

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

Amendment of the Appendices

PROPOSALS TO AMEND APPENDICES I AND II

1. This document has been prepared by the Secretariat.
2. In accordance with Paragraph XV, Article I of the Convention, and following the publication, in Annex 6 of CoP15 Doc. 68, of the report of the Panel of Experts convened in accordance with Resolution Conf. 10.9 to review the two proposals received to transfer populations of the African elephant from Appendix I to Appendix II, the Secretariat is now in a position to provide to the Parties its final recommendations concerning Proposals 4 and 5 related to *Loxodonta africana* (the African elephant).

3. **Proposal 4.**

***Loxodonta africana* - Transfer the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation to read:**

"For the exclusive purpose of the following:

- a) **trade in hunting trophies for non-commercial purposes;**
- b) **trade in registered raw ivory (whole tusks and pieces) subject to the following:**
 - i) **a one-off sale of 89,848.74 kg from registered government-owned stocks, originating in Tanzania (excluding seized ivory and ivory of unknown origin);**
 - ii) **only to trading partners that have been already designated by the Standing Committee, as having 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. CoP14) concerning domestic manufacturing and trade. These are Japan designated as a trading partner at the 54th meeting (Geneva, October 2006), and China designated as a trading partner at the 57th meeting (SC57, Geneva, July 2008);**
 - iii) **not before the Secretariat has verified the registered government-owned stocks;**
 - iv) **the proceeds of the trade are used exclusively for elephant conservation, community conservation and development programmes within or adjacent to the elephant range in Tanzania;**
 - v) **Tanzania will not present further proposals to allow trade in elephant ivory from its population in Appendix II to the Conference of the Parties for the period from CoP15 and ending six years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs b) i), b) ii), b) iii), b) iv). In addition such further proposal shall be dealt with in accordance with Decisions 14.77 and 14.78;**

- c) trade in raw hides;
- d) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20.

The Standing Committee can decide to cause the trade in a), b), c) and d) above to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations as may be proposed by the CITES Secretariat.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly".

Proponent: United Republic of Tanzania

The population of *Loxodonta africana* from the United Republic of Tanzania was included in Appendix II in 1977 and transferred to Appendix I in 1990. Before the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the United Republic of Tanzania submitted, but subsequently withdrew, a proposal to include its population in Appendix II.

Findings of the Secretariat

In its evaluation of Proposal 4, the Secretariat took into consideration the report of the Panel of Experts that was convened in accordance with the provisions of Resolution Conf. 10.9 (*Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*) to consider that proposal, and which is found in Annex 6a of document CoP15 Doc. 68.

Scope of the proposal

The proposal seeks to include the population of *Loxodonta africana* from the United Republic of Tanzania in Appendix II to allow trade in hunting trophies for non-commercial purposes, raw ivory, raw hides and live animals. An integral part of the amendment proposal is an export quota in the form of a one-off sale of 89,848.74 kg of raw ivory from registered government-owned stocks, originating in Tanzania (excluding seized ivory and ivory of unknown origin). The annotation contains restrictive conditions concerning trade in live animals (regarding their destination) and trade in ivory (regarding the source of the ivory, stock verification, trading partners and the use of proceeds) that were previously approved by the Conference of the Parties and which could be regarded as precautionary safeguards. The proposed annotation is complemented by a provision whereby, on a proposal from the Secretariat, the Standing Committee can decide to cause trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.

The adoption of the proposed annotation would mean that no trade in specimens of elephant would be possible under the provisions relating to species in Appendix II except for: hunting trophies; the specified stock of raw ivory owned by the Government of the United Republic of Tanzania and derived from natural mortality and from problem animal control; live elephants of Tanzanian origin to 'appropriate and acceptable destinations'; and raw hides.

Does the species [population] satisfy the biological criteria for Appendix I in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14)?

The proposal states and the Panel of Experts reports that the population of *Loxodonta africana* of the United Republic of Tanzania is stable or possibly decreasing, while still remaining large (around 109,000 individuals) and demographically healthy. The species is widespread across the country in diverse ecosystems, with a high proportion (>80%) in Protected Areas. It can be considered viable. The national population is well above the upper limit of 100,600 elephants that is seen by the Government of the United Republic of Tanzania as compatible with a growing human population and escalating human elephant conflicts in the national elephant management plan.

The population of *Loxodonta africana* in the United Republic of Tanzania is not small and does not have a restricted area of distribution. Concerning paragraph C of Annex 1 to Resolution Conf. 9.24 (Rev. CoP14) and the associated guidelines in Annex 5, whilst the population seems likely to have declined, there does

not appear to be evidence that this decline has reached 50% within the last three elephant generations (75 years) or more than 70% overall. The evidence available suggests that the population today is higher than it was three elephant generations ago.

The species does not meet the biological criteria for inclusion in Appendix I.

Does the species [population] satisfy the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14)?

The proposal needs to be evaluated against the precautionary measures outlined in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), particularly those mentioned in paragraphs A. 2. b) and c).

Compliance with Article IV

The proposal and the report of the Panel of Experts indicate that, overall, the species is managed in such a way that the Conference of the Parties can be satisfied that authorized trade would be implemented by the United Republic of Tanzania in compliance with the requirements of the Convention, in particular Article IV. However, the illegal trade and offtake is of concern, especially in southern Tanzania where illegal activities appear to be increasing. Important factors affecting elephant populations are furthermore expanding human settlements, land conversion and increasing human-elephant conflicts.

- The level of legal elephant offtake (sport hunting, problem animal control and natural mortalities) falls within the expected rate of increase of the elephant population, in the range 3-5% per annum, and is thus considered sustainable. With regard to the removal of trophy-quality males, the sport hunting quota of 200 males per year is set within sustainable levels, and quota utilization has stayed at around 50% since 2007. When considering other causes of removal, the potential offtake of 325 trophy quality animals a year is within the generally accepted limits to sustainable hunting of trophy-quality males in a healthy elephant population (0.5% to 1%).
- Regarding illegal offtake, the likely decline in the overall population between 2006 and 2009 is a cause for concern. This seems largely concentrated in the United Republic of Tanzania's largest elephant population in the Selous-Mikumi ecosystem, where various factors indicate that illegal killing is the predominant cause for a substantial decline. The Panel of Experts concluded that whilst not unequivocally substantiated, the Selous-Mikumi situation could affect long-term population sustainability.
- Overall levels of offtake appear to be sustainable for other elephant ecosystems where populations are stable or increasing.
- The Tanzania Wildlife Research Institute and its Conservation Information Monitoring Unit have the capacity and ability to monitor the United Republic of Tanzania's elephant populations professionally and effectively. The adoption and implementation of regular country-wide elephant population surveys despite resource limitations is commendable and an indication of the priority given by the country to monitoring its African elephants. The Panel of Experts recommends that carcass data be collected in future.

Enforcement controls and compliance

The report of the Panel of Experts details the enforcement controls that are in place in the United Republic of Tanzania. While recognizing that the current anti-poaching efforts are laudable and supported by authorities, the decline in elephant numbers in some areas indicates that the efforts were not always effective. This seems to reflect either an inadequacy of resources for law enforcement or inappropriate allocation of resources. The ineffectiveness of law enforcement may also be institutional and the consequence of poor governance.

- The control of the three ivory stores appears to adequately separate legal from illegal ivory or to allow for such separation. However, in the store in Dar es Salaam, the destruction of paper records in a fire in 2009 would make it impossible to trace the origin of much of the ivory through an auditable trail, and any examination of the records would rely on the accuracy of the data in the computer database of stocks.

- The United Republic of Tanzania seems to have succeeded in limiting the scale of domestic ivory markets and carving industries, and collaboration among law enforcement institutions has resulted in a large number of ivory seizures.
- However, MIKE statistics and the increase in seizures outside the country indicate that the effectiveness of law enforcement appears to have declined. All large-scale ivory seizures (>1,000 kg) involving Tanzania since 2002 have occurred after leaving the country, and their frequency and scale have progressively increased since 1989. Tanzania ranks first among African countries in terms of the total volume of ivory seized in large-scale (>1,000 kg) shipments, and is globally second only to China.
- Furthermore, available evidence suggests the involvement of organized criminal syndicates in the illegal trade in ivory and low prosecution rates as impediments to enforcement effectiveness. The capacity of enforcement agencies to detect ivory at border points is inadequate in the face of the large volume of truck and container traffic crossing through the country. Enforcement and controls do not seem to be sufficient to prevent significant amounts of illegal ivory originating in other countries from being taken or traded illegally through the United Republic of Tanzania. It is regrettable that the Panel was unable to obtain additional information on controls at exit points from the Customs authorities of the United Republic of Tanzania, which declined to meet the Panel.
- The Panel of Experts indicates that if the proposal were to be adopted, controls on trade in raw hides would not pose particular problems, but that current law enforcement measures concerning trade in ivory are at least partially ineffective.

Recommendation by the Secretariat

The Secretariat is of the opinion that the proposal demonstrates that the population of *Loxodonta africana* of the United Republic of Tanzania does not meet the biological criteria for its retention in Appendix I. However, as evidenced by the findings of the Panel of Experts, the Secretariat is concerned about the precautionary measures that are in place regarding enforcement and compliance. Anti-poaching efforts in some parts of the country seem inadequate, the ivory stocks cannot be fully verified, and controls of illegal trade in raw ivory originating from or transiting through the United Republic of Tanzania appear to be unsatisfactory.

For these reasons, the Secretariat recommends that the proposal be rejected.

4. Proposal 5

***Loxodonta africana* - Transfer of the population of Zambia from Appendix I to Appendix II for the exclusive purposes of allowing:**

- a) trade in hunting trophies for non-commercial purposes;
- b) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20;
- c) trade in raw hides;
- d) trade in registered raw ivory subject to the following:
 - i) a one-off sale of 21,692.23 kg as ivory from registered government-owned stocks, originating in Zambia (excluding seized ivory and ivory of unknown origin);
 - ii) only to trading partners that have already been designated by the Standing Committee, as having 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. CoP14) concerning domestic manufacturing and trade: these are Japan designated as a trading partner at the 54th meeting (SC54 Geneva, October 2006), and China designated as a trading partner at the 57th meeting (SC57, Geneva, July 2008);
 - iii) not before the Secretariat has verified the registered government-owned stocks;

- iv) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range in Zambia;
- v) on a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

Proponent: Zambia

The population of *Loxodonta africana* of Zambia was included in Appendix II in 1977 and in Appendix I in 1990. At the 12th meeting of the Conference of the Parties (CoP12, Santiago, 2002), a proposal from Zambia to transfer its population to Appendix II was rejected.

Findings of the Secretariat

In its evaluation of Proposal 5, the Secretariat took into consideration the report of the Panel of Experts that was convened in accordance with the provisions of Resolution Conf. 10.9 (*Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*) to consider that proposal and which is found in Annex 6b of document CoP15 Doc. 68.

Scope of the proposal

The proposal seeks to transfer the population of *Loxodonta africana* of Zambia to Appendix II to allow trade in hunting trophies for non-commercial purposes, raw ivory, raw hides and live animals. An integral part of the amendment proposal is an export quota in the form of a one-off sale of 21,692.23 kg of raw ivory from registered government-owned stocks, originating in Zambia (excluding seized ivory and ivory of unknown origin). The annotation includes restrictive conditions concerning trade in live animals (regarding their destination) and trade in ivory (regarding the source of the ivory, stock verification, trading partners and the use of proceeds) that were previously approved by the Conference of the Parties and which could be regarded as precautionary safeguards. Regarding the trade in registered raw ivory, the proposed annotation is complemented by a provision whereby, on a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries or in the case of proven detrimental impacts of the trade on other elephant populations.

The adoption of the proposed annotation would mean that no trade in specimens of elephant would be possible under the provisions relating to species in Appendix II except for: hunting trophies; the specified stock of raw ivory owned by the Government of Zambia and derived from natural mortality and from problem animal control; live elephants of Zambian origin to 'appropriate and acceptable destinations'; and raw hides.

Does the species [population] satisfy the biological criteria for Appendix I in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14)?

The proposal states and the Panel of Experts reports that the African elephant population in Zambia exceeds 26,000 individuals. It can therefore not be considered small. The population is considered stable and possibly increasing. The occupancy of the species within its area of distribution in Zambia extends over 200,000 km² spread over seven different ecosystems. For this reason, the wild population can not be said to have a restricted area of distribution.

At the turn of the 20th century, Zambia had a small but growing elephant population, which was estimated to have increased threefold to 12,000 between 1900 and the mid-1930s. The population is believed to have continued to increase steadily until the mid 1970s, followed by a period of intense poaching and a considerable reduction. Concerning paragraph C in Annex 1 to Resolution Conf. 9.24 (Rev. CoP14) and the associated guidelines in Annex 5, the available evidence suggests that the Zambian population of *Loxodonta africana* is higher today than it was three elephant generations (75 years) ago.

The species does not meet the biological criteria for inclusion in Appendix I.

Does the species [population] satisfy the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14)?

The proposal needs to be evaluated against the precautionary measures outlined in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), particularly those mentioned in paragraphs A. 2. b) and c).

Compliance with Article IV

The proposal and the report of the Panel of Experts indicate that overall, the species is managed in such a way that the Conference of the Parties can be satisfied with the implementation by Zambia of the requirements of the Convention, in particular Article IV, with regards to the export of specimens of *Loxodonta africana*. Loss in range can however not be ruled out while an overall risk lies in the growing number of conflicts between humans and elephants, particularly in the Lower Zambezi ecosystem where a decline in the elephant population would affect sustainable use of that population and probably impact both elephants and communities negatively. The Panel of Experts notes that, in this ecosystem, levels of illegal activity need to be reduced as a priority.

- The combined levels of legal offtake (i.e. natural mortality, problem animal control and trophy hunting) and illegal offtake at the national level are regarded as sustainable since they fall within the expected rate of increase (3-5%) of the elephant population, which itself is considered stable and possibly increasing. However, as said above, it is questionable whether the level of offtake in the Lower Zambezi ecosystem is sustainable, primarily because of the relatively high levels of illegal killing.
- The current annual quota of 20 sport-hunted males is sustainable, falling well within the 0.5-1% offtake level that is widely considered to be the limit to sustainable hunting of trophy quality males in a healthy elephant population. A proposed increase in the sport hunting quota to 120 animals would still be within this limit, as would the inclusion of trophy quality male removals from problem-animal control, natural mortality and illegal killing. The Panel of Experts notes that possible declining trophy quality suggest the need for a precautionary approach such as making gradual increases in the trophy hunting quota, accompanied by close monitoring of trophy quality.
- Zambia implements and regularly contributes to the MIKE and ETIS monitoring programmes. Whilst strongly committed to the need for good long-term monitoring of its African elephant population, the Zambian Wildlife Authority's present resources would not seem to guarantee that adequate, regular and reliable elephant population surveys can take place.

Enforcement controls and compliance

The report of the Panel of Experts provides details on the enforcement controls that are in place in Zambia. It concludes that levels of poaching are relatively low and that current anti-poaching measures seem effective (with perhaps an exception for the Lower Zambezi ecosystem); that the control of ivory stocks is adequate, providing for an auditable system; and that overall law enforcement effectiveness is good, citing exemplary collaboration amongst national leading law enforcement agencies to combat elephant poaching and illegal trade in ivory.

- With regard to the effectiveness of the current anti-poaching activities, the Panel of Experts reports that Zambia has improved its anti-poaching activity although some geographical areas of concern remain. The current efforts seem to be effective but could be more so with improved resources. The patrol strength in the nine National Parks is at a level of coverage generally considered to be adequate for good protection of an area, but better funding for wildlife protection would be needed to obtain a similar level of coverage for all protected areas. There appears to have been an improvement in the organization of patrols in protected areas, and the expanding use of a ranger-based computerized protocol for law enforcement (MIST-Management Information System) reportedly allows more efficient and effective planning of law enforcement patrols and subsequent data entry and analysis.
- Compared to 2002 (see document CoP12 Doc. 66 Annex 4), the Panel of Experts was satisfied that improvements had occurred in all areas of ivory stock management including marking, documentation, registration, storage, computerization and audit practices. The stores have sufficient security and storage facilities, adequate ivory marking and separation of legal and illegal stock, and an operational computerized register.

- The Panel of Experts reports that law enforcement is effective, with noteworthy and regular cooperation between the Zambian Wildlife Authority and the leading law enforcement agencies, which are all involved in monitoring and acting against poaching of elephants and illegal trade in ivory. This is reported to raise considerably the number of staff in the country that is watching over illegal activities regarding wildlife and ivory in particular. While the manpower of the Customs and Excise service has been reduced in recent years, this may be partially mitigated by the introduction of scanners and increased reliance on intelligence and random checks.
- The ETIS analysis gives Zambia a good rating for the effectiveness of its law enforcement. No large-scale ivory shipments seized since 2005 have involved Zambia (such shipments are believed to suggest the involvement of organized criminal networks). The Panel reports however that records indicate persistent low-level attempts to smuggle ivory.
- The Panel of Experts suggests that Zambia is able to control the proposed trade in ivory, and that the controls over the proposed trade in raw hides would not pose particular problems.

Recommendation by the Secretariat

The Secretariat is of the opinion that the proposal demonstrates that the population of *Loxodonta africana* of Zambia does not meet the biological criteria for its retention in Appendix I. On the basis of the findings of the Panel of Experts, the Secretariat is satisfied that the management by Zambia of its population of *Loxodonta africana* allows for the implementation of the requirements of the Convention, in particular Article IV, and that appropriate and effective enforcement controls are in place.

For these reasons, the Secretariat recommends that the proposal be adopted.