

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

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

Interpretation and Implementation of the Convention

Trade in Ivory from African Elephants

CO-ORDINATION OF IVORY TRADE CONTROLS

This document has been prepared by the Secretariat.

1. BACKGROUND

- 1.1 Proper control of the international trade in raw ivory is very important, both to CITES and to the countries involved. The 24 African countries Party to CITES that attended the Seminar on the Implementation of CITES in Africa (Brussels, Belgium, June 1984) adopted a resolution on this subject. That resolution led directly to the draft resolution prepared by the Technical Committee and under consideration (in slightly revised form) as document Doc. 5.22 Annex 1. Both these resolutions call for the simultaneous establishment of an "export quota" system and improved trade controls. It seems that there is general agreement on the principles and that only the details remain to be finalized.
- 1.2 Acknowledging that it was the will of the African Parties (with the agreement also of TEC) to have such new procedures established, the Secretariat designed a project which was aimed at providing the necessary basis. The project was funded entirely by the Commission of the European Communities to whom the Secretariat wishes to express its sincere gratitude for providing the necessary financial support at such short notice.
- 1.3 The project was conducted in Africa by Rowan B. Martin and in Cambridge, U.K., by WTMU. Rowan Martin's report is presented in document Inf. 5.3 and WTMU's report is document Inf. 5.4. Although these documents are available only in English at the moment, the Secretariat anticipates publishing both reports (together) in English, French and Spanish as soon as possible.*

* These reports have been published and are, therefore, not reproduced in these Proceedings. (Note from the Secretariat).

- 1.4 The Secretariat wishes to express its gratitude to the Government of Zimbabwe for allowing Rowan Martin to undertake this project. It wishes also to thank the authors of both reports for their excellent work and for providing such comprehensive and incisive insights into the subject.
- 1.5 The Secretariat believes that documents Inf. 5.3 and Inf. 5.4 are of great significance in this issue and provide the necessary basis for the establishment of new procedures for the control of the raw ivory trade. It feels strongly that the draft resolution in Annex 1 of document Doc. 5.22 should be considered in the light of these two reports.

2. THE ROLE OF THE SECRETARIAT

2.1 It has been implicit throughout discussions of the subject that the Secretariat would be required to play a central role in the co-ordination of ivory trade controls. The African Seminar resolution and the draft resolution in document Doc. 5.22 both call for the Secretariat to adopt such a role. Therefore, the Secretariat drafted a provisional project outline proposing the establishment and operation of a special unit within the CITES Secretariat to co-ordinate the worldwide control of trade in raw ivory.

2.2 The overall objective of the project is:

To ensure the long-term conservation and sustainable utilization of the African elephant by bringing the world trade in raw ivory under proper CITES controls so that, as far as possible, legitimate trade is facilitated and illicit trade is eliminated.

2.3 The sub-objectives of the project are:

- i) To establish and co-ordinate the operation of a globally accepted ivory trade control system based on export quotas.
- ii) To assist and advise governments in the implementation of ivory trade controls particularly in the annual establishment of export quotas, the authentication of documentation, enforcement and control mechanisms and monitoring of the trade and the status of elephant populations.
- iii) To assist and advise traders and trade associations in complying with the ivory trade control procedures.

2.4 The project will involve employing one full-time professional and one full-time clerk/typist. In addition, WTMU will be contracted to handle the necessary data-processing. The professional ("Ivory Controls Co-ordinator") will be responsible for ensuring that the procedures established by the Conference of the Parties are effectively implemented and properly co-ordinated in accordance with the relevant resolution(s).

2.5 At the time of writing of this document, the Secretariat had already received (from the Ivory Division of the Japanese General Merchandise Importers' Association via World Wildlife Fund - Japan) a firm commitment for 60% of the funds needed to fully establish the unit. It is hoped and anticipated that the balance will be available from other sources.

- 2.6 The need for such a unit cannot be over-emphasized and is amply demonstrated in documents Inf. 5.3 and Inf. 5.4. In particular, both those documents repeatedly confirm that a very large proportion of the international trade has been conducted without proper CITES controls either at the exporting end or at the importing end or at both ends.
- 2.7 In addition to its primary function, the ivory unit could also be responsible for further investigating the idea of forming an "Ivory Producers Export Cartel" (IPEC) which has received support from several African Parties (see document Inf. 5.3). Furthermore, the Secretariat envisages that the ivory unit would also investigate methods of securing permanent sources of funding so that the unit itself becomes effectively self-financing within three years.
- 2.8 In order for the proposed export quota system and new control procedures to come into effect on 1 January 1986, it is essential that the ivory unit becomes operational no later than September 1985. This will enable the professional officer to spend the first three months making the necessary administrative preparations, establishing effective lines of communication and ensuring that the quotas established by the Parties and procedures are prepared by 1 December 1985. Therefore, the Secretariat proposes that recruitment procedures will be initiated immediately following this meeting of the Conference of the Parties.

3. TRADE CONTROL PROCEDURES

- 3.1 The Secretariat believes that it would be extremely valuable for the Parties involved in the raw ivory trade to have a short manual or "guidelines" on the operation of the quota system and on the enforcement of the associated control procedures. Therefore, it feels that such a manual should be prepared as soon as possible and at least before the end of 1985. It intends to proceed with this idea if the Parties agree and a suitable amendment to the draft resolution is provided below. Such "guidelines" would provide the Parties with practical descriptions of how the resolution might be most effectively implemented.
- 3.2 However, there are certain aspects of the control procedures which need to be explicitly agreed and which the Secretariat believes to be essential to the success of the whole proposal. These procedures are not designed and will not be used by the Secretariat to regulate the trade. They are specifically for two purposes:
- a) to ensure that importing countries do not accept shipments of ivory that have not been exported from the country of origin under proper CITES controls, i.e. exported against the wishes of the Management Authority of the exporting country; and
 - b) to provide an accurate means of monitoring the trade and thus provide feedback of data into the export quota system.

The procedures are the following:

- i) Every time that the Management Authority of an exporting country authorizes the export of a shipment of raw ivory it must notify the Management Authority of the importing country and the Secretariat of the weight, number of tusks, permit number and destination immediately. A copy of the permit and full details of each tusk number should also be mailed to the Secretariat at the time of issue or when the shipment is cleared for export.

- ii) Upon receipt of this information, the Secretariat will inform both countries involved. Upon clearing any shipment, the Management Authority of the importing country must notify the Secretariat.
- iii) If an importing country has not been informed by the Management Authority of the exporting country and/or the Secretariat that a shipment has been authorized for export it must not allow importation until the Secretariat has been consulted and has notified the Management Authority that the exporting country has permitted the shipment in accordance with the quota system.
- iv) Imports from a re-exporting country must be allowed only when full CITES documentation is available, including tusk numbers, and when adequate documentation is available to satisfy the Management Authority that the ivory was either exported under the quota system or was registered with a Management Authority prior to 31 December 1985. Although such trade need not be subject to the strict controls described in i), ii) and iii) above, any Management Authority should seek the advice of the Secretariat if there is the slightest doubt about a shipment.
- v) Any confiscated ivory which is not included in a quota, including any such ivory confiscated in a country not having a quota, should not be allowed for export or re-export until the Secretariat has been notified. Any such notification should include full details of the shipment. Thereafter, its export or initial re-export should be subject to the same procedures as described in i), ii) and iii) above.

3.3 These procedures are designed to ensure that the ivory unit of the Secretariat has complete details of all whole tusks, or substantially whole tusks, when they first enter international trade. Without such information, the Secretariat would be unable to properly monitor controls and the quota system would not be effective.

3.4 The large volume of data (initially involving at least 50,000 tusks per year) will be processed by WTMU on a computer and will then be available for use in adjusting quotas, revising management programmes, etc., etc.

3.5 With respect to the marking of tusks, several problems have been raised and discussed in document Inf. 5.3. The Secretariat strongly believes that this matter requires a practical solution, which may differ according to national requirements and/or constraints. Therefore, the Secretariat recommends some flexibility in this and feels that the best solution would be for the ivory unit to co-ordinate information on how countries are marking tusks or will be able to mark tusks and that, providing any marking system complies with the principle of Resolution Conf. 3.12 it should be accepted. This is one area where the above-mentioned "guidelines" would be of considerable use. Therefore, appropriate amendments to the draft resolution are provided below.

4. SUGGESTED AMENDMENTS TO DRAFT RESOLUTION

4.1 The Secretariat recommends the following amendments to the draft resolution in Annex 1 to document Doc. 5.22:

- 1) add to recommendation d) after "1 January of each year," preparing and distributing for the guidance of the Parties (and non-Parties) a practical manual describing the most effective procedures for implementing this Resolution,

ii) in recommendation f), replace "or recommendation 1) below" with: or in accordance with the Secretariat manual referred to in recommendation d) above.

5. CONCLUSIONS

- 5.1 The Secretariat believes that the reports contained in documents Inf. 5.3 and Inf. 5.4 form an excellent basis on which to establish proper control of the international trade in raw ivory in conjunction with the draft resolution (with some revision of detail) in Annex 1 of document Doc. 5.22.
- 5.2 Therefore, the Secretariat seeks the approval of the Conference of the Parties for the establishment of the ivory unit, referred to above, on the basis described in this document. The Secretariat also requests that the Conference of the Parties approves the contents of this document as a working basis for the implementation of the CITES controls of the raw ivory trade.