

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Interpretation and implementation of the Convention

Conservation of and trade in elephants

REVISION OF RESOLUTION CONF. 10.10

1. This document has been submitted by Kenya and India.

Introduction

2. No adequate, centralized mechanism exists to detect trends in illegal killing of elephants and illegal ivory trade, much less to detect any link between trends and the experimental export of ivory resulting from the decisions taken at the 10th meeting of the Conference of the Parties (CoP10).
3. Nonetheless, many range States have reported recent increases in illegal killing of elephants and/or illegal ivory trade.
4. Range States are in the best position to provide information on the levels of illegal killing of elephants and illegal ivory trade and to indicate whether any increases are related to CITES decisions.
5. Range States are concerned that, since CoP10, substantial funds have been raised and spent on the collection of elephant population data and illegal ivory trade by international organizations, when such funds would be better directed to range States to improve their enforcement capacity in order to improve elephant security.
6. In particular, range States are concerned that the system to Monitor the Illegal Killing of Elephants (MIKE) does not meet the requirements of Resolution Conf. 10.10 or Decision 10.1, that it is an academic exercise to collect population data rather than data on the level of, and the reason for, the illegal killing of elephants, that it will not be able to establish or disprove any effects on elephant populations of CITES decisions and resolutions, that it will at best detect only massive increases in poaching, and that it is extremely expensive, and top-heavy in its management.
7. Range States believe that the urgent funding priority now should be the prevention of elephant poaching rather than the establishment of expensive and inconclusive programmes for monitoring elephant populations.
8. Range States are also concerned that, in terms of raising additional funds for enhancing elephant security, those wishing to purchase stockpiles for non-commercial purposes are discouraged by the burdensome conditions in Decision 10.2 and that range States are equally dissuaded by some of the requirements in Decision 10.2. Fourteen countries have registered their ivory stockpiles in accordance with Decision 10.2, yet none has been acquired for non-commercial disposal. The legal difficulties, costs and bureaucracy involved in establishing Conservation Trust Funds may be a disincentive to donors who may be encouraged to enter into bilateral negotiations with the range State(s) of interest, provided that the money earned from the sale is used to enhance enforcement capacity in the range State in order to improve elephant security.
9. The trade in wild-caught live elephants should be restricted to those circumstances where the elephants are to be translocated to natural, wild settings. Because elephants have complex social behaviour, including deep personal bonds with other animals in their herd, it is unacceptable to

remove live, wild-caught animals from their herd for the purposes of international trade. In particular, it is unacceptable to separate sexually immature individuals from their mothers or their herds under any circumstances.

10. We propose that the Conference of the Parties amend Resolution Conf. 10.10 to incorporate the necessary changes. The proposed deletions are indicated with ~~strike through~~ and additions in **bold**.

COMMENTS FROM THE SECRETARIAT

- A. The draft resolution annexed to this document aims to replace Resolution Conf. 9.16 on "Trade in African elephant ivory", Decision 10.2 on "Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States" and Resolution Conf. 10.10 on "Trade in elephant specimens".
- B. Resolution Conf. 9.16 was in fact repealed at the 10th meeting of the Conference of the Parties (Harare, 1997), with the adoption of Resolution Conf. 10.10.
- C. Implementation of Decision 10.2 has not progressed as intended. The offers of substantial donor funds for the non-commercial 'buy-out' of declared government ivory stocks, have not materialized except for one case. There has been an agreement in principle reached between Mozambique and the United Kingdom. (Fauna and Flora International is also understood to have contributed funding to this initiative.) The Secretariat believes that the Decision should stand and that the Standing Committee should be charged with undertaking political missions to the donor community to seek funding for this important initiative. (It should be noted, moreover, that it is not appropriate to repeal Decisions in Resolutions.)
- D. Resolution Conf. 10.10 calls for the establishment, under the supervision and direction of the Standing Committee, of a comprehensive international system to monitor the illegal trade and the illegal killing of elephants. These monitoring systems (namely ETIS and MIKE) have been established and a detailed report is provided in the Secretariat's document Doc. 11.31.2.
- E. The Secretariat rejects the statements by the proponents that "no adequate, centralized mechanism exists to detect trends in illegal killing of elephants" and that MIKE (the long term monitoring system for Monitoring the Illegal Killing of Elephants) "does not meet the requirements of Resolution Conf. 10.10 or Decision 10.1". These issues were debated at length at the 41st meeting of the Standing Committee, where the Committee determined that MIKE satisfied completely the relevant monitoring requirements in Resolution Conf. 10.10. Furthermore, the Standing Committee agreed that the Secretariat's monitoring system, detailed in document Doc. SC.41.6.4 (Rev.2), completely satisfied the monitoring systems required in Decision 10.1.
- F. Regarding the proposal that the Standing Committee should, under certain conditions, prepare a proposal to amend the appendices for consideration by the Conference of the Parties, the Secretariat should note that such proposals can not be submitted by any committee and would have to be submitted by a Party.
- G. It should also be noted that, contrary to Resolution Conf. 4.6 (Rev.), this document makes no mention of the budget to cover the proposed additional work of the Secretariat.
- H. The Secretariat does not support the amendments suggested to Resolution Conf. 10.10.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conservation of and trade in elephants

RECALLING Resolution Conf. 9.16, adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994);

NOTING that the Asian elephant, *Elephas maximus*, is included in Appendix I;

NOTING, also, that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under certain conditions, at the 10th meeting (Harare, 1997);

CONCERNED that the majority of Asian and African elephant range States do not have adequate enforcement capacity to improve the security of their elephant populations;

RECOGNIZING that elephant range States are the best protectors of their elephants;

FURTHER RECOGNIZING that elephant range States are in the best position to detect increases in illegal trade and illegal killing of elephants and to determine the impact of CITES decisions on elephant conservation in their country;

CONVINCED that, as a priority, funds should be sought and made available to range States to improve enforcement capacity;

FURTHER CONVINCED of the need for a simple mechanism by which certain ivory stocks could be purchased and disposed of for non-commercial purposes, as a means of generating funds for enforcement activities in range States;

RECOGNIZING that elephants form strong social bonds with other members of their herd, and that the bonds are particularly strong between mothers and their sexually immature offspring;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding definitions

AGREES that:

- a) the term 'raw ivory' include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) 'worked ivory' be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

Regarding marking

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: country-of-origin two-letter ISO code, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. KE 127/9714). This number is to be placed at the "lip mark", in the case of whole tusks, and highlighted with a flash of colour;

Regarding control of internal ivory trade

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; and
- b) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
 - i) compulsory trade controls over raw ivory; and
 - ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

Regarding improving elephant security in range States

AGREES that elephant ivory exports should not be approved, on an experimental basis or otherwise, until each range State has set out criteria concerning its enforcement capacity and elephant security needs with measurable goals and only when these goals have been achieved have the criteria been satisfied;

DIRECTS the Secretariat, with oversight from the Standing Committee, to:

- a) raise funds specifically to provide elephant range States with the necessary resources to improve elephant security;
- b) invite proposals from range States for improving their enforcement capacity and elephant security;
- c) provide funds to range States for these purposes, excepting those range States that exported ivory for commercial purposes subsequent to the previous meeting of the Conference of the Parties; and
- d) provide a report to each meeting of the Conference of the Parties on the amount of funds raised and on the projects on which the funds were spent; and

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required by the Secretariat and **the range States to ensure that the recommendations in this part of this Resolution** can be effectively implemented;

Regarding the monitoring of illegal killing of elephants and illegal trade in ivory

AGREES that:

- a) the Secretariat should contact elephant range States every six months to request that they report any increase in illegal killing of elephants or illegal trade in ivory, and to evaluate any negative impact of any CITES decision on their elephant populations, and report these to the Standing Committee and issue a Notification to the Parties containing these reports; and
- b) in the event of an increase in illegal killing of elephants or illegal trade in ivory, whether or not it is related to any CITES decision, the Standing Committee will instruct the Secretariat to issue a Notification to the Parties recommending that they suspend import, export, and re-export of elephant ivory and will prepare a proposal to transfer all elephant populations to Appendix I for consideration at the subsequent meeting of the Conference of the Parties;

Regarding the non-commercial disposal of certain ivory stockpiles

AGREES that elephant range States may sell their government stockpiles of ivory for non-commercial purposes to any interested party, provided that:

- a) the stocks have been declared to the CITES Secretariat and independently audited by TRAFFIC International, in co-operation with the CITES Secretariat;
- b) the stocks have been marked in accordance with this Resolution;
- c) the stocks have been consolidated in a pre-determined number of locations;
- d) after the sale, the stocks are destroyed or held under non-commercial conditions in perpetuity, subject to occasional inspection; and
- e) the funds generated by the sale are used to improve elephant security, including the enhancement of enforcement activities;

Regarding trade in live elephants

AGREES that:

- a) trade in live elephants should be restricted to situations in which the elephants are to be released into natural, wild settings; and
- b) under no circumstances should live, sexually immature elephants be removed from their mothers or their herds.

Regarding monitoring of illegal hunting of and trade in elephant specimens

AGREES that:

- a) ~~a comprehensive, international monitoring system shall be established under the supervision and direction of the Standing Committee with the objectives of:~~
 - ~~i) measuring and recording current levels and trends of illegal hunting and trade in ivory in African and Asian range States, and in trade entrepôts;~~
 - ~~ii) assessing whether and to what extent observed trends are a result of changes in the listing of elephant populations in the CITES appendices and/or the resumption of legal international trade in ivory; and~~
 - ~~iii) establishing an information base to support the making of decisions on appropriate remedial action in the event of any problems with compliance or potential detriment to the species; and~~
- b) ~~this monitoring system shall be in accordance with the framework outlined in Annex 1 for monitoring of illegal trade in ivory and other elephant specimens and in Annex 2 for monitoring of illegal hunting in elephant range States;~~

Regarding assistance to elephant range States

~~RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;~~

Regarding quotas for and trade in raw ivory

RECOMMENDS that:

- a) each State that has a population of African elephants and wishes to authorize export of 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) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year;
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) 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;
- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and that they inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

REPEALS the Resolutions and Decisions listed hereunder:

- a) **Resolution Conf. 9.16 (Fort Lauderdale, 1994) – Trade in African elephant ivory;**
- b) **Decision 10.2 (Harare, 1997) – Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States; and**
- c) **Resolution Conf. 10.10 (Harare, 1997) –Trade in elephant specimens.**

(Note: Annexes 1 and 2 are deleted.)