

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

Seventh Meeting of the Conference of the Parties

Lausanne (Switzerland), 9 to 20 October 1989

Interpretation and Implementation of the Convention

Trade in Ivory from African Elephants

STRENGTHENING OF THE IVORY TRADE CONTROL SYSTEM

This document has been prepared by the Secretariat.

At the seventh meeting of the Conference of the Parties, a decision will be taken with regard to the listing of the African elephant, Loxodonta africana, in the CITES appendices. On the one hand, proposals have been submitted seeking the transfer of the African elephant to Appendix I, which effectively would prohibit commercial trade in ivory acquired after 16 February 1976 (the date the African elephant was first listed in Appendix III). On the other hand, Zimbabwe has submitted a document on behalf of several Southern African states (see document Doc. 7.43.4) which describes a modified trade control system to be established to market ivory from that region. On the basis of representations made at the second meeting of the African Elephant Working Group (Gaborone, 1989), other African states might also wish to continue to trade raw ivory. In view of the uncertainty surrounding the eventual outcome of this issue, the preparation of specific recommendations for strengthening the system of ivory trade controls is complicated.

Nevertheless, the Secretariat believes it has a responsibility to the Parties to present recommendations for strengthening trade controls, in the event that trade in ivory might continue in some form after the Lausanne meeting. To ignore this possibility, and to leave the Conference of the Parties without any concrete proposals would, in the Secretariat's view, be irresponsible.

For this reason, the Secretariat prepared a document prior to the second meeting of the African Elephant Working Group that identified key areas of the ivory trade control system that need to be modified or strengthened. To facilitate discussion, certain recommendations were made in the form of draft resolutions of the Conference of the Parties. The Secretariat made it clear at the meeting itself that its recommendations could be accepted, rejected or modified according to the wishes of the Parties, and that it was preferable for proposals to come from the Parties themselves.

The Secretariat regrets that very little time was available to discuss the proposals in detail at that meeting. There was, however, general discussion of certain concepts -- such as collective import quotas, registration of dealers, and inventories of existing stocks -- which were received favourably. The

Secretariat agreed to elaborate on some of the ideas presented in Gaborone for the Conference of the Parties taking into account the comments that had been made and other proposals that might be forthcoming before the Lausanne meeting.

In the interim, Zimbabwe has submitted a document with a specific proposal to establish an alternative trade control system in the Southern African region. The Secretariat is gratified that many of its own recommendations for strengthening ivory trade controls have been incorporated in this latter document. Rather than presenting another set of proposals for consideration by the Conference of the Parties, the Secretariat believes that it would be more constructive to critique the Southern African proposal -- highlighting those areas where it meets or goes beyond the Secretariat's own recommendations, and pointing out aspects that require clarification or further elaboration.

The Secretariat recognizes that this approach might not be entirely satisfactory, since it does not address the eventuality that certain Parties outside the Southern African region might also wish to continue to trade ivory. In such case, the Conference of the Parties might decide on a suitable arrangement to accommodate them, perhaps within a regional control system along the lines of that proposed for Southern Africa, or within a reinforced Ivory Trade Control System that takes into account the recommendations made by the Secretariat to the AEWG meeting in Gaborone.

There are several areas which the Secretariat believes need to be considered independently, irrespective of the decision of the Conference of the Parties on the listing of the African elephant: the treatment of confiscated ivory; domestic regulation of ivory traders, manufacturers and retailers; controls for worked ivory; the role of, and provision of resources for, the Ivory Unit; data analysis and trade monitoring; and co-operation with and exchange of information among other organizations. The Secretariat has undertaken to elaborate on these topics in the final portion of this document and to prepare draft resolutions for consideration by the Conference of the Parties.

COMMENTS ON AN IVORY MARKETING AND CONTROL SYSTEM FOR SOUTHERN AFRICA

The objective of this analysis is to assess the merits of the Southern African proposal and, where appropriate, to offer constructive criticism, recognizing that the states concerned are not seeking the approval of the Secretariat nor of the Conference of the Parties for establishment of the system.

To simplify this review, the main features of the proposed marketing and control system on which the Secretariat has specific comments are summarized, in bold print, below. (Document Doc. 7.43.4 should be consulted for full details of the system.)

- a. **Elephant populations of each participating country will be monitored regularly. A conservation fund may be used to initiate such monitoring programmes where they are not already in place.**

The Secretariat agrees that it is essential for population monitoring to be conducted in the region -- where practical considerations do not make this impossible -- with priority given to areas for which data are poor or nonexistent. It is hoped that some of the funds which non-governmental organizations are currently making available for census work in Africa will be allocated to projects in this region.

- b. Revenue from ivory sales will be paid directly to relevant wildlife authorities wherever possible or to local communities.

Ideally, the funds that accrue from the sale of ivory should be used for projects that directly benefit conservation of wildlife, especially elephants. The Secretariat notes, however, that in many countries legislative impediments prevent funds from being allocated in this way. It would appreciate receiving information on current prospects in this regard from countries that might participate in the Southern African control system. The Secretariat suggests that, in any case, each country prepare an annual statement on the use of funds generated from the sale of ivory.

- c. Each participating country will prohibit the importation of all ivory and the exportation of commercial shipments of worked ivory. Only whole tusks will be permitted for commercial export.

There is evidence that superficially carved tusks and cut pieces (i.e., semi-processed ivory) have been used as a vehicle for laundering raw ivory of illegal origin. The Secretariat had proposed that the export from Africa of raw ivory as cut pieces be prohibited, and that all tusks including those carved only superficially be subject to marking requirements. The even stricter provisions listed above (prohibiting all ivory imports and commercial exports of worked ivory) represent a significant improvement over the present situation, and would greatly simplify enforcement in the region.

- d. An executive board will establish and review regularly maximum annual ivory production limits for each country, and annual exports will not exceed them.

Under the present system, it is the responsibility of individual range states to set export quotas consistent with the conservation of elephant populations and their habitat. Under the proposed system, maximum "production limits" would be set by an executive board with representatives from the entire region. It is not clear how this process will take place, or how the criteria for establishing limits for individual countries will be agreed upon. Further elaboration is necessary. The Secretariat believes it is important that some form of supporting statement -- including up-to-date information on population estimates and trends, management plans, severity of enforcement problems etc. -- be available for the board's scrutiny.

- e. Each participating country will register and store ivory as it is acquired and will appoint an officer to be responsible for this. Punch-die marking will be universally applied. National ivory officers will be required to maintain detailed records to account for the source of each tusk.

Full implementation of these provisions would be a tremendous improvement over the present situation. As indicated in document Doc. 7.21, punch die marking is often the exception rather than the rule, and record-keeping systems for sources of tusks are inadequate in many range states. The practical details of who shall be responsible for maintaining such records, and how they will be compiled and maintained should be spelled out clearly in a brief from each participating country.

- f. Local purchasers will be permitted to buy tusks only when they are approved manufacturers, and a national ceiling will be imposed on internal sales. No private dealing in or resale of raw ivory will be permitted

within the region. Each participating country will re-examine its procedures for controlling internal trade to ensure that it cannot be used to any significant extent to launder illegal ivory.

Regulation of domestic trade in ivory, which technically is beyond the purview of CITES, requires urgent attention in many countries. Curtailing private trade in raw ivory within the region and limiting manufacturing to approved enterprises will make it much easier to detect illegal ivory. The Secretariat endorses these restrictions, which should simplify enforcement. It believes, however, that considerable work is needed to devise an effective system of internal controls which could be adapted to the different needs of participating countries. (See also 'Domestic regulation of ivory traders, manufacturers and retailers', below.)

- g. The countries to which ivory may be exported may be limited, taking into consideration the measures taken to control trade by each importing country. Overseas purchasers must be approved and registered manufacturers or trade associations in their respective countries. Certificates to this effect must be provided, bearing the seals of both the national CITES Management Authority and the CITES Secretariat, each of which may disqualify a purchaser for its own reasons. Any purchaser may be disqualified by the executive board if it decides that his activities (past or present) have been detrimental to CITES or the system of trade control.

The Secretariat believes that these provisions will go a long way to eliminating the "infamous middlemen" who have attempted to circumvent existing controls, primarily through extraterritorial dealings in non-Party states. It has reservations, however, about the ability of some importing countries to issue certificates formally approving registered manufacturers or trade associations, and denying others the opportunity to import ivory. If this is not possible, screening of potential buyers by the Secretariat and/or the executive board should be sufficient to restrict transactions to legitimate traders. In any case, the full co-operation of importing countries will be required to provide background information on companies trading in ivory.

- h. A certificate printed on security paper and held by the CITES Secretariat will be issued in addition to each national CITES export permit, and will be required for purposes of import. An additional security tag may be attached to each tusk.

These security features will virtually eliminate any possibility of abuse using forged documentation. The additional application of a special security tag to each tusk will reinforce the present marking system.

- i. Each participating country may include up to one tonne of confiscated ivory in its maximum annual ivory production limit. Such ivory may be included routinely in auction stock. Confiscated ivory above this limit will be held in store. If the ivory is believed to originate from within the region, it will be auctioned (with the revenue accruing to the confiscating country) and maximum annual ivory production limits in the following year may be adjusted, where appropriate. If the ivory is believed to originate from outside the region and from an Appendix II population, it will be offered for sale first to any external "compensation" fund established for this purpose. Failing this, it will be sold under the marketing system. If the ivory is believed to originate from outside the region and from an Appendix I population, it will be offered for return to the country of origin subject to receipt of 10% of

its commercial value as recompense to the confiscating country for expenses incurred. Failing this, the matter will be referred to the Conference of the Parties to CITES for consideration. Should this fail to produce a satisfactory solution, the executive board will decide the outcome.

The treatment of confiscated ivory under any system of controls is perhaps the most controversial issue that has to be dealt with. The Secretariat has reserved its comments for the section 'Treatment of confiscated ivory', below.

- j. **Hunting trophies will continue to be dealt with under existing systems and will be subject to internal quotas within the national maximum annual ivory production limits.**

The meaning of "will continue to be dealt with under existing systems" is not absolutely clear. The Secretariat is of the opinion that if the proposed marketing and control system is adopted, there may be little value in having the Ivory Unit continue to confirm the authenticity of export permits issued for hunting trophies, as they are not viewed as a significant loophole at risk of being exploited. The present marking requirements for hunting trophies should continue, however, and summaries of all tusks exported, including tusk numbers, sent to the Secretariat on a regular (perhaps monthly) basis.

- k. **Each participating country will increase enforcement activities and will increase penalties for poaching and ivory smuggling, where necessary and as soon as possible, to a specified minimum.**

While these are laudable objectives, the Secretariat would be interested to learn of concrete steps that have been or will be taken to increase enforcement activities within each participating country, and the potential for penalties for poaching and ivory smuggling to be increased prior to the implementation of the control system.

- l. **Analysis techniques will be used to determine the origin and age-since-death of tusks through random checks.**

The establishment of a single storage and auction centre offers a unique opportunity to conduct forensic analyses of tusks in a manner that was formerly impractical. Attempts should be made to gather as much data as possible on a systematic basis when the opportunity arises. Ideally, it should be collected each time a quantity of ivory is confiscated, through careful observation of tusks by competent individuals and scientific analysis of samples. The Secretariat is aware of institutions capable of carrying out these analyses and it fully supports this initiative.

- m. **Importing countries should establish adequate controls to ensure that the legal ivory trade is not used as a cover for the illegal trade.**

The question of controls needed in importing countries is discussed under the heading 'Domestic regulation of ivory traders, manufacturers and retailers', below.

- n. **A 6-12 month moratorium may be used to establish the system.**

The Secretariat is unable to assess the length of time necessary to establish this regional control system, but agrees that the suggested moratorium would be beneficial to ensure that the system is fully understood before it becomes operational.

Conclusion

In the document it prepared for the second meeting of the African Elephant Working Group, the Secretariat stated:

"Any proposal for strengthening the system of ivory trade controls must incorporate the following elements: (1) the trade must be limited to production levels that do not threaten the survival of elephant populations; (2) an effective mechanism must be found to ensure that the ivory in trade is, in fact, of legal origin; and (3) African governments must receive the maximum amount of revenue possible from the sale of their ivory (which, ideally, would be used directly to assist programmes for the conservation of wildlife)".

The Secretariat is of the opinion that the proposal for a regional ivory marketing and control system in Southern Africa substantially meets these requirements, although certain aspects need further elaboration. Without knowledge of which countries in the Southern African region the system is to apply, and without more detailed information on such matters as annual production limits and additional enforcement measures, it must reserve its judgement on the proposal.

The Secretariat has made additional recommendations in a number of areas, and these are discussed in more detail below.

SPECIFIC CONCERNS

1. Treatment of Confiscated Ivory

There has been considerable discussion, over the last year in particular, about the entry into trade of ivory confiscated from poachers. Each year, governments of most range states acquire a certain amount of ivory through confiscation, which is then offered for sale through tender, public auction etc. Indeed, a significant percentage of the ivory that appears in the quota submissions of some range states -- Mozambique, the United Republic of Tanzania and Zambia, in particular -- has been confiscated from poachers through law enforcement activities. The decision to sell this ivory, with the proceeds benefitting conservation programmes or the general treasury, is solely that of the governments concerned. The Ivory Trade Control System is involved only to the extent that this ivory, if destined for export, must be marked in accordance with CITES requirements and the relevant permits sent to the Secretariat for confirmation of their authenticity to importing countries. This appears to have been completely misunderstood by those who have criticized the control system as being a conduit for illegal ivory. Barring the exceptional case of fraud, all of the ivory processed under the control system has been exported legally with permits duly authorized by Management Authorities designated by sovereign states.

Nevertheless, in view of the concerns that have been expressed with regard to trade in confiscated ivory, the Secretariat made a point of raising the issue at the second meeting of the African Elephant Working Group (AEWG). There, the Secretariat noted that most if not all range states had adopted the principle of putting confiscated ivory on the market. (One recent exception is Kenya, which decided to destroy 12 tonnes of ivory that it had accumulated over several years in July 1989.) The Secretariat asked for guidance from those Parties present at the meeting as to whether they still considered this to be an acceptable practice. Unfortunately, only a few range states made their views on this issue known. Some were opposed

to the destruction of confiscated ivory on grounds that it would be wasteful, while others considered its entry onto the market tantamount to legalizing an illegal trade.

Hence, this important issue remains unresolved. The Secretariat strongly recommends that it be discussed in the African regional meeting and that all African Parties make their opinions known, with a view to presenting a clear statement of principle to the Conference of the Parties (see also document Doc. 7.24, 'DISPOSAL OF PROCEEDS FROM THE SALE OF CONFISCATED IVORY').

The Secretariat notes that the proposal for a marketing and control system in Southern Africa contains provisions for disposing of confiscated ivory. This being the case, the Secretariat believes it essential that amounts of ivory confiscated in a one year be taken into consideration in the production limits set in successive years. In addition, clear guidelines should be established with respect to the documentation of any confiscated ivory sent to auction. The Secretariat made specific recommendations in this regard to the second AEWG meeting.

With respect to confiscated ivory, it is in the interest of all Parties concerned to operate with complete transparency, to remove any doubts about the origin of such ivory and to minimize the stigma attached to the 'legitimization' of ivory of illegal origin. This can be achieved in part by providing full documentation on the circumstances under which the ivory was confiscated.

Where it is not already being done on a routine basis, it is recommended that all participating countries maintain records of the following information related to each consignment of ivory that has been confiscated, and that these records be available for inspection by the executive board (with the understanding that certain information may have to be withheld for reasons of confidentiality):

- a. Quantity confiscated (total weight and number of tusks and/or cut pieces; weight and measurements of individual tusks and/or cut pieces).
- b. Details of identifiable marks on the ivory, if any.
- c. Names of persons/establishments from whom the ivory was confiscated.
- d. Date, place and circumstances of the confiscation, including the name(s) of the agency/individuals directly responsible for the enforcement action.
- e. Probable origin of the ivory, and details of how the holders came to acquire it.
- f. Details of any documentation that may have accompanied the ivory (including the names and addresses of the consignor and consignee, air waybill, shipping date, date of arrival etc.).
- g. Photographs of the confiscation operation, and pictures of individual tusks for identification purposes.
- h. Current place of detention of the ivory.
- i. Details of legal proceedings brought against those apprehended and their outcome (including, for example, details of fines and prison sentences levied).

In the absence of this information, the Secretariat is in a difficult position when asked to confirm the validity of an export permit or re-export certificate.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES (1)

Treatment of Confiscated Ivory

RECOGNIZING that it is inevitable that governments will confiscate a certain quantity of ivory each year through law enforcement activities;

AWARE of the importance of carefully documenting and maintaining complete records of all ivory that has been confiscated;

RECOGNIZING that scientific analyses may yield valuable information as to the probable origin and age-since-death of such ivory;

ACKNOWLEDGING that quantities of ivory confiscated in one year should be taken into consideration when establishing production limits in successive years;

CONSCIOUS that the proceeds from the sale of confiscated ivory can make a significant contribution to the conservation of elephants and other wildlife species;

RECOGNIZING that some governments as a matter of principle may choose not to put confiscated ivory on the market;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties maintain records of all ivory confiscated during the course of each year -- including measurements of each piece recovered, the date and place of confiscation, the circumstances surrounding the illegal acquisition of the ivory and its subsequent confiscation, and the outcome of legal proceedings brought against those apprehended -- and make them available to the Secretariat on a timely basis;
- b) that Parties indicate on export permits and re-export certificates whether any or all of the ivory to which they apply has been confiscated;
- c) that scientific analyses be conducted on ivory that has been confiscated in order to establish, among other things, the approximate year in which the tusks were taken and their probable origin;
- d) that producer countries compensate for amounts of ivory confiscated in one year by making appropriate reductions in production limits, where applicable, in successive years;
- e) that whenever possible, proceeds from the sale of confiscated ivory be used for the benefit of elephant conservation programmes; and
- f) that Parties submit to the Secretariat on an annual basis a statement indicating the disposition of funds generated from the sale of ivory, including that which has been confiscated; and

DIRECTS the Secretariat to withhold confirmation of the validity of any export permit or re-export certificate issued for confiscated ivory unless and until it has received the information referred to in recommendation a) above.

2. Domestic Regulation of Ivory Traders, Manufacturers and Retailers

Resolution Conf. 6.14 (Ottawa, 1987) made specific recommendations with respect to the registration and/or licensing of commercial importers, exporters and manufacturers of raw ivory, and limiting commercial imports, exports and re-exports to those registered or licensed as of 1 January 1989. This Resolution also recommended the development of recording and inspection systems to monitor the domestic ivory trade.

As indicated in document Doc. 7.21, only Japan, Hong Kong and China have advised the Secretariat of steps taken to register or license commercial importers and exporters. No information on progress made in this regard has been received from producer states. However, information from other sources suggests that the domestic ivory trade in many African countries is still largely unregulated and is fueled by raw material of illegal origin.

It is recommended that all Parties undertake a survey of enterprises involved in commercial importation, exportation, manufacturing, wholesaling and retailing of ivory, and provide the results to the Secretariat by no later than 31 January 1990. The survey should include, as a minimum, details of all factories, independent workshops, specialty stores and market stalls manufacturing and/or selling ivory, and all enterprises importing and exporting raw ivory on a commercial basis. Furthermore, it is recommended that Parties continue to register or license establishments in accordance with Resolution Conf. 6.14, to provide their names to the Secretariat, and to restrict trade to these registered/licensed enterprises.

An inventory and registration should be conducted of all existing stocks of raw and worked ivory, regardless of whether the ivory is intended for internal or external use, and the results submitted to the Secretariat by 31 March 1990. In the interest of maintaining uniformity, the Secretariat shall draw up minimum requirements for such an inventory following the seventh meeting of the Conference of the Parties. Unregistered raw ivory detected after 31 March 1990 should be considered illegal and be subject to confiscation, with the exception of tusks shown to have been in personal possession before that date.

Consideration should be given to designating specific premises where commercial stocks of raw ivory must be held. A complementary marking system should be devised for whole tusks, and cut pieces above a certain size, to minimize the possibility of someone marking illegal ivory with numbers previously attributed to legal tusks (but already used in local manufacture). For example, in addition to the present requirement that tusks be marked with a country code, unique serial number, year of marking and weight, each tusk/cut piece might be stamped with the CITES Management Authority seal, and have affixed to it an adhesive "CITES security strip" that could not be removed without revealing obvious signs of tampering (to prevent it from being transferred to another tusk).

The development and implementation, within producer and consumer states, of effective monitoring systems for ivory manufacturers (to keep track of imports, local purchases, consumption of raw material, production of finished products, local sales and exports) should be a priority. If sufficient funds are forthcoming, the Secretariat proposes to assist Parties by developing a project to analyse the strengths and weaknesses of existing monitoring systems, to propose alternatives that could be adapted where necessary to suit the needs of particular exporting and importing countries, and to oversee and report on implementation of the project in specific countries.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES (2)

Domestic Regulation of Ivory Traders, Manufacturers and Retailers

WHEREAS Resolution Conf. 6.14 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987) made specific recommendations with respect to the registration and/or licensing of commercial importers, exporters and manufacturers of raw ivory, and limiting commercial imports, exports and re-exports to those registered or licensed as of 1 January 1989, and recommended the development of recording and inspection systems to monitor domestic ivory trade;

NOTING that to date the Secretariat has received little information from consumer countries with regard to steps taken to register or license commercial importers and exporters, and no information from producer states;

CONSCIOUS that the regulation of the domestic ivory trade is inadequate in many producer states and, thereby, poses a serious threat to indigenous elephant populations and to those in neighbouring states;

RECOGNIZING that unless strict internal controls are implemented in both producer and consumer countries, illegal ivory may be laundered through manufacturing processes in order to circumvent international trade controls;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties undertake a survey of enterprises involved in the commercial importation, exportation, manufacturing, wholesaling and retailing of ivory, and provide the results to the Secretariat by no later than 31 January 1990;
- b) that Parties conduct an inventory and registration of existing stocks of raw and worked ivory, regardless of whether it is intended for domestic use or for export, and submit the results to the Secretariat by 31 March 1990;
- c) that unregistered raw ivory detected after 31 March 1990 be considered illegal and be subject to confiscation, with the exception of tusks shown to have been in personal possession before that date;
- d) that Parties continue to register or license commercial importers, exporters and manufacturers in accordance with Resolution Conf. 6.14, provide their names to the Secretariat, and limit imports, exports and re-exports of raw ivory to these registered or licensed enterprises; and
- e) that producer and consumer countries develop and implement comprehensive monitoring programmes for ivory importers, exporters, manufacturers, wholesalers and retailers, including the maintenance of records of all ivory imports, local purchases, consumption of raw material, production of finished products, local sales and exports; and

DIRECTS the Secretariat to draw up minimum requirements for an inventory of raw and worked ivory and, subject to availability of funds, to assist Parties with the development and implementation of national monitoring programmes and a complementary marking system for raw ivory.

3. Controls on Trade in Worked Ivory from African Elephants

Resolution Conf. 6.16 (Ottawa, 1987) recognized that Parties which do not require issuance or presentation of an export permit or re-export certificate for trade in worked ivory because it is not considered to be readily recognizable present a serious threat to the effective implementation of Resolution Conf. 5.12 and the ivory trade control procedures.

Despite a recommendation that worked ivory be considered as readily recognizable in relation to Article I, paragraph (b)(ii), of the Convention definition of "specimen" and the provisions of Article IV, the Secretariat has reason to believe that some Parties still are not implementing strict controls for worked ivory. The Secretariat shall undertake to survey all Parties to establish the present state of affairs, and to encourage compliance with this Resolution.

In addition, the reporting of trade in worked ivory is unsatisfactory because of a lack of standardization in units. Whereas some shipments are reported on the basis of weight, others are reported only in terms of the number of pieces, making it very difficult to compile useful trade data.

Where it is not already being done all Parties should, whenever possible, describe quantities of worked ivory by weight (in kilogrammes) in the permits they issue, and record imports and exports on this basis in their annual reports. The number of items concerned may also be provided, when it is practical to do so.

As indicated in document Doc. 7.21, the Secretariat has not been informed by any Party as to whether it regulates the export or import of worked ivory as personal or household effects in accordance with Resolution Conf. 6.16. As well, the provisions of this Resolution contradict those of Resolution Conf. 6.8, which urges Parties that do not regulate completely the export or import of Appendix II tourist souvenir specimens (presumably including worked ivory) to make this known to the Secretariat. In order to eliminate confusion, the Secretariat proposes to undertake a survey to establish each Party's position with respect to worked ivory controls.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES (3)

Controls on Trade in Worked Ivory from African Elephants

WHEREAS Resolution Conf. 6.16 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987) recommended that worked ivory be considered readily recognizable in relation to Article I, paragraph (b)(ii) of the Convention definition of "specimen" and the provisions of Article IV;

RECALLING that a Party which does not require issuance or presentation of an export permit or re-export certificate for trade in worked ivory because it is not considered to be readily recognizable presents a serious threat to the effective implementation of Resolution Conf. 5.12 and the ivory trade control procedures;

AWARE that some Parties still are not implementing strict controls for worked ivory;

CONSCIOUS that the application of strict controls for worked ivory in some territories since the adoption of Resolution Conf. 6.16 has made a measureable improvement in the regulation of trade in ivory;

RECOGNIZING that monitoring of trade in worked ivory is complicated by the use of non-standard units to describe individual consignments;

NOTING that the Secretariat has not received information from any Party as to whether it regulates the export or import of worked ivory as personal and household effects;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties take measures to ensure that, by 31 March 1990 at the latest, worked ivory is considered as readily recognizable in relation to Article I, paragraph (b)(ii), of the Convention definition of "specimen" and the provisions of Article IV, and that the importation and exportation of all commercial shipments of worked ivory are strictly controlled; and
- b) that, in order to standardize the reporting of trade, Parties describe quantities of worked ivory by weight (in kilogrammes), whenever possible, in CITES export permits and annual reports; and

DIRECTS the Secretariat to undertake a survey to establish which Parties consider worked ivory as being readily recognizable and regulate its importation and exportation for commercial purposes, and as personal and household effects, and to report the findings to the Parties before the end of June 1990.

4. CITES Secretariat Ivory Unit Financing

The Ivory Unit has been hindered since its inception by a critical shortage of resources with which to undertake its co-ordinating role. Limited resources have made it difficult for the Secretariat to carry out all of the functions necessary to ensure the best possible implementation of the control system. In 1988, in particular, there was virtually no money available to carry out technical assistance missions for the benefit of individual Parties. Resolution Conf. 6.13 (Ottawa, 1987) recognized that the level of voluntary contributions from governments, non-governmental organizations and individuals was not adequate for the Secretariat to continue to provide effective co-ordination of the Ivory Trade Control System and, further, urged governments, non-governmental organizations, trade groups and other appropriate agencies to contribute on a voluntary basis to the Secretariat for this purpose.

Despite this appeal for funds, only a small number of governments and non-governmental organizations have come forward with contributions, and the Ivory Unit continues to face a budgetary deficit. It has been particularly disappointing to note that the level of funding received from conservation organizations through 1988 is a fraction of the contributions received from ivory trade groups.

The decisions taken at the seventh meeting of the Conference of the Parties with regard to the African elephant will, of course, shape the role that the Ivory Unit will play in the future. Since a proposal has been submitted from the Southern African region which would see a continuation of legal trade in ivory, and as there have been proposals for amendment of Resolution Conf. 5.11, to allow trade in existing legally-acquired stocks in the event of an Appendix I listing, it seems prudent to work on the assumption that trade in ivory will continue in some form after the Lausanne meeting. In any event, the role played by the Ivory Unit will likely change from being an active participant in the regulation of the trade, to one of monitoring, troubleshooting, assisting Parties with implementation of trade controls, and acting as a liaison in the exchange of information.

A partial solution to the current budgetary problems would be to incorporate financing of the Ivory Unit's activities in the regular budget of the Secretariat. Yet, even if the Parties agree to this, there will always be a need to raise additional funds for special projects such as trade analyses, technical assistance missions, and meetings on implementation and enforcement of ivory trade controls.

(The Secretariat has not prepared a draft resolution on this subject.)

5. Data Analysis and Trade Monitoring

Monitoring of the global ivory trade can be enhanced by integrating all available statistics, and by providing the Parties with regular reports for purposes of comparison with their own records of trade. It is recognized that customs statistics on trade in raw and worked ivory, when available, can supplement data obtained from CITES export permits, particularly for countries that are not members of CITES. Although direct comparison of the volume of trade reported by customs and CITES statistics is difficult for technical reasons, these comparisons can nonetheless reveal important discrepancies (for example, ivory reported to customs services but traded without CITES documentation). In addition, customs data include declared values for ivory which, upon interpretation, may reveal useful information.

As agreed at the first meeting of the African Elephant Working Group, the Secretariat proposes to collect, on a regular basis, data on the ivory trade maintained by customs authorities, and draw to the attention of relevant Management Authorities discrepancies between these data and those collected on the basis of CITES permits. It was also agreed that the Secretariat would produce an analysis of the data collected from these two sources. This was contingent upon there being sufficient funds to gather global customs statistics on a regular basis and to have the data analysed. Although informal pledges have been made, this funding has not yet been forthcoming.

The present arrangements for processing ivory trade data need to be reviewed. Since 1986, all CITES permit data and tusk information have been registered on computer by the Wildlife Trade Monitoring Unit in Cambridge. Since the Ivory Unit in Lausanne does not have access to this database, it relies on WTMU on a regular basis for such things as computer printouts of permits issued, information on the acceptability of particular tusk numbers, analyses of trade etc. While this arrangement has worked well to date, the simple fact that the Ivory Unit is unable to interact directly with the database may prove cumbersome in the future, as more sophisticated analyses of data are required. The possibility of establishing a direct link between the CITES Secretariat and WTMU to provide ready access to the database should be examined. In addition, the WTMU database should, as a priority, be modified to allow for more sophisticated analyses of trade data, and incorporation of information not currently entered, such as names of traders, ivory volumes and values taken from customs statistics etc.

(The Secretariat has not prepared a draft resolution on this subject.)

6. Interagency Co-operation in Ivory Trade Controls

Regardless of the decision of the Conference of the Parties with respect to the listing of the African elephant in the CITES appendices, a workshop on domestic and international ivory trade controls should be held by April 1990 at the latest with participation of individuals directly involved in the daily operation of regulatory controls in important exporting and importing countries. Previous seminars of this kind have proven to be enormously valuable to participants for discussing issues of mutual concern and for establishing personal contacts with other agencies. Ideally, at least two delegates with administrative and enforcement backgrounds from key exporting and importing countries should participate.

If the illegal trade in ivory is to be controlled, the full co-operation of enterprises that have an affiliation with trade -- transport companies, in particular -- will be required. These firms may unwittingly be transporting ivory that is obviously of illegal origin, simply through ignorance of CITES. (As an example, the Secretariat is aware of several instances in which substantial quantities of raw ivory tusks were transported by airlines without any CITES documentation, but were openly declared on air waybills as 'ivory' or 'worked ivory'. In some cases, customs authorities in the recipient country noticed the absence of proper CITES permits, and took appropriate enforcement action. In others, the infraction was not noticed until after the ivory had cleared customs and the importer had taken possession.)

Clearly, it would be desirable if infractions involving ivory could be detected and dealt with in countries of origin, before illegal shipments left the country. CITES Management Authorities should undertake to inform

transport personnel of the need for CITES documentation for all ivory shipments, and to request them to co-operate in bringing to their immediate attention consignments lacking CITES permits. In the case of airlines, this should not be difficult in some African countries, where only a small number of air carriers operate out of a single international airport.

There are other organizations that may be able to assist Parties in combatting the illegal ivory trade. In the past, the Secretariat has stressed the benefits of collaboration with the International Criminal Police Organization (Interpol). Parties are urged to maintain and strengthen contacts with Interpol and the Customs Co-operation Council for the purpose of exchanging information related to illegal international trade in ivory, and to convey to the Secretariat general information related to enforcement actions taken.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES (4)

Interagency Co-operation in Ivory Trade Controls

CONSCIOUS of the value of workshops aimed at improving implementation of specific aspects of the Convention through the exchange of information among a wide range of participants;

RECOGNIZING that commercial enterprises may be useful allies in reporting shipments of ivory without proper CITES documentation, if fully briefed on CITES requirements;

RECOGNIZING further that certain organizations, such as the International Criminal Police Organization (Interpol) and the Customs Co-operation Council, can also provide valuable assistance in combatting illegal international trade;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that a workshop on implementation of domestic and international ivory trade controls be held no later than April 1990, attended by officers directly involved in the administration and enforcement of controls in key producer and consumer countries; and
- b) that Parties undertake to advise various enterprises affiliated with the ivory trade -- transport companies, in particular -- of CITES permit requirements, and seek their co-operation in bringing suspect consignments to the attention of the responsible authorities;

DIRECTS the Secretariat to draw up a project proposal for a workshop on implementation of ivory trade controls and to solicit financing from appropriate funding agencies; and

URGES Parties to maintain and strengthen contacts with Interpol and the Customs Co-operation Council for the purpose of exchanging information on illegal international trade in ivory.