parties to collect samples from large-scale ivory seizures (i.e. a seizure of 500 kg or more) that take place in their territories, preferably within 90 days of the seizure or as soon as allowed under judicial processes, and provide these to forensic and other research institutions capable of reliably determining the origin or age of the ivory samples in support of investigations and prosecutions;
 - 24. RECOMMENDS that Parties share with the Secretariat and source countries information on the origin or age of seized ivory specimens arising from forensic analysis of samples to facilitate investigations and prosecutions, and for analysis by MIKE and ETIS in their reporting to the Standing Committee and the Conference of the Parties;
- 12. The Secretariat notes that information on the species of the elephant tusk would be possible to determine through the forensic analysis of the origin of the ivory samples as provided for in paragraph 23 of the Resolution. While ETIS does not use this information at present, it could be important in the context of investigations and prosecutions in cases of illegal trade in elephant ivory as set out in paragraph 17 of document SC77 Doc. 74. Parties should therefore be encouraged to make the determination of the species when undertaking the forensic analysis and sharing the information in accordance with paragraphs 23 and 24. A suggested amendment to this effect is included in Annex 1 to the present document.
- 13. With regard to NIAP provided for in paragraph 27 and Annex 3 to the Resolution, it is not expected that the process would need to change in case of a nomenclature change.
- 14. In paragraph 21, the Resolution contains provisions related to quotas for trade in raw ivory as part of elephant hunting trophies. It is recommended that each elephant range State that wishes to authorize export of raw ivory as part of elephant hunting trophies, as defined in Resolution Conf. 12.3 (Rev. CoP19) on *Permits and certificates*, establish, as part of its management of the population, an annual export quota expressed as a maximum number of tusks, and implement the provisions and guidelines in Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*. Such export quotas must be established and managed at the species level. However, the Secretariat is of the view that this is regulated in Resolution Conf. 12.3 (Rev. CoP19) and Resolution Conf. 14.7 (Rev. CoP15) and that no amendments are required on this matter in Resolution Conf. 10.10 (Rev. CoP19).

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

 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). The first part of paragraph 1 of the Resolution reads

AGREES 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

elephants¹ 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.

16. With regard to the application of the Resolution, if *Loxodonta cyclotis* is recognized, it will be required to determine what is the species' (*L. africana*) natural and historical range as compared to *L. cyclotis* in case of exports of live elephants from the four populations of *L. africana* to such destinations. This could raise questions in a few cases where there might be doubt about the historical range of *L. africana* as compared to *L. cyclotis*. However, the text of the Resolution is clearly referring to *L. africana*. On that basis, there seems to be no need to amend the Resolution to address this issue. The provision explicitly makes reference to "appears in an annotation to the listing of Loxodonta africana in Appendix II". Therefore, depending on the retained option for reflecting the recognition of the *Loxodonta cyclotis*, this wording would need to be amended (see further below).

Resolution Conf. 14.5 on Dialogue meetings

17. The first preambular paragraph of the Resolution recalls that dialogue meetings have been held in the past to examine proposals to amend the CITES Appendices in relation to the African elephant. As this does not affect the scope of the Resolution due to the taxonomic and nomenclature change of *Loxodonta* species, the Secretariat considers that no changes to the Resolution are required.

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

18. The Resolution refers to the "African elephants" and "African elephant range States" without reference to any specific species of African elephants. Similarly, the revised African Elephant Action Plan (March 2023) does not distinguish between the two species of African elephants. The Secretariat therefore suggests that no amendments to the Resolution are required.

Regulation of trade - CITES permits and CITES Trade Database

- 19. The nomenclature change should be reflected on any future CITES permits or certificates in accordance with the Convention and Resolution Conf. 12.3 (Rev. CoP19). 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 belongs [see paragraph 3 y)]. 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, see paragraph 24 e). This is important as it would be required to differentiate between *L. africana* and *L. cyclotis* on any future permits and certificates (export, import, re-export and pre-Convention), irrespective of whether the two species were to be recognized separately or under the genus in the Appendices.
- 20. A nomenclature change would also need to be reflected in the CITES Trade Database and be managed the same way as any other nomenclature change. This means that future annual reports should differentiate between *L. africana* and *L. cyclotis* as they appear in the permits. Past records of the trade in *L. africana* would generally remain recorded under the genus The Secretariat will consult with the United Nations Environment Programme World Conservation Monitoring Centre and the United Nations Conference on Trade and Development to determine whether there is any need for additional technical solutions in the CITES Trade Database or the eCITES Base Solution, to avoid any confusion or mixing of past and future trade data resulting from the nomenclature change.

Non-detriment findings

21. Non-detriment findings (NDFs) should also be carried out at the species level irrespective of whether the two species were to be recognized separately or under the genus in the Appendices. The non-binding guiding principles adopted by Parties in Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* and the NDF guidance on the CITES website can be used by Parties when making NDFs either for *L. africana* or *L. cyclotis*.

Excluding elephants that were in ex-situ locations at the time of the adoption of this Resolution at the 18th meeting of the Conference of the Parties.

CITES annual illegal trade reports

22. The nomenclature change would be reflected in the CITES Illegal Trade Database following the CITES nomenclature. The <u>Guidelines for the preparation and submission of the CITES annual illegal trade report</u> 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.

Decisions

23. A number of CoP19 Decisions refer or relate to African elephants. Most of these Decisions are proposed for deletion at CoP20. However, Decisions related to African elephants proposed for CoP20 would need to consider whether they apply to both species if a nomenclature change is accepted at CoP20. Annex 2 to the present document includes the list of Decisions directly relevant to African elephants.

Guidance documents

24. 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) contains a list of factors to be evaluated when considering whether the proposed recipient of a living specimen of African elephant or southern white rhinoceros is suitably equipped to house and care for it. The guidance document does not contain any species-specific guidance related to habitat needs or diet. Unless such specific guidance exists and is considered necessary, the guidance does not need to be amended.

Implementation of taxonomy and nomenclature change

- 25. As noted above, the Animals Committee deferred to the Standing Committee and the Conference of the Parties the considerations on how to reflect the recognition of these taxa in the Appendices, noting the discussion at SC77. At SC77, the Standing Committee did not come to an agreement but noted a preference for changing Loxodonta africana to Loxodonta spp. in Appendix I, as well as comments made on the floor (see summary record SC77 SR).
- 26. The discussions at AC33 and SC77 focused on two options. For ease of reference, the two options are contained in paragraphs 29 and 30 below as options A and B. In view of the difficulties in reaching consensus on this issue, the Secretariat has included a third option combining option A and B, which is reflected as option C below.
- 27. The Secretariat would like to reiterate that the nomenclature change needs to meet the three criteria in Resolution Conf. 12.11 (Rev. CoP19), in order to be accepted without an amendment proposal in accordance with Article XV. As noted in document SC77 Doc. 74, the elements in paragraph 2 f) of Resolution Conf. 12.11 (Rev. CoP19) to be considered when a name change of a taxon is proposed are:
 - i) whether the name change would alter the scope of protection;
 - ii) whether it would cause additional species to be included, in which case the Depositary Government should be requested to submit an amendment proposal; and
 - ii) whether the original intent of the listing is retained.
- 28. These criteria were discussed in paragraphs 38 to 43 in document SC77 Doc. 74 that concluded that the criteria were fulfilled with regard to both option A or option B. The Secretariat considers that the same arguments can be applied to option C. Therefore, regardless of which approach is taken, no amendment proposal would be needed in accordance with Article XV of the Convention, and thus the change in the Appendices would not be subject to reservations.

Option A

29. Option A would appear to be the simplest and most logical way to reflect the recognition of Loxodonta cyclotis. It clearly establishes that there is a new additional elephant species recognized at the same level as the two existing species that appear under the family Elephantidae in the current CITES Appendices. It makes it clear that trade is regulated at the level of the species and that permits and certificates must be

issued at the level of the species. Furthermore, as argued at SC77, the inclusion of the two separate species of African elephant would recognize the different conservation challenges faced by each species.

ELEPHANTIDAE Elephants	Appendix I	Appendix II
	Elephas maximus Loxodonta africana (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix II subject to annotation A10) Loxodonta cyclotis	Loxodonta africana A10 (Only the populations of Botswana, Namibia, South Africa and Zimbabwe; all other populations are included in Appendix I)

Option B

30. In option B, Loxodonta africana would be replaced with Loxodonta spp. in the two Appendices. At SC77, some Parties expressed support for recognizing both species and including African elephants at the genus level in both Appendices as Loxodonta spp. Parties argued that a genus-level listing would best reflect the original intent of the listing proposal for L. africana; that species-specific listings could present implementation difficulties, in terms of permitting and MIKE analyses; and that a genus-level listing would have a minimal impact on existing Resolutions and Decisions (see summary record SC77 SR). It was also recognized that this would be in accordance with past practice under CITES where the genus is included in the Appendix if all the species in the genus are included. It would also be in line with Resolution Conf. 9.24 (Rev. CoP17), Annex 3: "If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon." As noted in document SC77 Doc. 74, the 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: all African elephants have traditionally been included in the single species L. africana and are at present included as the only two species in the genus Loxodonta. It cannot set a precedent in cases where there is doubt about the species included in the genus. If this option is retained, amendments will be required to Resolution Conf. 11.20 (Rev. CoP18), paragraph 1, as noted above in paragraph 16.

ELEPHANTIDAE Elephants	Appendix I	Appendix II
	Elephas maximus Loxodonta spp. (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix II subject to annotation A10)	Loxodonta spp. ^{A10} (Only the populations of Botswana, Namibia, South Africa and Zimbabwe; all other populations are included in Appendix I)

Option C

- 31. Option C would be a combination of option A and option B and would be similar to other split-listings in the Appendices, such as the listing of *Rhinocerotidae* spp. in Appendix I (except the subspecies in Appendix II) and the inclusion of *Ceratotherium simum* in Appendix II A8 A9 (Only the populations of Eswatini, Namibia and South Africa; all other populations are included in Appendix I), and the listing of FALCONIFORMES spp. in Appendix II (except the species included in Appendix I), where *Falco newtoni* is in Appendix I, but only the population of Seychelles; all other populations are included in Appendix II.
- 32. Annex 3 to Resolution Conf. 9.24 (Rev. CoP17) recommends that "If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices. However, the Secretariat suggests that the wording in the bracketed annotation should reflect the decisions of the Conference of the Parties with regard to the four populations. It is recalled that the populations of Botswana, Namibia and Zimbabwe were transferred from Appendix I to Appendix II at CoP10 at the proposal of the three Parties, whereas the

population of South Africa was transferred from Appendix I to Appendix II at CoP11 at the proposal of South Africa. Hence, the bracketed annotation in option C should not refer to the species or subspecies included in Appendix II like in the examples or in Resolution Conf. 9.24 (Rev. CoP17). Instead, it should refer to the four populations of the species, in this case, *L. africana*, included in Appendix II to correctly reflect what had been decided by the Conference of the Parties at the time.

ELEPHANTIDAE Elephants	Appendix I	Appendix II
	Elephas maximus Loxodonta spp. (Except the populations of L. africana included in Appendix II)	Loxodonta africana ^{A10} (Only the populations of Botswana, Namibia, South Africa and Zimbabwe; all other populations are included in Appendix I)

Discussion and conclusions

- 33. With respect to the three options for reflecting the recognition of *Loxodonta cyclotis* in the Appendices, the Secretariat notes that, in paragraph 17 b) ii) of document PC27 Doc. 40.2 / AC33 Doc. 47.2 (Rev. 1), the nomenclature specialist recommended clarifying that nomenclature changes made to the Appendices should be limited to the same rank as the originally-listed species or higher taxon, in order not to set a precedent that recognition of a new species can be used as an argument for changing the listing of a species into a higher taxon listing. However, in discussion at the joint meeting of the Plants and Animals Committees, this recommendation was not supported, and instead, amended language to paragraph 13 of Resolution Conf. 12.11 (Rev. CoP19) was proposed with effect that changes in rank of listings in the Appendices can occur as a result of nomenclature updates, as long as it is determined not to alter the scope or protection for fauna and flora under the Convention (see summary record AC33 SR, page 73).
- 34. The Secretariat points out that option B could create confusion and lead to the misunderstanding that permits and certificates can be issued at the genus level which is not the case. In the same vein, it might be harder to communicate that *L. cyclotis* has been recognized by CITES if this is not apparent in the Appendices.
- 35. With regard to the impact on Resolutions, Decisions and other processes, any of the option chosen can be accommodated as summarized above. Similarly, a possible future amendment proposal related to one of the two species will not be affected. Such a proposal could be made at the species or the genus level, no matter how the recognition of the two species *L. africana* and *L. cyclotis* is reflected in the Appendices.
- 36. As mentioned above, the Secretariat notes that in this case, a genus listing like option B or C could be proposed as it is adequately established that this would not alter the scope of protection or cause additional species to be included, but it could also create confusion as mentioned above. It finally notes that option A would be consistent with how nomenclature split updates to the Appendices have been handled in the past.

Recommendations

- 37. The Standing Committee is invited to:
 - a) take note of the change to the standard nomenclature reference recommended by the Animals Committee as set out in paragraph 4 above;
 - b) consider the options to reflect the nomenclature change in the Appendices, as contained in paragraphs 29 to 32 above, and agree on a recommendation for submission to the Conference of the Parties;
 - c) review and submit the draft decision and proposed amendment to Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens* contained in Annex 1 to the present document to the Conference of the Parties at its 20th meeting; and
 - d) agree that Decisions 19.275 to 19.277 have been implemented and can be proposed for deletion.

DRAFT DECISION ON DATA COLLECTION AND ANALYSIS FOR TWO SPECIES OF AFRICAN ELEPHANTS

Directed to the Secretariat

20.AA Subject to extrabudgetary resources, the Secretariat shall:

- a) consult the MIKE-ETIS Technical Advisory Group to advise whether an analysis of the trends in the
 proportion of illegally killed elephants (PIKE) based on the two species of African elephants can be
 provided in the future, in addition to the analysis of the genus-level continental and subregional
 trends and,
- b) if feasible, carry out the analysis and include the results in its regular report to the Standing Committee in accordance with paragraph 27 of Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*.

DRAFT AMENDMENTS TO RESOLUTION CONF. 10. 10 (REV. COP19) ON TRADE IN ELEPHANT SPECIMENS

New text is underlined and deleted text is in strikethrough.

- 23. URGES Parties to collect samples from large-scale ivory seizures (i.e. a seizure of 500 kg or more) that take place in their territories, preferably within 90 days of the seizure or as soon as allowed under judicial processes, and provide these to forensic and other research institutions capable of reliably determining the origin, species and er age of the ivory samples in support of investigations and prosecutions;
- 24. RECOMMENDS that Parties share with the Secretariat and source countries information on the origin, species and er age of seized ivory specimens arising from forensic analysis of samples to facilitate investigations and prosecutions, and for analysis by MIKE and ETIS in their reporting to the Standing Committee and the Conference of the Parties;

SC78 Doc. 84 (Rev. 1) Annex 2

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 to 19.98	ETIS categorization of Parties
19.99 to 19.101	Ivory seizures and domestic ivory markets
19.102 to 19.103	Trade in mammoth ivory
19.156 ,19.157, 18.18	4 (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 to 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.)