

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

Interpretation and implementation of the Convention

Species trade and conservation issues

Conservation of elephants and trade in elephant specimens

REVISION OF RESOLUTION CONF. 10.10 (REV.) ON TRADE IN ELEPHANT SPECIMENS

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

Introduction

2. A recent investigation by Esmond Martin and Daniel Stiles, detailed in their report *The South and South East Asian Ivory Markets*, found over 105,000 ivory items for retail sale in 521 shops in 17 towns and cities in the eight countries surveyed. The investigators stated that "the main customers for ivory items in the major ivory markets of Thailand and Vietnam are tourists and businessmen from Europe (especially the French, German and Italians), Japan, Taiwan, Thailand, Singapore, China and the United States of America in that order." Moreover, the authors stated that "over 85 per cent of all the ivory items offered for sale is jewellery as these items are in great demand, being cheap and easy to smuggle." Resolution Conf. 10.10 (Rev.) should be revised to address the need to educate and inform tourists and businessmen that they cannot legally export this ivory. Furthermore, in many countries where ivory was openly sold in tourist markets, ivory sale is illegal, indicating a need for improved regulation, implementation and enforcement of domestic ivory sale laws; Resolution Conf. 10.10 (Rev.) should be revised to address this issue.
3. The purpose of the Monitoring of Illegal Killing of Elephants (MIKE), called for in Resolution Conf. 10.10 (Rev.), should be to improve the ability of range States to monitor their elephant populations, to detect changes in levels of illegal killing, and to implement and enforce domestic legislation and CITES. It is not possible for MIKE to assess whether and to what extent observed illegal killing 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. Paragraphs in Resolution Conf. 10.10 (Rev.) which address the detection of links between poaching trends and changes in the CITES Appendices should be deleted.
4. Parties, particularly range States, would benefit from being provided with an annual update on information on illegal ivory trade collected by the Elephant Trade Information System (ETIS). Hence, Resolution Conf. 10.10 (Rev.) should be amended to require such updates to be submitted at each meeting of the CITES Standing Committee.

COMMENTS FROM THE SECRETARIAT

- A. Regarding paragraph 2 above, the Secretariat has addressed the general issue of domestic sales of CITES-listed specimens in document CoP12 Doc. 27 on Enforcement matters. It sees no need for a species-specific approach to this general enforcement problem.
- B. Regarding paragraph 3 above, it is generally accepted that determining a particular 'causality' between CITES decisions and any changes in illegal killing is an unrealistic expectation and this is the reason why such language was deleted from Resolution Conf. 10.10 at the 11th meeting of the Conference of the Parties (CoP11). However it is incorrect to state that MIKE cannot show any relationship between illegal killing and CITES decisions. When sufficient data become available, MIKE will be able to provide good evidence of the patterns of illegal killing and it will identify any significant changes in those patterns over time. MIKE will also be able to show changes in any of the factors that influence illegal killing. It is therefore well within the scope of MIKE to look at the relationships between these patterns. Importantly, the Parties decided at CoP10 that they wanted a system to monitor the impact of CITES decisions on ivory trade and MIKE was developed to provide this information. Therefore to deny MIKE the ability to include the 'CITES decision' variable in the list of influencing factors runs counter the objective that was set for MIKE by the Parties. Also, by eliminating one of the variables that need to be monitored, the proposed revision would weaken the scientific integrity of the MIKE programme.
- C. Regarding paragraph 4 above, the increased reporting schedule for ETIS has cost implications that are not detailed by the proponents. Resolution Conf. 11.2 (paragraph c, under DECIDES) states that: "any work for the Secretariat deriving from a new resolution or decision shall only be undertaken if additional funds are approved ... at the time such a resolution or decision is adopted by the Conference of the Parties". The Secretariat cannot see the relevance of more frequent reporting on ETIS, particularly during periods when ivory trade has not been approved. The Secretariat notes also that the proposal contradicts the recent trend in the CITES Standing Committee away from species-specific reporting in favour of the practical resolution of serious compliance and implementation issues.
- D. For the reasons stated above, the Secretariat does not support this proposal from India and Kenya.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of Resolution Conf. 10.10 (Rev.) on 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~~

- b) establish a nationwide procedure, in particular 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 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, regulation and enforcement measures and to report the results at each meeting of the Conference of the Parties;

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) ii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs **within the range States** and~~
 - ~~iv) iii) 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;

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).

6. Reporting

TRAFFIC will produce a comprehensive report for each meeting of the CITES Standing Committee and 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. **The purpose of this system is to improve the ability of range States to monitor their elephant populations, detect changes in levels of illegal killing, and to implement and enforce domestic legislation and CITES. 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 entrepots.

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, at each meeting of **the CITES Standing Committee and each meeting of the** Conference of the Parties.

5. Funding

Substantial funding will be required for the above activities.