

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Interpretation and implementation of the Convention

Species trade and conservation

Elephants

MONITORING OF ILLEGAL TRADE IN IVORY AND OTHER ELEPHANT SPECIMENS

1. This document has been prepared by the Secretariat.

Action plan for the control of trade in elephant ivory

2. In compliance with the *Action plan for the control of trade in elephant ivory*, adopted through Decision 13.26 (Rev. CoP14), the Secretariat reported on implementation of this plan at the 57th and 58th meetings of the Standing Committee (Geneva, July 2008 and July 2009) (see documents SC57 Doc. 33.2 and SC58 Doc. 36.2).
3. The Action plan was first adopted at the 13th meeting of the Conference of the Parties (Bangkok, 2004), and subsequently amended at the 14th meeting ((CoP14) The Hague, 2007). It appears to remain highly relevant, as illegal and unregulated trade in ivory continues to occur in many parts of the world, primarily Africa and Asia.
4. The amendment adopted at CoP14 instructed the Secretariat to distribute a questionnaire relating to the control of trade in ivory to all Parties and non-Parties that had been identified in the Elephant Trade Information System (ETIS) report for CoP14 as being affected by illicit trade. This was done and a good return rate was achieved.
5. The only Parties that have still to submit a completed questionnaire are Gabon and Somalia. As a result, and in compliance with paragraph 6 of the plan, a recommendation for a suspension of all commercial trade with these Parties is currently in force.
6. The Secretariat has contracted TRAFFIC East/Southern Africa, the office which maintains the ETIS database, to undertake an analysis of the questionnaires. The results are awaited but will be used by the Secretariat in helping to determine any recommendations for consideration at the present meeting. Whatever emerges, it is clear that paragraphs 2 and 6 of the plan, which relate to the questionnaires, should now be deleted and the remaining paragraphs re-numbered.
7. Paragraph 5 of the current plan foresees that the Secretariat will undertake work to monitor compliance. However, its ability to do so has been extremely restricted since CoP14. Whilst limited finances have been part of the problem, the main difficulty is the pressure of work on human resources and illegal trade in other species. However, the Secretariat attempts to include illegal trade in ivory, where appropriate, in most of its enforcement-related activities.
8. Therefore, much of the Secretariat's work in relation to illegal trade in ivory has been undertaken through desk-based activities. It has written to Parties that have been identified as significantly affected by illegal trade, encouraging them to take action. In particular, Ethiopia has assured the Secretariat that it is taking action to eliminate domestic trade that had previously been greatly reduced but which seemed to re-

emerge. Similar assurances have been received from Thailand. The Secretariat has also engaged on a regular basis with Zimbabwe, which seems to have been plagued by some licensed domestic traders who fraudulently exploited the legal domestic market. The Secretariat's efforts to engage with Nigeria have been reported upon at several meetings of both the Standing Committee and Conference of the Parties but, as yet, little progress has been achieved.

9. The Secretariat is aware that TRAFFIC has undertaken many workshops, promoting effective ivory trade controls and encouraging Parties to report to the ETIS database. The Secretariat has supported, or participated in, these activities, where possible, including through its MIKE programme. The Secretariat looks to countries that have benefited from such capacity building to move forward forcefully in implementing the Action plan. Since CoP14, the following countries have received such support: Cameroon, China (including the Province of Taiwan), the Democratic Republic of the Congo, Ethiopia, Mozambique, Myanmar, Thailand and Viet Nam.
10. As noted above, the Secretariat acknowledges that it has not provided the assistance and engaged in monitoring expected of it in the Action plan. It is also aware that there seems ample information suggesting a failure to implement the plan on the part of several Parties. Analysis of ETIS data continues to identify countries that are worthy of being allocated priority for support and *in situ* verification work.
11. It seems unlikely that the Secretariat's own human resources will be increased in the near future. The Secretariat has previously assured the Parties that it would not move to recommend non-compliance measures in relation to implementation of the plan unless it had conducted verification work to corroborate information it had received. Experience has shown, however, that it is very difficult for the Secretariat, on its own, to carry out such work. On the other hand, the Secretariat believes that in most instances it would be inappropriate to delegate such activities to NGOs or consultants.
12. In Resolution Conf. 11.3 (Rev. CoP14) (*Compliance and enforcement*), the Conference urges the Parties to "offer secondment of enforcement officers to assist the Secretariat in addressing law-enforcement issues". Very few Parties have followed this suggestion, primarily because of the cost involved. The Secretariat now suggests that Parties offer secondment of officers to assist in verification activities with regard to the Action plan but on a short-term basis. For example, if Parties were willing to provide the services of an officer, and pay his or her salary, for perhaps two weeks to a month, the Secretariat would then use external funding to deploy that person on missions to relevant countries.
13. This should enable the expected support and verification activities to be conducted by an independent, suitably-trained, professional and experienced individual in whom the Parties, Secretariat and Standing Committee could have confidence. This would be especially important should such missions lead to recommendations for the Standing Committee or Conference of the Parties to consider non-compliance measures. The use of Secretariat staff to conduct *in situ* activities would be restricted to those Parties apparently requiring the highest priority or specialized input.

General comments on illegal trade in ivory

14. At the more 'operational' level, the Secretariat has assisted communications between countries of origin, transit and destination following seizures of ivory. The Interpol General Secretariat is also playing a major role in this area and is helping to plan and coordinate joint operations in Africa against those involved in illegal trade. At the meeting of the Interpol Wildlife Crime Working Group, in September 2009, several delegates from Asia indicated their willingness to receive support from Interpol in coordinating similar operations in their part of the world.
15. The CITES Secretariat, through its Alerts and the Enforcement Authority Forum, distributes information and intelligence that can be used by the Parties and their enforcement agencies to target ivory smugglers and dealers. There have been many significant seizures of large quantities of ivory since CoP14 and law enforcement bodies, especially Customs agencies, deserve to be congratulated for these successes.
16. Such interceptions have, however, led to those who organize smuggling adjusting their plans. New routes have been seen to be used, especially with regard to countries of transit. Viet Nam has recently emerged as an important transit point, but followed by an excellent response on the part of its Customs authorities, as recognized by the award of the Secretary-General's Certificate of Commendation to the officers in Hai Phong port. The Lao People's Democratic Republic also seems to be a significant location, although to date most shipments have been intercepted before reaching its territory. Air transport has also been used

for large quantities of raw ivory, which might previously have been shipped by sea. Courier mail is regularly being used in the case of semi-worked ivory.

17. It is regrettable that relatively few significant detections of smuggling occur before raw ivory leaves continental Africa. In some cases, border controls appear to be circumvented through the corruption of officials. However, it is also clear that cargo and passenger baggage is also not screened enough. The Secretariat is aware of several cases in which persons have arrived in Asia, having travelled by air from Africa, with pieces of raw ivory hidden in their baggage. Since the weights involved have regularly exceeded 100 kg, this seems to defy the usual weight limits for passenger luggage and suggests either very poor control by airline staff or their corruption. It is obvious that there is considerable scope for awareness-raising among airline check-in staff, baggage handlers and security staff, so that smuggling can be detected and brought to the attention of Customs or police at airports. The Secretariat congratulates NGOs that have recently conducted awareness-raising campaigns at major airports in Southeast Asia and encourages this to be conducted everywhere, as it can reap significant benefits in combating smuggling, regardless of the species or specimens involved.
18. The major exception with regard to one of the comments above is Kenya, where important interceptions of attempted smuggling regularly occur at Jomo Kenyatta International Airport and the Kenya Wildlife Service and its counterpart agencies deserve to be congratulated.
19. Most of the major shipments that are intercepted are usually unaccompanied and shipped as cargo. The names and addresses of consignees quoted on documents are regularly false or vague. The Secretariat encourages the use of controlled delivery techniques in such cases and hopes that Parties will make use of the manual on this subject that was published jointly by CITES and Interpol. In the case of smuggling by passenger couriers, it hopes that use will be made of the manual soon to be published by the two organizations, which will contain guidance on questioning smugglers.
20. Since CoP14, some very large seizures of illegal ivory shipments have been made. It is not unusual to see shipments of between 2 and 6 tonnes intercepted. Indeed, in the first nine months of 2009 alone, it appears that over 10 tonnes was seized in Asia.
21. The Secretariat has seen several publications and articles in which figures are quoted with regard to the percentage of illegal shipments that are detected. The figure of 10% is often quoted. The Secretariat believes that, to date, insufficient data exist to enable such calculations to be made. It suspects, however, that the success rate with regard to ivory interceptions may be higher, particularly as it is smuggled in quantities and weights quite unlike most other contraband. This is a field that deserves further research.
22. Regardless of how much is intercepted, some must 'get through'. And yet, what is interesting is that there is little evidence that large quantities of ivory of illegal-origin enter domestic markets in Asia. During its own survey work in countries such as China and Japan, for example, the Secretariat saw little evidence of sufficient demand and consumption that might drive the indisputably significant smuggling levels. Surveys by NGOs, whilst wider-reaching than those of the Secretariat, also seem to show demand levels below what is being illegally-harvested and smuggled. In several respects, commercial trade in ivory of illegal origin does not seem to make a lot of financial sense.
23. Indeed, the Secretariat has on several occasions commented to the media on this particular matter. The average price of ivory, per kilo, sold legally during the auctions in southern Africa in 2008 was equivalent to USD 157. If one can access ivory legally at such prices, why would one pay up to USD 1,800 (which one NGO source claims black market buyers in east Asia are willing to pay)? But perhaps some of the smuggling that takes place is simply speculative? The Secretariat has consistently, over a long period of years, warned against quoting what appear to be grossly-inflated figures (and many in the NGO community agree that they do not accurately reflect what is commonly paid in the black market), as this must inevitably help prompt speculative poaching.
24. If speculative poaching is taking place, it may be driven by those criminals who have recently experienced very considerable losses when their smuggled shipments were intercepted and confiscated. Indeed, if some of the poaching and smuggling is speculative in nature, with those responsible believing that the time is ripe to achieve high prices, then it would not seem at all surprising that they would move quickly to recoup their losses by acquiring fresh supplies.
25. This is not something that affects solely the illegal trade in ivory. In many other forms of illegal trade in wildlife, when contraband is removed from the smuggling chain through enforcement action, those involved

will simply go out and harvest replacements. It is recognition of this which leads the Secretariat to constantly urge for follow-up questioning, investigation and controlled deliveries. It will never be sufficient to just keep seizing more and more contraband (unless, of course, the contraband supply is eventually drained completely – unacceptable in the case of species of conservation concern). Every link in the chain of criminal activity needs to be broken, especially the two ends.

26. Another important aspect of current smuggling, which the law enforcement community is only beginning to gain insights to, is the origin and age of the ivory contraband. DNA profiling is enabling the geographical source of recent major seizures to be identified. Whilst this is clearly of great significance, it will be at its most useful if such information can be combined with the age of the ivory. Although tests to assess the age of ivory are still in development and are not widely employed, indications from some recent seizures suggest that some of the ivory may have been poached in the early 2000s. If accurate, this means that it came from elephants that were poached before the most recent legal trade occurred or was even authorized by the Conference of the Parties. As examinations of seized ivory to determine its origin and age become more common, this should provide a new perspective into poaching and illegal trade.
27. Citizens of China, or those of Chinese ethnic origin, continue to be discovered smuggling ivory. The Secretariat encourages the Government of China to continue its efforts to raise awareness among its citizens, both at home and abroad, of the penalties they face should they engage in such activities. The Secretariat notes the approach of the courts of Hong Kong S.A.R., China, which are imposing sentences of imprisonment upon persons entering their territory during attempts to smuggle ivory.

Recommendations

28. The Secretariat recommends that the current *Action plan for the control of trade in elephant ivory* be amended as suggested in paragraph 6 above. Once the Secretariat has had a chance to study the ETIS analysis for CoP15 in detail, it may make additional recommendations, especially in relation to the priority countries listed in point 5 of the plan.
29. It also recommends that the Conference of the Parties urge Parties to second enforcement officers to support the Secretariat's work, as described in paragraph 12 above.

Marking of ivory

30. Since this document was first prepared, a new technique for the marking of ivory has been brought to the attention of the Secretariat. The technique, which involves the use of a laser, is described in document CoP15 Inf. 21.
31. Resolution Conf. 10.10 (Rev. CoP14) (*Trade in elephant specimens*) currently recommends that tusks be marked "...by means of punch-dies or, where this is not practicable, with indelible ink..." The Secretariat believes that it is appropriate to take account of technological advances in marking techniques and suggests that the current wording be amended to read, "...by means of punch-dies, indelible ink, or other form of permanent marking..."
32. The Secretariat recommends that the Conference of the Parties adopt the wording suggested above.