

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Strategic and administrative matters

Reports of dialogue meetings

RESULTS OF THE AFRICAN ELEPHANT DIALOGUE MEETING

The communiqué of the elephant range States dialogue meeting is annexed to this document.

Fifth African elephant range States Dialogue

Santiago, Chile, 29-31 October 2002

Communiqué

The fifth meeting of the African elephant range States Dialogue was convened from 29 to 31 October 2002 in Santiago, Chile. This meeting was attended by 24 range States (see Annex 1) and focused on issues and proposals relating to trade in African elephant on the agenda of the twelfth meeting of the Conference of the Parties to CITES, and on options for the long term conservation and management of African elephants. Japan, the United Kingdom and the United States of America provided financial support for the meeting. The CITES Secretariat served as facilitators for this meeting, with the technical assistance of IUCN - The World Conservation Union, through the participation of the Species Survival Commission's African elephant Specialist Group and TRAFFIC. Mr Denis Koulagna Koutou from Cameroon served as chairman of the meeting, and representatives of Gabon, South Africa, Togo and Uganda as vice-chairs.

Building on the previous meetings of the African elephant range States Dialogue, discussions focused on rules of procedure for the current and future Dialogues, the findings of ETIS (the Elephant Trade Information System) as presented in document CoP12 Doc. 34.1, and the measures currently in place regarding the regulation of trade in elephant ivory under CITES. The participants recognized that poor enforcement and unregulated domestic markets for ivory are amongst the major factors contributing to continuous illegal international trade in ivory. The meeting called upon those Parties identified as being of major concern in relation to the implementation of Resolution Conf. 10.10 (Rev.), and particularly its provisions regarding the control of internal ivory trade, to take immediate remedial action. The meeting participants encouraged all Parties to improve the reporting on illegal trade in ivory and other elephant specimens through ETIS, and all elephant range States to contribute to the data collection, compilation and reporting through MIKE (Monitoring of Illegal Killing of Elephants).

Representatives of the four African sub-regions with African elephant populations provided remarks on behalf of the sub-regions regarding the status and management of their elephant populations, measures that may be considered to ensure that one country's trade does not harm another country's elephants, and the amendment proposals submitted to CoP12. These remarks are attached in Annex 7 in the language that they were presented.

The participants furthermore agreed that as a matter of priority, range States should make commitments to improve their enforcement efforts; enhance collaboration between Management Authorities, Customs, Police and other agencies responsible for the regulation of trade in wildlife; adhere to regional enforcement agreements; and increase capacity building and training of all enforcement agencies. Parties and donors were encouraged to provide the necessary support for continuing implementation of MIKE and ETIS, to assist in the development and operationalizing of national and regional conservation strategies for African elephants, and to undertake capacity building projects.

Each of the proponent countries provided a brief summary of the proposals submitted to the 12th meeting of the Conference of Parties. Botswana, Namibia, South Africa and Zimbabwe all emphasized that the ivory that they proposed to export would only be from existing stockpiles of legally obtained ivory from natural mortality or management actions in their own countries. Each of these countries emphasized the potential of the proposed trade to finance elephant conservation programmes and to benefit local communities in their countries.

Zambia explained that its proposal to transfer its population from Appendix I to Appendix II to allow for a one-off sale of its ivory stock and live sales under special circumstances would generate much needed funds to implement elephant conservation programs in the country. Zambia accepts the findings of the Panel of Experts presented in document CoP12 Doc. 66, Annex 4, but emphasized that it is facing a particularly difficult situation at this time.

Kenya presented a proposal, co-sponsored with India, to return all elephant populations to Appendix I based on its interpretation of levels of illegal killing of elephants and illegal trade in ivory, and concerns over split-listed populations of African elephants. Due to the incomplete implementation of MIKE and in light of the findings of ETIS and the Panel of Experts report, Kenya sought a precautionary approach to future trade in ivory and urged the proponents to postpone requests for the resumption of trade in ivory until CoP13 when baseline information from MIKE would be available.

Participants emphasized that the conservation status of African elephants poses different challenges for different populations on the continent, and that trade may provide solutions for some if that trade can be tightly regulated through CITES and if mechanisms are in place to monitor its impacts and if CITES can intervene when necessary. The Participants also expressed concerns that ivory trade could impact elephant populations beyond the borders of the proponent States.

With regard to the proposals presented by Botswana, Namibia, South Africa and Zimbabwe, the Chairman and the Secretary General proposed a number of compromise amendments which were accepted by the proponents for further discussion. In the spirit of reaching a consensus, and after having extensively discussed the proposed amendments, the participants at the Dialogue agreed by consensus to these amendments. The two main elements of the compromise are (1) that the four countries will be able to conduct a single export of their declared stocks of raw ivory after certain conditions have been met; and (2) that future annual quotas for raw ivory for these four countries should be established in accordance with Resolution Conf. 10.10 (Rev.) once the monitoring systems have been able to provide feedback and if such quotas have been authorized by a meeting of the African elephant range States. The full details are provided in Annex 2.

Kenya expressed its reservation regarding the consensus that had been reached amongst the other Africa elephant range States, and stated that it had not been able to consult with its co-proponent, India, concerning their proposal.

On the basis of technical advice provided by the Chairman and the Secretary General, certain participants to the Dialogue encouraged Zambia to amend its proposal in line with annotations presented in the proposals of Botswana, Namibia, South Africa and Zimbabwe. Upon consultation with Southern African countries, Zambia agreed to do so.

All countries presenting proposals to trade in ivory and other specimens of the African elephant were strongly urged to accede to the Lusaka agreement as one of the mechanisms to enhance law enforcement and gathering of information.

Amendments to Resolution Conf. 10.10 (Rev.) concerning trade in elephant specimens as proposed by Kenya were generally supported (see Annex 3). Participants also agreed to propose the adoption of two draft Decisions of the Conference of the Parties concerning the control of internal ivory trade (see Annexes 4 and 5). The first, based on the findings of ETIS, directs the Secretariat and the Standing Committee to assess whether certain Parties comply with the provisions in Resolution Conf. 10.10 (Rev.) concerning the establishment of measures to regulate the internal ivory trade, and to consider appropriate additional measures where necessary. The second requests Parties, donors and organizations to provide urgent financial support to implement a series of national activities to improve the control of the internal ivory trade in elephant range States.

Proposed Rules of Procedure for future meetings of the African elephant range States Dialogue are attached (see Annex 6).

The participants concluded the meeting by thanking the Chairman for providing leadership throughout the discussions, and the Secretariat and IUCN for their technical assistance. Delegates expressed their appreciation to Chile for making available the facilities and logistical support, and to Japan, the United States of America and the United Kingdom for their financial support, which contributed to the success of the Dialogue process.

Fifth African elephant range States Dialogue, Santiago, Chile, 29-31 October 2002

Participating Countries

1. Benin
2. Botswana
3. Cameroon
4. Chad
5. Equatorial Guinea
6. Eritrea
7. Ethiopia
8. Gabon
9. Guinea
10. Kenya
11. Liberia
12. Malawi
13. Mali
14. Mozambique
15. Namibia
16. Niger
17. Senegal
18. Sierra Leone
19. South Africa
20. Togo
21. Uganda
22. United Republic of Tanzania
23. Zambia
24. Zimbabwe

Loxodonta africana – Populations of Botswana, Namibia, South Africa and Zimbabwe

Annotation °604:

For the exclusive purpose of allowing:

- a) trade in hunting trophies for non-commercial purposes;
- b) trade in live animals for re-introduction;
- c) trade in hides;
- d) trade in leather goods;
- e) trade in ivory carvings for non-commercial purposes (Zimbabwe only);
- f) trade in registered government-owned stocks of raw ivory (whole tusks and pieces) originating in the country concerned to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev.) concerning domestic manufacturing and trade. This trade is not permitted before May 2004, which will allow verification of the prospective importing countries and for MIKE to report on baseline information. Thereafter the following maximum amounts of ivory may be traded from:

Botswana: 20,000 kg,
Namibia: 10,000 kg,
South Africa: 30,000 kg from the Kruger National Park, and
Zimbabwe: 10,000 kg;
- g) Following the trade referred to in paragraph f), an annual quota may only be traded provided that the Secretariat is satisfied that all the conditions referred to in paragraph f) continue to be met, that they are established in accordance with Resolution Conf. 10.10 (Rev.) and that these provisions are confirmed by a simple majority of the African elephant range States at a Dialogue meeting to be convened by the Secretariat for that purpose;

The trade referred to in paragraphs f) and g) shall take place under strict supervision of the Secretariat. Proceeds of this trade are to be used primarily for activities benefiting African elephants, and for local development and conservation programmes. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of detrimental impacts of the trade on other elephant populations.

All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

Amendment to Resolution Conf. 10.10 (Rev.) proposed by Kenya (proposed text in **bold**)

Resolution Conf. 10.10 (Rev.)*Trade in elephant specimens

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

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 a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding definitions

AGREES that:

- a) the term 'raw ivory' shall 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' shall 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, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). 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

* Amended at the 11th meeting of the Conference of the Parties

- b) **establish a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and**
- c) **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;**

URGES the Secretariat, where possible, to assist Parties in improving these legislative, regulatory and enforcement measures;

DIRECTS the Standing Committee to undertake a regular review of actions taken by consumer States to improve legislation and enforcement measures and to report the results at each meeting of the Conference of the Parties;

Regarding compliance with control of internal trade

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) **to identify those Parties with an ivory carving industry and internal ivory trade whose domestic measures do not provide them with the authority to:**
 - i) **register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;**
 - ii) **assert compulsory trade controls over raw ivory; and**
 - iii) **establish a comprehensive and demonstrably effective reporting and enforcement system for worked ivory.**
- b) **to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly enforce the recommendations regarding internal ivory trade; and**
- c) **to report its findings, recommendations or progress to the Standing Committee where appropriate measures shall be considered, including restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.**

DIRECTS the Secretariat, dependent on available resource, to provide technical assistance to Parties to develop practical measures to regulate their internal ivory trade.

Regarding monitoring of illegal hunting of and trade in elephant specimens

AGREES that:

- a) **The systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:**
 - i) **measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepots;**
 - ii) **assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;**

- iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
- iv) building capacity in range States;
- 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; and
- c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration; **and**
- d) **technical input and guidance will be provided to both MIKE and ETIS through an independent technical advisory group to be established by the Secretariat.**

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

Regarding resources required for implementation of this Resolution

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

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – Trade in African elephant ivory.

Annex 1 - Monitoring of illegal trade in ivory and other elephant specimens

1. Introduction

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. The Conference of the Parties recognizes the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement of BIDS, the Elephant Trade Information System (ETIS) was developed to monitor the pattern and scale of illegal trade in ivory and other specimens.

2. Scope

ETIS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have occurred anywhere in the world since 1989. ETIS will also include subsidiary information on law enforcement effort, legal and illegal elephant product markets and background economic data.

3. Methods

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology will be developed for the collection of data, including, *inter alia*:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- profile of offenders/suspects
- status of cases in the courts
- law enforcement effort.

A data collection form has been designed and circulated to all Parties by the CITES Secretariat.

4. Data collection and compilation

ETIS will be managed and coordinated by TRAFFIC.

All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.

TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

5. *Data analysis and interpretation*

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2). **The Secretariat will establish a technical advisory group to support the development and implementation of ETIS.**

6. *Reporting*

TRAFFIC will produce a comprehensive report to each meeting of the Conference of the Parties.

7. *Intersessional remedial action*

In the event that there is a need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

8. *Funding*

A funding mechanism will be established to ensure that ETIS is fully operational.

Annex 2 - Monitoring of illegal hunting in elephant range States

1. *Introduction*

In order to address the concerns of many elephant range States, it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant specimens can be assessed. Of primary importance is the establishment of a simple system of international reporting of incidents of illegal hunting as a baseline against which levels and trends can be determined and changes in these levels and trends can be detected.

It is recognized that such measurement must consist of two elements. The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention and the monetary value of illegally traded ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

The second element is the establishment of correlations between relevant parameters and the decisions of the Conference of the Parties with regard to elephants.

The overall aim of this system is to provide information needed for range States and other Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations **by improving their ability to monitor elephant populations, detect changes in levels of illegal killing, and to use this information to provide more effective law enforcement and to strengthen any regulatory measures required to support such enforcement. The system should be established in such a way that it can continue after financial support for the programme has come to an end.**

2. *Scope and methodology*

The monitoring system will include elephant range States in both Africa and Asia and trade entrepôts.

It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE Technical Advisory Group (TAG).

Sites will be selected on the basis of representative sampling (since it is neither possible nor practical to cover all range States) and will include a variety of habitat types, geographical regions and protected and non-protected areas. The sites included in the system are selected collaboratively with the range States, the CITES Secretariat and other relevant experts.

For countries wishing to include in the monitoring system sites other than the selected ones, it will be possible and desirable to contribute data voluntarily on additional sites.

3. Data collection, compilation and reporting

Data collection will cover the following topics:

- elephant population data/trends
- incidence and patterns of illegal hunting
- measures of the effort and resources employed in detection and prevention of illegal hunting and trade.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat will request/sub-contract technical support from appropriate experts, with the advice of the TAG, to:

- a) select sites for monitoring as representative samples;
- b) develop a standardized methodology for data collection analysis;
- c) provide training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified; and
- e) provide a report to the CITES Secretariat for transmission to the Standing Committee and Parties to CITES.

4. Reporting

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, to each meeting of the Conference of the Parties.

5. Funding

Substantial funding will be required for the above activities.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Regarding the control of internal ivory trade

- 12.xx Parties, donors and organizations are requested to provide urgent financial and technical support to strengthen the implementation of Resolution Conf. 10.10 (Rev.) concerning the control of internal ivory trade in elephant range States for, *inter alia*,
- i) building capacity for law enforcement within elephant range States;
 - ii) improving public awareness of the conservation impacts from unregulated national trade in ivory;
 - iii) improving coordination and cooperation amongst national law enforcement agencies;
 - iv) registering and marking raw ivory in public and private possession, and registering and licensing all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
 - v) introducing recording and inspection procedures as part of a system of comprehensive and compulsory national trade controls; and
 - vi) urgently strengthening provisions in their national legislation concerning the regulation of internal ivory markets and the implementation of CITES in general where necessary.

The Secretariat shall assist range States as outlined in subparagraphs i) to vi).

DRAFT DECISION OF THE CONFERENCE OR THE PARTIES

- a) Contingent on the availability of funding, the Secretariat shall assess whether countries with currently active internal markets (i.e. Cameroon, China, the Democratic Republic of the Congo, Djibouti, Ethiopia, Nigeria, Thailand, Uganda and the United States of America have established the comprehensive internal legislative, regulatory and enforcement measures specified in Resolution Conf. 10.10 (Rev.) regarding compliance with control of internal trade.
- b) Where such assessments demonstrate that a Party does not have adequate measures, the Secretariat shall seek from the Party an action plan that is an outline of its programme to adopt measures to enable the Party to adequately regulate trade in ivory. The purpose of such a plan is to establish and commit to a timeframe for developing, approving, enacting and implementing such measures. The Secretariat shall provide technical assistance in the development of such plans.
- c) The Standing Committee, at its 50th meeting, will review the work conducted by the Secretariat and the Parties to comply with this Decision, and shall consider whether additional measures are appropriate, which in the case of non-compliance may include recommendations to restrict the commercial trade in specimens of CITES-listed species to or from such Parties.

Proposed Rules of Procedure for future African Elephant Range State Dialogues

Background:

Following the outcome of CoP9 in November 1994, and the decision to initiate a process of dialogue among the range States of the African elephant, the regional representatives for Africa on the Standing Committee proposed, in 1995, the establishment of a dialogue process to create an opportunity for range States of the African elephant to consult and negotiate in an atmosphere free of external pressure. It was acknowledged that opposing views in the CITES forum on conservation of the African elephant and trade in elephant specimens, were not conducive to building consensus or finding a solution. It was also noted that the views aired in the media often originated from non-governmental organizations and non-range States. It was therefore decided to create a unique opportunity for Governments to discuss such issues. UNEP (represented by the Secretariat of CITES) and IUCN were asked to facilitate this dialogue process. Informal rules for the conduct of what became known as the African Elephant Range States Dialogue were agreed at the first meeting (Dakar, 1996).

Rules of Procedure for Dialogues of African Elephant Range States

Chairman

1. The Secretary of the Dialogue shall propose a Chairman for each meeting.

Vice-Chairmen

2. Vice-Chairman representing the four sub-regions of Africa with extant elephant populations, namely West Africa, Central Africa, East Africa and Southern Africa, shall be nominated by the representatives of each sub-region during each meeting.

Representatives

3. Government officials of range States of the African elephant, who are designated to represent their countries, may participate in the meetings.

Observers

4. Countries that have contributed financially to the hosting of a meeting may be represented at that meeting by officials from their governments.
5. The Secretary may invite, as appropriate, technical experts to attend a meeting.

Agenda

6. The Secretary shall distribute a provisional agenda in advance of the meeting to all Representatives of range States who shall adopt an agenda at the start of each meeting.

Majority

7. All decisions shall preferably be based on the consensus at each meeting, or otherwise be adopted by a simple majority of the range States represented at each meeting. Consensus need not reflect unanimity.

Adoption of the Rules of Procedure

8. Representatives shall decide on the adoption of Rules of Procedure at the start of each meeting.

Amendment of the Rules of Procedure

9. Any Representative of a range State may propose an amendment to the Rules of Procedure.

Secretary

10. The CITES Secretariat, and IUCN in its technical advisory capacity, shall serve as the Secretary of the meetings. The role of the Secretary will be to convene, coordinate and facilitate the meetings.

Media

11. Participants should not communicate with the media [or non-governmental organizations outside the Dialogue] concerning the discussions taking place during meetings. Participants may agree to provide a media briefing at the end of each meeting, reflecting the outcome.

Communique

12. A communique from each meeting shall be drafted by the Secretary in consultation with the Chairman and Vice-Chairmen, and proposed for adoption by Representatives. Such communiqués will serve as the official record of the outcome of meetings, and will be made available in the three working languages of the Convention. Communiqués will be formally presented to the next meeting of the Conference of the Parties to CITES.

Sub-Regional Remarks

Southern Africa:

- Southern Africa wishes to inform the African elephant range States that all Southern African countries (SADC) present here are committed to supporting the elephant proposals as submitted by Botswana, Namibia, South Africa, Zimbabwe, and Zambia.
- We remain committed to sustainable use of biological resources.
- We note with concern the disparity that there may be when Southern Africa is compared to the rest of Africa and are therefore willing to offer any form of technical assistance to those states that may so indicate the need. For example, Botswana is assisting Angola in restocking some of their reserves with elephants.
- We acknowledge that the SADC Wildlife Protocol and the Lusaka Agreement remain as some of the vital instruments that should assist us in improving law enforcement measures for the benefit of the management of biological resources.
- We look forward to a better working relationship and decision making principle as espoused by New Partnership for African Development (NEPAD) and the African Union (AU).

L'Afrique Central:

- Du 17 au 18 octobre 2002, une réunion préparatoire des pays d'Afrique Centrale à la 12^{ème} CoP à la CITES s'est tenue à Douala, Cameroun. Ont pris part à cette réunion les représentants des sept Etats de l'aire de répartition de l'éléphant de l'Afrique centrale, à savoir le Cameroun, le Congo, le Gabon, la Guinée-Equatoriale, la République Centrafricaine, la République Démocratique du Congo et le Tchad.
- Avant d'examiner chacune des propositions d'amendement relatifs à l'éléphant, les participants ont discuté des aspects généraux de ces amendements. Ils se sont attardés surtout sur les similarités des propositions soumises par les pays d'Afrique australe et ont singularisé la proposition d'amendement du Kenya et de l'Inde ainsi que celle de la Zambie. De cette analyse, les points suivants ont été relevés:

Afrique Australe:

- Bonne connaissance de ses populations d'éléphants;
- Valorisation de la gestion de l'éléphant;
- Gestion intégrée et participative des populations d'éléphants;
- Similarité entre les pays dans les aspects de gestion, de braconnage et flux illicite de l'ivoire.

Afrique Centrale:

- Mauvaise connaissance des populations d'éléphants;
 - Faiblesses institutionnelles pour la mise en application de la législation;
 - Les moyens financiers pour la conservation à long terme ne sont pas garantis.
- Les participants ont reconnu qu'aucun pays de la sous-région ne contrôle suffisamment les entrées, les sorties et les ventes illicites de l'ivoire.
 - La Proposition d'amendement 11 du Kenya et de l'Inde se rapproche de la situation des pays d'Afrique Centrale. Par rapport aux résolutions des CoP 10 et 11, il n'y a pas eu de nouveaux éléments scientifiques qui justifient le transfert des populations des éléphants des 4 pays l'Afrique Australe (Botswana, Zimbabwe, Namibie et Afrique du Sud) de l'annexe 2 à l'annexe 1.

- Sur La Proposition d'amendement 9 de la Zambie, les participants partagent l'avis du Secrétariat Général de la CITES d'attendre la publication du rapport du panel des experts.
- Concernant les Proposition d'amendement 6, 7, 8 et 10 du Botswana, de la Namibie, du Zimbabwe et de l'Afrique du Sud, les délégués ont reconnu la pertinence des transactions à des fins non commerciales sur les trophées de la chasse. Ils ont reconnu que la vente unique de stock d'ivoire peut être acceptée, mais l'option de quota et celle de la vente de l'ivoire travaillé n'est pas soutenable pour le moment. Concernant les animaux vivants, les peaux et les articles en cuir, les participants partagent le point de vue du Secrétariat Général de la CITES qui note l'absence d'informations quantitatives sur ces produits. Toutefois, les participants souhaiteraient que le Secrétariat Général de la CITES définisse les critères liés à la destination appropriée et acceptable en ce qui concerne le commerce d'animaux vivants.
- La condition nécessaire pour la réouverture du commerce de l'ivoire est la mise en œuvre effective d'une stratégie sous-régionale de conservation de l'éléphant dont les grands axes sont:
 - Renforcement des capacités de tous les acteurs y compris les organes de la CITES (gestion et scientifique), de contrôle et d'intelligence pour un meilleur suivi de l'application de la Convention en y incluant l'adaptation des lois aux contextes nationaux;
 - Meilleure connaissance de la ressource (inventaires, etc.);
 - Sensibilisation des décideurs;
 - Mise en place des mécanismes de financements durables pour la conservation de l'éléphant;
 - Bonne gouvernance;
 - Disponibilité des données MIKE;
 - Traçabilité de l'ivoire des pays de l'aire de distribution de l'éléphant;
 - Engagement accru des donateurs à soutenir des efforts de conservation de l'éléphant d'Afrique.
- Concernant la sécurisation et contrôle des stocks d'ivoire des pays d'Afrique centrale les participants ont recommandé ce qui suit:
 - Faire le point des stocks avec l'appui de l'équipe d'experts du Secrétariat de la CITES;
 - Déclarer les stocks d'ivoire détenus par les privés ;
 - Interdire effectivement le commerce interne des objets en ivoire travaillé ;
 - Identifier les mécanismes nationaux fiables de stockage de l'ivoire.
- La stratégie pour la conservation de l'éléphant en Afrique Centrale a été confirmée comme un besoin impérieux. Les pays concernés devraient désigner leurs points focaux sur cette question comme souhaité lors de la première réunion tenue à Douala en janvier 2001 et réitérer par la concertation des Directeurs de la faune en marge de la réunion MIKE à Nairobi en septembre 2002. Il a été demandé au Groupe de Spécialistes de l'Eléphant de tout mettre en œuvre pour la mise en place effective de cette stratégie. Il a également été rappelé aux Directeurs chargés de la conservation de la faune d'adresser, dans les meilleurs délais, les lettres d'intention à la Présidente du Groupe de Spécialistes de l'éléphant d'Afrique pour lui signifier leur approbation. Les participants ont pris en compte l'intérêt des ONG à soutenir cette stratégie.

L'Afrique de l'Ouest

- Les pays de l'Afrique de l'Ouest par la voie du Togo remercie le Secrétariat pour l'organisation de cette réunion. Dans le cadre de la conservation de l'éléphant, l'Afrique de l'Ouest se heurte à de nombreux problèmes, à savoir:
 - Populations faibles et fragmentées
 - Dégradation de l'habitat
 - Persistance des conflits homme – éléphants
 - Insuffisances institutionnelles au niveau national

- Absence de plan stratégique national au niveau de certains pays. Seuls la Togo, le Burkina Faso et le Ghana disposent de plans stratégiques
- Insuffisance de renforcement de capacité
- Mise an œuvre de programme MIKE timide
- Concernant le Botswana, la Namibie, l'Afrique du Sua et le Zimbabwe, l'Afrique de l'Ouest a les observations suivantes:
 - Au niveau de commerce de l'ivoire les potentiels acheteurs de l'ivoire ne sont pas clairement définis par les quatre pays
 - Les quotas octroyés ne sont pas limités dans le temps
 - S'il n'est pas démontré que le commerce de l'ivoire encourage le braconnage, il faudrait être prudent pour ne pas se retrouver dans la situation d'avant 1990
 - On a l'impression que les stocks des différents pays ne disparaissent pas malgré l'exportation expérimentale effectuée en 1999
 - Durant les différents dialogues, il s'était dégagé que certains de ces pays pourraient appuyer nos différents pays à mieux gérer nos populations
- La conclusion de tout ce qui se précède est que l'Afrique de l'Ouest juge que l'ouverture du commerce de l'ivoire sans plus de garanties est suicidaire pour les éléphants de notre région.

Eastern Africa:

The Eastern African Position was represented by Uganda, and concluded the following:

- One off sale accepted
- The Southern African Countries get more affirmatively involved in the Lusaka Agreement through ratification and putting programs on the ground to implement the Lusaka Agreement
- The Annual Quota is called off until information through MIKE is generated brought to the Dialogue of Range States to make decision
- One of the Range States, Kenya, has a problem where the co-proponent i.e. India is not available, and would want to make an individual reservation. (Kenya was called in to underpin her reservation, which was done).