

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

Elephants

DECISION-MAKING MECHANISM FOR AUTHORIZING IVORY TRADE

1. This document has been prepared by the Secretariat.
2. At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.77 on a decision-making mechanism for authorizing ivory trade, as follows:

Directed to the Standing Committee

The Standing Committee, assisted by the Secretariat, shall propose for approval at the latest at the 16th meeting of the Conference of the Parties a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties.

3. At its 57th meeting (Geneva, July 2008), the Committee discussed the best approach to implement Decision 14.77, and agreed to the following:

In order to initiate the implementation of this Decision, the Secretariat proposes that an independent study be undertaken on the development of a decision-making mechanism and process for future trade in elephant ivory for review by the Standing Committee. This study, which could be coordinated by the Secretariat in consultation with stakeholders including African and Asian elephant range States and which would be subject to the availability of external funding, is proposed to cover the following issues:

- a) *examination of the various processes and decision-making mechanisms related to ivory trade that are or have been operating under the provisions of the Convention, including compliance and enforcement provisions;*
- b) *evaluation of the strengths and weaknesses of international trade regimes and associated controls, safeguards and monitoring methods for other high-value commodities in the context of future trade in ivory;*
- c) *basic principles and factors that could guide future trade in ivory, and proposals on how an effective, objective and independent decision-making mechanism could operate, taking into account the provisions of the African elephant action plan and experiences from Asia, and*
- d) *exploration of the conditions under which international trade in elephant ivory could take place, taking into account: ecological and economic sustainability of ivory trade; the impact of trade on the illegal killing of elephants; the initial impact of the one-off sale of ivory that was agreed at CoP14; levels of illegal trade; enforcement challenges and capacities; information on linkages between legal and illegal trade, and methods to elucidate these linkages; methods to track the chain of custody; etc.*

4. The Secretariat has received funding of USD 20,000 from the Government of Botswana and USD 30,000 from the European Commission to implement this Decision. The Secretariat is very grateful to Botswana and the European Commission for this important financial support.
5. The study is not to determine whether there should or should not be international trade in ivory, which is a separate and distinct matter for the Parties. This is a technically-focused study on a “*decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties*” that can be utilised by the Parties should they decide to enable future international trade in ivory under the Convention.
6. To complete the study, the Secretariat intends to contract, by October 2011 and in accordance with UN rules, a professional, independent, technical consulting firm or expert(s) to prepare the report, in line with the terms of reference agreed at SC57. Selection of the consultant will be carried out in accordance with UN rules, through an open tender process to be initiated after the present meeting. The consultant should have knowledge of, or be able to gather comprehensive information about, trade in ivory as well as other high-value commodities and related regulatory and verification systems. The consultant will use electronic means to contact various stakeholders, including African and Asian elephant range States, for information that could assist in the preparation of the report. The Standing Committee might identify more precisely stakeholders, other than range States, whom the consultant should contact.
7. The Secretariat shall provide the consultant with documentation relating to previous and current ivory trade controls, and various processes and decision-making mechanisms related to ivory trade that are or have been operating under the provisions of the Convention, including compliance and enforcement provisions.
8. The draft report of the consultant, which shall identify options for feasible decision-making mechanisms, shall be submitted to the Secretariat by February 2012. The Secretariat will then use electronic means to seek comments from identified stakeholders and provide its own comments on the document. These comments will be provided to the consultant to take into account, as appropriate, in finalizing its independent, technical report before 24 May 2012, which is the document submission deadline for the 62nd meeting of the Standing Committee (Geneva, July 2012).

Recommendation

9. The Secretariat invites the Standing Committee to agree to this proposal for work towards the implementation of Decision 14.77, and to identify the stakeholders who should be consulted in accordance with paragraphs 6 and 8 above.