

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

Interpretation and implementation of the Convention

Species trade and conservation

CONTROL OF TRADE IN ELEPHANT SPECIMENS

1. This document has been prepared by the Secretariat.

Background

2. In Resolution Conf. 10.10 (Rev. CoP15) (*Trade in elephant specimens*), the Conference of the Parties directs the Secretariat to monitor trade in elephant specimens, particularly ivory, and to “report its findings, recommendations or progress to the Standing Committee, which shall consider appropriate measures, including restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.” The Secretariat is also directed to report to the Standing Committee on the implementation of the *Action plan for the control of trade in elephant ivory*, adopted in Decision 13.26 (Rev. CoP15).

Elephant and ivory trade questionnaire

3. At its 14th meeting (The Hague, 2007), the Conference of the Parties adopted an *Action plan for the control of trade in elephant ivory*. Point 2 of the plan required the Secretariat to distribute a questionnaire seeking information regarding the control of trade in ivory. The questionnaire was distributed with Notification to the Parties No. 2007/029 of 17 September 2007.
4. The Action plan required questionnaires to be returned by 31 December 2007 and the Conference of the Parties adopted the following non-compliance measure in the case of elephant range States that failed to submit a response:

Where an elephant range State fails to submit by 31 December 2007 the questionnaire referred to... , the Secretariat shall issue a Notification to the Parties advising that the Conference of the Parties recommends that Parties not authorize commercial trade in specimens of CITES-listed species with the State in question. Such a recommendation shall remain in force until a completed questionnaire is received by the Secretariat.

5. The Secretariat sent reminders of this provision to all elephant range States in December 2007.
6. Gabon and Somalia failed to submit a completed questionnaire. Consequently, they remain subject to a recommendation for a cessation of commercial trade.
7. The Secretariat contracted TRAFFIC to conduct an analysis of the questionnaires that were submitted and this showed a number of inconsistencies. For example, there were questions whether ivory stocks declared in the questionnaire responses matched those that had been noted in previous audits. In other cases, statements in questionnaire responses regarding control of domestic trade did not appear to match the findings of market surveys that had been conducted by non-governmental organizations such as TRAFFIC.
8. Copies of the analysis were distributed to African elephant range States when they met in Kenya in November 2010. They were asked to note the findings of the analysis and provide comments to the Secretariat. No comments had been received at the time of writing (late May 2011). The Secretariat is examining how best to pursue this matter, as it has been unable to do so on a range State-by-range State basis with its current resources.

9. Whilst the analysis of the questionnaire responses indicates areas worthy of clarification, these are not, in themselves, serious matters in relation to non-compliance. It is now over three-and-a-half years since the questionnaire was distributed. The Secretariat questions whether it is meaningful to maintain a recommendation for a cession in trade in relation to the two countries that failed to submit a response. Unless the Standing Committee decides to the contrary, the Secretariat proposes to withdraw the recommendation in respect of Gabon and Somalia. It suggests, however, that the Committee may wish to note, with disappointment, their failure to cooperate.

Scientific research

10. The *Action plan for the control of trade in elephant ivory* recommends that range States cooperate with relevant research projects studying the identification of ivory. At their meeting in November 2010, African elephant range States were advised of a project, supported by the CITES Management Authority of Germany, which is designed to determine the age and geographical origin of African elephant ivory. States were encouraged to assist by providing relevant samples.

Implementation of the *Action plan for the control of trade in elephant ivory*

11. The Secretariat took the opportunity of the African elephant range States meeting to remind Parties that the Action plan emerged from their dialogue meeting before the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), that it was adopted by consensus at CoP13, and that it has been amended and re-adopted by consensus at each subsequent meeting of the Conference of the Parties. Whilst the Secretariat provides as much implementation support as it can, working with relevant partners such as INTERPOL and the World Customs Organization, the plan is very much 'owned' by elephant range States and the primary responsibility for its implementation rests with them.
12. The Secretariat pointed out that, with a few notable exceptions, the majority of interceptions of ivory that is smuggled out of the continent of Africa continue to occur in Europe and Asia. It appears that considerable scope exists for the tightening of export controls of both cargo and passengers at the major air and sea ports of Africa. Africa has relatively few major international airline 'hubs' and any increase in controls on export and transit at such ports are bound to pay dividends. The ease with which some air passengers are able to travel with substantial quantities of ivory continues to give grounds for concern. In one recent seizure, for example, a passenger had managed to check in baggage that contained over 90 kg of ivory on a flight from central Africa. Fortunately, he was intercepted in transit in east Africa.
13. Unregulated domestic trade in ivory also apparently continues to warrant increased attention and this seems especially true in parts of central and west Africa. This is demonstrated by the apparent ease with which persons can acquire, for example, items of worked ivory. In June 2010, the Secretariat wrote to the CITES Management Authority of Guinea after it became aware that passengers arriving in Europe on flights from Conakry were regularly found to be in possession of ivory in violation of the Convention. In one Customs control exercise in Belgium, the baggage of approximately 30 passengers from one flight was inspected. Almost half the passengers were found to be in possession of CITES-listed specimens. These included hundreds of items made from elephant ivory, such as bangles, combs, necklaces, animal figures and chopsticks, but also whole small tusks and other pieces of raw ivory. There were also crocodile and snake skin products and thousands of seahorses. None of the passengers had CITES export permits. It appears that the authorities in Guinea had not been aware of this illicit trade and responded that action would be taken. The Secretariat hopes to be able to conduct *in situ* assessment work in Guinea in due course. (See also document SC61 Doc. 30 on *Enforcement matters*.)
14. Citizens of China, their baggage, or packages sent by them through the post, continue to feature prominently among seizures. The Secretariat is aware that many such persons are intercepted by the Customs agencies of China at the time of arrival and that the Government of China has engaged in public awareness campaigns to ensure that its citizens working or living abroad are aware of ivory trade control provisions. It understands that the Government is soon to engage in yet another major campaign, assisted by non-governmental organizations. The Secretariat notes, however, that a lack of awareness may not be the major problem. Many of the seizures that it is aware of, such as those described in paragraph 13 above, involved specimens that had been carefully concealed within luggage or had been treated in a manner that was obviously intended to obstruct their detection during X-ray screening.
15. The Secretariat is also aware that the authorities and courts in China regard the smuggling of ivory, or other CITES-listed specimens, as a serious matter. It appears, however, that some persons continue to think that smuggling is worth the risks involved.

16. Nigeria has regularly been identified, through ETIS data and other seizure information, as affected by illegal trade in ivory. Historically, very few of these seizures were conducted in Nigeria itself. As reported in document SC61 Doc. 30 on *Enforcement matters*, the Secretariat has conducted *in situ* verification activities in Abuja, Kano and Lagos. In such work in 2010, this led to the authorities undertaking seizures of ivory. In 2011, the Secretariat found some worked ivory for sale in a market in Lagos but it was not of a quantity to give grounds for concern.
17. The authorities in Nigeria have clearly undertaken extensive awareness-raising activities among traders and the general public. Previously, ivory was regularly on open display and sale in duty-free shops in Lagos International Airport, but none was present when the Secretariat conducted an inspection there in 2011. Nigeria Customs appears to have a much greater awareness of illegal trade in wildlife, has made seizures of ivory, and is currently investigating illegal trade in such specimens.
18. It is almost inevitable that Nigeria's major air and sea ports will be used for the smuggling of ivory but the Secretariat is satisfied that a new era of wildlife law enforcement has begun in the country.
19. In March 2001, whilst in Rwanda on gorilla-related matters, the Secretariat took the opportunity to inspect markets and other relevant locations in the capital city of Kigali. Rwanda's geographical location lends itself to its being a transit or sale point for ivory. However, only one very small item of worked ivory was seen on open display. In a large arts and handicrafts market, only two vendors had small quantities of ivory and these were not on open display. The stallholders had to be encouraged to produce ivory for sale and it was clear that they were aware that selling such items would be illegal.
20. These findings were discussed with CITES officials, who advised the Secretariat that public-awareness work has been conducted and that the Rwanda Police do not hesitate to take enforcement action. The Secretariat was very impressed that such a small quantity of ivory was apparently available in a country whose close neighbours suffer significant levels of elephant poaching.
21. Thailand is a country identified through ETIS as being significantly affected by illicit trade in ivory. This subject was raised with the CITES authorities of Thailand during a visit by the Secretary-General of the Convention in late 2010.
22. Domestic trade in ivory is legal in Thailand, but only if the ivory is obtained from registered domesticated elephants. The Secretariat has examined Thailand's ivory trade controls in the past and they fall short of what is required in Resolution Conf. 10.10 (Rev. CoP15). The Secretariat has provided detailed advice to the authorities in Thailand on how trade might be regulated. The CITES authorities of Thailand have drafted legislation on this subject but, owing to the political situation in the country, this has yet to be considered or enacted by the Government.
23. The authorities in Thailand have conducted raids on manufacturers and retailers of ivory and have confiscated ivory of dubious origin, but few prosecutions have followed because of the inadequacy of current law.
24. Secretariat staff visited the town which is the centre of Thailand's ivory industry and noted that extensive awareness-raising had been conducted by the authorities. All the retail premises seen displayed signs advising potential purchasers of the trade control requirements. Awareness-raising material is also displayed at Bangkok's international airport.
25. The Secretariat notes that the authorities in Thailand, especially its Customs agency, have made very significant seizures of ivory as it was being smuggled either into or through the country. It is clear, therefore, that the Government of Thailand has no tolerance for the introduction of illegal ivory into its territory. But there can be little doubt that unscrupulous traders are exploiting the current domestic trade situation and the Secretariat believes that Thailand must introduce comprehensive internal trade controls and legislation as a matter of urgency. It reminds Thailand that the Action plan contains non-compliance measures for those Parties that are found not to implement the plan or where significant quantities of ivory are found to be illegally sold.
26. Thailand's lack of comprehensive internal trade controls has existed for several years now and it has been identified as a priority country at recent meetings of the Conference of the Parties. The Secretariat suggests that the Standing Committee encourage Thailand to finalize and implement controls in the near future. The Committee may wish to consider establishing a deadline by which such action should be completed.

CITES Ivory and Rhinoceros Enforcement Task Force

27. In accordance with Decision 15.72 on *Conservation of and trade in African and Asian rhinoceroses*, and thanks to funding provided by the European Commission, the Secretariat convened a CITES Ivory and Rhinoceros Enforcement Task Force from 17 to 19 May 2011 at the United Nations Office in Nairobi, Kenya. The meeting was attended by 20 officials representing wildlife authorities, Customs, investigations, national parks, the police and enforcement agencies in 12 countries (China, Ethiopia, Kenya, Mozambique, Nepal, the Philippines, South Africa, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Viet Nam and Zimbabwe). INTERPOL, the Lusaka Agreement Task Force, the World Bank and the World Customs Organization were also all represented.
28. The meeting enabled an excellent exchange of information regarding illegal trade in ivory. In particular, useful intelligence was provided and the Secretariat has undertaken to use this to update and re-issue an Alert on illegal trade in elephant ivory. This should aid Customs and other border control agencies in their risk-assessment, targeting and profiling activities, which were noted to be the primary reason for the interceptions that are taking place.
29. Task Force members noted the high level of success that is being achieved by the Kenya Wildlife Service in its use of sniffer dogs that have been trained to detect ivory. The deployment of such dogs in other countries is encouraged.
30. Participants also noted, with considerable concern, that thefts have occurred from ivory shipments that have been seized by national authorities (in at least one transit country). They believe it is essential that such shipments be audited on a regular basis and held in appropriate and suitably-secure locations. The Secretariat believes the same advice is appropriate for elephant range States, in relation to government-held ivory stocks, whether they are of legal origin or have been confiscated.
31. The Task Force noted too that the provision by confiscating agencies of secure storage for what, in some cases, can be several tonnes of ivory places a considerable burden upon such agencies. There is an understandable desire, among several Customs agencies, that they be compensated for their enforcement activities directed against the smuggling of ivory. Some managers of Customs authorities do not understand the current recommendation of the Conference of the Parties, in Resolution Conf. 9.10 (Rev. CoP15), to prevent the sale of what is a highly-valuable commodity. The Task Force made no suggestions or recommendations on this matter but it is an issue that is regularly raised with the Secretariat and which, it believes, the Conference of the Parties may need to consider.
32. The Task Force acknowledged that a better understanding of the dynamics of illegal trade in ivory could be achieved if confiscating agencies, after each ivory seizure, made efforts to have samples of a selection of the specimens subjected to scientific examination (ideally to forensic science standards) to determine the geographical origin and age of the ivory.
33. The Task Force members agreed that enforcement agencies should be encouraged to delay releasing news of significant seizures until information has been provided to relevant counterparts in countries of origin and destination as well as to international enforcement bodies. This would enable action to be taken against those along the 'chain' of criminal activity, instead of providing them with early warning and an opportunity to cover their tracks. The Task Force encouraged the media to support enforcement agencies in this regard and to understand why the issuance of press releases relating to seizures may be delayed in future.

General comments

34. The Secretariat has noted that several countries in central Africa, supported by NGOs, have recently conducted enforcement actions against illegal trade in ivory. It is only aware of these, however, through media reports. It reminds Parties that it is vital for them to submit data on all seizures of ivory for inclusion in ETIS. Failure to submit data leads to countries being allocated a low 'law enforcement effort' rating during ETIS analyses.
35. The Secretariat understands that consideration is being given to the establishment of some form of wildlife enforcement network in central Africa. It welcomes this and is ready to provide technical assistance or guidance. It hopes that such a network would make combating illegal trade in ivory a priority.

36. Very significant quantities of ivory continue to be intercepted on a regular basis as they are smuggled around the world. The losses to those criminals who are responsible must be considerable and yet it appears not to deter them. The Secretariat continues to struggle to understand many aspects of the illegal trade in ivory. As it noted in its report on this subject at CoP15 (see <http://www.cites.org/eng/cop/15/doc/E15-44-01.pdf>), there is little evidence that large quantities of ivory of illegal origin enter domestic markets in Asia. During its own survey work in countries such as China and Japan, for example, the Secretariat saw little evidence of sufficient demand and consumption that might drive the indisputably significant smuggling levels. Surveys by NGOs, whilst wider-reaching than those of the Secretariat, also seem to show demand levels below what is being illegally-harvested and smuggled. In several respects, commercial trade in ivory of illegal origin does not seem, on the basis of these surveys, to make a lot of financial sense. Neither does it follow the usual patterns of criminal behaviour, which is normally characterized by quick turn-around and quick profit.
37. The average price of ivory, per kilo, sold legally during the auctions in southern Africa in 2008 was equivalent to USD 157. If one can access ivory legally at such prices, why would one pay up to USD 1,800, which one NGO source claims black market buyers in east Asia are willing to pay? But perhaps some of the smuggling that takes place is simply speculative? The Secretariat has consistently, over a long period of years, warned against quoting what appear to be grossly-inflated figures (and many in the NGO community agree that they do not accurately reflect what is commonly paid in the black market), as this must inevitably help prompt speculative poaching. The Secretariat suspects that an element of money-laundering is probably also associated with illegal trade in ivory.
38. As noted above, the Secretariat learns of most significant ivory seizures by reading about them in the media. So do INTERPOL and the World Customs Organization. The degree of liaison between agencies engaged in seizures and their counterparts in national agencies elsewhere (such as in countries of origin, transit or destination) and international intergovernmental enforcement bodies is sometimes appallingly low. Whilst such seizures are, in themselves, commendable and obviously welcome, they also present excellent opportunities for those behind the smuggling to be identified and brought to justice. Too often, such opportunities are being wasted. It can sometimes take weeks, or months, for information, for example copies of air waybills or cargo manifests, to be shared with a country of origin. By then, it is too late, for instance, to conduct searches at the addresses of those who organized shipments.
39. The Secretariat hopes that the Controlled Delivery project, described in paragraph 19 of document SC61 Doc.30 on *Enforcement matters* and being delivered by the International Consortium on Combating Wildlife Crime, will build capacity to combat the smuggling of ivory. The countries in the pilot phase of the project were deliberately chosen because several of them are regularly affected by such smuggling.

Recommendation

40. The Committee is asked to note this report and consider the Secretariat's suggestion in paragraph 26, in relation to Thailand.