

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

Trade control and traceability

Definition of the term 'appropriate and acceptable destinations'

DEFINITION OF THE TERM 'APPROPRIATE AND ACCEPTABLE DESTINATIONS':
TRADE IN LIVE ELEPHANTS

1. This document has been submitted by Burkina Faso and Niger.*

Background

2. The current CITES listing of African elephants permits the capture and trade of live animals from wild Appendix II populations in South Africa and Namibia for "*in situ* conservation programmes"; from wild Appendix II populations in Botswana and Zimbabwe for trade to "appropriate and acceptable destinations" as stated in the annotation¹ and defined in Resolution Conf.11.20 (Rev.CoP17); and from wild Appendix I populations for non-commercial purposes under the terms of Article III par. 3(b) of the Convention.
3. Resolution Conf. 11.20 was amended during the 17th meeting of the Conference of the Parties (CoP17), expanding the definition of "appropriate and acceptable" destinations. The new language (underlined) states that "*where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the trade in live animals, this term shall be defined to mean destinations where:*
 - a) *The Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and*
 - b) *the Scientific Authorities of the State of import and the State of export are satisfied that the trade would promote in situ conservation*".
4. The Conference of the Parties, at its 17th meeting (CoP17, Johannesburg, 2016), adopted Decisions 17.178 to 17.180 on the implementation of the Definition of the term "*appropriate and acceptable destinations*" and Article III, paragraphs 3(b) and 5(b), of the Convention regarding findings that recipients of living specimens of CITES Appendix-I species are suitably equipped to house and care for them, with a view to developing recommendations and guidance for consideration by the Standing Committee and the 18th meeting of the Conference of Parties (CoP18).

* *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.*

¹ Annotation 2.b).

5. At the 29th meeting of the Animals Committee (AC29, Geneva, July 2017) and the 69th meeting of the Standing Committee (SC69, Geneva, November 2017), an intersessional working group was established by each Committee^{2,3} on Definition of the term ‘appropriate and acceptable destinations’ and Article III, paragraphs 3(b) and 5(b), of the Convention, and a revised time-frame was agreed to implement Decision 17.178. The Secretariat was to report to the 30th meeting of the Animals Committee (AC30) and the 70th meeting of the Standing Committee (SC70).
6. At SC69, Burkina Faso and Niger, on behalf of several NGOs⁴, submitted an Information Document (SC69 Inf. 36) on *Challenges to CITES regulation of the international trade in live, wild-caught African elephants*. The document presents a detailed analysis of information on the legal implications, biological impacts and welfare effects of the trade in live African elephants, including case studies. It also refers to a statement issued in 2003 by the IUCN-SSC African Elephant Specialist Group (AfESG) which states: “Believing there to be no direct benefit for in situ conservation of African elephants, the African Elephant Specialist Group of the IUCN Species Survival Commission does not endorse the removal of African elephants from the wild for any captive use⁵.”
7. The African Elephant Coalition (AEC), representing 29 countries of the African elephant range, held a Summit in Addis Ababa from 1-3 June 2018⁶. Among other issues, they discussed the welfare of live wild elephants and the conditions under which these animals may be caught and traded. Viewing this issue as a major focus, the Coalition reaffirmed its position that the only “appropriate and acceptable” destinations for live wild elephants are *in situ* conservation programmes within their wild natural range. It was agreed to submit a document to SC70 expressing the views and recommendations of the AEC. This document is submitted in implementation of this decision and is intended to inform and assist the on-going process under the Animals Committee and Standing Committee.

Progress made since SC69

8. On 29 March 2018, the Secretariat issued a Notification to Parties (Notification No. 2018/033), inviting Parties to submit any relevant information on the implementation of Resolution Conf. 11.20 (Rev. CoP17) and Article III, paragraphs 3(b) and 5(b) of the Convention. The Notification also invited organizations and other relevant stakeholders, particularly those involved in either transport of live animals, or housing and caring for live animals, to submit any relevant information, including documents they may have developed or used to provide guidance on best practice in relation to housing and caring for live Appendix-I listed animals, or of relevance to the implementation of Resolution Conf. 11.20 (Rev. CoP17).
9. The Secretariat submitted AC30 Doc. 16 (Rev. 2)⁷, summarizing the responses from Parties⁸ and inviting the Animals Committee to consider developing non-binding guidance for Scientific Authorities to use when assessing if the proposed recipient is suitably equipped to house and care for a living specimen according to Article III 3(b) and 5(b) of the Convention, or if it qualifies as an “appropriate and acceptable destination” under Resolution Conf.11.20 (Rev.CoP17).
10. At the 30th meeting of the Animals Committee (AC30, Geneva, July 2018), the in-session working group focused on creating non-binding best practice guidance for the required finding that the proposed recipient of a living specimen is suitably equipped to house and care for it, which is relevant to paragraph 1, a) of

² The mandate and the members of the AC29 intersessional working group can be found at : <https://cites.org/sites/default/files/eng/com/ac/29/sum/E-AC29-SR.pdf>

³ The mandate and the members of the SC69 intersessional working group can be found at : <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-Sum-06-R1.pdf>

⁴ Amboseli Trust for Elephants, Animals Asia Foundation, Animal Welfare Institute, Born Free Foundation, David Shepherd Wildlife Foundation, Fondation Franz Weber, Future for Elephants, GSM (Society for the Conservation of Marine Mammals, Denmark), Humane Society International, National Council of SPCAs (South Africa), Pro Wildlife, Performing Animal Welfare Society and Species Survival Network.

⁵ <https://www.iucn.org/ssc-groups/mammals/african-elephant-specialist-group/afesg-statements/removal-african-elephants-captive-use>

⁶ AEC member countries present were: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Republic of Congo, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Mali, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Togo, Uganda.

⁷ Full replies to the Notification were collated in AC30.Doc.16 (Rev.2) A.

⁸ By the deadline of 26 April 2018, the Secretariat had received answers from eleven Parties: Australia, Canada, China, Mexico, Monaco, Philippines, Slovakia, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the following organizations: Association of Zoos and Aquariums (AZA), Born Free Foundation, Global Eye, Humane Society International (HSI), Wild Welfare and World Animal Protection.

Resolution Conf. 11.20 (Rev. CoP17) for specimens of Appendix-II species subject an annotation referring to “appropriate and acceptable destinations”, as well as Article III paragraphs 3(b) and 5(b) for Appendix-I specimens. They recommended an outline for the non-binding guidance for evaluation when considering the finding, which includes, but is not limited to, factors such as climate conditions of the recipient, space to display normal behaviour, dietary needs, social well-being of the living specimens, among others⁹. There was insufficient time to explore creating non-binding best practice guidance for the required findings that the trade would promote *in situ* conservation, which is relevant to paragraph 1, b) of Resolution Conf. 11.20 (Rev. CoP17) for specimens of Appendix-II species subject an annotation referring to “appropriate and acceptable destinations”.

11. The Animals Committee recommended for submission to CoP18 the adoption of several Decisions directed to the Secretariat, the Parties, the Animals Committee and the Standing Committee¹⁰. These would make the guidance available through a webpage and Notification to Parties, enable the compilation of best practices and examples from Parties etc., gather experience in the use of the guidance, and mandate the Animals Committee to: prepare non-binding best practice guidance on how to determine whether “the trade would promote *in situ* conservation”, in line with the provisions of paragraph 1 b) of Resolution Conf. 11.20 (Rev. CoP17); and build on the existing non-binding guidance to prepare “more detailed species-specific guidance for living specimens of African elephants and southern white rhinoceros”, in consultation with relevant experts and the Secretariat. The Decisions further mandate the Standing Committee to review the work of the Animals Committee and make recommendations to CoP19, including possible revisions to Resolution Conf. 11.20 (Rev. CoP17).
12. By the time that this document was submitted, the intersessional working group of the SC69 had not begun its work.

Concerns regarding capture and trade of wild-caught African elephants for captivity purposes

13. Wild elephants have evolved a range of specialized physical and behavioural adaptations - including sizeable bodies and long limbs that allow them to traverse large distances, complex societies that ensure the protection and development of slow-maturing offspring, and cognitive skills in foraging and interaction that help them to navigate the challenges of natural habitats and social groupings that vary on a daily and seasonal basis - so as to meet their ecological and reproductive requirements. Failure to provide for their specifically adapted needs deprives wild-caught elephants held in captivity of crucial learning skills and damages their health, causing in particular foot and joint disease and psychological frustration. To put it simply, wild elephants are born to walk long distances, to spend three-quarters of their time searching for forage, and to manage complex social relationships, and they need to do so on a daily basis to stay healthy in body and mind.

Evidence from elephant biology, when compared to all current conditions of confinement, demonstrates that no captive facility is able to meet the social and behavioural needs of wild-caught elephants. Captive facilities lack the ability to provide the space and habitat complexity required to allow wild-caught African elephants to display normal behavioural choices of food or social companions or to sustain physical fitness.

14. Elephants are wide-ranging, intelligent animals with active minds and complex social structures underpinned by strong family bonds. Social interactions are essential to the well-being of both sexes, during early life and as adults.

During the last decade, captures of wild African elephants have involved considerable disruption to the remaining populations, and have separated calves from their family groups. This intervention causes significant physical and psychological trauma, and can result in injuries or mortality of the calves or their family members. It can also leave the affected, wild family groups fragmented and disrupted. These captures of wild African elephants undermine the conservation of the species, because they do not take into account the role and dynamics of culturally transmitted behaviours.

15. An estimated 533 wild-sourced African elephants were held in captivity worldwide as of September 2017, 465 in zoos and 68 in circuses. African elephants are found in zoos in almost every continent, from Europe, North America, and Latin America to Asia. Some of the zoos are located in places where the natural climate, including severe winter conditions, is unsuitable for the species. While elephants in such locations may have

⁹ <https://cites.org/sites/default/files/eng/com/ac/30/com/E-AC30-Com-06.pdf>

¹⁰ [Ibid](#)

access to indoor heat, confinement in an indoor enclosure for weeks or months will cause damaging behavioural frustration and foot and joint problems that could lead to premature death.

Recommendations

16. The Standing Committee is requested to:

- a) Take the present document and the concerns raised in it into account in discussions on “appropriate and acceptable destinations” for live wild African elephants, in particular the position of the African Elephant Coalition that the *only* “appropriate and acceptable” destinations for live wild elephants are *in situ* conservation programmes within their wild natural range, and the position of the IUCN-SSC African Elephant Specialist Group (AfESG) that, believing there to be no direct benefit for *in situ* conservation of African elephants, does not endorse the removal of African elephants from the wild for any captive use;
- b) Endorse the recommendations of the Animals Committee in Doc. AC30 Com. 6;
- c) Recommend that the more detailed species-specific guidance for living specimens of African elephants and southern white rhinoceros include a statement indicating that exporting States and importing States are to permit trade in wild caught live African elephants only when the captured animal’s social grouping is undisrupted, if the captured animal can exhibit normal behaviour fully equivalent to that of the animal living in the wild in its natural habitat, and if the trade demonstrates significant benefits to *in situ* conservation of the species of the exporting States;
- d) Recommend that guidance for evaluating whether the proposed recipient of a living specimen is suitably equipped to house and care for it, along with further guidance on how to determine whether the trade would promote *in situ* conservation and more detailed species-specific guidance for living specimens of African elephants and southern white rhinoceros should be included as an Annex to Resolution Conf. 11.20 (Rev. CoP17);
- e) Recommend the inclusion of an additional draft decision in 18.AA for submission to CoP18 directing the Secretariat to engage Parties whose elephant populations are listed in Appendix II and who have exported wild caught live elephants to a non-elephant range State since CoP11 on their implementation of Resolution Conf. 11.20 (Rev.CoP17), in particular considering the role and responsibility of the State of export in Article IV and Resolution Conf. 16.7 (Rev.CoP17) and Resolution Conf. 11.20 (Rev.CoP17), and report to the 73rd meeting of the Standing Committee;
- f) Recommend that CoP18 reconsider and take decisions on the particular issues connected with trade in live wild elephants [and southern white rhinoceros], including an option to amend Resolution Conf. 11.20 (Rev. CoP17) and include a recommendation that the only appropriate and acceptable destinations for live wild African elephants are *in situ* conservation programmes within their wild natural range and that the only way to promote *in situ* conservation is through *in situ* conservation programmes within their wild natural range.