

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 Elephant

IVORY STOCKS IN BURUNDI AND DJIBOUTI

This document has been prepared and is submitted by the Secretariat.

BURUNDI

Introduction

1. At the sixth meeting of the Conference of the Parties (Ottawa, 1987), Burundi was one of two countries considered as the main conduits for illegal trade in ivory and rhino horn. Burundi was mentioned expressly in two Resolutions of the Conference of the Parties (Conf. 6.10 and Conf. 6.11) as a country on which pressure should be exerted and to which a Delegation established by the Standing Committee should be sent to encourage it to eliminate such illegal trade.
2. The great concern expressed with regard to Burundi was due to the fact that in spite of a formal commitment of the Government to comply with the ivory trade control procedures established by the Conference of the Parties through Resolution Conf. 5.12, the same Government continued to authorize the trade in illegal ivory through its territory.
3. In early September 1987, the Government of Burundi was turned out and, on 5 November, the new Government decided to ban the trade in ivory on all its territory and to adhere to conservation principles. The Secretariat was immediately informed and it invited the Director General of the Institut National pour la Conservation de la Nature (INCN) to visit the Secretariat on the occasion of a mission to Europe, which he did.

Shortly after, however, due to internal problems, contact with the Burundi authorities was lost again.
4. The Standing Committee considered the Burundi issue at its 17th meeting (San José, 1988) and agreed that the Secretariat should try to re-establish contact with the Government of Burundi and to set-up a mission to that country to clarify the situation, instead of establishing the Delegation asked for by the Resolution of the Conference of the Parties.

5. Contact was re-established and a representative of the Secretariat, together with a consultant of WWF-International, visited Burundi from 29 March to 1 April 1988 (the costs of the mission were covered by WWF-International).

Meetings were held with the Secretary General to the Presidency of the Republic, Ministers and several high officials.

It appeared that although the trade in rhino horn, which was never accepted by the Government, had stopped, the trade in illegal ivory continued at a large scale after December 1986 despite of the commitment of the former Government.

It appeared also that large stocks of ivory were still in the country, part of them having been confiscated by the Government after having been irregularly imported. Those stocks were inventoried by the Government, but were left in the possession of the owners. All stocks were inspected by the Secretariat-WWF mission.

6. During the mission, the Secretariat explained the CITES procedures regarding ivory trade and made the following recommendations:
 - a) the Government of Burundi should write to the Chairman of the Standing Committee to explain its new policy;
 - b) the Republic of Burundi should accede to CITES as soon as possible; and
 - c) the stocks of ivory should be placed under the control of the Government.

All these recommendations were followed by the Burundi Government which so demonstrated the radical change it had undergone.

7. After a meeting in Nairobi, a representative of the Secretariat visited Burundi again from 2 to 5 August 1988, where he met the Secretary General to the Presidency of the Republic and several high officials, as well as the Head of the Bujumbura Military Camp. He also met the U.S. Ambassador to exchange views on the situation in the country.

At that time, all the stocks of ivory had been moved from the owners' premises to the Bujumbura Military Camp after re-weighing. The ivory was in containers sealed by Customs, and the stocks were the following:

Seized ivory: 23,427 Kg
Private ivory: 56,040 Kg

In addition, a shipment intercepted at the end of July was also present in the Camp but had not been weighed.

8. The issue of the Burundi accession to CITES was also examined, and solved, and the instrument of accession was deposited with the Swiss Government (Depositary) on 8 August 1988, effective on 6 November 1988.
9. The African Elephant Working Group (AEWG) held its first meeting in Nairobi (Kenya) from 31 October to 2 November 1988, with the participation of most of the main range states and consumer countries. Burundi was also represented. The Group considered carefully the Burundi issue and agreed by consensus that Burundi may sell its stock of confiscated ivory under the agreed condition that the proceeds be used for conservation projects in Burundi. No decision was made regarding the "private" stock.

Discussions were held, outside of the meeting, between Burundi and the delegation of the United States of America (as Chairman of the Standing Committee), and the Secretariat. Sale conditions and conservation projects were the main issues under discussion.

10. The Chairman of the Standing Committee consulted the other Committee members to explain the situation and to try to gain general support of the Nairobi agreement. As some concern was expressed and as the 18th meeting of the Standing Committee was scheduled for a not too far distant date, it was agreed to include the issue on the agenda of the 18th meeting.
11. The Standing Committee held its 18th meeting in Lausanne from 27 February to 3 March 1989 with the participation of the Secretary General to the Presidency of the Republic of Burundi as an observer (at that time, Burundi was already a Party to CITES).

The Standing Committee decided without objection, but with one abstention, that Burundi be allowed to sell the stock of confiscated ivory under conditions similar to those agreed in Nairobi by the AEWG (see the agreed statement in Annex 1). It was also agreed that the question of the "private" stock, if not confiscated by the Government, should be considered by the Conference of the Parties at its seventh meeting.

12. Following the decision of the Standing Committee, the Secretariat signed a Memorandum of Agreement with the Government of Burundi on 14 March 1989 on the occasion of a visit to Burundi by the Secretary General. This document described the respective tasks of the Government of Burundi and the Secretariat for the sale of the stock of confiscated ivory.
13. As the Secretariat participated at the ninth meeting of the Working Party on Wildlife Management and National Parks of the FAO Forestry and Wildlife Commission, its representative made use of this opportunity to visit Burundi again from 2 to 5 May 1989. He had further discussions with the Burundi authorities and visited the Military Camp where the ivory was kept. At that time the marking of the tusks of the stock of confiscated ivory was completed.

The representative of the Secretariat also met the U.S. Ambassador as well as the Delegate of the Commission of the European Communities in Burundi, who both had agreed to be members of the Committee set up to monitor the use of the proceeds of the ivory sale.

14. A tender document was sent on 12 June 1989 to selected potential buyers for 27,809.9 kg of ivory (5,066 tusks). However, as at that time several major importing countries (U.S.A., EEC, in particular) had already decided to ban the import of ivory, none of the potential buyers made a bid and the sale was a total failure.
15. Some discussions were expected at the second meeting of AEWG in Gaborone (4 to 8 July 1989). In fact, the only point which was raised on this occasion was that of a claim from the United Republic of Tanzania on the ivory detained in Burundi. The in-session debate was short, but extensive discussions were held outside the meeting between the representatives of both countries, the Chairman of the Standing Committee and a representative of the Secretariat. The Chairman of the Standing Committee did, however, confirm to the Working Group that all decisions made, and actions taken by the Secretariat with respect to the Burundi ivory, were with the full agreement of the Standing Committee.

Current Situation

16. From the information available when this document was drafted, it appeared that 27,809.9 kg of ivory confiscated by the Government of Burundi and 56,031 kg of "private" ivory belonging to ivory traders were still under the control of the Burundi Government awaiting a decision.
17. The presence of this large quantity of ivory for almost two years now is of great concern to the Government of Burundi. It represents a lot of money and is justifiably considered as a factor of destabilization.
18. It is impossible to sell the stock of confiscated ivory before the seventh meeting of the Conference of the Parties due to the lack of interest from legitimate traders, in the light of the present situation.

Regarding the "private" stock, only the Conference of the Parties can find a solution, if it so wishes.

Disposal of the Ivory

19. Regarding the stock of confiscated ivory, the decision of the Standing Committee still stands and it is the understanding of the Secretariat that the Government of Burundi still accepts it. A decision of the Conference of the Parties to endorse the Standing Committee decision would certainly make the sale possible. However, the situation may change considerably if the Conference of the Parties approves the transfer of the African elephant to Appendix I. In fact, the sale of the stock of confiscated ivory would become impossible on the legal market if Resolution Conf. 5.11 were not also amended.
20. Regarding the stock of "private" ivory, the Conference of the Parties is the only institution in a position to authorize the sale. However, as this ivory belongs to private individuals, an agreement must be reached between them and the Government of Burundi with the blessing of the Conference of the Parties.

It should be noted that, although the illegal origin of this ivory is not in doubt, the import into Burundi was legal under the existing Burundi legislation. All traders involved were in possession of appropriate licences provided by the former Government of Burundi. This explains why the current Government of Burundi can not confiscate this ivory.

It is the opinion of the Secretariat, as it was the opinion of the U.S. Ambassador and the Delegate of the EEC in Bujumbura, that such an agreement should stipulate that the ivory be bought by the Burundi Government from the traders at the lowest possible price (not more than the price they paid themselves), in order that they do not actually benefit from their business, and then the Government of Burundi be authorized to export the ivory under similar conditions to those agreed for the confiscated ivory.

Conclusion

21. The Government of the Third Republic of Burundi has responded to the expectation of the Conference of the Parties in banning all ivory trade on its territory, thus closing down one of the biggest loopholes in the ivory trade controls. Burundi also joined CITES and became a Party with the same rights and the same duties as any other Party. Moreover, it accepted various conditions on the sale of confiscated ivory, which have not been placed on any other Party before.

Burundi is now in a very difficult position with a large quantity of ivory, which represents a significant amount of money. Therefore, it is the strong feeling of the Secretariat that whatever decision is made by the Conference of the Parties, the worst would be to maintain the situation as it is. This would be detrimental to Burundi, CITES, and the conservation of the African elephant.

DJIBOUTI

22. In accordance with Resolution Conf. 5.12 on the Trade in Ivory from African Elephants, the Republic of Djibouti registered, before 1 December 1986, a stock of 1,997 ivory tusks, and committed itself to conform with the trade requirements of CITES.

On 14 August 1988, the competent authorities of Djibouti (Direction de l'Elevage et des Pêches) issued a re-export certificate for 1981 pieces (10,900.57 kg) accompanied by the appropriate Tusk Data Sheets.

23. By a letter of 23 March 1989, the Direction de l'Elevage et des Pêches of Djibouti informed the Secretariat of the existence in the Djibouti Transit entrepot of 301 ivory tusks (about 2,000 kg). This ivory of Ethiopian origin was imported into Djibouti, by a boat registered in the Democratic Yemen, on 24 November 1981.

This ivory was not registered with the other stocks in 1986 because the owners were absent from Djibouti at that time.

The authorities of Djibouti asked the Secretariat whether they would be authorized to re-export this ivory.

24. The Secretariat replied on 2 April 1989 indicating that as the registration procedures and deadline were decided by the Conference of the Parties, only the latter is in a position to authorize such a re-export under an exemption to a Resolution adopted previously. The Secretariat suggested to the Djibouti Authorities, to submit the issue if they so wished, to the next meeting of the Conference of the Parties.

25. The Direction de l'Elevage et des Pêches accepted this suggestion and, by letter dated 8 July 1989, formally asked the Secretariat to submit the issue to the Conference of the Parties, which the Secretariat is doing now through this document.

To support the request, the Secretariat is attaching to this document, as Annex 2, a copy of the Djibouti letter of 8 July 1989 and attachments.

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

Eighteenth Meeting of the Standing Committee

Lausanne, Switzerland, 27 February - 3 March 1989

Decision of Standing Committee of the Conference of the Parties
in regard to ivory stocks held by the Government of Burundi

1. The stock of ivory confiscated by the Government of Burundi (27,823.15 kg) may be sold on the following conditions:
 - 1.1 The sale must be carried out by the Government of Burundi within the CITES Ivory Trade Control System and under the supervision and control of the CITES Secretariat.
 - 1.2 All proceeds from the sale of the ivory after deduction of the costs associated with the sale will be exclusively reserved for projects related to the conservation of wild flora and fauna, particularly in the following fields:
 - 1.2.1 The protection and management of the national parks and forest reserves (particularly those of Kibira, Ruvubu, Bururi, Rumonge, Rusizi, and Lake Rwihinda), where there is a wealth of exceptional resources, such as chimpanzees, migrating birds and other specimens of Burundi's rich biological diversity.
 - 1.2.2 The reforestation of certain regions ravaged by bush fires and erosion.
 - 1.2.3 Support the harmonization of the management of parks and reserves with that of surrounding regions, in order to increase conservation and make the local population aware of the importance of the environment.
 - 1.2.4 The preservation of aquatic ecosystems, particularly Lake Tanganvika and the lakes in the northern regions of the country.
 - 1.3 The Government of Burundi will first provide the CITES Secretariat with a detailed list of specific projects. Technically qualified persons will be called upon for the planning and development of these projects.
 - 1.4 The proceeds mentioned in paragraph 1.2 will be placed on a special account at the Banque Nationale du Burundi and will only be spent for the benefit of the above-mentioned projects. The Government of Burundi will provide detailed reports on the way in which the proceeds are spent to a committee composed of representatives of three CITES Parties chosen by the Chairman of the Standing Committee with the

agreement of the Government of Burundi. The committee will direct the utilization of these proceeds to ensure they are appropriately employed for the agreed conservation projects.

- 1.5 The sale of the ivory will be organized and supervised by the CITES Secretariat in consultation with the Chairman of the Standing Committee. The Secretariat will ensure that persons with a history of illegal transactions in ivory do not benefit directly or indirectly from this sale, and will ensure the entry of ivory into trade is carried out in accordance with the CITES Ivory Trade Control System.
2. Every effort should be made to complete the sale as soon as possible. The Secretariat and the Government of Burundi will request the agreement of potential buyers in order to carry out a biological study on this ivory once it has been sold and exported outside of Burundi. The implementation of this study should not delay the sale of the ivory, and the costs related to any study undertaken shall be derived from the proceeds referred to in paragraph 1.2.
3. The stock of ivory not yet confiscated by the government (56,031 kg) will be sold and the proceeds used under exactly the same conditions as soon as it becomes the property of the government by confiscation, of which the Secretariat will be previously informed.
4. The Government of Burundi will present a detailed report on these operations at the next meeting of the Conference of the Parties.
5. The CITES Secretariat shall oversee the implementation of this decision.

MINISTERE DE L'AGRICULTURE
ET DU DEVELOPPEMENT RURAL

REPUBLIQUE DE DJIBOUTI
Unité - Egalité - Paix

DIRECTION DE L'ELEVAGE
ET DES PECHES

N° 484 /ELEVAGE

297 - 35 10 25 - 35 37 83

Djibouti, le 08 JUIL 1989

JF/FH

03 JUIL 1989

(T-)

MONSIEUR LE SECRETAIRE GENERAL
ADJOINT DE LA C.T.E.S

Mr. BERNEY

6, RUE MAUPAS
CASE POSTALE 78
CH. 1 000 - LAUSANNE 9

SUISSE

V/REFERENCE/- IVOIRE/22/DJ/DH/eg

()BJET / - AUTORISATION D'EXPORTATION D'IVOIRE

Monsieur le Secrétaire,

Compte tenu de la position très explicite du Secrétariat concernant la demande d'exportation sur HONG-KONG de 2 000 kg de défense d'éléphant appartenant à MM. IDRIS ABDILLAHI OLOW et ALI ABDALLAH GUEDIC j'ai l'honneur de vous demander de bien vouloir soumettre à l'examen de la conférence des Parties, en Octobre 1989, cette affaire pour obtenir une éventuelle dérogation.

En effet, une difficulté apparaît dans la mesure où ce lot n'avait pas été déclaré par les autorités Djiboutiennes à la C.I.T.E.S, comme faisant partie de stocks anciens au moment de son adhésion à cette convention. A l'époque le propriétaire était absent et personne n'avait fait les démarches pour le signaler.

Les pièces ci-jointes attestent que ces défenses d'éléphant (provenance d'Éthiopie) ont été introduites par bateau via le Yémen à Djibouti le 24 Novembre 1981, et que depuis lors elles sont entreposées dans le Poste Autonome International Djibouti. Toutefois le propriétaire n'a pas fourni de certificat d'origine des défenses.

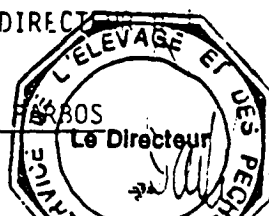
En tout état de cause les autorités Djiboutiennes (Direction de l'Elevage et des Pêches) ne délivreront le permis d'exportation qu'après accord officiel de la C.I.T.E.S.

Dans l'attente de la suite qui pourra être réservée à ce dossier je vous prie de croire, Mr. le Secrétaire, à l'expression de ma considération distinguée.

P.J/-Fournies par les propriétaires

- La 1ère Demande des propriétaires
- La 2ème Demande
- Le Certificat de transport par bateau
- le P.V de contrat de détention dans P.A.I.D

LE DIRECTEUR
 Dr. FERBOS
 Le Directeur



ALI ABDALLAH GUEDID (B.D.M.O)

Djibouti, le 22 Février 1989

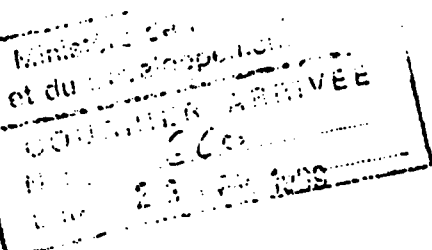
IDRISS ABDILLAHI OLOW
Commerçant - B.P 1607

DJIBOUTI

A

Monsieur le Ministre de l' Agriculture et
du Développement Rural -

DJIBOUTI



Monsieur le Ministre,

Nous avons l'honneur de vous informer que nous sommes détenteurs d'un lot d'ivoire composé de 49 Colis comprenant un ensemble de 301 pièces de défenses d'éléphants .

Celles-ci ont été introduites le 24 novembre 1981 à Djibouti où elle sont entreposées depuis dans le magasin Djibouti-Transit du Port.

Nous avons trouvé un acquéreur à HONG-KONG et souhaiterions effectuer leur exportation.

Compte-tenu de la réglementation internationale, celle-ci ne peut être faite qu'au vu d'un laissez-passer Sanitaire délivré par la Direction de l'élevage et des Pêches et après autorisation de la CITES .

Une difficulté apparait dans la mesure où ce lot n'avait pas été déclaré par Djibouti à la CITES comme faisant partie de Stocks anciens au moment de son Adhésion à cette convention .

A l'époque, nous étions absents de Djibouti et personne n'aurait fait des démarches pour vous le signaler .

Nous vous saurions extrêmement gré , MONSIEUR LE MINISTRE, de bien vouloir intervenir en notre faveur auprès de la CITES pour que nous puissions obtenir l'autorisation d'exportation.

Cette transaction est parfaitement honnête et profitable à l'Etat par les redevances sanitaires à percevoir.

Nous tenons à la réaliser dans le cadre réglementaire ; c'est pourquoi , nous nous permettons de vous écrire.

En vous remerciant par avance , nous vous prions de croire, Monsieur le Ministre, à l'expression de notre haute considération.

- AKI ABDALLAH GUEDID (B.D.M.O)
Représentant Mr. OMAR MAALINE

- IDRISS ABDILLAHI OLOW

COMMERCIANT

B.P. 1607

DJIBOUTI

Direction Elevage & Pêche	
ARRIVEE	
N°	533
DATE	(1989/7)

MONSIEUR LE DIRECTEUR DU SERVICE
DE L' ELEVAGE ET DES PECHEES .

DJIBOUTI

OBJET : Demande d'intervention auprès des autorités
de la CITES en vue de rendre possible la vente
du lot d'ivoire disponible à DJIBOUTI .

Monsieur Le Directeur ,

Me référant à la lettre du 5 JUIN 1989 émanant du
Secrétaire Général Adjoint de la CITES , dont ci-jointe copie .

J'ai l'honneur de solliciter de votre haute bien
veillance votre intervention pour communiquer un dossier officiel aux autorités
de la CITES , afin que l'affaire du lot d'ivoire soit soumise à l'examen de la
conférence des parties qui se tiendra à LAUSANNE du 9 au 20 OCTOBRE 1989 .

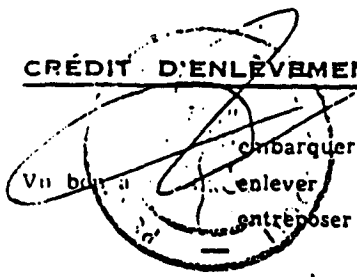
En espérant que ma demande aura une suite favorable

Je vous prie de bien vouloir agréer , Monsieur Le
Directeur , l'expression de ma haute considération distinguée .

MR. IDRIS ABDILLAH OLOW

DÉCLARATION DE MARCHANDISES

CRÉDIT D'ENLÈVEMENT



ENTREE: TRANSIT ~~EMPORT~~ ZONE FRANCHE
TRANSPORT/TRANBORDEMENT

SORTIE: TRANSIT ~~IMPORT~~ / TRANSPORT/TRANBORDEMENT
Boutre: ~~Nacouda~~

Par rail, route, navire

Arrivé le

N° liquidation:

Time consignataire:

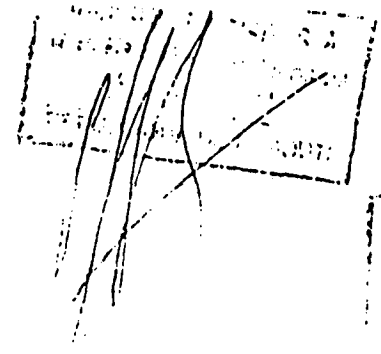
Bon de livraison n° Manèste d'Entre No. 601

RAⁿ Nacouda: Saleh Kacer

Date: 05/12/1981

IBOUTI TRANSIT

Contes débarquées du S/S: Boutre: " EL EICHANA " *Yemen Soud*
1981 Manifeste d'Entre No. 601
selon connaissance

COLIS Nombre Espèce	DESIGNATION DE LA MARCHANDISE DESTINATION: SAHARA ZONE FRANCHE	VALEUR	POIDS BRUT tonnes et kg.
40	Colis cornes		1.900 Kilos
2	CAISSES		100 KILOS
16	COLIS de caletton		300 KILOS
-----			-----
58			2.300 .K
<p><i>Recu 3 colis</i></p> <p>DJIBOUTI 12/1/82</p>  <p><i>775</i></p>			
		<p><i>6076</i></p> <p>000330</p>	

dispositif est effectuée selon :

PORT AUTONOME INTERNATIONAL
DE DJIBOUTI

EB 2107

Télex : PORTAUTO 5838 DJ
Tél. : 35 23 31 à 37
Cable : DIRPORT DJIBOUTI
COMPORT DJIBOUTI

SERVICE : EXPLOITATION.

N° 2031 EXP.

هيئة ميناء جيبوتي الدولي

ص.ب : ٢١٠٧

تلكس : بورت اير ٥٨٣٦

كابل : ٣٥٢٣١ الى ٣٧

للترايف : ديربورت جيبوتي

كومبورت جيبوتي

DJIBOUTI, LE 1 SEP 1988

PROCES VERBAL DE CONSTAT.

Le soussigné H. A. CHIRDON, Adjoint du Directeur du Port et Chef de l'Exploitation, chargé du domaine portuaire terrestre et assermenté conformément à la loi :

Ce jour 28 Juillet 1988 à 08 H 00, à la demande du Directeur du Port M; ADEN AHMED DOUALE, avons procédé le décompte d'un lot d'ivoire entreposé dans le magasin de DJIBOUTI TRANSIT dans le Port.

Ce lot d'ivoire était arrivé au Port par le boutre AL-BI-CHARA de nationalité sud Yemen. le 24/11/81 nacouda SALEH NACER.

La déclaration d'entrée en zone franc portè le numéro DJ0330 du 9/1/82.

Le lot était composé de 49 (quarante-neuf) colis, comprenant un ensemble de 301 pièces de défenses d'éléphants numérotées de 1 à 301.

Etaient présents :.

Exploitation du Port
Contributions indirectes
GENDARMERIE DU PORT
S.ELEVAGES ET PECHE
DJIBOUTI/TRANSIT

l'Aspirant
DOCTEUR

M. CHIRDON
M. MAGAREH
IFTIN.
KAMIL
M. LIBAN W. ASKAT

Les 301 pièces de défenses d'éléphants demeureront dans le magasin de djibouti/Transit sous la surveillance de ce dernier.

LE DIRECTEUR ADJOINT ET CHEF DE L'EXPLOITATION DU PORT.

