

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

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

Committee I meeting

Eighth session: 11 November 2002: 14h10-17h45

Chairman: D. Morgan (United Kingdom)

Secretariat: W. Wijnstekers  
J. Armstrong  
M. Lindeque  
T. De Meulenaer  
J. Sellar

Rapporteurs: J. Gray  
T. Inskipp  
A. St. John  
T. Van Norman

The Secretary-General announced that Kuwait had officially become a party to CITES on 10 November 2002. The delegation of Kuwait was greeted by the Parties.

**Interpretation and implementation of the Convention**

34. Conservation of elephants and trade in elephant specimens

a) Illegal trade in ivory and other elephant specimens

The observer from TRAFFIC presented document CoP12 Doc. 34.1, the summary report on the Elephant Trade Information System (ETIS). The delegation of India was concerned that the report did not take account of more data, that there was a problem identifying Japan's role in the ivory trade and that the number of ivory carvers worldwide had not been identified. They requested that ETIS reports should be peer-reviewed and be made available to the Parties on an annual basis. The delegation of Kenya supported the delegation of India's comments and was concerned that a number of seizures involving Japan and South Africa had not been included in the report. The delegation of Uganda disputed the claim in the report that there was an internal market for ivory in their country. The delegation of China drew attention to some inaccuracies in the data, and noted that their legislation was adequate for controlling the ivory trade. The delegation of Japan noted that some of the data they had submitted recently were not contained in the report and the delegation of the United Republic of Tanzania recommended that the ETIS reports should be based on current information rather than old data. The observer from TRAFFIC explained that new data were continually being submitted to ETIS. He explained that the seizures involving South Africa and Japan were not available at the time of writing of the first two reports, but had all been incorporated in the trend analysis (Annex 3). He agreed that the data relating to China were flawed and would be corrected, and noted that more recent information from China indicated that the situation there had improved considerably.

b) Illegal hunting of elephants

The director of the MIKE programme (Monitoring Illegal Killing of Elephants) introduced document CoP12 Doc. 34.2. He stressed that MIKE was progressing well in Africa, with surveys of all sites projected for completion by 2004. He also provided an example from Kenya illustrating how MIKE was working in detail. In response to a question from the delegation of South Africa as to whether there were similar examples from other countries, the director answered that there undoubtedly were. The delegation of Sierra Leone questioned the connection between MIKE and ETIS and whether there were any data connecting the level of sales with killings. The director agreed that MIKE and ETIS data needed to be cross-referenced and that MIKE should be used as a feedback mechanism for ETIS. The delegation of Kenya asked whether the sales of ivory that are currently being proposed would affect MIKE; the director responded that it was not clear what the impact would be. The delegation of Denmark on behalf of the Member States of the EU encouraged Parties to support MIKE. The delegation of Togo questioned the limited role of Southeast Asian Parties in MIKE; the director stated that it was anticipated that MIKE sites would be established in Asia in the near future.

c) Revision of Resolution Conf. 10.10 (Rev.) on trade in elephant specimens

The delegation of Kenya introduced document CoP12 Doc. 34.3 and stated that the draft resolution contained in the Annex had been revised and was now presented as Annex 3 of document CoP12 Doc. 20.1. They further proposed that in paragraph d) under "Regarding monitoring of illegal hunting of and trade in elephant specimens" the words "input and guidance" should be replaced by oversight. The Secretariat expressed support for the draft resolution and offered to withdraw document CoP12 Doc. 34.4. The United States praised Kenya's efforts and suggested a working group on Resolution Conf. 10.10 (Rev.) because of the complexities of that document. The delegations of Denmark on behalf of the Member States of the EU, India and South Africa supported the draft resolution. Denmark and the observer from the International Wildlife Coalition expressed concerns about the Secretariat's role identified in the section headed "Regarding compliance with control of internal trade", and the budgetary aspects of this issue. In addition, they stressed that MIKE and ETIS should remain as separate entities. The Secretariat stated that these concerns could be addressed through the national legislation project. The Chairman noted that document CoP12 Doc. 20.1 Annex 3 was agreed as amended.

## **Strategic and administrative matters**

### 20. Reports of dialogue meetings

a) Results of the African elephant dialogue meeting

The delegation of Cameroon introduced document CoP12 Doc. 20.1 Annex 4 regarding the control of internal ivory trade. The delegations of the Bahamas, Benin, Congo, Denmark on behalf of the Member States of the EU, Gabon, Ghana, Guinea, Japan, Mali, and the United States of America supported the draft decision. The observer from the Environmental Investigation Agency requested a definition of the term 'registering' in paragraph iv) to help ensure that stocks of illegally obtained ivory were not included. The draft decision was agreed by consensus.

The delegation of Cameroon introduced document CoP12 Doc. 20.1 Annex 5 regarding compliance with control of internal trade identified in Resolution Conf. 10.10 (Rev.). The delegation of China, supported by the delegation of Togo, recommended various changes to the draft decision, including the removal of the list of Parties in paragraph a), but these did not receive general support.

The delegation of Kenya supported the retention of the list of Parties and the addition of Japan. The delegations of Cameroon, Denmark on behalf of the Member States of the EU, Ghana, India, Japan, Sierra Leone and the United States supported retention of the list and the inclusion of Japan. The

delegation of Denmark on behalf of the Member States of the EU, recommended that the word ivory be inserted after the word "internal" in paragraph a). With the adoption of these amendments the draft decision was agreed.

## **Consideration of proposals for amendment of Appendices I and II**

### **66. Proposals to amend Appendices I and II**

The delegation of Botswana introduced proposal Prop. 12.6 to amend Annotation °604 regarding Botswana's population of *Loxodonta africana*. They requested that paragraph d) of proposal Prop. 12.6 Amendment be clarified to indicate that trade in leather goods be for non-commercial purposes.

The Secretary-General remarked that the goal of the discussions on this issue had been to reach a solution that respected sovereign rights of countries without negatively impacting elephant populations. He commended the work that had been accomplished at the two dialogue meetings in September and October 2002, noting that there had been a mutual recognition that some countries were encountering problems in elephant management while other countries had identified solutions. Noting the mechanisms that had been put in place to delay, suspend or halt ivory sales if necessary, the Secretary-General recommended adoption of the amended proposals.

The delegation of Kenya raised concerns regarding the validity of the outcome from the African elephant dialogue meetings. They noted that the focus of discussions at the most recent dialogue meeting had been on the proposals to sell ivory and requested that future dialogue meetings be overseen by an independent observer. They recommended that, owing to uncertainty regarding the signal that could come from allowing any international ivory trade, the precautionary approach be adopted and the proposals rejected. This was echoed by the observer from Save the Elephants. The delegation of Ghana, supported by the delegation of Mali, raised concerns regarding potential enforcement problems if the proposal were adopted. They requested that a commitment be made to assist West African countries in elephant conservation and management. The delegation of Malawi recommended approving the sale of ivory stockpiles but not approving further sales until MIKE had had an opportunity to provide additional data. The delegation of Togo noted that MIKE should be given an opportunity to work before any ivory sales were approved. The delegation of Eritrea stated that allowing ivory trade was premature at this time. This was echoed by the delegation of Congo, which expressed their concerns about resuming trade in ivory before MIKE has been implemented. The delegation of Denmark on behalf of the Member States of the EU expressed concerns regarding the resumption of ivory trade before certain conditions could be met and proposed that a decision on this be taken at the next CoP. They could therefore not support the proposal as it stands.

The delegation of Cameroon, supported by the delegation of Guinea, highlighted several conclusions from the dialogue meetings, noting that the sale of ivory was the only point on which consensus had not been reached. The delegation of Sierra Leone raised several questions regarding the timing of the proposed ivory sale. The delegation of Senegal urged Parties to reach a compromise on this issue.

The delegations of Gabon, Japan, Namibia, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe and the observer from IWMC-World Conservation Trust, supported Botswana's amended proposal. The delegation of the United Republic of Tanzania urged Botswana to accede to the Lusaka Agreement. The delegation of South Africa also committed to exchanging information in support of capacity building on the African continent.

Expressing their appreciation for the opportunity to work with all sides on this issue, the delegation of the United States noted that regardless of the outcome of the proposal, they were committed to supporting elephant conservation and capacity building in elephant range States. They also invited other donor bodies to join them in supporting an Asian elephant dialogue meeting in 2003. They offered several amendments to the proposal under discussion, reflecting their concerns over the international

trade in ivory. They proposed amending paragraph e) ii. of proposal Prop. 6 Amendment onwards to read as follows:

- ii. *Only to trading partners that have been verified by 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;*
- iii. *International trade is permitted after the date of the 50th meeting of the Standing Committee unless the Standing Committee:*
  - A. *has determined that MIKE is not adequately operational and reporting baseline data (e.g. elephant population numbers, incidence of illegal killing) across the range of both *Loxodonta africana* and *Elephas maximus*.*
  - B. *has not certified the domestic controls and national legislation of prospective importing countries; and*
  - C. *has determined that Botswana and major importing states have not developed adequate law enforcement coordination efforts to reduce significantly the illegal trade in elephant ivory.*
- iv. *A maximum amount of 20,000 kg of ivory may be traded, and dispatched in a single shipment under strict supervision of the Standing Committee;*
- v. *The proceeds of this trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range. Reports of all expenditures shall be made to the Standing Committee.*
- vi. *The Standing Committee decided to delay or cease this trade in the event of non-compliance by Botswana 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.*

The delegation of Botswana requested that the session be adjourned in order to provide an opportunity for range States to consult on the amendments proposed by the delegation of the United States. This request was supported by the delegation of South Africa and the meeting was adjourned at 17h45.