

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

This document was prepared and submitted by the United Kingdom of Great Britain and Northern Ireland, at the request of the Technical Committee.

BACKGROUND

1. The CITES Technical Committee meeting held in Brussels on 25-30 June 1984 considered several detailed papers and draft resolutions on the ivory trade (Doc. TEC. 1.4, 1.5, 1.6, 1.7 and 1.8, previously circulated to all Parties). A drafting group comprising representatives of both producer and consumer states was established by the Technical Committee. Two non-governmental organizations also took part in the group's work.
2. The drafting group prepared a detailed draft resolution on trade in raw ivory, which was considered at the final session of the Technical Committee on 30 June. The Technical Committee asked the United Kingdom (as Chairman of the drafting group) to make some minor changes to the draft, and then to submit the draft resolution (with the general support of the Technical Committee) to the 5th meeting of the Conference of the Parties.
3. Since the meeting of the Technical Committee, the United Kingdom has consulted all members of the drafting group, and the CITES Secretariat. The UK is grateful for the contributions received, including those from the Secretariat, who have considerable knowledge of international trade in ivory.

PROPOSED RESOLUTION

4. The revised draft resolution, which takes into account the comments received, is at Annex 1. A further paper dealing with the particular issue of existing raw ivory stocks is at Annex 2.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Trade in Ivory from African Elephants

WHEREAS illegal trade in ivory now imperils the future of some populations of African elephant and could imperil others if it continues at its present level, thus depriving producer countries of the wildlife and economic benefits provided by their elephant populations, within the policy laid down by producer countries for their management;

WHEREAS Resolution Conf. 3.12 adopted at the third meeting of the Conference of the Parties (New Delhi, 1981) defines the terms 'raw' and 'worked' ivory and goes some way towards tightening the control of trade in ivory;

WHEREAS Resolution Conf. 4.14, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), directed the Technical Committee to draw up guidelines for controlling the trade in worked ivory as quickly as possible, and in so doing to liaise closely with African Parties as well as other Parties having elephant populations;

RECOGNIZING that a number of African states already operate successful management programmes to conserve their elephant populations;

RECOGNIZING that African and Asian ivory are indistinguishable and that as the Asian elephant is listed in Appendix I there is a need to ensure that the trade in African ivory does not further endanger the Asian elephant;

WELCOMING the recommendations adopted by the Working Party on Wildlife Management and National Parks of the African Forestry Commission of the FAO in September, 1983 and the Resolution on Trade in Raw African Ivory adopted by 24 African Parties to the Convention at the Seminar on CITES Implementation in Africa, held in Brussels in June, 1984;

NOTING that the effective co-ordination of ivory trade controls by the Secretariat of the Convention cannot be performed without the provision of adequate resources, including staff;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that commencing by December 1, 1985, each state containing a population of African elephants and wishing to export 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) that export permits for raw ivory issued by producer Parties who have set quotas as recommended in a) above be regarded as consistent with the conservation of elephant populations and their habitats in the country of origin, as discussed at the combined meeting of the African Elephant and Rhino Specialist Groups of the Species Survival Commission of IUCN held in Hwange (Wankie), Zimbabwe in August, 1981;

- c) that each quota be communicated to the CITES Secretariat in writing by 1 December for the next calendar year;
- d) that the CITES Secretariat assist in the implementation of the quota system by maintaining a central database, circulating a list of current quotas not later than 1 January of each year, and providing advice on the conservation status of African elephant populations;
- e) that 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;
- f) that there be no export, re-export or import of raw ivory as defined by Resolution Conf. 3.12 unless it is marked in accordance with that Resolution or recommendation 1) below;
- g) that Parties accept raw ivory from producer states only where the date on the export permit is for a year in which the producer state has a quota in accordance with this Resolution;
- h) that Parties may accept raw ivory from producer non-Party states only where the non-Party state files an annual report with CITES Secretariat on its ivory trade, and meets all the other conditions in this Resolution, Resolution Conf. 3.12 and Article X of the Convention (as interpreted by Resolutions adopted by the Conference of the Parties);
- i) that in compiling their annual reports, producer Party and producer non-Party states that have exported raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant data possible, including, as a minimum, the number of whole or substantially whole tusks, and their individual weights and serial numbers;
- j) that all trade in worked ivory continue to be subject to the provisions of the Convention which does not require worked ivory exported or imported as personal or household effects to be included in annual reports;
- k) that all Party states seek to route raw ivory exports to countries of destination only through Party states or non-Party states which have adopted ivory trade measures in conformity with this Resolution;
- l) that all Parties take stock of raw ivory currently held in their states, that they report the information to the Secretariat for circulation to Parties, and that they mark all such ivory in accordance with Resolution Conf. 3.12;
- m) that all Parties include in their annual reports complete data on imports and re-exports of raw ivory including, as a minimum, the country of origin, the quota year that the export was authorized, the number of whole or substantially whole tusks, and their individual weights and serial numbers;
- n) that all trade in raw ivory be prohibited with or through any state that does not conform with the ivory quota and trade requirements of CITES as advised by the Secretariat and confirmed by the Standing Committee of the Conference of the Parties; and
- o) that Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

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.

EXISTING RAW IVORY STOCKS

1. Two schools of thought have emerged on the treatment of raw ivory, which is covered by Recommendations f) and l) in the draft resolution at Annex 1.

The "Full Registration" Approach

2. The first school of thought advocates the registration and marking of existing raw ivory stocks. This was the approach agreed by the Technical Committee in June 1984, and it is therefore reflected in Recommendations (f) and (l) of the draft resolution at Annex 1. Under this system, each Party state would be recommended to conduct an assessment of raw ivory stocks held within its boundaries, and to provide information to the Secretariat, for circulation to other Parties. The stocks would have to be marked (using the coding system recommended in Resolution Conf. 3.12), either when registered with the Party's authorities, or when actually exported. The assessment will have to be completed by a deadline to be agreed by Parties. This approach has the advantage of providing an orderly mechanism for legal trade in existing stocks of raw ivory. It also provides the CITES Secretariat with the opportunity to take an overview of international trade in ivory. However, it would be expensive to make the original assessments of stocks, and it may also be undesirable in the long term for raw ivory to be marked by states which are non-producers, since this could provide additional scope for the "laundering" of illegally-taken ivory. [In this connection, the report submitted by the USA to the Technical Committee meeting in June 1984 (Doc. TEC. 1.6) should be consulted.]

The "Deadline" Approach

3. The alternative school of thought suggests that the marking of raw ivory stocks should be limited to stocks held and produced in the producer states in Africa and Asia. After a date to be agreed by Parties, only raw ivory which was marked in this way would be permitted in international trade. Stocks of raw ivory (but not worked ivory) held outside the producer states would not be permitted in international trade after the agreed date, although it could of course still be used and traded internally, within individual states. This approach has the advantage of great simplicity, and avoiding an extension of the marking system outside the producer states. However, it could provide genuine difficulties for states with high raw ivory stocks, together with some turbulence in the ivory market in the short term, depending partly on the date after which unmarked raw ivory could not be traded internationally.

This alternative approach would require the draft resolution in Annex 1 to be amended as follows

- i. amend Recommendation f) to read "that there be no export, re-export or import of raw ivory as defined by Resolution Conf. 3.12 unless it is marked by a producer state in accordance with that Resolution";
- ii. delete Recommendation l).

Conclusion

It is hoped that Parties can consider these 2 approaches at the meeting of the Conference of the Parties, and that agreement can then be reached on arrangements for stocks of raw ivory. The UK believes that this question can be solved in discussion, but should not distract attention from the main function of the Resolution, which is to assist in the conservation of elephant populations in Africa and Asia.