

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



Sixty-sixth meeting of the Standing Committee  
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Species trade and conservation

Elephants (Elephantidae spp.)

Decision-making mechanism for authorizing ivory trade

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties adopted Decision 16.55 on *Decision-making mechanism for a process of trade in ivory*, as follows:

***Directed to the Standing Committee***

*The Standing Committee shall:*

- a) *with the assistance of the Secretariat, propose for approval at the latest at the 17th meeting of the Conference of the Parties (CoP17) a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties;*
  - b) *at its 64th meeting, establish a working group, composed of the Chair of the Standing Committee, specified key Party stakeholders and the Secretariat, to implement the instruction in paragraph a) of the present Decision. The working group shall work intersessionally and take into consideration relevant documents submitted at previous meetings of the Standing Committee and the findings and comments in document CoP16 Doc. 36 (Rev. 1), and consult additional experts or stakeholders, if considered necessary. The Standing Committee shall consider the findings and recommendations of the working group at its 65th meeting, decide on further actions as required, and agree on a final proposal at its 66th meeting for submission at CoP17; and*
  - c) *conduct its work on the development of a decision making mechanism in consultation with all African and Asian elephant range States and, to the extent possible, in both French and English.*
3. At its 64th meeting (SC64, Bangkok, March 2013), the Standing Committee agreed on the following membership for the Working Group on a Decision-Making Mechanism (DMM Working Group) for a process of trade in ivory, as called for in Decision 16.55: Botswana, Burkina Faso, Cameroon, China, Congo, India, Japan, Kenya, Nigeria, Rwanda, South Africa, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, the Chair of the Standing Committee (Norway; Chair of the DMM Working Group) and the Secretariat.
  4. At its 65th meeting (SC65, Geneva, July 2014), the Standing Committee reviewed document [SC65 Doc. 42.3](#). The Committee agreed that the Working Group on the Decision-Making Mechanism should continue to work intersessionally. It also requested the Secretariat, in collaboration with the Secretariat of the United Nations Environment Programme (UNEP Secretariat), to prepare a background document, as mentioned in paragraph 8 of document SC65 Doc. 42.3, and make it available to the working group by January 2015

at the latest. The working group was invited to report on progress in the implementation of Decision 16.55 at the present meeting.

5. The background document for the DMM Working Group mentioned above, prepared by the UNEP Secretariat in consultation with the CITES Secretariat, is presented in Annex 1. Regrettably, it could not be produced by the proposed deadline of January 2015, and could only be made available at the present meeting. It is nevertheless hoped that it may be of interest to the Standing Committee and its DMM Working Group in implementing Decision 16.55.

#### Recommendations

6. The Secretariat recommends that the members of the DMM Working Group that are represented at the present meeting convene to discuss the implementation of Decision 16.55, and report their recommendations to the Standing Committee so that it may decide on further actions as required.
7. The Standing Committee is invited to note this document.

**A DECISION-MAKING MECHANISM FOR A PROCESS OF TRADE IN IVORY  
UNDER THE AUSPICES OF THE CONFERENCE OF THE PARTIES TO CITES**

**BACKGROUND DOCUMENT**

**FOR THE STANDING COMMITTEE DECISION MAKING WORKING GROUP  
UNEP Secretariat in consultation with the CITES Secretariat, November 2015\***

**1. Introduction**

At its 65th meeting (SC65, Geneva, July 2014) the Standing Committee discussed the Decision Making Mechanism for a process of trade in ivory (DMM) (see document SC65 Doc. 42.3). There was agreement that the DMM Working Group established at the 64th meeting of the Standing Committee (SC64, Bangkok, 2013) should continue to work intersessionally. The Standing Committee also requested the CITES Secretariat, in collaboration with the Secretariat of UNEP, to prepare a background document, as mentioned in paragraph 8 of document SC65 Doc. 42.3, and make it available to the Working Group. The Working Group was invited to report on progress in the implementation of CoP Decision 16.55 at the 66th meeting of the Standing Committee (SC66, Geneva, January 2016).

The present background document builds on previous materials and documents that have been made available to CITES on the DMM to date, and aims to consolidate an outline for a DMM and provide an overview of the issues and options in relation to elements of that outline. In addition to the challenge of converging on the possible scope, outline, and content of a DMM, it is also clear from the documentation, stakeholder submissions, and dialogues on the DMM to date that there are various divergent perspectives on the ambition of the DMM – i.e. what it might aim to achieve. The background document retains and builds on previous assumptions of the Secretariat in relation to the DMM (see document CoP16 Doc. 36 (Rev. 1)), namely that:

- a. The primary aim of the DMM is to establish a basis for agreement on how to make the decision, under CITES, on *whether or not* there should be international trade in elephant ivory, under what circumstances such trade might take place, and what would be the related institutional and financial arrangements if such a trade were to take place;
- b. If there were to be a future decision to trade internationally in ivory, any such trade would need to be conducted in full compliance with CITES provisions, mechanisms and decisions. It should not be initiated when that is not the case and it should be suspended if provisions are no longer met;
- c. The creation of additional or new structures or instruments to organize trade in ivory should be minimized, while the role of the existing CITES bodies and processes should be specified or enhanced as necessary; and
- d. Decision 16.55 (Decision-making mechanism for a process of trade in ivory) requires to be implemented.

The various views expressed with regard to the DMM prior to 16<sup>th</sup> meeting of the Conference of the Parties (CoP16, Bangkok 2013) were summarized in document CoP16 Doc. 36 (Rev. 1). The purpose of the present background document is not to outline additional perspectives, or provide a history of the process to date (a brief overview of this can be found in documents CoP16 Doc. 36 (Rev. 1) and SC65 Doc. 42.3), but rather to consolidate previously expressed perspectives in relation to the proposed outline for a DMM for consideration by the DMM Working Group. The document suggests a possible scope and outline of the DMM, and, where possible, one or more options for a way forward for the Working Group's consideration. This document is independent from current policy of any individual range or consumer State in relation to the international, or domestic, ivory trade.

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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

## ***Schedule and process for implementing Decision 16.55***

The Standing Committee and its DMM Working Group will need to develop a timeframe and process for implementing Decision 16.55. This could involve a possible meeting of the Working Group at SC66, and developing the issues and steps outlined in this background paper.

### **2. Scope of the Decision-Making Mechanism**

Although many perspectives have been expressed in relation to the scope and the level of detail that the DMM might present, a common basis for agreeing on the scope of the DMM is that the mechanism should contribute to, or otherwise be beneficial for, the conservation of elephants - and would in doing so, contribute to the aims of the African Elephant Action Plan (AfEAP). It is accepted that any future trade in elephant ivory would need to be conducted in full compliance with CITES provisions, mechanisms and decisions in place at that time, and that it should not be initiated when that is not the case and should be suspended if such provisions are no longer met. There is also widespread agreement that any future trade in ivory should concern primarily ivory that becomes available as a by-product of natural elephant mortality; and secondly ivory that is available through elephant management activities undertaken for reasons other than for the harvesting of ivory, such as human-elephant conflict mitigation or problem animal control.

Building on such a basis, different expectations have however been expressed in relation to the end product to be adopted by the Conference of the Parties on the DMM, with some suggesting very generic conditions under which ivory trade could occur, while others anticipating the adoption of more or less detailed criteria, or specific provisions for an ivory trade regime. For example, previous expectations in relation to the overall DMM product include that the DMM should be transparent and controlled by the CoP; it should be as efficient as possible, including a range of trade options, and not necessarily prescribe how trade should take place; it should include clarity on a set of conditions and criteria that would govern possible future ivory trade; and indicate which CITES bodies should be responsible for overseeing trade and compliance.

Whilst it is apparent that the DMM should include conditions and criteria that would need to be met before any future possible trade could be approved, various perspectives have been expressed in relation to the detailed conditions that might be met before trade either occurs, stops or resumes. Furthermore, considerably divergent views have been expressed on the role of the various CITES bodies in assessing whether the conditions are fulfilled, in organising any sales, or in the accompanying verification and compliance processes, with options presented for the Conference of the Parties, the Standing Committee, the Secretariat and/or possibly an external body to CITES to undertake various of these functions. For example, many submissions have proposed that the agreed text in relation to the DMM for a process of trade in ivory "*under the auspices of the CoP*" implies that there is direct oversight and regulatory control by the CoP over any approved trade. However, other submissions have proposed that once the DMM has been adopted by the CoP, the Standing Committee might be best placed to approve and monitor the trade in ivory from Parties meeting the criteria of the DMM.

Based on the decisions, submissions and discussions to date, it is suggested that the scope of the DMM be considered as: providing a basis for agreeing on how to make the decision under CITES on whether or not there should be international commercial trade in elephant ivory; under what circumstances such trade could take place; and what would be the related institutional and financial arrangements. The following associated three steps are therefore proposed to be included in the DMM, in accordance with Decision 16.55:

**Step one:** Consideration of a possible mechanism for the Conference of the Parties to receive and deliberate on applications for commercial international trade in ivory (from Appendix-II elephant populations).

**Step two:** Consideration of conditions and criteria that would govern any such trade.

**Step three:** Considerations on a process for any future trade in ivory in the event that a decision to trade is agreed by the Conference of the Parties, including the roles of CITES bodies in monitoring and evaluating compliance with the provisions of the decision-making mechanism, and in supervising, authorizing or suspending such trade.

All three steps are considered as core elements in order to reach agreement on a DMM, and the following sections elaborate on the considerations that might be taken into account in relation to each of the three

steps, and propose options for taking discussions forwards. In line with Decision 16.55, it is understood that the Conference of the Parties will consider and adopt the DMM and its associated principles, processes and institutional framework, based on a recommendation from the Standing Committee.

1. **Step One: Consideration of a possible mechanism for the Conference of the Parties to receive and deliberate on applications for commercial international trade in ivory (from Appendix-II elephant populations)**

Step one is proposed to focus on the process and mechanism of how applications to conduct international commercial trade in ivory might be made, and the role of the CoP and other CITES bodies in the process of application and decision making.

In line with the provisions of the Convention, and based on submissions and discussions to date, it seems that applications for international commercial trade in ivory would only be considered from range States<sup>1</sup> of elephant populations that are included in Appendix II (and if the listing is the subject of an annotation, this should indicate clearly whether trade in raw, semi-worked, and/or worked ivory is allowed). The mechanism that might be considered for bringing an application to the Convention would therefore be a proposal to trade from one or more Parties that are range States of elephant populations included in Appendix II.

Such applications from Parties might be submitted through one of the followed tiered approaches:

- i) directly to the Conference of the Parties; or
- ii) to the Standing Committee for review and a subsequent recommendation to the Conference of the Parties; or
- iii) via the Secretariat to a sub-group of the Standing Committee (such as one based on the existing MIKE-ETIS Subgroup) for initial consideration before review by the Standing Committee as in option ii) above, and a subsequent recommendation to the Conference of the Parties.

In each of the above cases, it would be the responsibility of the CoP to decide whether or not international commercial trade in elephant ivory can take place, based on current listings (and any amendments thereof), consideration of the conditions and criteria agreed in the DMM (see step 2), and other relevant provisions and processes of the Convention (see below). Whilst applications directly to the CoP might theoretically allow for a shorter time-frame for decision making, a more robust process of review and consideration leading to a more efficient consideration by CoP may be provided by applications being submitted to the Standing Committee or a sub-group of thereof. It has also been suggested that once the CoP has adopted the DMM, applications to trade ivory might be considered - and a decision reached on whether or not to trade - by the Standing Committee. Whilst this suggestion appears to lack widespread support, it would nonetheless imply a key role for that Committee in the deliberation of applications.

Consideration may also be given to the role of the Animals Committee and/or an independent panel of experts/Technical Advisory Group in reviewing applications in advance of consideration by the Standing Committee or CoP, and subject to the request of the Standing Committee or CoP. Such a review process may further strengthen the overall decision making process, but the timing of the review(s) would need to be considered in relation to the process for submitting applications, and the subsequent deliberations on the application by SC and CoP.

A template for the specific format and content of applications may have to be developed in order to ensure that the full set of information relating to the various conditions and criteria (see step 2) are included in applications. The Secretariat might then be tasked with initially reviewing applications to ensure that the information that is provided is complete, before such applications are passed on for consideration by a Standing Committee sub-group/Standing Committee/CoP as above.

Once received by the Conference of the Parties, in its role in deciding whether or not international commercial trade in elephant populations should take place, the CoP might:

- i) accept an application; or
- ii) accept an application subject to additional criteria and conditions being met; or

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<sup>1</sup> All elephant Range States are Parties to CITES with the current exception of South Sudan.

- iii) suggest amendments for the consideration by applicants in a possible future re-submission; or
- iv) request further review of an application by the SC/AC/independent panel of experts; or
- v) reject an application.

## **2. Step Two: Consideration of conditions and criteria that would govern any commercial international trade in ivory**

Step two is proposed to address the conditions and criteria that would be considered by the CoP and any review process of applications that are submitted under step one. Such conditions and criteria would also form the basis for a possible template to be developed, and would be expected to be explicitly addressed in any applications to trade. Conditions and criteria might be considered across the trade chain, including for range, transit and importing States, to qualify for authorization to trade in ivory, and might draw and build on the experiences of the use of criteria for previous one-off ivory sales.

A wide range of suggestions have been made on the nature and extent of conditions and criteria that might be considered by the Conference of the Parties, including *inter alia* those in relation to elephant population status and management in trading and non-trading range States; levels of illegal killing and trade in the participating Parties, as well as quality of trade data; ivory market dynamics and controls; supply chain traceability; enforcement provisions; and monitoring provisions.

In addition to the information on conditions and criteria provided by the range State through an application for international commercial trade in ivory, information on various of the conditions and criteria might also be reviewed by, or otherwise sought from independent sources – for example relating to supply chain traceability and enforcement provisions, market dynamics, the status of elephant populations, the levels of illegal killing and trade in non-trading range States, and the adequacy of, and level of implementation of, domestic legislation and compliance with CITES resolutions and decisions.

It is anticipated that the Conference of the Parties, based on recommendation from the Standing Committee, would consider and adopt criteria that Parties participating in the trade would need to meet before international commercial trade in ivory can be authorized. Furthermore, the CoP (and other bodies as decided – see step 1) might receive regular reports from the Standing Committee, the Secretariat, and Parties participating in any commercial international trade in ivory, in order to keep the implementation of the decision-making mechanism and the criteria under review, and consider any necessary modifications and specific and targeted elements of a compliance mechanism across the supply chain (see step 3).

Based on submissions and discussions to date, the following non-exhaustive set of considerations might be elaborated and reflected more specifically in relevant conditions and criteria:

### **a) Levels of illegal killing of elephants and illegal trade in ivory**

Such consideration might include conditions and criteria based on site-, country-, regional- and global-level factors associated with the illegal killing of elephants and trade in ivory, including the proportion of illegally killed elephants at national and regional level, and seizures of illegal ivory across trade chains. Whilst the conditions in relation to the range State applicant would be of particular relevance, the regional and global conditions would also be important to consider in any criteria. This would need to be fleshed out in detail. The on-going implementation of MIKE (Monitoring the Illegal Killing of Elephants) would provide a mechanism to assess the proportion of illegally killed elephants at site, national and regional scales. Data from ETIS (Elephant Trade Information System) would allow conditions in relation to illegal trade to be assessed. Conditions for any future international commercial trade might include a clear monitoring provision (building on existing mechanisms) to enable the assessment of any impacts of legal trade in ivory on elephant management, and levels of illegal killing across elephant range States and illegal ivory trade across supply chains.

### **b) Status of elephant populations**

Whilst illegal killing is an important threat to elephants, other pressures, such as human-elephant conflicts, changes in habitat and available range, and climate variability also have important impacts on the conservation status of elephant populations. Conditions and criteria related to the status of elephant populations at national and regional level would likely form an imperative consideration for possible international legal trade in ivory, and an important component of a Non-Detriment Finding required for trade

in Appendix II-listed specimens. The monitoring of national (and regional) population status and trends, as well as information on the status and trends of other pressures affecting elephant populations at national and regional scales, might be an important consideration in relation to possible international commercial trade in ivory.

**c) Supply chain traceability, controls, enforcement, and monitoring**

To ensure that illegal ivory does not enter legal supply chains, conditions and criteria might be considered in relation to the traceability and enforcement provisions of proposed supply chains. Such conditions might include elements of: range State and other stockpile management; adequacy and level of implementation of relevant domestic legislation; and compliance with relevant CITES Resolutions and Decisions<sup>2</sup> across the supply chain. The latter might comprise specific conditions on control and enforcement in any transit States, and of market controls in consumer States; DNA fingerprinting/isotope profiling; clear traceability and monitoring provisions throughout the supply chain; the establishment of a secure marketing mechanism that minimizes steps in the supply (including any processing) chain; point-of-sale certification mechanisms; and related auditing approaches across the supply chain. Consideration might also be given to ensure that any domestic markets in range States are subject to the same controls as in other consumer countries.

**d) Market dynamics; consumption patterns and trends**

An understanding of the nature and potential size of, and trends in, the demand for ivory may be an important consideration for any future international commercial trade in ivory, and particularly in relation to the proposed volumes of trade, the management of remaining stockpiles and their rates of replenishment, and the potential impact of legal trade on demand. Whilst there remains a paucity of information on many market dynamics, a better understanding of such dynamics (including through modelling and scenario development, and through possible development of a monitoring system to assess prices at various points of the supply chain) would strengthen the evidence base underpinning decisions on any future international commercial trade in ivory. In addition, criteria might be envisaged that seek to minimise the leakage of illegally obtained ivory into the processing and marketing of carved products. Conditions might be considered that develop appropriate incentives as well as regulations for example for ivory-carving businesses to avoid dealing in illegally derived ivory.

**e) National and regional elephant management plans, including the African Elephant Action Plan, and stakeholder engagement**

There seems to be broad agreement that any international commercial trade in ivory should take place in the context of, and contribute to the implementation of, national and regional conservation and management plans, including the African Elephant Action Plan. Whilst the AfEAP is not intended to be an exhaustive analysis of the status of elephant populations and their conservation priorities across Africa, it provides a framework, and a concise and clear statement of those priority activities that most urgently require attention and funding in order to conserve Africa's elephants throughout their range. Conditions and criteria might be considered in relation to the extent to which net revenues generated from legal international trade in ivory would support national (and relevant transnational) elephant management plans, and the implementation of the AfEAP, including through the involvement of, and provision of incentives for, local stakeholders engaged in elephant conservation. Conditions might also be considered in relation to the engagement of stakeholders in the preparation of applications for international commercial trade in ivory.

**3. Step Three: Consideration of a possible process for trade in ivory in the event that a decision to trade is agreed by CoP**

Step three could outline a possible process and options by which the international commercial trade in ivory might be conducted in the event that the conditions and criteria developed from step 2 are met and a decision to trade is agreed by the Conference of the Parties. Such a process would include: consideration of the scope of trade that might be agreed; possible institutional arrangements, including the roles of various CITES bodies in monitoring and evaluating compliance with the provisions of the decision-making mechanism; and the roles of these CITES bodies in authorizing, supervising, and, if necessary, suspending such trade. Consideration is also given to the associated resource implications. Some areas of possible consensus, and options on which further discussions could be based, are presented. However, considerable further discussion will be required to

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<sup>2</sup> E.g. Resolution Conf 10.10 (Rev. CoP16) and future equivalents.

advance on the details of a possible process by which trade might be conducted, including on the role of CITES bodies and/or other mechanisms.

**a) Scope and role of relevant CITES bodies in overseeing any trade**

It is anticipated that the scope of any international commercial trade in ivory would be clearly outlined in any proposal to trade, and the subsequent decision by the Conference of the Parties on whether or not trade is authorized. Such a scope would require compliance with CITES provisions, mechanisms and decisions. For example, commercial trade in ivory would only take place from African elephant populations listed on Appendix II, provided that the export is not detrimental to the survival of the species. Similarly, compliance with the relevant provisions in Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* would be required.

Based on inputs and discussions to date, it is anticipated that the great majority of any international commercial trade would focus on raw unworked ivory. However, if the Appendix listing is subject to an annotation, this would indicate whether trade in raw, or worked ivory would be allowed.

Options for the role of relevant CITES bodies and Parties in overseeing any trade might include:

Role of the Conference of the Parties:

- i) Adopting the DMM and its principles, processes and institutional framework.
- ii) Deciding whether trade in elephant ivory from Appendix-II populations of African elephants can take place, and adopting any relevant amendments to current listings.
- iii) Adopting criteria that Parties that participate in the trade will need to meet before it agrees to authorize commercial trade in ivory or before such trade is authorized by the Party concerned (which might be subject to verification by the Standing Committee or Secretariat)
- iv) Receiving reports from the Standing Committee, the Secretariat and Parties involved to oversee the implementation of the DMM and the criteria, and consider any necessary modifications.

Role of the Standing Committee:

- i) Reviewing overall compliance with the provisions of CITES, the DMM and the process for trade in ivory (which might be supported by a permanent subgroup of the Standing Committee, or an independent ivory trade monitoring unit, in collaboration with the Secretariat).
- ii) Reviewing reports from the Secretariat and trading parties.
- iii) Assessing the Secretariat's evaluations and making decisions accordingly.
- iv) Participating in verification and monitoring activities (which might be supported as in i) above).
- v) Reporting to the Conference of the Parties.

Role of the Secretariat

- i) Assessing whether Parties that wish to authorize commercial ivory trade meet the agreed criteria (and possibly making recommendations to the Standing Committee).
- ii) Supervising the legal trade in ivory at the exporting and importing ends.
- iii) Maintaining an ivory trade database.
- iv) Organizing or leading relevant monitoring activities and studies (including MIKE and ETIS).
- v) Reporting to the Standing Committee and the CoP.
- vi) Undertaking regular audits under the supervision of the Standing Committee and any subgroup established by the Standing Committee.



## Role of the Animals Committee

- i) Conducting a periodic review of significant trade.

## Role of (trading and non-trading) range States and consumer countries

- i) Monitoring - and reviewing impacts of any trade on - African elephant populations, as well as reviewing progress and developments in the context of the implementation of the AfEAP.
- ii) Operating secure stockpile management arrangements - and reporting thereon, including on the sources and explanation of all ivory entering stockpiles.
- iii) Notifying the Secretariat of ivory seizures and any ivory management measures for seized ivory.
- iv) Reporting on the use of revenues generated from any trade.
- v) Supporting independent audit processes in relation to stockpile management and use of revenues.

### **b) *Criteria for importing and consumer States to qualify for authorization to undertake trade in ivory***

If the Conference of the Parties agrees to allow a trade in ivory from countries with Appendix II-listed elephant populations (see step 1 above), such a decision might approve the trade subject to a range of criteria having been fulfilled (see step 2 above). Some criteria might be required to be met before the CoP takes a decision to allow trade, and some criteria could be required to be met before any actual international commercial trade takes place.

For example, criteria related to elephant populations and the illegal killing of elephants, and ensuring national legislation is in place regulating the sale of ivory and providing for the registration of ivory stocks, might be required to be met before a decision to authorize trade is taken, whereas criteria related to supply chain traceability, controls, enforcement, and monitoring, or the establishment of other practical arrangements for sales, exports, imports and retail, might be required to be met subsequent to a decision by the Conference of the Parties to allow trade in principle, but before any trade goes ahead. The attainment of such conditions and criteria might be subject to verification by the Secretariat and/or Standing Committee (see possible roles for these CITES bodies in section a) above).

### **c) *Meeting relevant CITES provisions in Resolutions and Decisions relating to elephants and ivory***

Any future international commercial trade in ivory would need to be conducted in full compliance with CITES provisions, mechanisms and decisions. It would not be initiated when this is not the case, and be suspended if provisions are no longer met. Important CITES Resolutions in relation to the elements proposed within the DMM include the following:

- Resolution Conf 10.10 (Rev. CoP16) on *Trade in elephant specimens*, and Decisions 14.78 (Rev. CoP16), and 16.78 to 16.83, or their successors, concerning marking, controls of internal ivory trade, MIKE and ETIS, quotas, National Ivory Action Plans, etc.;
- Resolution Conf. 16.9 on the *African Elephant Action Plan and African Elephant Fund*, which is concerned with improving funding and support for the African Elephant Action Plan, a consensus between all African elephant Range States to ensure their continued survival across their range.
- Resolution Conf. 16.7 on *Non-detriment findings*;
- Resolution Conf. 16.6 on *CITES and livelihoods*;
- Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas* provides certain important aspects or elements which should be taken into consideration during the discussion process;
- Resolution Conf. 14.5 on *Dialogue meetings* lays out mechanisms to seek consensus between range States on controversial proposals for amendment of the CITES Appendices;

- Resolution Conf. 13.2 (Rev. CoP14) on *Sustainable use of biodiversity: Addis Ababa Principles and Guidelines*;
  - Resolution Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in specimens of Appendix-II species* to verify and ensure the non-detrimental nature of the trade, recalling that some States permitting export of Appendix-II species are not effectively implementing Article IV, paragraphs 2 (a), 3 or 6 (a) of the Convention.;
  - Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*, which established criteria to ensure that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information;
- d) Governance and institutional arrangements, including in relation to ensuring continued compliance with trade conditions**

Decision 16.55 states that the DMM should be placed under the auspices of the Conference of the Parties. As such, the Conference of the Parties would retain the central role in the definition of the conditions and criteria contained in the DMM as well as its general design. Whilst the majority of submissions have considered that any subsequent decisions would be taken under the Conference of the Parties, some submissions have suggested that once the DMM is adopted by Conference of the Parties, with associated criteria and conditions, a decision to trade could be taken by the Standing Committee.

The organization and supervision of trade would need to be clear and agreed as part of the overall decision to trade. Such a task might be requested of the Secretariat, or might be otherwise be implemented by a stakeholder-driven centralized trading mechanism, accountable to the Conference of the Parties. Coordinated and secure marketing mechanisms that minimise the steps between producers of ivory and those who carve ivory would reduce the opportunities for illegal ivory to be fed into to the market, and further consideration might be given to the scope, objectives, function, and resourcing of the previously highlighted proposal<sup>3</sup> for a centralized trading mechanism (or "Central Ivory Selling Organization"), which would provide for a single outlet for all raw ivory legally exported from Africa, and aim to shorten the pathway from seller to consumers.

Any agreed trading process will also require detailed monitoring and auditing provisions across the supply chain to be agreed in advance, and a clear agreed process for determining and addressing non-compliance. In particular, the detailed conditions under which trade would be suspended will need to be determined, and mechanisms for rapid adjustment/suspension of trade agreed. Roles are envisaged for various CITES bodies in monitoring and evaluating compliance with the provisions of the decision-making mechanism and trade process, and in supervising, authorizing or suspending such trade.

Although the Conference of the Parties would have a role in reviewing reports and overseeing the implementation of the DMM, and the Standing Committee might be responsible for reviewing overall compliance with the provisions of CITES, the DMM and the process for trade in ivory, such a process would likely be insufficiently rapid to respond to some of the conditions and criteria subject to on-going monitoring. The work of reviewing and monitoring trade might therefore be supported by a permanent subgroup of the Standing Committee, or an independent ivory trade-monitoring unit, in collaboration with the Secretariat. Such a subgroup would be tasked with reporting to the Standing Committee, but might also be provided with authority from the Standing Committee to temporarily suspend trade if the results of monitoring and/or audits suggest non-compliance. Such an action might be communicated to Parties and reviewed at the next regular meeting of the Standing Committee.

**e) Resource requirements**

The provisions suggested above, or otherwise agreed by the Conference of the Parties, are likely to require significant operational budgets for their effective implementation. Depending on the options determined, the additional resources for the implementation of the DMM and any subsequent decision to trade ivory internationally might include:

- Dedicated ivory trade monitoring staff in the CITES Secretariat, including contributions to MIKE and ETIS.

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<sup>3</sup> See section 6.1 of Annex to document SC62 Doc 46.4, available at <https://cites.org/eng/com/sc/62/E62-46-04-A.pdf>

- An operational budget for the Secretariat for travel, engaging experts, independent verifications, monitoring, studies, translation, databases, a dedicated website and other communications.
- A budget for regular meetings of African elephant range States and trading partners, and the African Elephant Fund Steering Committee.
- A possible annual contribution to the African Elephant Fund to help implement the AfEAP in non-trading African elephant range States.
- The possible establishment and operationalization of a centralized trading mechanism.

**f) *Schedule and timeframes for trade once authorized by the Conference of the Parties***

A timeframe with any associated additional conditions and criteria to be met might be considered by the Conference of the Parties in relation to the schedule for any international commercial trade. For example, there might be a time limit for meeting any additional criteria and conditions agreed by the Conference of the Parties, and for implementing trade once a decision has been taken. A schedule for reporting back on the trade, for example to the Standing Committee, might be agreed. The agreed schedule would need to take into account the condition that various criteria (such as those in relation to the proportion of elephants killed illegally, or the rate of ivory seizures) not show deteriorating circumstances in the period between a CoP decision and any international commercial trade taking place.

**Acronyms**

AfEAP	African Elephant Action Plan
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Conference of the Parties (of CITES)
DMM	Decision-Making Mechanism (for a process of trade in ivory under the auspices of the Conference of the Parties to CITES)
ETIS	Elephant Trade Information System
MIKE	Monitoring the Illegal Killing of Elephants
SC	Standing Committee
WG	Working Group