

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



Seventieth meeting of the Standing Committee
Sochi (Russia), 1 – 5 October 2018

Species trade and Conservation

STATUS OF CLOSURE OF DOMESTIC IVORY MARKETS IN AFRICAN ELEPHANT COALITION
MEMBER STATES - SEPTEMBER 2018

1. This document has been submitted by Liberia and Sierra Leone* on behalf of the African Elephant Coalition (AEC), a consortium of 30 Member States working together to promote the protection of elephant populations.¹ This report is submitted in response to CITES Notification No. 2017/077 regarding the status of domestic ivory markets in each Member State and in relation to agenda item 49.1.

* *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 The Coalition consists of the following Member States including 27 African elephant range States: Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, South Sudan, Togo, Uganda. All AEC Members are Parties to CITES except for South Sudan.

Status of Closure of Domestic Ivory Markets in African Elephant Coalition Member States

September, 2018

In summary, most AEC Member States have effectively closed their domestic ivory markets and prohibited domestic trade in ivory for commercial purposes.² In addition, 13 AEC Member States are also members of the Elephant Protection Initiative (EPI)³ under which they have committed to closing domestic ivory markets and putting their ivory stockpiles beyond economic use. We the Member States of the AEC urge CITES Parties who are yet to close their domestic ivory markets to do so expeditiously.

AEC Members whose domestic ivory markets are closed include: Benin, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Republic of the Congo, Rwanda, South Sudan, and Uganda.

AEC Members who allow a limited legal commercial trade with narrow exemptions are: Burundi, Cameroon, Comoros, Equatorial Guinea, Senegal, Sierra Leone, Somalia, and Togo.

The relevant national legislation prohibiting ivory trade in AEC Member States is listed in Table 1 and a brief summary of the trade prohibitions is provided in the attached Annex.

Table 1: National legislation related to ivory trade prohibitions in AEC Member States

	Name of Country	Title of Primary Legislation
1.	Benin	Law No. 2002-16 Laying Down the Fauna Regime in Republic of Benin.
2.	Burkina Faso	Law No. 003-2011/AN of April 5 th 2011 on the Forestry Code of Burkina Faso; Decree No. 2017-0238/PRES/PM/MEEVCC of April 24 th 2017 on the A and B lists of the protection of wild fauna species. Decree N°2017-0237/PES/PM/ MEEVCC/ MINEFID/ MCIA/ MRAH/ MTMUSR/MJDHPC of April 24 th 2017 on the conditions of detention, cession, circulation, import, export and re-export of wild live animals and products of hunting; Decree N°2012-447/PRES/PM/MEDD/MEF/MAH/MRA/MJPDH/MATDS of May 24 th 2012 setting the scales applicable to offences to the Forestry Code.
3.	Burundi	Law No. 1-17 on the Trade in Wild Flora and Fauna
4.	Cameroon	Forestry, Wildlife and Fisheries Law of 1994
5.	Central African Republic	Decree No. 85/005 on the Closure of Elephant Hunting; Decree No. 85/046 Banning the Collection and Commercialisation of Ivory in CAR.
6.	Chad	Law 14/PR/2008 of June 10 th 2008 on the regulation of Forests, Fauna and fishing resources
7.	Comoros	<i>Not Available</i>
8.	Côte d'Ivoire	Decree No. 97-130 of 7 March 1997 regulating the possession of ivory on the national territory
9.	Democratic Republic of the Congo	Law No. 82-002 of May 28, 1982, on Hunting Regulations
10.	Equatorial Guinea	Environmental Law 2003
11.	Eritrea	Forestry and Wildlife Conservation and Development Proclamation (No. 155/2006)
12.	Ethiopia	Development Conservation and Utilization of Wildlife Proclamation (No. 541 of 2007)

² Excluding non-commercial trade or movement of ivory such as for scientific, law enforcement, educational, or personal purpose.

³ The EPI is an intergovernmental organization made up of 18 member countries committed to secure the survival of African elephants and their habitats. The following AEC members are also members of the EPI: Chad, Republic of Congo, Côte d'Ivoire, Ethiopia, Gabon, Guinea, Kenya, Liberia, Mali, Sierra Leone, Somalia, South Sudan, and Uganda.

13.	Gabon	Forest Code of 2001
14.	Ghana	Wild Animals Preservation Act, 1961
15.	Guinea	Law n° L/97-038/AN Code Concerning the Protection of Wildlife and Hunting Regulations
16.	Guinea-Bissau	Not available
17.	Kenya	Wildlife Conservation and Management Act, 2013
18.	Liberia	Wildlife and Protected Areas Management Law, 2016; the National Protected Forest Act, 2009; National Biodiversity Strategic Action Plan (NBSAP); National Elephant Action Plan (NEAP), 2016
19.	Mali	Law N° 95-031 of March 20th 1995 on the conditions of management of fauna and its habitat, amended by Law N° 2018-036 of June 27th, 2018 on the principles of management of Fauna
20.	Mauritania	Law No. 97-006 Repealing and Replacing Law No. 75-003 on the Code of Hunting and the Conservation of Nature.
21.	Niger	Law No. 98-07 of April 29 th 1998 on the system of hunting and the protection of fauna.
22.	Nigeria	National Wildlife Species Protection Act; Endangered Species (Control of International Trade and Traffic) Amendment Act, 2016.
23.	Republic of the Congo	Law N°37-2008 of November 28 th 2008 on fauna and protected areas
24.	Rwanda	Law N° 70/2013 Of 02/09/2013 Governing Biodiversity In Rwanda
25.	Senegal	Law No. 86-844 on the Code for Hunting and Nature Conservation
26.	Sierra Leone	Wildlife Conservation Act, 1972 (No. 27 of 1972)
27.	Somalia	Law on Fauna (Hunting) and Forest Conservation (No. 15 of 1969)
28.	South Sudan	Wild Life Conservation and National Parks Act, 2003
29.	Togo	Ordinance No. 4 on the Protection of Fauna and the Practice of Hunting in Togo
30.	Uganda	Wildlife Act of 1996

ANNEX: BRIEF SUMMARY OF STATUS OF DOMESTIC LEGAL IVORY MARKETS IN AEC MEMBER STATES

Benin

Elephants are listed as a 'fully protected' species in Annex I of Decree No. 90-366. Article 32 of Law No. 2002-16 therefore prohibits the hunting or capture of elephants, in line with the country's international obligations referred to in Article 31. Article 75 prohibits the commercial capture of animals listed as 'fully protected'. Domestic trade in ivory is prohibited.

Burkina Faso

Under Decree N°2017-0238/PRES/PM/MEEVCC of April 24th 2017 regarding lists A and B of protection of fauna species, elephants are listed as a "fully protected" species and are prohibited from being hunted or captured under Article 111 of Law No. 003-2011/AN (April 5th 2011). Article 111 of Law No. 003-2011/AN (April 5th 2011) prohibits all removals for hunting purposes, the commercial capture of "fully protected" species, though they can be exceptionally captured for scientific purposes, and scientific permits are available. Offences in this field are punished according to the provisions of Article 268 of Law No. 003-2011/AN (April 5th 2011). Domestic trade in ivory is therefore prohibited.

Burundi

Law No. 1-17 covers the international and domestic trade in fauna, as set out in Article 2. Under Article 6 of Law No. 1-17, species in Burundi are awarded protection according to their classification in CITES Annexes, meaning that elephants are 'fully protected' in the country. Article 12 prohibits the possession, exhibition for sale, sale, transfer and transportation of elephants unless 'the holder can prove legal possession'. According to Article 13, the import and export of all specimens acquired before CITES came into force in Burundi (i.e. 1988) is allowed. A limited domestic ivory trade in legally acquired ivory is therefore permitted.

Cameroon

Article 12.1 of the Forestry, Wildlife and Fisheries Law of 1994 stipulates that 'genetic resources' are state property and cannot be exploited for commercial reasons without authorisation. Article 100.1 states that the possession of worked ivory for commercial gain and the transformation of ivory for commercial gain is authorized subject to proper permits, under conditions set out in a ministerial decree. A limited domestic ivory trade is therefore permitted subject to government authorisation.

Central African Republic (CAR)

Decree No. 85/005 prohibits elephant hunting. Decree No. 85/046 prohibits the collection and commercialisation of ivory across the country and stipulates that ivory collectors and authorised ivory traders must have declared their ivory stocks within two weeks of the publication of the decree. The domestic trade in ivory is therefore prohibited.

Chad

According to Decree N°380/PR/PM/MAE/2014 (05.06.14) that regulates the implementation of the rules on wildlife and Law N°14/PR/2008 (10.06.2008), Chad does not have a domestic legal ivory market and does not issue permits for ivory. In summary, ivory trade is not active in Chad. The elephant is listed in Annex 1: List A of entirely protected species. Species listed under Appendix A are subject to a total prohibition. No matter the size of the ivory, trade in ivory it is forbidden by Chad legislation. The domestic trade in ivory is therefore prohibited.

Comoros

Elephants are not listed in the annexes of protected species in Decree No. 01/031/MPE/CAB on the Protection of Wild Fauna and Flora in Comoros. Comoros is a non-range state member of the AEC. Domestic ivory trade is not prohibited.

Côte d'Ivoire

There is no legal domestic ivory market in Côte d'Ivoire. The country has banned national ivory trade and has closed all its domestic ivory markets following the adoption of Decree No. 97-130 of 7 March 1997 regulating the possession of ivory on the national territory. The domestic trade in ivory is therefore prohibited.

Democratic Republic of the Congo (DRC)

Elephants are protected in the DRC under Law No. 82-002 of May 28, 1982 on Hunting Regulations. Thus, ivory trade is prohibited, however there have been instances when the Ministry of Arts and Culture has issued licences to the Ivory Carvers Association (Union des Artistes Ivoiriens du Congo - UNARICO) to carve ivory and in some cases for export of ivory. In 2005, the Ministry of Environment officially informed UNARICO by letter No. 0207/SG/ECN/EF/2005 of 12 February 2005, that ivory trade was illegal and that raw and/or worked ivory was to be confiscated. The domestic trade in ivory is therefore prohibited.

Equatorial Guinea

Article 37 of The Environmental Law of 2003 identifies different categories of protection provided to wildlife but does not include lists of relevant species that would fall under each category. Article 39 prohibits the capture, killing, possession, collection, transport, sale, import, export of species classified as 'in danger of extinction', unless relevant authorization and permits have been approved. The domestic trade in ivory is not prohibited.

Eritrea

African elephants are listed as a protected species under the Forestry and Wildlife Conservation and Development Proclamation (No. 155/2006). The domestic trade in ivory is therefore prohibited.

Ethiopia

Elephants are listed as a protected species under the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008. Ivory trade without a permit is prohibited under the Development Conservation and Utilization of Wildlife Proclamation (No. 541 of 2007). No permits have been issued to trade ivory and the government does not plan to issue any in the future. The domestic trade in ivory is therefore not currently being permitted by the government although there is limited scope for legal trade under applicable legislation.

Gabon

Article 174 of the Forest Code, adopted in 2001, expressly prohibits hunting, taking, possession, transportation and marketing of elephants. Further, elephants are listed as a "completely protected" species under Decree No. 000164/PR/MEF of 2011. Under Article 92 of the Forest Code, species that are "completely protected" cannot be hunted, captured, imprisoned or exploited for financial purposes. The domestic trade in ivory is therefore prohibited.

Ghana

African elephants are listed as a "completely protected" species under the Wild Animals Preservation Act, 1961. Ivory trade is prohibited in Ghana. An amendment to the Act adopted in 1983 prohibits acquisition and or possession of any ivory unless authorized in writing by the Chief Game and Wildlife Officer; however, no licenses for sale of ivory have been issued for several years and the government does not plan to issue any in the future. The domestic trade in ivory is therefore not currently being permitted by the government although there is limited scope for legal trade under applicable legislation.

Guinea

Article 47 lists animals that are 'particularly rare or threatened with extinction' as 'entirely protected', without explicitly referring to elephants. Article 49 of Law No. L/97-038/AN prohibits the export of live or dead (carcasses, trophies) specimens of 'protected species' except for scientific or conservation purposes. Article 129 prohibits the 'taking' of ivory from dead elephants; any ivory taken from dead elephants must be surrendered to forest authorities and financial compensation is provided by the government for surrendered ivory. The domestic trade in ivory is prohibited.

Kenya

Under the Wildlife Conservation and Management Act, 2013, African elephants are listed as an "endangered" species under the Sixth Schedule to the Act. The domestic trade in ivory is therefore prohibited.

Liberia

Elephants are listed as “protected animals” under Section 60 of the Wildlife and National Protected Areas Management Act. The domestic trade in ivory is therefore prohibited.

Mali

Law N° 95-031 of March 20th 1995 on the conditions of management of fauna and its habitat, amended by Law N° 2018-036 of June 27th, 2018 on the principles of management of Fauna, lists elephants under Appendix I (entirely protected species). Mali does not allow a domestic legal ivory market in its territory and no permit or authorization can be issued for the trade, exportation, re-exportation, import, transport, transit or sale of elephant ivory. The domestic trade in ivory is therefore prohibited.

Mauritania

Under Article 14 of law No 97-006, the import, export, commercialization and transit of CITES-protected species is prohibited. The domestic trade in ivory is therefore prohibited.

Niger

Elephants are listed as “entirely protected” under Article 21 of Law No. 98-07 (29 April 1998) regarding hunting and the protection of fauna. Article 18 prohibits the domestic commercialisation of wildlife in any form. Article 38 of Decree N°98-295 PRN/MH/E of October 29th 1998 on the application of Law No. 98-07 of April 29th 1998 prohibits the appropriation of ivory from elephants found dead, including their remains, or trophies from protected animals or animals found dead. Niger also has a national strategy to combat illegal ivory trade. The domestic trade in ivory is therefore prohibited.

Nigeria

Under the National Wildlife Species Protection Act and the Endangered Species (Control of International Trade and Traffic) Amendment Act 2016, all elephants (mature and immature) are listed under the First Schedule of the new Act. Trade is absolutely prohibited in both of them under the new Act. The Federal Ministry of Environment considers domestic ivory trade to be prohibited, however legislation does not specifically prohibit domestic trade in ivory. The domestic trade in ivory is therefore not currently being permitted by the government. There is no legal trade in elephant species and its derivatives in Nigeria.

Republic of the Congo

Elephants are considered to be “fully protected” under Order n°32/82 on the absolute protection of the elephant (18 November 1991) and the Act 114/91 of the Sovereign National Conference on the prohibition of the culling of elephants of the Republic of the Congo. Article 24 of the Wildlife and Protected Areas Act of 2008 classifies wild animals in three categories, namely: the “fully protected” species, the species that are “partially protected” and the other species. The elephant is considered to fall in the category of the “fully protected” species. Elephants cannot be hunted. The import, export, re-export, detention and transit within the national territory of “fully protected” species, including elephants and their trophies or their parts, is strictly prohibited under Article 27. The domestic trade in ivory is therefore prohibited.

Rwanda

Under Ministerial Order No. 007/2008 of 15/08/2008 establishing the list of Protected animal and plant species, elephants are listed in Annex I as a protected species. Under Article 17 of Law N° 70/2013 Of 02/09/2013 Governing Biodiversity in Rwanda, activities involving protected species are prohibited unless authorised by the Minister in charge of biodiversity. The domestic trade in ivory is therefore prohibited.

Senegal

Elephants are listed as ‘entirely protected’ under Article D36 of Decree No 86-844 which expressly prohibits the capture of elephants. Furthermore, Article D6 expressly prohibits the capture of any wildlife for financial reasons without authorised commercial capture permits. Article D31 prohibits the taking of ivory from elephants found dead, or from taking trophies from elephants killed without a valid permit. Finally, Article D32 stipulates that the national and international transport of ivory is subject to proper permits. The domestic ivory trade is therefore permitted subject to government authorisation.

Sierra Leone

African elephants with tusks weighing less than 5kg are listed as 'prohibited animals' under the Second Schedule of the Wildlife Conservation Act, 1972 (No. 27 of 1972). Under Section 31 of the Act, no person shall hunt or be in possession of any prohibited animal; however, this prohibition does not apply to elephants with tusks weighing more than 5kg. With reference to the Act, a limited domestic ivory trade is therefore permitted subject to government approval. However, due to lack of information on the elephant population in the country, ivory trade has never been considered. The review of this Act is in progress to close domestic ivory market and prohibit the domestic trade in ivory for commercial purposes.

Somalia

Under Article 46 of the Law on Fauna (Hunting) and Forest Conservation (No. 15 of 1969), the sale, transfer or disposal of ivory is prohibited until it has been produced, marked and registered under the law, along with a certificate of ownership. A limited domestic ivory trade is therefore permitted subject to government authorisation.

South Sudan

Elephants are listed as a 'completely protected' species under Schedule I of the Wild Life Conservation and National Parks Act, 2003, and therefore the hunting or capture of elephants is strictly prohibited. Section 51 of the Act also prohibits unlawful possession of protected animals. The domestic trade in ivory is therefore prohibited.

Togo

Female elephants accompanied by their young and young elephants still dependent on their mothers are listed in Annex 1 under Ordinance No. 4 as 'entirely protected' and are prohibited from being hunted or captured unless for proven scientific reasons. All other elephants are listed as 'partially protected' in Annex II and can be hunted and captured subject to trophy hunting permits. Article 9 of the Decree stipulates that non-protected or partially protected animals can be possessed until their sale, and Article 27 stipulates that the commercialisation of CITES-listed species is allowed subject to the following conditions: 1) Trophies or meat must have been legally sourced and 2) Trophies sold domestically must be properly certified. A limited domestic ivory trade is therefore permitted subject to government authorisation.

Uganda

Under the Wildlife Act of 1996, elephants are listed as a "fully protected species"; therefore, domestic trade in ivory is prohibited. Uganda is currently in the process of enacting new wildlife trade legislation and the Uganda Wildlife Bill 2017 is expected to be adopted by Parliament shortly; the new law will increase penalties for illegal trade and possession of ivory. The domestic trade in ivory is prohibited.

Additional references:

- Nkoke, S.C. Lagrot J.F. Ringuet, S. and Milliken, T. *Ivory Markets in Central Africa – Market Surveys in Cameroon, Central African Republic, Congo, Democratic Republic of the Congo and Gabon: 2007, 2009, 2014/2015*. TRAFFIC. Yaoundé, Cameroon and Cambridge, UK.
- L. Vigne. *A tale of two African cities–Ivory trade comparisons in Khartoum/Omdurman and Addis Ababa*. Pachyderm No. 58 July 2016–June 2017.
- EIA. 2016. *Time for Action: End the criminality and corruption fuelling wildlife crime*.
- DLA Piper. 2015. *Empty threat 2015: Does the law Combat illegal wildlife trade? A review of legislative and judicial Approaches in fifteen jurisdictions*.
- DLA Piper. 2014. *Empty threat: Does the law Combat illegal wildlife trade? A ten-country review of legislative and Judicial approaches*.
- E. Martin and L. Vigne. 2010. *The status of the retail ivory trade in Addis Ababa in 2009*. TRAFFIC Bulletin Volume 22 No. 3.
- E. Martin and L. Vigne. 2013. *Lagos, Nigeria: One of the Largest Retail Centres for Illegal Ivory Surveyed to Date*. TRAFFIC Bulletin Vol.25 No.1 (2013).

- E. Martin. 2010. *Effective law enforcement in Ghana reduces elephant poaching and illegal ivory trade*. Pachyderm No. 48 July–December 2010.
- Elephant Protection Initiative, <https://www.elephantprotectioninitiative.org/>.