

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

REVIEW OF RESOLUTION CONF. 10.10 (REV. COP15)

1. This document has been prepared by the Secretariat.

Introduction

2. Decision 15.74 (*Trade in elephant specimens*) directs the Standing Committee as follows:

*The Standing Committee shall, in consultation with African and Asian elephant range States and the Secretariat, evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP15) and present a summary of the consultations and its proposals in this regard at the 16th meeting of the Conference of the Parties.*

Resolution Conf. 10.10 (Rev. CoP15)

3. About half of the text of Resolution Conf. 10.10 (Rev. CoP15) (see Annex 1), adopted at the 10th meeting of the Conference of the Parties (CoP10, Harare, 1997), is based on the text of Resolution Conf. 9.16 adopted at CoP9 (Fort Lauderdale, 1994) which itself was a consolidation of 10 Resolutions dating from 1981 to 1989. Resolution Conf. 10.10 has been amended four times since 1997, adding in particular major sections on the control of internal ivory trade, and on the monitoring of illegal killing of elephants (MIKE – Monitoring the Illegal Killing of Elephants) and illegal trade in elephant specimens (ETIS – Elephant Trade Information System) at CoP11 (Gigiri, 2000).
4. The operational part of the Resolution is subdivided into eight sections each addressing particular aspects of trade in elephant specimens. There is limited cross-referencing amongst these sections, which can be grouped as follows:
  - a) Ivory trade and ivory trade controls:
    - Definitions of raw and worked ivory
    - Marking of whole tusks and cut pieces of ivory
    - Controls of internal ivory trade
    - Compliance with control of internal trade
    - Quotas for trade in raw ivory
  - b) Specific monitoring mechanisms:
    - Monitoring of illegal trade in elephant specimens (operational part of the Resolution and Annex 1)
    - Monitoring of illegal hunting of elephants (operational part of the Resolution and Annex 2)

c) Assistance and resources:

- Assistance to elephant range States
- Resources required for implementing the Resolution

Ivory trade and ivory trade controls

5. The Resolution sections regarding definitions, marking of ivory and quotas for trade in raw ivory have undergone minimal amendments since 1997.
6. The section dealing with the control of internal ivory trade has expanded over the years, with a section on 'compliance with control of internal trade' added at CoP12 (Santiago, 2002).
7. The *Action plan for the control of trade in elephant ivory*, adopted at CoP13 (Bangkok, 2004) and renewed with some modifications at CoP14 (The Hague, 2007) and CoP15 (Doha, 2010) through Decision 13.26 (Rev. CoP15), deals extensively with trade in elephant ivory and seems to overlap partially with the Resolution. The Standing Committee, in consultation with the elephant range States and the Secretariat, could evaluate whether this *Action plan* could be integrated fully or in part in the relevant sections of a revised Resolution Conf. 10.10 (Rev. CoP15).

Specific monitoring mechanisms

8. In document CoP15 Doc. 18, Annex 7, which was presented at CoP15 and led to the adoption of Decision 15.74, the Secretariat justified the need for a review of the sections in the Resolution that refer to MIKE and ETIS as follows:
  - a) The objectives and the general framework for ETIS and MIKE, as outlined in the Resolution and its Annexes 1 and 2, have changed very little since 2000, the main amendment being a new provision adopted at CoP12 (Santiago, 2002) that requests the Secretariat to establish an independent technical advisory group to provide technical oversight to both MIKE and ETIS.
  - b) In Resolution Conf. 10.10, in 1997, the Conference of the Parties called for the establishment of MIKE. This programme is run by the elephant range States and staff of the CITES Secretariat. However, Annex 2 of the Resolution, describing the framework for MIKE, does not clearly articulate the responsibilities of those involved and contains instructions to the Secretariat that would benefit from an update, as they stem from the period from when the MIKE programme became established.
  - c) In the same Resolution, and for good reasons, the Conference recognized the Bad Ivory Database System, established by TRAFFIC in 1992, for the purpose of collecting and compiling law-enforcement data on seizures and confiscations of elephant specimens in international trade. This system was further developed and later renamed the Elephant Trade Information System. The Resolution states that both MIKE and ETIS are established under the supervision of the Standing Committee, which continues to oversee the continuation and expansion of both programmes.
  - d) The Trust Fund budget established by the Conference of the Parties does not provide funding for either MIKE or ETIS. In the case of ETIS, the Resolution indicates that "A funding mechanism will be established to ensure that ETIS is fully operational", and with regard to MIKE that "substantial funding will be required for the above activities". The funding mechanism has not been established, and both MIKE and ETIS remain entirely dependent upon external funding for their operation. Yet, the Resolution calls for a considerable amount of work to be done by TRAFFIC and the Secretariat, and both are instructed to provide regular reports to the Conference of the Parties or the Standing Committee. There is nothing unusual in requesting a report from the Secretariat, but the instruction to TRAFFIC, over which the Conference has no authority, and without funding, is more exceptional.
  - e) Although ETIS is a CITES-recognized programme managed and coordinated by TRAFFIC, with funding that it obtains from its own efforts, there is no written agreement between TRAFFIC and a representative of the Parties (such as the Secretariat) on who owns the data that are submitted by the Parties, how the system should be maintained in the long-term (for example with regard to staffing and funding, backups of databases, data management, analysis and reporting, etc.) or what TRAFFIC may do with the data that are provided to them.

- f) The stable formal CITES context in which ETIS and MIKE have operated for nearly a decade suggests that the Parties have broadly remained in agreement with the purpose and overall design of the monitoring programmes. The sections on MIKE and ETIS in Resolution Conf. 10.10 (Rev. CoP15) could nevertheless benefit from certain revisions in the light of past experience. Such a revision could serve to, *inter alia*:
- i) technically correct and update Annexes 1 and 2 where necessary;
  - ii) better define the roles and responsibilities of those instructed to implement the monitoring programmes;
  - iii) clarify the use of MIKE and ETIS data, information and analyses;
  - iv) re-examine the scope and organizational set-up of MIKE and ETIS; and
  - v) consider the resource implications for operating the two monitoring programmes.
9. In the opinion of the Secretariat, the issues brought up in document CoP15 Doc. 18, Annex 7, concerning ETIS and MIKE remain valid and can be addressed through the implementation of Decision 15.74.

#### Assistance and resources

10. The sections regarding assistance and resources in Resolution Conf. 10.10 (Rev. CoP15) have remained unchanged since 1997. The provisions concerning funding for MIKE or ETIS, which were integrated in the Resolution in 2000, are commented upon in paragraph 8 above.
11. Decision 14.76, adopted at CoP14, calls upon Parties, trading countries, the ivory carving industry, intergovernmental organizations, non-governmental organizations and other donors “to contribute significantly to the African Elephant Fund for the implementation of the *African elephant action plan* and the programme for Monitoring the Illegal Killing of Elephants (MIKE) to ensure their establishment and maintenance”. The Standing Committee could evaluate whether or to what extent these provisions could be integrated into the Resolution. It could also consider broadening the scope of this call for support to include other activities related to elephant trade that were agreed to by the Conference of the Parties and that require external funding, such as the implementation of the *Action plan for the control of trade in elephant ivory* and the Elephant Trade Information System (ETIS).

#### Consultation with African elephant range States

12. On the occasion of the third African elephant meeting (AEM3, Gigiri, 2010), convened by the CITES Secretariat and its MIKE programme with generous financial support from the European Commission, the African elephant range States comprehensively reviewed Resolution Conf. 10.10 (Rev. CoP15) in compliance with Decision 15.74. The working documents for and summary record of this meeting are available from the CITES website at [www.cites.org/eng/prog/MIKE/reg\\_meet/africa3/index.shtml](http://www.cites.org/eng/prog/MIKE/reg_meet/africa3/index.shtml) (in English and French only).
13. The recommendations emanating from the four working groups that were established at AEM3 are presented in Annex 2 to the present document in the language in which they were submitted. They focused on ivory trade and ivory trade controls, and on the operational, analytical and financial aspects of ETIS and MIKE. The recommendations can be summarized as follows:
- a) The groups recognized the usefulness of MIKE at the operational level. The groups agreed that the operational structure of the MIKE programme, with Site and National Officers, Subregional Steering Committees, and Subregional Support and Central Coordination Units, needed to be maintained and formalized in the Resolution. Some groups argued for stronger mandates for the Subregional Steering Committees in the implementation of MIKE and ETIS. The roles and responsibilities of IUCN and TRAFFIC in MIKE and ETIS needed to be clarified in the revised Resolution. Some groups also indicated that the Steering Committee of the African Elephant Fund could play a role in overseeing MIKE and ETIS, as both monitoring programmes were contained in the *African elephant action plan*. It was noted that the global objectives for MIKE did not include analytical and other needs at the national and site levels, and that this could be revised. Some participants expressed the wish to add new sites to the programme, with a number of working groups flagging the importance of considering transboundary sites and sites covering entire ecosystems. Some groups suggested that MIKE could

address wider *in situ* elephant management and conservation needs. All groups emphasized the need for closer linkages or a merger between MIKE and ETIS. Working groups emphasized the need for ETIS to work more closely with the African elephant range States, some suggesting that it should be incorporated into the structure of MIKE.

- b) At the analytical level, the working groups were of the opinion that the range States should be able to evaluate reports and analyses from MIKE and ETIS once these had been reviewed by the MIKE and ETIS Technical Advisory Group, but before they were submitted to the Conference of the Parties or other CITES forums. The Chair noted that, under these circumstances, the time required to collect and validate data, prepare the analyses, and go through the proposed reviews would likely mean that data inputs would have to be closed one year in advance of meetings of the Conference of the Parties. Parties would therefore not have the most recent data analyses available.
- c) On financial matters, it was noted that the implementation of MIKE and ETIS were contained in the *African elephant action plan*, which should provide for their eligibility for funding under the African Elephant Fund. The general support expressed for the continuation of MIKE and ETIS now required that serious attention be given to financing the programmes. The European Commission was called upon to continue its support to MIKE beyond 2011. Several suggestions were presented on financing, such as allocating portions of the African elephant range State contributions to the CITES Trust Fund going towards MIKE and ETIS.
- d) It was agreed by all working groups that relevant parts of Decision 13.26 on the *Action plan for the control of trade in elephant ivory* should be incorporated into the Resolution.
- e) The issue of how to deal with large and growing stockpiles of raw ivory in Africa and elsewhere in the world, originating from natural elephant mortalities, government management measures or confiscations, was raised by most working groups.
- f) Finally, a working group suggested that African and Asian elephant range States should remain involved in the Standing Committee's revision of the Resolution. It was pointed out that such an arrangement would have to be mandated by the Standing Committee, to which the Decision to evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP15) was directed.

14. The Standing Committee is invited to examine the recommendations of the African elephant range States, which suggest that a revision of certain parts of Resolution Conf. 10.10 (Rev. CoP15) is desirable, and take them into consideration in the further implementation of Decision 15.74.

#### Consultation with Asian elephant range States

15. To date, there have been no resources or suitable occasions to bring together and consult the Asian elephant range States regarding the review of Resolution Conf. 10.10 (Rev. CoP15) in compliance with Decision 15.74. The Standing Committee may consider written procedures or other consultation processes to this effect.

#### MIKE-ETIS Subgroup of the Standing Committee

16. The MIKE-ETIS Subgroup of the Standing Committee may be contributing to the implementation of Decision 15.74 by examining the Resolution's sections concerning ETIS and MIKE (see document SC61 Doc. 44.3), *inter alia* taking account of the recommendations formulated by African elephant range States at AEM3, and considerations emanating from the MIKE and ETIS Technical Advisory Group or resulting from a recent evaluation of the MIKE Phase II project in Africa.

#### Recommendations

17. The Standing Committee is invited to agree on a process and timetable for the further implementation of Decision 15.74. The Standing Committee could consider establishing a working group to lead this work, possibly by enlarging the current mandate of the MIKE-ETIS Subgroup to include the implementation of Decision 15.74.

18. The Secretariat remains at the disposal of the Standing Committee to assist in the actions outlined in the paragraphs above. It could be tasked with collating different suggestions for amending Resolution Conf. 10.10 (Rev. CoP15), and integrating these in a draft revision of the Resolution for consideration by the Standing Committee at its 62nd meeting.

**Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens***

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

***Regarding definitions***

AGREES that:

- a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) 'worked ivory' shall be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

***Regarding marking***

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies, indelible ink, or other form of permanent marking, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

***Regarding control of internal ivory trade***

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
- b) establish a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
  - i) compulsory trade controls over raw ivory; and
  - ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

URGES the Secretariat, where possible, to assist Parties in improving these legislative, regulatory and enforcement measures; and

DIRECTS the Standing Committee to undertake a regular review of actions taken by consumer States to improve legislation and enforcement measures and to report the results at each meeting of the Conference of the Parties;

***Regarding compliance with control of internal trade***

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) to identify those Parties with an ivory carving industry and internal ivory trade whose domestic measures do not provide them with the authority to:
  - i) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
  - ii) assert compulsory trade controls over raw ivory; and
  - iii) establish a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;
- b) to seek from each Party so identified information indicating the procedures, action and time-frames that are needed in order to establish the measures necessary to properly effect the recommendations regarding internal ivory trade; and
- c) 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; and

DIRECTS the Secretariat, dependent on available resources, to provide technical assistance to Parties to develop practical measures to regulate their internal ivory trade;

***Regarding monitoring of illegal hunting of and trade in elephant specimens***

AGREES that:

- a) the systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:
  - i) measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepôts;
  - ii) assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;
  - iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
  - iv) building capacity in range States;
- b) these monitoring systems shall be in accordance with the framework outlined in Annex 1 for *Monitoring of illegal trade in ivory and other elephant specimens* and in Annex 2 for *Monitoring of illegal hunting in elephant range States*;
- c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration; and
- d) technical oversight will be provided to both MIKE and ETIS through an independent technical advisory group to be established by the Secretariat;

***Regarding assistance to elephant range States***

RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;

### **Regarding quotas for and trade in raw ivory**

RECOMMENDS that:

- a) each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year (1 January to 31 December);
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) the Secretariat maintain its *Ivory Trade Control Procedures Manual* and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;
- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat's Manual;
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

### **Regarding resources required for implementation of this Resolution**

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – *Trade in African Elephant Ivory*.

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## ANNEX 1 MONITORING OF ILLEGAL TRADE IN IVORY AND OTHER ELEPHANT SPECIMENS

### **1. Introduction**

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. The Conference of the Parties recognizes the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement of BIDS, the Elephant Trade Information System (ETIS) was developed to monitor the pattern and scale of illegal trade in ivory and other specimens.



## **2. Scope**

ETIS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have occurred anywhere in the world since 1989. ETIS will also include subsidiary information on law enforcement effort, legal and illegal elephant product markets and background economic data.

## **3. Methods**

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology will be developed for the collection of data, including, *inter alia*:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- profile of offenders/suspects
- status of cases in the courts
- law enforcement effort.

A data collection form has been designed and circulated to all Parties by the CITES Secretariat.

## **4. Data collection and compilation**

The MIKE and ETIS Technical Advisory Group (TAG) support the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG.

All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.

TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

## **5. Data analysis and interpretation**

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2) and in consultation with TAG.

## **6. Reporting**

TRAFFIC will produce a comprehensive report for each meeting of the Conference of the Parties.

## **7. Intersessional remedial action**

In the event that there is a need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

## **8. Funding**

A funding mechanism will be established to ensure that ETIS is fully operational.

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## ANNEX 2 MONITORING OF ILLEGAL HUNTING IN ELEPHANT RANGE STATES

### **1. Introduction**

In order to address the concerns of many elephant range States, it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant specimens can be assessed. Of primary importance is the establishment of a simple system of international reporting

of incidents of illegal hunting as a baseline against which levels and trends can be determined and changes in these levels and trends can be detected.

It is recognized that such measurement must consist of two elements. The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention, and the monetary value of illegally traded ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

The second element is the establishment of correlations between relevant parameters and the decisions of the Conference of the Parties with regard to elephants.

The overall aim of this system is to provide information needed for range States and other Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations by improving their ability to monitor elephant populations, detect changes in levels of illegal killing, and to use this information to provide more effective law enforcement and to strengthen any regulatory measures required to support such enforcement. The system should be established in such a way that it can continue after financial support for the programme has come to an end.

## **2. *Scope and methodology***

The monitoring system will include elephant range States in both Africa and Asia and trade entrepôts.

It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE and ETIS Technical Advisory Group (TAG).

## **3. *Data collection, compilation and reporting***

Data collection will cover the following topics:

- elephant population data/trends;
- incidence and patterns of illegal hunting; and
- measures of the effort and resources employed in detection and prevention of illegal hunting and trade.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat will request/sub-contract technical support from appropriate experts, with the advice of the TAG, to:

- a) select sites for monitoring as representative samples;
- b) develop a standardized methodology for data collection analysis;
- c) provide training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified; and
- e) provide a report to the CITES Secretariat for transmission to the Standing Committee and Parties to CITES.

## **4. *Reporting***

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, at each meeting of the Conference of the Parties.

## **5. *Funding***

Substantial funding will be required for the above activities.

**Third African elephant meeting  
Gigiri, Kenya  
1-3 November 2010**

**Inputs from African elephant range States for  
the revision of Resolution Conf. 10.10 (Rev. CoP15)**

(provided in the language in which they were submitted)

Background

In support of the provisions of Decision 15.78 calling for the Standing Committee to evaluate Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens* in consultation with African and Asian range States and the Secretariat, the African elephant range States present at the 3rd African elephant meeting (Gigiri, November 2010) were invited to review the Resolution, indicate areas where amendments may be warranted, and propose improvements where necessary.

This revision was facilitated by the IUCN/SSC African Elephant Specialist Group (AfESG). Four working groups were formed, one per African subregion, which were asked to go through a number of guided questions dealing with the operational, analytical, financial and other issues associated with the different components of the Resolution. The results were presented by each subregional working group in plenary.

The guiding questions, and the inputs from each or the four working groups (in the form and language as submitted) are presented below.

Guiding questions

- a. Monitoring of illegal hunting in elephant range states (MIKE)
  - Operational: e.g. Institutional responsibilities and relationships (RS, CITES Secretariat, IUCN, TAG, wider community) and data flow
  - Analytical: e.g. Analysis, interpretation, role of the TAG
  - Financial: e.g. Sustainability & funding sources
  - Any other issues
- b. Monitoring of illegal trade in ivory and other elephant specimens (ETIS)
  - Operational: e.g. Institutional responsibilities and relationships (RS, CITES Secretariat, TRAFFIC, TAG, wider community) and data flow
  - Analytical: e.g. Analysis, interpretation, role of the TAG
  - Financial: e.g. Sustainability & funding sources
  - Any other issues
- c. Ivory trade and ivory trade controls
  - Should Decision 13.26 incorporated into this Resolution?
  - Any other comments on existing elements?
  - Confiscated ivory
1. Report from the Central African working group (*Cameroun, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea and Gabon*)

Pour aborder le thème de notre discussion, le groupe a reçu le document "Décision 15.74: Révision de la Résolution Conf. 10.10 (Rev.CoP15)" séance tenante, de ce fait les participants n'ont pas eu le temps de le lire.

Sur la base du fonctionnement actuel de MIKE et ETIS, le groupe a relevé ce qui suit:

a. Suivi à long terme de l'abattage illégal dans les aires de répartition de l'éléphant (MIKE)

*Du point de vue opérationnel:*

- La structure organisationnelle actuelle est bonne et devrait être formalisée dans la Résolution.
- Aller au-delà des Organes de gestion de CITES en impliquant davantage le Ministre en vue de permettre une meilleure institutionnalisation de MIKE au niveau national.
- A court et moyen termes, que le rôle de facilitateur de la mise en œuvre de MIKE au niveau sous régional se poursuive à l'UICN, mais à long terme, envisager une structure autonome relevant du Secrétariat de CITES.

*Du point de vue analytique:*

- Poursuivre le déploiement d'outil de gestion de données qui permettent une analyse au niveau local et national en vue d'une exploitation rapide des résultats.
- Que les résultats des analyses au niveau continental soient présentés aux États avant leur présentation au niveau de CoP.

*Du point de vue financier:*

- En attendant que le Fonds pour l'éléphant soit opérationnel et que les États intègrent les activités de MIKE dans leurs budgets nationaux, que la Commission européenne poursuive le financement de MIKE jusqu'à la CoP16.

b. Suivi du commerce illégal de l'ivoire et des spécimens d'éléphants (ETIS)

*Du point de vue opérationnel:*

- Qu'ETIS s'inspire du modèle MIKE pour son opérationnalisation aux niveaux national et sous régional

*Du point de vue analytique:*

- Que les résultats des analyses de la situation de chaque État leur soient présentés avant leur examen au niveau de CoP.

*Du point de vue financier:*

- À prévoir dans le Fonds pour l'éléphant d'Afrique.

c. Commerce de l'ivoire et contrôle du commerce de l'ivoire

- Que la Résolution soit revue et intègre les points importants de la Décision 13.26.
- Ivoire confisqué: Il s'agit d'une importante problématique à intégrer dans la Résolution pour examen à la CoP16.

2. Report from the East African working group (Eritrea, Ethiopia, Kenya, Rwanda, Sudan, United Republic of Tanzania and Uganda)

a. MIKE

*Operational*

- The need to foresee the expanded mandate of the AEAP
- Define in the Resolution the legal aspects/relationships that MIKE has with IUCN vs. CITES
- There is need to adapt the TAG to have bigger expertise to cope with wider needs (HEC, etc.)
- Consider incorporation of the AEAP and AEF in the Resolution and show its linkages with MIKE.... addressing the problem beyond dead elephants

- Explore the practicability of the role of the SC for AEAP in supervising activities of MIKE
- Streamline and define the role and powers of subregional steering committees (SSC) e.g. budgeting components
- Need to give specific terms of reference of the current SSCse
- Clarify on the responsibilities of the SC of the AEAP/F vs the role of SSCs
- Provide for a structure that recognizes existence of SSCs in the Resolution
- Define stronger reporting relationships between the MIKE ETIS Subgroup of the standing committee and SSCs
- The funding mechanism should be closely related to the implementation mechanism (for MIKE and AEF)
- The need to involve range States in the selection of MIKE site selection based on an agreed criteria: statistical representativeness, availability of resources, encourage trans-boundary sites [populations], corridors, etc.

*Analytical*

- Provide for a provision for peer review process of MIKE analyses and interpretation by Parties' technical levels
- Parties' peer review should come after the TAG has reviewed the reports/analyses

*Financial*

- The funding mechanism should be closely related to the implementation mechanism (for MIKE and AEF)

*Any other issues*

- Provide for constitution of a working group to work with the CITES Secretariat to draft the text for the revision of Resolution Conf.10.10.

b. ETIS

*Operational*

- Define in the Resolution the legal aspects/relationships that ETIS has with TRAFFIC vs. CITES
- Clear out in the Resolution obligations (if any) of CITES to TRAFFIC
- Range States should receive and comment on data before final analyses by ETIS

*Analytical*

- Parties to be involved in the analysis and interpretation of ETIS data to improve transparency
- The scope and work addressed by ETIS need to address the value addition and the consumer markets

*Financial*

- Spell out in the Resolution a funding mechanism to sustain ETIS
- Consider funding of ETIS based on the provisions of the contents of AEAP

*Any other issues*

- Provide for constitution of a working group to work with the CITES Secretariat to draft the text for the revision of Resolution Conf.10.10

c. Ivory trade and ivory trade controls

- Should 13.26 incorporated into this resolution? Yes, and it should be made mandatory for Parties to allow other Parties take samples of seized ivory for DNA profiling by an accredited lab by the CoP.
- Any other comments on existing elements?: Confiscated ivory

3. Report from the southern African working group (Angola, Botswana, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe)

a. MIKE

*Operational*

- Range States: Data collection-ranger patrol based and elephant population surveys; Reporting to SSU, CCU, MIKE/ETIS Subgroup
  - CCU/SSU: data collation, analysis, training and infrastructure support; reporting to Range States, to SC and CoP
  - IUCN: house SSUs and AfESG; need for MoU of the role of IUCN in MIKE
  - TAG
- Issues:
- Data collection is ranger-based: might result in better protection or poachers avoiding site thereby reduced poaching leading to bias.
  - Analysis not done at site level, so not benefiting site management.
  - Define data requirements.
  - Simplify data collection and forms.
  - Reconcile global MIKE objective related to CITES as opposed to MIKE fulfilling national and site management needs

*Analytical*

- Design – addition of MIKE sites
- Review of the analytical methodologies (MIKE and ETIS)
- Ensure TAG is independent and has no stake in particular outcome (transparency)
- Peer review of reports, requiring data cut-off to allow review in time for CoP

*Financial*

- Some needs at the site/national level
- Need funding for overarching structure
- Budget allocations need to be known for planning purposes at the national level
- Sales of confiscated ivory could contribute to the AEF and to operations of MIKE/ETIS
- Subscriptions from range State Parties

b. ETIS

*Operational*

- Range States: collect and report to TRAFFIC
- Parties: collect and report to TRAFFIC
- Secretariat: collect and report
- TRAFFIC: collect, analyze, report to SC, MESG, CoP, Parties
- TAG: design, implementation and analysis (?)
- MIKE/ETIS Sub-group (MESG): guidance to operational implementation

- Standing Committee
- Other data providers

Issues:

- Formalize relationship of TRAFFIC with Secretariat, including data ownership issues between RS/ Sec/TRAFFIC, and funding mechanism.
- SSC to take leadership role in operational and only refers issues that cannot be resolved to TAG.
- Subregional Steering Committees – these should be expanded to be official MIKE/ETIS committees. They should allow bilateral conversations between RS and ETIS. They should take care of the operational issues at the subregional level. (MIKE)

*Analytical*

- Separating scientific analyses from results for CoP purposes
- Online data entry will be an option (ease of data entry)
- Regular feedback to RS/Parties
- Feedback through Subregional Steering Committee meetings and bilateral engagements

c. Ivory trade and ivory trade controls

- Yes to 13.26 into Res. Conf. 10.10
- Need to figure out a way to dispose of confiscated ivory (with a cut-off date)

4. Report from the West African working group (*Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo*)

a. MIKE

*Operational*

- SC to provide oversight for MIKE (done via MIKE/ETIS Subgroup of SC members); how are/should MIKE and ETIS be placed within the AP and the Fund; what is expected of MIKE via its operational mandate; MIKE is about conservation of elephants so part of common goal; MIKE should be incorporated in activities of AP and Fund; SC for Fund will monitor implementation of AP so should have a role in MIKE; SC should supervise at all times, should be regular review; may need to restructure MIKE if it is to be incorporated into the AP and Fund; national institutions do not always work well together and they also need to work with institutions in other countries; there are leadership issues as well
- ETIS is not working closely enough with countries (get mail, questionnaires and that is it); MIKE is working with the countries, however
- MIKE is working in a kind of silo so cannot continue in same strategic direction; MIKE is handled in one national office and unclear where to turn for other conservation issues; CITES is not that involved; MIKE cannot get into internal governance difficulties; should write to these countries and find out what is happening; some countries are working to strengthen these institutional arrangements

*Analytical*

- How is information compiled and analyzed?
- Anytime MIKE or ETIS is doing any work in a particular country, that country should be involved.
- No reliable data in Guinea, just know there are elephants in forest, between Guinea and GB need to do an inventory to get true picture and to look at population trend in certain area (requires extension of MIKE in Guinea).
- Talking of long-term monitoring
- Could use MIKE to try to convert poachers by involving them in monitoring.
- If MIKE is only going to use PIKE, could increase the number of sites (not that difficult to say how many dead elephants and which are illegal).

- Can RS play a greater role in analytical activities and sharing data from MIKE and ETIS.

#### *Financial*

- EU does oversight now as donor to MIKE.
- African countries with heavy forest vegetation must think to make contribution from carbon sink into African elephant activities and MIKE.
- Permanent review and evaluation of Fund monies used for MIKE would provide transparency.
- Will MIKE financing be merged into Fund?
- MIKE activities largely contribute to AP and funds therefore might come under Fund and be governed in the same way.
- Can MIKE be model for future mechanisms; countries could come together and agreed on common sites within an ecosystem approach.
- Need to have project proposal ideas from States.
- Hasn't got money to really build capacity; should dedicate some funds from Fund to do this, especially in problem sites (e.g. special budget).

#### *Other issues*

- Need to address permanent follow-up of MIKE.
- Need to cover whole of ecosystem to explain and address problems identified (2,000 to 650 elephants in Benin – why? Should have considered neighboring countries to see cause; have inventory carried out in ecosystem and not just country).
- Too many elephants in Senegal so could be why BF has problems and maybe Senegal should help with reintroduction.
- Selection of sites needs to be revisited and range States more involved.
- Under UNESCO programme there is a transboundary aspect, also CMS programme; so MIKE could also adopt this approach; need comprehensive approach should consider habitat conservation and not just counting of dead elephants.
- This could be considered first phase of MIKE and will need to broaden it for future both in range and type of support.

#### b. ETIS

##### *Operational*

- Needs to do serious capacity building across Africa; don't know if ivory seized from hunter needs to be reported; do like MIKE and train more than one person (if they did training before, should be done again); incorporate ETIS into MIKE at national level as TRAFFIC is NGO and probably does not have significant human resources.
- These programmes help with illegal killing and to improve efficient handling of fraud; different from country which is encouraging fraud.
- Ivory pieces might be better than weight in various reports.

##### *Analytical*

- Can RS play a greater role in analyzing data?
- Have been some complaints as to how data is used in ETIS; should not use government data to work on its own, RS should be involved from beginning, will make a scandal at Home with the CITES MA that should be following up this issue; AP has clearly identified concerns of Parties.
- Needs to be communication between ETIS and countries.
- Aware of MIKE pulling reports together, countries should ask MIKE to do an extra publication per country with analyses and recommendations to give technicians guidance for their work.
- Countries only see reports at SC meetings and need information.



- Would like to integrate trade-related information in MIKE, already consultative processes – would give countries more ownership and result in fewer surprises to countries.
- Don't question the way they analyze data but was surprised by marking lack of seizure against a country; national circumstances should be taken into account.
- Length of time in country could be a factor in ability to detect it.
- West African countries are small and elephants go long distances for food, so need transboundary activities with management and law enforcement; re transit points for illegal ivory, could recommend that MIKE establish more activities there and go on ground more frequently.
- Confiscation of ivory could there be a clause that there should be a decision on confiscated ivory taken from another country.
- MIKE and ETIS need to establish their own working relationship with local communities who have more information and correct information.

#### *Financial*

- Cannot entrust ETIS work to MIKE without addressing financing considerations; ETIS needs more money whether independent or within MIKE.
- Fund could be one source in accordance with guidance but cannot do it alone.
- Japan, China might be willing to achieve better control of market; could be one of recommendations here; have problems asking large consumer countries to fund the programme, as it may involve unacceptable conditions (no free lunch).
- Could look at carbon financing but don't know of any successful programme in Africa, corruption ruined attempt in Liberia.
- With certain sources of financing, need to be cautious; countries which want to sell are also expressing desire to contribute but this may not be in direction of saving the elephant – same with consumer countries, encourages corruption of markets; funding should be looked at closely, should be clean funding sources.
- UK and WWF are main donors but last year lost UK due to financial crisis; minimal funds from Secretariat.
- ETIS never took money from consumer countries because of possible implications. Subgroup said there would not be a problem if the funds went through a neutral window like CITES Trust Fund.
- China and Japan want to help countries address illegal killing; it is illegal operators in China and Japan not the countries themselves that are causing problems; some ivory in country is legal

#### *Other issues*

- ETIS should highlight capacity building; assist countries in controlling the local markets and following up killing of elephants; need more details about what was seized in order to address it.
- If ETIS shows seizure in France, it should be shared with country of origin.
- Needs more capacity on the ground or train local/national people to do the functions; all along thought ETIS was working for MIKE and only learned lately that they are different bodies; how does TRAFFIC verify information?; receive allegations that certain ivory is from country of origin but should send it back or give details about seizure.
- ETIS relies on forms and countries need to know how to use them; ETIS often poorly understood; some States have talked about supporting the Fund and could seek this out for dismantling of criminal networks.

#### c. Ivory trade

##### *Operational*

- Knowledge of Decision 13.26 seems somewhat unclear; but could it be incorporated?
- Each RS has its own tools and policies (e.g. Cote d'Ivoire does not penalize possession).
- French advisor to President was given large quantities of ivory and he has asked for the ivory to be regularized but Cote d'Ivoire but government refused.

- Should justify how you obtained the ivory for possession to be okay.
- Can't allow everyone to possess ivory; if elephant is dead should be possible to use the ivory; in Senegal use it for education.
- Cannot ensure conservation of nature and let people die of hunger, should be able to use it somehow.
- All States are sovereign, ivory is under Annex A and highly protected so anything coming from this animal is forbidden.

#### *Analysis*

- Could study issue of ivory stockpiles within R10.10.

#### *Finance*

- Even countries without elephants have large stockpiles.
- Could recommend a serious study of this issue, in Cote d'Ivoire is a public good and owned by the government, not for sale or export.
- Large stockpiles versus a few confiscated small pieces versus accumulated ivory from natural mortality or culling.

#### *Other issues*

- What should be done with confiscated ivory; what can be done now and is there a difference between stockpiles and seized ivory.
- At moment cannot do much with confiscated ivory but have been considering a system to liberate these stockpiles but it has never come into effect; invested much effort in doing inventory of confiscated ivory with hope that donor could buy them but donors were never forthcoming.
- Did away with relevant decision in CoP15 but issue is returning.
- Had to kill an elephant in Liberia and local community asked for ivory to be given to President; used guidelines to deny this; weight is 60-70 kilos and still have it – don't know what to do; would be helpful to know what next phase should be; could use this to help obtain funds.