

Report of the Panel of Experts on the African Elephant on the review of  
the proposal submitted by South Africa  
to transfer its national population of *Loxodonta africana* from Appendix I to Appendix II

TERMS OF REFERENCE OF THE PANEL

1. The task of the Panel of Experts, was to review, in accordance with Resolution Conf. 10.9, the proposal of South Africa to transfer its population of African elephant (*Loxodonta africana*) from Appendix I to II subject to certain conditions. The Conference of the Parties requires the Panel to take into account, in particular:
  - a) in evaluating the status and management of an elephant population:
    - i) the viability and sustainability of the population, and potential risks;
    - ii) the affected range State's demonstrated ability to monitor the subject population; and
    - iii) the effectiveness of current anti-poaching measures;
  - b) in evaluating the affected range State's ability to control trade in ivory from African elephants:
    - i) whether total levels of offtake from both legal and illegal killing are sustainable;
    - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
    - iii) whether law enforcement is effective; and
    - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State; and
  - c) when appropriate:
    - i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
    - ii) the controls on ivory trade in specified importing countries.
2. Resolution Conf. 10.9 also requires the Panel of Experts to evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State.
3. Regarding the need to review controls on ivory trade in specified importing countries [paragraph 1.c)ii) above], the Panel was not in a position to conduct this review because, although the proposal of South Africa indicates that trade in ivory would be conducted only with one country of import, South Africa has not announced the name of the proposed country of import and was not in a position to do so during the review by the Panel.

COMPOSITION OF THE PANEL

4. The Standing Committee agreed on the names of the potential members of the Panel of Experts by postal procedures in December 1999. The Secretariat convened the Panel, comprising the following members:
  - Jonathan Barzdo, Chief of Convention Interpretation and Servicing, CITES Secretariat, Geneva, Switzerland (Chairman of the Panel);

- C.S. Cheung, Endangered Species Protection Officer (Enforcement), Agriculture, Fisheries and Conservation Department, Hong Kong Special Administrative Region, China;
  - Martin Tchamba, Director of Conservation, WWF, Cameroon.
5. The representative of South Africa, appointed to facilitate the work of the Panel and to act as an adviser was:
- Peter Novellie, General Manager: Research, South African National Parks, South Africa.

#### SUMMARY REPORT OF THE PANEL'S ACTIVITIES

6. On their appointment to the Panel, all members reviewed not only the proposal to transfer the South African population of *Loxodonta africana* from Appendix I to II (subject to certain conditions) (Prop. 11.20), but also the reports of two previous Panels of Experts reviewing proposals from South Africa; documents Doc. 8.46 (Rev.) Annex 6, presented at the eighth meeting of the Conference of the Parties (Kyoto, 1992) and Doc. 9.47 (Rev.) Annex 6, presented at the ninth meeting (Fort Lauderdale, 1994).
7. The Panel took account of the work that had been done by the two previous Panels of Experts reviewing proposals from South Africa, noting that both had included one member of the present Panel (Barzdo). In planning its work, the Panel noted that, because two reviews had been conducted previously, the depth of investigation required, particularly regarding past practice and past problems, was not as great as it would otherwise have been.
8. The Panel carried out a fact-finding mission to Pretoria and Skukuza (Kruger National Park), South Africa, from 10 to 14 January 2000. During this mission, the Panel met a range of officials from national and provincial authorities. It also visited the store rooms holding ivory and elephant skins in the Kruger National Park, to review security measures as well as the procedures relating to the movement of ivory and skins into and out of these rooms and the associated record keeping. The Panel also visited the ivory store rooms of the Mpumalanga Parks Board and of the Endangered Species Protection Unit of the South African Police Service (ESPU).
9. Following the mission, the Panel invited TRAFFIC, the Species Survival Network (SSN) and the Environmental Investigation Agency (EIA) to provide any relevant information that they might have, in particular regarding evidence of illegal trade in ivory from or through South Africa.
10. TRAFFIC provided a print-out from ETIS indicating all recorded cases of illegal trade in ivory involving South Africa from 1 January 1989 to date. In response to the request to SSN, the Humane Society of the United States provided some reports for examination by the Panel. Additional reports were provided by WAG, a South African NGO. There was no response from EIA. All the information received was taken into account in preparing the report below.

#### REQUEST FOR ADDITIONAL INFORMATION

11. During the visit of the Panel to South Africa, it requested information to supplement the information in the proposal.
12. All the requested information has been provided and the Panel is satisfied that no information was withheld from it.

#### IMPLICATIONS OF THE ADOPTION OF THE PROPOSAL

13. If the proposal of South Africa were adopted, all ivory of South African origin, wherever it is currently held, would be considered as from a species in Appendix II of the Convention. However, the adoption of the proposed annotation would mean that no legal commercial trade in raw ivory would be possible except in the specified 30 tonnes from South Africa to the specified country of import (to be designated) and unless otherwise specified, re-exports of this ivory. The annotation would also mean that the international trade would be permitted in the following specimens originating in South Africa: live elephants (under specified conditions), hides and leather goods and

hunting trophies (for non-commercial purposes). This trade would be permitted wherever the specimens are currently located. All other elephant specimens originating in South Africa would be treated as if they were of an Appendix-I species.

## STATUS AND MANAGEMENT OF SOUTH AFRICA'S ELEPHANT POPULATION

### Viability and sustainability of the population, and potential risks

#### Viability and sustainability

14. On the basis of the supporting statement and additional information received, the Panel found no reason to doubt, in broad terms, the estimates of elephant numbers (over 12,000 in 1998/1999) and trends as presented. Compared to 1993/94, South Africa's metapopulation had grown by 27 per cent. This is partly a result of the natural population increase in Kruger National Park (from 1993 to 1999 it increased by 1,300 elephants) and partly a result of the expansion of the elephant range and the increase in the number of localities where elephants are found (in the same period, 684 elephants were translocated from Kruger National Park to other reserves).
15. The translocation of live elephants from Kruger National Park to other protected areas has been promoting an increase in the elephant metapopulation in South Africa in recent years. The estimates of Kruger National Park's elephants inter-calving interval (less than four years) and annual growth rate (seven per cent) are close to or exceed the maximum observed elsewhere. The population in Addo Elephant National Park is also increasing at a high annual rate of nearly five per cent a year.
16. Using the criteria of Frankel and Soule (1981), more than 90 per cent of the elephants in South Africa occur in populations that are genetically viable. This percentage is likely to increase as the newly established populations increase in size and in some cases populations become linked with others by the new acquisitions of land for conservation.

#### Potential risks

17. The Panel of Experts reviewing the proposal of South Africa in 1994 identified two areas of concern with respect to the possible future risks to South Africa's elephant populations:
  - a) The wide availability of firearms and ammunition largely originating from neighbouring countries. The presence of these firearms represents a significant risk to the conservation of elephant and rhinoceros in the event of weakening of the conservation authorities' ability to take effective anti-poaching measures.
  - b) Effective enforcement efforts could be compromised if the budgets of the nature conservation agencies continued to decline, especially in the light of the stated South African policy of phasing out State funding to the South African National Parks.
18. When reviewing the present situation, the Panel noted:
  - a) That the South African Government had continued to take the problem of wide availability of firearms and ammunition very seriously and was continuing to take measures to alleviate the problem, including diplomatic approaches to the countries concerned. The Panel was informed that the problem had in fact diminished considerably in recent years. A good intelligence network has been set up, and this extends to neighbouring countries through co-operation with their security forces. In this connection, it should be noted that the South African National Defence Force is active in Kruger National Park, mostly near the border with Mozambique, and is mostly concerned with the integrity of the border and movement of arms.
  - b) The Government is phasing out State funding to the South African National Parks. Currently 85% of the budget for nature conservation is generated by the Parks Board itself. It is expected that the Government will further cut its allocation in the coming years. Enforcement efforts could be compromised if the nature conservation agencies have to work with insufficient budgets. The Panel recognizes that an important motivation for the proposal, as is stated therein, is that the revenue generated by the sale of elephant products would help offset any shortfall of funds and

would provide additional resources for protected area management and to enhance the intelligence network on anti-poaching activities.

#### Sustainability of total levels of offtake

19. Since 1976, the boundary between the Kruger National Park and Mozambique has been elephant-proof and no migration of elephants has been possible. Monitoring shows that the resident elephant population remained stable throughout the period 1974 to 1994 as a result of the legal offtake of culled and live animals inside the Park, shooting of elephants for crop protection outside the Park and limited safari hunting in adjoining areas. In 1994, the practice of culling was suspended while the management plan for the Park was under review.
20. From 1994 to 1999 the elephant population in the Kruger National Park increased by about 17 per cent. Only 25 elephants were reported illegally killed in Kruger National Park during that period. If the illegal offtake remains at this low level, poaching is not a threat to the long term management of the Kruger elephant population.
21. Following the implementation of the new elephant management plan which aims to maintain the biodiversity characteristics of the Kruger National Park and to encourage fluctuations of elephant numbers in time and space (the park will be divided into six zones: two botanical reserves, two high-elephant-impact zones with no population reduction and two low-elephant-impact zones where numbers will be actively reduced), the elephant population is expected to continue to increase. (Hypothetically, it could double between 1999 and 2020 if the rate of increase were seven per cent per year, and if the elephants remained within their current home ranges, with no migration of elephants between the different management zones).
22. There is an annual export quota for trophy tusks from animals taken on private lands. For the year 2000, this is set at 86 tusks.
23. The Panel noted that although 25 per cent of the South African elephant population is found outside the Kruger National Park, there is no national policy for elephant management.
24. Information provided to the Panel indicates that there has been only one incident of illegal killing of elephants in South Africa outside Kruger National Park in the last 25 years. (In this one case, it is alleged that, in 1998, a hunter accompanied by a professional guide illegally shot an elephant in the Vhembe Dongola Park (far Northern Province).

#### South Africa's ability to monitor its elephant population

25. South Africa's elephant population has been monitored since 1903 but estimates made before 1967 are unreliable compared with later ones that were conducted using aerial census techniques. It is important to note that aerial census of most of South Africa's elephant populations is relatively accurate because of the open nature of the vegetation and good visibility in most areas.
26. The Panel agrees with the conclusion of the previous Panel that the interaction with a range of institutions involved in wildlife research of a high quality and the large resources available to Kruger National Park are reasons for having confidence in South Africa's ability to monitor its elephant population.

#### Effectiveness of current law enforcement measures

27. The Panel was informed that, apart from the day-to-day ranger patrols in national parks, all nine provinces of South Africa have set up anti-poaching teams and six provinces have in addition set up dedicated wildlife crime investigation units.
28. The Panel learnt that the anti-poaching sub-unit of the Endangered Species Protection Unit of the South African Police Service had been dissolved. The anti-poaching work and investigation of offences within the parks now rests with the anti-poaching team and the wildlife crime investigation unit of each province.

29. In Kruger National Park, there are currently 212 field staff actively involved in field patrols. An anti-poaching unit was set up in 1994, which, apart from carrying out anti-poaching operations inside the Park, also proactively collects information outside the Park regarding any activity that could be connected with poaching in the Park. Direct contacts have also been built up with anti-poaching agencies in Mozambique and joint anti-poaching operations have been conducted. A "hot pursuit" system is in place which allows investigators to continue an investigation into Mozambique and vice versa whenever necessary. It was noted that considerable emphasis is now placed on national and international co-operation, intelligence collection and analysis.
30. In addition, there are two Police stations in the Park and the National Defence Force is active there, primarily to maintain the integrity of the eastern border, although National Defence Force staff are reported to be available immediately to provide support to the Kruger National Park staff when required.
31. Regular meetings are held between various enforcement agencies concerned with poaching, including the Kruger National Park staff, the Endangered Species Protection Unit of the South African Police Service, the Border Police and the National Defence Force, for liaison, information sharing and co-operation.
32. The Panel is convinced that the illegal killing of elephants within South Africa is under control. Law enforcement efforts are effective, as evidenced by the figure of only 26 incidents of elephant poaching recorded from 1994 to 1999, of which, 25 happened in Kruger National Park. It is worth noting that, of these 26 poaching incidents, 12 happened in 1995 and in the past three years (1997 – 1999), the figure remained at one or two incidents a year. It was reported that some 80 per cent of the poaching was done by individuals from Mozambique entering Kruger National Park illegally. There are also indications that these people were in fact targeting rhinoceroses but killed the elephants opportunistically. Most of the individuals involved in these incidents have been arrested and their weapons confiscated. The majority of the ivory taken has been recovered.

#### SOUTH AFRICA'S ABILITY TO CONTROL TRADE IN IVORY FROM AFRICAN ELEPHANTS

##### Control of ivory stock

33. The Panel inspected the strongroom at Skukuza (Kruger National Park), where the ivory stock of Kruger National Park is held. An explanation of the procedure governing the movement of ivory from the source to the strongroom was provided. The Panel inspected the register of ivory in the strongroom as well as the documents that accompany each piece of ivory that arrives there. It found that the origin of each individual piece of the ivory could be traced back from the documents completed in accordance with the laid-down procedure. The last entry in the ivory register was a tusk that arrived under custody on 8 October 1999.
34. The Panel was also shown a computer database that contained details of all the tusks held in the strongroom. This database was said to have been in place since 1996 but was intended for inventory purpose rather than for keeping track of the movement of the ivory.
35. A random selection of tusks was made and the relevant paperwork (delivery documents and register entries) was checked to ensure that all could be accounted for, that the procedure was correctly followed and that the recorded information was correct as far as could be determined. All records were found to be in order. Three bags of ivory scraps, weighing 12.9 kg (18 pieces), 8.1 kg (11 pieces) and 3.75 kg (30 pieces), were found inside the strongroom but not recorded in the inventory. These scraps had been picked up by the rangers during their routine patrols and their origin was later verified from the documents that must accompany ivory whenever it is moved from one place to another. Most of these small ivory pieces had deteriorated seriously and, in view of their poor quality, it is unlikely that they could serve any useful purpose. The Panel was told that the three bags of ivory scraps were kept in the strongroom for temporary storage and would be destroyed in due course.
36. It should be emphasized that no irregularities were uncovered by the Panel in Skukuza and that the random selection of tusks examined were all found to be correctly marked and documented. The

Panel is satisfied that the ivory stock in Skukuza is under proper control. The existence of the three bags of scraps can be taken as an indication of the conscientious work of the field staff in the Park.

37. The Panel requested and was provided with a complete list of the stocks of ivory held by the provincial parks boards and ESPU, indicating the stock known to be of legal and illegal origin. The total for the country amounts to slightly over 37 tonnes of legal government-owned stock and somewhat over 68 tonnes of ivory that has been seized or confiscated. The Panel inspected the stock in Mpumalanga (about 1400 kg). The stock was securely held and appropriately marked but no inspection was made of the movement documents for the ivory.
38. Information was also provided on the declared privately owned stock of ivory, which amounts to nearly 66 tonnes.

#### Legal provisions regulating international and domestic trade in ivory

##### Reservation

39. South Africa still holds a reservation regarding the transfer of *Loxodonta africana* from Appendix II to Appendix I. However, following the visit of the Panel, the Management Authority of South Africa wrote to the Secretary General of CITES to confirm that, if its proposal were adopted, South Africa would withdraw its reservation.

##### Moratorium

40. The Panel was informed that the 'moratorium' on import and export of ivory for commercial purposes continues to be in force. No commercial import or export of ivory has been authorized by the Management Authority of South Africa since October 1989.

##### Nature conservation legislation

41. The hunting of elephants, and any form of transferring of ivory, including selling, transportation, possession, import or export of raw ivory in South Africa is controlled by law and requires a permit. The control is, however, implemented through provincial legislation. No legislative control is imposed on worked ivory. The Panel was informed that the drafting of a specific Endangered Species Act had been finalized and was to be adopted in 2000. Under the new Act as drafted, trade in worked ivory would be controlled and the penalties for offences would be greatly increased.
42. South Africa is a signatory to the Protocol on Wildlife Conservation and Law Enforcement of the Southern African Development Community.

##### Customs legislation

43. Under the Customs and Excise Act, Customs officers are empowered to detain any items that are controlled by other law. These items are listed in the "Consolidated list of restricted and prohibited goods" which is updated in a central database and accessible to the officers when screening import and export shipments. Raw ivory and ivory that is "simply prepared" is included in the list. Customs legislation does not control trade in worked ivory.

##### Customs Union

44. No Customs control is in place between the five countries of the Customs Union (Botswana, Lesotho, Namibia, South Africa and Swaziland). Wildlife shipments, including raw ivory, are however still subject to inspection under veterinary legislation.

##### Transit

45. The transit of raw ivory through South Africa is regulated under the Customs and Excise Act. All shipments must be properly declared. Any irregularities will be referred to appropriate agencies for further action.

46. It appears, however, that worked ivory is not subject to control. This raises concern about how controls can be exerted on trade in worked ivory that is not covered by the necessary permits.

#### Effectiveness of law enforcement

##### External trade

47. The Customs service requires the presentation of a permit for the import or export of any raw ivory if the shipment does not originate in, and is not destined for, one of the other countries of the Customs Union. Any irregularities detected will result in the shipment being detained. Illegal import and export cases will be handed over to the nature conservation services or the Police for investigation, as Customs officers do not have powers of arrest for such offences. The Customs service can take legal action only in cases where a shipment being imported has been misdeclared or where undeclared goods have been imported. Around five per cent of the shipments imported and exported are inspected by Customs officers under a risk-management system.
48. With the dissolution of the anti-poaching sub-unit of the Endangered Species Protection Unit of the South African Police Service, 20 staff have been cut from the Unit, leaving a staff of 30 people. The work of the Endangered Species Protection Unit is therefore now focused on investigation of illegal movements of ivory and other wildlife specimens. Border Police and the military provide support when required. It is noted that more emphasis is now placed on national and international co-operation, intelligence collection and analysis, which were reported to have effectively supported enforcement actions against poaching and illegal trade. Regular meetings are held with the various enforcement agencies.
49. The Panel was informed that organized poaching and smuggling of ivory is virtually non-existent in South Africa. This is evidenced by the statistics on ivory confiscation by the Endangered Species Protection Unit from 1990 to 1999 (see Table) which showed an overall decreasing trend in average weight of the quantity of ivory seized in each case. Both the nature conservation services and the Endangered Species Protection Unit feel that enforcement actions are effective and the Panel concurs with this conclusion.

##### Internal trade

50. Investigation work is done by a dedicated investigation team of the nature conservation service of each province. The Endangered Species Protection Unit takes up the duty in provinces that do not have such an investigation team. Again, emphasis is put on intelligence collection and analysis.

#### Evidence of illegal trade through South Africa

51. The Panel was informed by ESPU and other enforcement agencies that no organized illegal trade in ivory through or from South Africa is believed to exist. The Panel has received no evidence to the contrary. It was noted that the system of intelligence collection and the intelligence network had been enhanced to improve the probability of discovery of illegal trade.
52. The Panel examined print-outs from the ETIS database containing all records for the period 1 January 1989 to 31 October 1999 indicating: a) seizures where the country of discovery is South Africa; b) seizures where the country of origin is South Africa; c) seizures where the country of export/re-export is South Africa; and d) seizures where the country of destination is South Africa. These data tend to confirm the statement in paragraph 48 above. In fact the data indicate an overall downward trend in the number of seizures. Assuming that there is no deterioration in enforcement quality, this would suggest that the situation is improving. The reduction in the number of ESPU staff could to some extent account for the reduction in seizures made within South Africa, although this is offset by the point, made by ESPU, that there is hardly any organized smuggling there any longer. Moreover, the Panel bears in mind that the ETIS database contains data gathered from all over the world and therefore is not a simple reflection of the enforcement effort in South Africa.
53. The ETIS database records 44 incidents of illegal ivory trade involving South Africa in the five-year period January 1995 to October 1999. These involved some 662 tusks and 3,514 pieces plus 131 kg of pieces of ivory apparently either seized in, destined for, originating in, or exported/re-

exported from South Africa. (By comparison, the Panel reviewing the proposal of South Africa for the eighth meeting of the Conference of the Parties had been made aware of 45 incidents over the preceding five years, involving 317 tusks and 137 kg of ivory pieces.) Two of these records, relating to seizures in 1999 of ivory apparently having come from South Africa, account for some 90 per cent of the total number of tusks recorded as illegally traded.

54. These two records of seizures in 1999 were of concern to the Panel, which therefore sought further information. One related to 155 tusks seized in Portugal and the other to 442 tusks seized in China. The first of these seizures in fact resulted from an investigation conducted by ESPU, which discovered that three tonnes of ivory (of mixed origin) had been illegally shipped from Durban in 1996. The tusks seized apparently represented the remaining part (about half) of the original shipment. Regarding the tusks seized in China, no additional information is available and, from the information available to the Panel, it is not even clear that the tusks were shipped from South Africa.
55. Since the number of elephants killed illegally in South Africa is now extremely small (e.g. 12 in 1995, five in 1996, one in 1997, two each in 1998 and 1999) the ivory recorded as seized in other countries having come from South Africa is evidence of a continuing movement of ivory through the country, having originated elsewhere. With the exception of the two records referred to above however, the level of such recorded illegal trade is very small. The Panel recognizes of course the high probability that there is also a continuing illegal trade that is not discovered, although the level of such trade can only be a matter of speculation.
56. From non-governmental organizations, the Panel received two reports that contained information about illegal trade and trade control problems in South Africa: 'The report of the Commission of Inquiry into the alleged smuggling of and illegal trade in ivory and rhinoceros horn in South Africa', of January 1996, and 'South Africa's wildlife trade at the crossroads' published by TRAFFIC in 1996. Both of these reports are now rather out of date. The first concludes that, in the period 1975 to 1987, there was a substantial illegal trade in raw ivory passing through South Africa and that the South African Defence Force was directly involved. The Panel has received no indication from any source that a significant trade in raw ivory through South Africa is continuing. The only evidence received of a continuing commercial level of trade is the two seizures in 1999 referred to above, but one of these relates to illegal trade four years ago and the information about the other is not clear.
57. The second of the reports received by the Panel makes a variety of recommendations relating to the national legislation, administration and enforcement to improve CITES controls in general. Regarding elephants in particular however, the report comments positively on the co-ordinated efforts to strengthen legal provisions. In fact, partly as a result of the TRAFFIC report, South Africa initiated a project, funded by DANCED, to improve administration and implementation of the Convention in South Africa. Moreover, the TRAFFIC office in South Africa has commented to the Panel that they do not find major problems with South Africa's elephant management legislation and implementation, drawing attention to the much improved provincial legislation and enforcement.

#### CONTROL OF TRADE IN HIDES

58. The Panel had the opportunity to inspect the game processing plant at Skukuza, where products from culled animals were processed (until culling ceased in 1994). Complete information was provided regarding the processing of all elephant products including hides before they were placed into storage.
59. The stock of elephant hides accumulated from culling operations is securely held in a warehouse at Skukuza. The records relating to these were viewed. [See also Doc. 9.47 (Rev.) Annex 6.]. The total stock of elephant hides amounts to 152 tonnes. They are not tagged or marked in any way.
60. It was noted that there were several reasons why illegal killing of elephants for their skins is not known to exist and probably would not. Most notably: the value of the skin is relatively low; the skin is both very bulky and very heavy (a whole skin of an average elephant would weigh in the region of 500 kg); and, in order to be commercially usable, the skin would need to be treated within a few hours of the animal being killed. Consequently, any commercial quantities could only originate from the government stock.

61. Moreover, possession of elephant hides requires a licence/permit to prove the legality of the source.
62. Any leather goods in the market in South Africa could be traced back to the manufacturer through relevant supporting documents to prove the source, such as an invoice, or selling permit.
63. The Panel believes that the level of control of the trade in hides is sufficient considering that the risk of illegal trade is minimal.

#### IMPACT OF THE ACCEPTANCE OF THE PROPOSAL ON THE SOUTH AFRICAN POPULATION

64. One of the annotations in the proposal of South Africa indicates that the provisions of Decision 10.1 would still apply. This decision of the Conference of the Parties requires, in paragraph f), that before any trade in raw ivory is permitted, the range State concerned should have strengthened and/or established mechanisms to reinvest trade revenues into elephant conservation. The proposal already contains a commitment to use all revenues from the sale of ivory for projects to promote elephant conservation. If the proposal is adopted, the Secretariat and the Standing Committee would need to satisfy themselves in due course that the necessary actions had been taken to comply with Decision 10.1.
65. The proposal lists the three uses to which the revenue generated from the sale of elephant products from the stockpile at Kruger National Park would be put: monitoring and research to provide the basis for implementing the elephant management programme; increased monitoring and control of illegal hunting; and acquisition of land to promote elephant conservation in other national parks. These measures are all positive.
66. There could be a negative impact of the acceptance of the proposal for the South African population if, for whatever reason, it led to an increase in poaching of elephants in South Africa. In this connection, the experiences of the States whose elephant populations were transferred to Appendix II at CoP10 is relevant. There is not appear to be any evidence of a significant increase in poaching in those States for ivory resulting from the adoption of their proposals. The Panel, moreover, is impressed by the currently very low level of illegal killing of elephants in South Africa and notes that anti-poaching resources would be enhanced with funds from the sale of the ivory stock if this were permitted. Consequently, the Panel has no reason to believe that there would be any important negative impact of the adoption of the proposal.
67. The Panel notes, however, that concern has been expressed about the possible impact of the acceptance of the proposal on elephant populations other than that of the proponent State. Consideration of this matter is outside the terms of reference of the Panel but it should comment that the question is currently the subject of the system for Monitoring Illegal Killing of Elephants, set up as part of a process put in place by the Conference of the Parties at its 10th meeting.

#### CONCLUSIONS

##### Is the population viable and sustainable and are there particular risks?

68. Nearly 90 per cent of the elephant population of South Africa is in Kruger National Park, where it is increasing at a rate estimated at seven per cent per year. This population is certainly genetically viable. If there are questions about its sustainability, they would relate only to how large the population can grow in the available habitat.
69. Outside Kruger National Park, the number of elephants, the number of populations and the total range available are continuing to grow.
70. There is currently no apparent threat to the status of the African elephant population of South Africa.

##### Has the range State demonstrated its ability to monitor its African elephant population?

71. The conclusion of the Panel is exactly the same as that of the Panel that reviewed the South African proposal to the ninth meeting of the Conference of the Parties: "South Africa has a long-running programme for monitoring the elephant population of Kruger National Park.... This is one of the best-

monitored populations on the African continent.... The other populations are relatively small and, with the exception of Tembe Elephant Park, relatively easy to monitor." There is no question that South Africa has demonstrated its ability to monitor its elephant population.

Are the current anti-poaching measures effective?

72. It is quite clear that the current anti-poaching measures in South Africa are extremely effective. The work is further improved by the clear division of work areas among the Endangered Species Protection Unit, special investigation teams and anti-poaching teams.

Is the total level of offtake from both legal and illegal killing sustainable?

73. Currently the only legal killing of elephants in South Africa is limited to 43 animals a year on private lands for trophy tusks. There has been no culling of elephants in South Africa since 1994. Although culling is foreseen in the new management plan for Kruger National Park, the Panel accepts the prediction of the South African National Parks that the population will nonetheless continue to increase. Illegal killing of elephants in South Africa is at insignificantly low levels.

Is the control of ivory stocks adequate to prevent the mixing of legal and illegal ivory?

74. If the proposal is accepted, the only raw ivory that would be authorized to be traded is the stock held at the ivory strongroom at Skukuza, in Kruger National Park. The comprehensive procedure adopted to keep track of the movement of each single ivory tusk into the strongroom ensures that ivory of legal origin is not mixed with ivory of illegal origin. If the procedures to export the ivory were equivalent to those implemented for the stocks of ivory exported from Botswana, Namibia and Zimbabwe in 1999, this would ensure that there was also no possibility to mix ivory of legal and illegal origin when the ivory was transported.

Is law enforcement effective?

75. South Africa has achieved a high standard of law enforcement. The enhancement in intelligence collection will further strengthen their enforcement work.

Are enforcement and controls sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State?

76. The seizures of ivory in South Africa, and in other countries where it has apparently come from South Africa, indicate the continuation of illegal trade in ivory through South African territory. Over the past five years there appears to have been a downward trend in the number of illegal shipments being discovered. This probably reflects a downward trend in the illegal trade in ivory over this period.

77. The Panel is nonetheless concerned about two large shipments of raw ivory from South Africa, discovered in Europe and Asia. Little information is available about these shipments, so that the Panel can not say with certainty that no significant amounts of ivory traded illegally from other countries pass through South Africa.

78. The Panel feels obliged to comment, however, that if the purpose of question g) is to facilitate a judgement regarding the quality of control on international trade in South Africa, it has the impression that the control is not less strict than the control in most other countries. The Panel certainly sees no opportunity for the laundering of ivory illegal origin through South Africa. It would thus be quite clear, if the proposal were adopted, that any raw ivory arriving at a port of entry from South Africa without the appropriate permits, would have to be considered illegal and subject to seizure.

79. The Panel must also express some concern regarding the lack of legal control on worked ivory in transit in South Africa. However, it should be noted that the level of illegal trade in worked ivory appears to be rather low.

Are there adequate controls on trade in parts and derivatives from the African elephant other than ivory in the proponent State?

80. The only parts and derivatives other than ivory proposed to be traded under the provisions relating to Appendix-II species are hides and leather goods. The Panel is satisfied that the controls relating to such specimens are adequate, and will be improved with the passage of new legislation to implement CITES in South Africa.

Are there adequate controls on ivory trade in specified importing countries?

81. South Africa has not specified to the Panel or in its proposal the proposed importing country. The only country known to the Panel to have adequate controls, as agreed by the Conference of the Parties, is Japan. If South Africa proposes that exports of ivory be authorized to a country other than Japan, the Panel recommends that the controls in the country concerned be subject to review by the Secretariat and approval by the Standing Committee.

Would the acceptance of the proposal be likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State?

82. The Panel is convinced that, if the proposal were accepted, and if the stocks of raw ivory and hides in South Africa were sold, the funds would be used in a way that would benefit the South African population of the African elephant.

TABLE

Year	Case	Arrest	Tusks	Pieces	Blocks	Processed kg	Carcass	Total kg	Value ZAR
1989	no statistics available								
1990	1	2	6	0	23 (2)	0	0	44.000	26,400.00
1991	35	85	110	6 (2)	3,782 (378)	0	0	1,399.435	4,359,927.00
1992	89	165	295	34 (3)	1,204 (120)	0	0	4,550.883	4,189,676.00
1993	85	160	245	69 (8)	23,047 (2,304)	114.00 (12)	0	2,527.921	3,425,384.00
1994	58	97	83	45 (6)	2,580 (258)	0	0	1,314.987	950,903.00
1995	64	79	110	24 (4)	6 (1)	0	0	1,116.660	670,000.00
1996	69	35	95	30 (11)	297 (29)	11.52 (3)	0	920.000	644,000.00
1997	42	55	34	25 (9)	224 (22)	40.23 (5)	0	337.140	264,000.00
1998	19	38	53	8 (6)	0	0	1	295.481	497,421.61
1999	31	52	41	13 (3.5)	0	0	0	495.440	441,658.28
<b>Total</b>	<b>493</b>	<b>768</b>	<b>1,072</b>	<b>254 (52.5)</b>	<b>31,163 (3,114)</b>	<b>165.75 (20)</b>	<b>1</b>	<b>13,001.947</b>	<b>15,469,369.89</b>

## ANNEX

### List of people interviewed by the Panel in South Africa

Carlos Bastos, Supervisor: Game Processing Plant, Kruger National Park

Pieter Botha, Deputy Director, Biodiversity Utilization, Environmental Conservation Branch, Department of Environmental Affairs and Tourism

Leo Braack, Co-ordinator GAZA TFCA, Kruger National Park

Inspector S.E. Bruwer, Endangered Species Protection Unit, South African Police Service

Manie Coetzee, Manager: Security, Kruger National Park

Willem Gertenbach, General Manager: Nature Conservation, Kruger National Park

Superintendent Pieter Lategan, Endangered Species Protection Unit, South African Police Service

Frans Laubscher, Head: Project Development and Management, Kruger National Park

Deon Louwrens, Deputy Director, South African Revenue Service (Customs)

David Mabunda, Kruger National Park

Ken Maggs, Head: Environmental Crime Control Unit, Kruger National Park

Sonja Meintjes, Principal Environmental Officer, Biodiversity Utilization, Environmental Conservation Branch, Department of Environmental Affairs and Tourism

Jan Muller, General Manager: Wildlife Protection Service, Mpumalanga Parks Board

Inspector Neill, Endangered Species Protection Unit, South African Police Service

Khungeka Njobe, Kruger National Park

Phin Nobela, Head Ranger: North, Kruger National Park

Peter Novellie, South African National Parks

Collette Pretorius, Senior Auditor, Internal Audit, Kruger National Park

Ertjies Röhm, Manager: Special Investigation, Mpumalanga Parks Board

Blake Schraader, Acting General Manager: Technical Service, Kruger National Park

Julian Sturgeon, consultant to the Department of Environmental Affairs and Tourism

Blackie Swart, Manager: Permits, Professional and Scientific, Mpumalanga Parks Board

Ian Whyte, Senior Scientist, Kruger National Park

Deon von Weilligh, Head: CITES, Permit and Legislation Services, Northern Province Parks Board

Antoinet van Wyk, Head Ranger: South, Kruger National Park