

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



Seventeenth meeting of the Conference of the Parties  
Johannesburg (South Africa), 24 September – 5 October 2016

**Committee II**

Elephants (*Elephantidae* spp.)

DRAFT DECISIONS AND AMENDMENT TO RESOLUTION  
CONF. 10.10 (REV. COP16) ON *TRADE IN ELEPHANT SPECIMENS*

*This document has been prepared by the Secretariat on the basis of working documents CoP17 Doc. 24, CoP17 Doc. 57.1, CoP17 Doc. 57.2, CoP17 Doc. 57.3 and Annex 1 of document CoP17 Doc. 27, as well as in-session documents CoP17 Com. II 6, CoP17 Com. II 17 and CoP17 Com. II 38 as amended during the eleventh session of Committee II (see document CoP17 Com. II Rec. 11).*

**Draft amendments to Resolution Conf. 10.10 (Rev. CoP16)\***  
***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 need to enhance their compliance monitoring, enforcement, and management capacity to ensure the security of their elephant populations;

RECOGNIZING that the illegal trade in elephant specimens is an international problem which requires all elephant range States and transit and consumer States to take urgent and concerted efforts to combat it;

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

CONSIDERING the serious threats facing elephants in many parts of their range, including through illegal killing and illegal trade in ivory, human-elephant conflict, habitat loss and fragmentation, and local overabundance;

RECOGNIZING the need to enhance the institutional and enforcement capacities in elephant range States to manage and conserve elephants in the long term;

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\* Amended at the 11th, 12th, 14th, 15th and 16th meetings of the Conference of the Parties.

RECOGNIZING also that the theft of ivory, including from inadequately secured government stocks, further adds to illegal trade and wildlife crime;

RECOGNIZING that African elephant range States adopted in 2010 an *African elephant action plan* with the goal of securing and, where possible, restoring sustainable elephant populations throughout their historic, present and potential range in Africa in recognition of their potential to provide ecological, social, cultural and economic benefits, and that an African Elephant Fund was established in 2011 to serve the implementation of the *African elephant action plan*;

CONSIDERING the resources required for the implementation of additional national measures to meet the provisions of this Resolution with regard to illegal trade in elephant specimens;

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 elephant range States, and countries involved in trade in elephant specimens;

COMMENDING the positive actions taken by some elephant range States, and transit and consumer States, to address the illegal killing of elephants and illegal trade in elephant specimens;

CONCERNED that the increasing scale of poaching of elephants and trafficking in ivory threatens the survival of many elephant populations; undermines the ecological integrity of African forest and savannah ecosystems; is facilitated by international criminal networks and syndicates; fuels and is fuelled by corruption, undermines the rule of law and security; harms the sustainable economic development of local communities; is a serious risk to the lives and families of those charged with protecting elephants and other wildlife species, and in some cases provides funding to groups that destabilize governments;

CONSIDERING that legal domestic markets for ivory may increase the risk to elephant populations and local communities, due to the opportunity it creates for the laundering of illegal ivory under the guise of legality;

WELCOMING the adoption by the United Nations General Assembly on 30 July 2015, by consensus, of its first-ever resolution on wildlife trafficking (A/RES/69/314, "Tackling illicit trafficking in wildlife");

FURTHER WELCOMING the adoption of the new 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), on 25 September 2015, by the UN Sustainable Development Summit for the post-2015 development agenda, which specifically address illegal wildlife trade through target 15.7 of Goal 15, which states: "Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products";

NOTING the joint commitments announced in September 2015 of President Barack Obama of the United States of America and President Xi Jinping of China to combat wildlife trafficking and "enact nearly complete bans on ivory import and export, including significant and timely restrictions on the import of ivory as hunting trophies, and to take significant and timely steps to halt the domestic commercial trade of ivory";

FURTHER NOTING the Elephant Protection Initiative launched on 14 February 2014 by the Presidents of Botswana, Gabon, Chad and the United Republic of Tanzania and the Ethiopian Minister of Foreign Affairs, as a growing African-led initiative (with 14 member countries) which calls for, *inter alia*, the closure of domestic ivory markets and support for the implementation of the African Elephant Action Plan;

FURTHER NOTING the Cotonou Declaration of the African Elephant Coalition of 4 November 2015, in which representatives of 25 African elephant range States agreed to "support all proposals and actions at international and national levels to close domestic ivory markets worldwide";

FURTHER NOTING that the Monitoring the Illegal Killing of Elephants Programme has documented strong correlations between: poaching levels and the quality of human livelihoods at the site level; the quality of governance at the country level; and demand for ivory at the global level as contributing to poaching and these require urgent interventions;

ACKNOWLEDGING that many elephant range States have, in multiple fora, called upon transit and consumer States to assist efforts to protect elephant populations, by closing their legal domestic ivory markets;

FURTHER ACKNOWLEDGING that many range and consumer States have already announced that they have taken, are taking, or intend to take legislative and regulatory steps to close their legal domestic ivory markets; and

NOTING the motion adopted by the IUCN World Conservation Congress on 10 September 2016 calling on governments to close their domestic markets for commercial trade in raw or worked elephant ivory;

#### 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) the term 'worked ivory' shall be interpreted to mean ivory that has been carved, shaped or processed, either fully or partially, but shall not include whole tusks in any form, except where the whole surface has been carved;

##### ***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, indelible ink, or other form of permanent marking, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year / and the weight in kilograms (e.g. KE 00/127/14). It is recognized that different Parties have different systems for marking and may apply different practices for specifying the serial number and the year (which may be the year of registration or recovery, for example), but that all systems must result in a unique number for each piece of marked ivory. This number should be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

##### ***Regarding trade in elephant specimens***

RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency;

RECOGNIZES that narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade;

URGES those Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade and that have not closed their domestic ivory markets for commercial trade in ivory to implement the above recommendation as a matter of urgency;

FURTHER URGES those Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for or illegal trade in ivory, or where ivory stockpiles exist, and Parties designated as ivory importing countries, to ensure that they have put in place comprehensive internal legislative, regulatory, enforcement and other measures to:

- a) regulate the domestic trade in raw and worked ivory;
- b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in raw or worked ivory;
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State, particularly by means of:
  - i) compulsory trade controls over raw ivory; and
  - ii) comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory;

- d) engage in public awareness campaigns, including: supply and demand reduction; drawing attention to existing or new regulations concerning the sale and purchase of ivory; providing information on elephant conservation challenges, including the impact of illegal killing and illegal trade on elephant populations; and, particularly in retail outlets, informing tourists and other non-nationals that the export of ivory requires a permit and that the import of ivory into their state of residence may require a permit and might not be permitted; and
- e) maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory, and inform the Secretariat of the level of this stock each year before 28 February, *inter alia* to be made available to MIKE and ETIS for their analyses, indicating: the number of pieces and their weight per type of ivory (raw or worked); for relevant pieces, and if marked, their markings in accordance with the provisions of this Resolution; the source of the ivory; and the reasons for any significant changes in the stockpile compared to the preceding year;

ENCOURAGES elephant range States and countries involved in trade in elephant specimens to seek the assistance of other governments and intergovernmental and non-governmental organizations in supporting the work to eliminate the illegal trade in ivory and the domestic ivory markets that contribute to illegal trade;

REQUESTS Parties to inform the Secretariat of the status of the legality of their domestic ivory markets and efforts to implement the provisions of this Resolution, including efforts to close those markets that contribute to poaching or illegal trade;

FURTHER DIRECTS the Secretariat, with reference to the findings of ETIS, MIKE and its findings on the status of domestic ivory markets, and within available resources:

- a) to identify those Parties that have unregulated internal markets for ivory, where ivory is found to be illegally traded, where ivory stockpiles are not well secured, or that have significant levels of illegal trade in ivory;
- b) to seek from each Party so identified information concerning its implementation of the provisions of this Resolution relating to ivory trade and, where appropriate and in consultation with the Party, undertake *in situ* verification missions; and
- c) to report its findings and recommendations to the Standing Committee, which may consider recommendations to support the implementation of the present resolution, including requests to identified Parties to develop and implement National Ivory Action Plans, and monitor progress in executing these Action Plans, in accordance with the Guidelines contained in Annex X, as well as other appropriate measures in accordance with Resolution Conf. 14.3 on *CITES compliance procedures*;

DIRECTS the Secretariat, subject to available resources, to provide technical assistance to Parties to:

- a) improve legislative, regulatory and enforcement measures concerning trade in ivory and in developing practical measures to implement this resolution;
- b) support, where requested, the security and registration of government-held ivory stockpiles, and provide practical guidance for the management of these stockpiles;
- c) identify specimens of elephant ivory, other types of ivory and ivory look-alike materials; and

DIRECTS the Secretariat, pending the necessary external funding, to:

- a) report on information and analyses provided by MIKE and ETIS at each meeting of the Conference of the Parties and, subject to the availability of adequate new MIKE or ETIS data, at relevant meetings of the Standing Committee; and, in collaboration with TRAFFIC as appropriate, provide other reports, updates or information on MIKE and ETIS as required by the Conference of the Parties, the Standing Committee, the Technical Advisory Group (TAG) or Parties;
- b) prior to relevant meetings of the Standing Committee, invite: UNEP-WCMC to provide an overview of trade in elephant specimens as recorded in the CITES database; the IUCN/SSC African and Asian Elephant Specialist Groups to submit any new and relevant information on the conservation status of elephants, pertinent conservation actions and management strategies; and African elephant range States to provide information on progress made in the implementation of the African Elephant Action Plan; and

- c) on the basis of the information specified in paragraphs a) and b) above, recommend actions for consideration by the Conference of the Parties or the Standing Committee;

RECOMMENDS that Parties strengthen law enforcement and border controls to enforce legislation concerning the trade in elephant specimens;

RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal trade in live elephants;

RECOMMENDS that no export, re-export or import of raw ivory, including ivory that is, or is part of, a hunting trophy, be authorized unless it is marked in accordance with this Resolution and other provisions under the Convention are complied with;

RECOMMENDS that Parties develop measures and evaluate existing ones to ensure that they are sufficient to address the challenges posed by e-commerce of elephant specimens, as outlined in Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*;

DIRECTS the Standing Committee to:

- a) review actions taken by the Parties to implement the provisions of this Resolution, particularly – but not limited to – the provisions concerning trade in elephant specimens;
- b) make targeted recommendations as appropriate, in accordance with the Guidelines contained in Annex 3, which may include requesting identified Parties to develop and implement National Ivory Action Plans; and
- c) report the results at each meeting of the Conference of the Parties;

URGES the IDENTIFIED PARTIES to use the *Guidelines to the National Ivory Action Plans Process* ('*Guidelines to the NIAP Process*') attached in Annex XX to this Resolution;

DIRECTS the Secretariat to report at each regular meeting of the Standing Committee on any apparent problems in the implementation of this Resolution or in the control or traceability of trade in elephant specimens, and to assist the Standing Committee in its reporting to the Conference of the Parties;

#### ***Regarding trade in raw ivory for commercial purposes***

RECOMMENDS that trade in raw ivory for commercial purposes from elephant populations not included in Appendix I be authorized only in accordance with provisions agreed by the Conference of the Parties;

#### ***Regarding quotas for trade in raw ivory as part of elephant hunting trophies***

RECOMMENDS that:

- a) each elephant range State that wishes to authorize export of raw ivory as part of elephant hunting trophies, as defined in Resolution Conf. 12.3 (Rev. CoP16) on *Permits and certificates*, establish, as part of its management of the population, an annual export quota expressed as a maximum number of tusks, and implement the provisions and guidelines in Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*;
- b) each export quota be communicated to the CITES Secretariat in writing by 1 December for the following calendar year (1 January to 31 December);
- c) 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 elephant range State; and, if the quota was received by the deadline and if there is no cause for concern, posting the quota on its website not later than 1 January of each year;
- d) each elephant range State that does not submit its export quota for raw ivory as part of elephant hunting trophies by the deadline will have a zero quota until such time as it communicates its quota in writing to the Secretariat, and the Secretariat in turn publishes the quota;

- e) Parties authorize import of raw ivory as part of a hunting trophy if:
  - i) the ivory is marked in accordance with the marking requirements as contained in this Resolution;
  - ii) the year included in the formula for marking reflects the year the elephant was harvested for export; and
  - iii) a quota for the elephant range State in question was published by the CITES Secretariat for that specific year, in accordance with this Resolution; and
- f) Parties authorize import of raw ivory as part of elephant hunting trophies from an elephant range State that is not party to the Convention only if a quota for that State has been reviewed and published by the Secretariat, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted in Resolutions of the Conference of the Parties);

***Regarding the traceability of elephant specimens in trade***

RECOMMENDS that Parties cooperate in the development of techniques to enhance the traceability of elephant specimens in trade, for instance by supporting research to determine the age and origin of ivory and other elephant specimens, by supplying samples for forensic research, and collaborating with relevant forensic research institutions;

URGES Parties to collect samples from large-scale ivory seizures (i.e. a seizure of 500 kg or more) that take place in their territories, preferably within 90 days of the seizure or as soon as allowed under judicial processes, and provide these to forensic and other research institutions capable of reliably determining the origin or age of the ivory samples in support of investigations and prosecutions;

RECOMMENDS that Parties share with the Secretariat and source countries information on the origin or age of seized ivory specimens arising from forensic analysis of samples to facilitate investigations and prosecutions, and for analysis by MIKE and ETIS in their reporting to the Standing Committee and the Conference of the Parties;

RECOMMENDS that Parties affected by illegal trade in ivory as a source, transit or destination country develop strategies to promote the collection of samples from large-scale ivory seizures and government-held stockpiles of confiscated ivory for forensic analysis;

DIRECTS the Secretariat, subject to available resources, to support activities that will enhance the traceability of elephant specimens in trade by: informing Parties about and evaluating relevant forensic facilities and research institutions; reviewing relevant developments and research activities, and advising the Parties and the Standing Committee accordingly; encouraging the use of the *Guidelines on Methods and Procedures for Ivory Sampling and Laboratory Analysis*, available from the CITES website; encouraging the sharing of forensic samples and data, including through existing DNA databases; and facilitating linkages with MIKE, ETIS and national and international enforcement activities;

***Regarding monitoring the illegal killing of elephants 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 this Resolution and supervised by 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 elephant killing and trade in ivory and other elephant specimens in elephant range States, ivory consumer States and ivory transit States;
  - ii) assessing whether and to what extent observed trends are related to: measures concerning elephants and trade in elephant specimens taken under the auspices of CITES; changes in the listing of elephant populations in the CITES Appendices; or the conduct 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 elephant range States and, as applicable, countries involved in trade in elephant specimens, to implement and make use of MIKE and ETIS in managing elephants and enhancing enforcement;
- b) these monitoring systems shall be in accordance with the framework outlined in Annex 1 for *Monitoring illegal trade in ivory and other elephant specimens* and in Annex 2 for *Monitoring the illegal killing in elephant range States*;
- c) information on elephant populations, illegal killing of elephants and trade in their parts and derivatives from national, regional and international enforcement organizations and networks, and professional resource management and scientific bodies (such as the International Union for Conservation of Nature (IUCN)/SSC African and Asian Elephant Specialist Groups and the UNEP World Conservation Monitoring Centre), should also be taken into consideration;
- d) data and information from these sources should be consolidated and integrated, with technical oversight provided to MIKE and ETIS through an independent technical advisory group established by the Standing Committee;
- e) elephant range States should help to ensure the sustainability of the monitoring systems by integrating the collection of data on the illegal killing of elephants into their routine biodiversity monitoring, and all Parties by integrating the collection of data on the illegal trade in ivory into their routine law enforcement operations;
- f) the data and analysis from MIKE and ETIS should also be integrated into CITES decision-making processes relating to trade in elephant specimens;
- g) summaries and aggregates of data provided to MIKE and ETIS, and the analyses of such data, constitute information and will be considered to be in the public domain once they are published on the CITES website, or otherwise publicly distributed; the detailed data on individual seizure cases, elephant mortalities and law enforcement submitted to MIKE or ETIS are owned by the respective data providers, which in most case are the CITES Parties; any such data relating to a CITES Party will be accessible to that Party for information and review purposes, but will not be released to any third party without the consent of the Party concerned; data may also be released to contractors (e.g. statisticians) or other researchers (e.g. MIKE ETIS Subgroup-approved research collaborations) under appropriate non-disclosure agreements; and
- h) data on elephant populations will be maintained in databases established by the IUCN/SSC African and Asian Elephant Specialist Groups, to which MIKE will have direct access; access by, and release to third parties will be subject to the relevant data access and release policies of IUCN;

#### ***Regarding improving elephant conservation and management in range States***

URGES all Parties to assist elephant range States to improve their capacity to manage and conserve their elephant populations, including through community-based actions, improved law enforcement, surveys, habitat protection and monitoring of wild populations, and taking account of the *African elephant action plan* and relevant measures agreed by Asian elephant range States;

URGES all African elephant range States to strengthen their shared commitment to the conservation of African elephants through the continued implementation of the *African elephant action plan*, and Parties and other donors to contribute significantly to the African Elephant Fund for the implementation of the *African elephant action plan*;

URGES African and Asian elephant range States to coordinate their efforts to conserve and manage elephants and their habitats, and combat the illegal killing of elephants and illegal trade in ivory through dialogue, exchange of information and best practices, joint conservation activities and multilateral enforcement operations in cooperation with relevant law enforcement organizations and networks;

#### ***Regarding resources required for implementing this Resolution***

URGES all governments, donor agencies, intergovernmental organizations, non-governmental organizations, private citizens and the private sector to provide both immediate and longer-term funding to secure the future of elephants on the African continent, including through full and timely implementation of the African Elephant Action Plan;

APPEALS to all governments, intergovernmental and non-governmental organizations, and other appropriate donors to provide funding for the resources required in the Secretariat, the elephant range States and the Parties, including technical expertise, 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*.

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## **Annex 1**

# **Monitoring 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. At its 10th meeting, the Conference of the Parties recognized the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement, BIDS evolved into the Elephant Trade Information System (ETIS), which has been used to monitor the pattern and scale of illegal trade in ivory and other elephant specimens since 1998.

### **2. Scope**

ETIS is a comprehensive and global information system whose central feature is a database holding the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have been reported to occur since 1989. ETIS also maintains a series of subsidiary information on law enforcement effort and efficiency, rates of reporting, legal and illegal elephant product markets, governance issues, background economic data and other factors.

### **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 has been developed for the collection of data, including, *inter alia* and to the extent known:

- source of information
- date of seizure
- agency responsible for 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*
- nationality of suspects

Standardized data are collected through a number of mechanisms and formats, including direct online data submission to the ETIS website, using the ETIS Data Collection Form for individual seizure cases or the ETIS Data Collection Spreadsheet for reporting multiple seizure cases at one time. Reporting on elephant product seizures or confiscations using other formats is also acceptable.

#### **4. Data collection and compilation**

The MIKE and ETIS Technical Advisory Group (TAG) will support the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG and in collaboration with the CITES Secretariat.

All Parties, through their CITES Management Authorities, following liaison with appropriate law enforcement agencies, should provide information on seizures and confiscations of ivory or other elephant specimens in the prescribed formats either to the Secretariat or directly to TRAFFIC within 90 days of their occurrence. In addition, law enforcement agencies in States not-party to the Convention are requested to provide similar information.

TRAFFIC will assist the Parties in collecting data, ensuring data quality and consistency, and providing tools and training in data collection, data utilization and information management to designated officials around the world as appropriate.

#### **5. Information, data analysis and interpretation**

Information generated by ETIS is hereby defined as the outcomes and outputs of ETIS data analysis, including summaries and aggregates in different forms, trends and other analytical presentations, and the relationships and factors which comprise underlying trade dynamics.

Data is hereby defined as the facts gathered through ETIS processes on individual seizures, including those collected using the CITES 'Ivory and elephant product data collection form' or other mechanisms used for obtaining elephant product seizure data. It also includes data that is part of the subsidiary databases within ETIS, and any other data that have been primarily collected under ETIS auspices to facilitate ETIS analyses.

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and MIKE (see Annex 2), and in consultation with the relevant Parties and the TAG.

#### **6. Intersessional remedial action**

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

#### **7. Funding**

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

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## **Annex 2**

## **Monitoring the illegal killing in elephant range States**

### **1. Introduction**

In order to address the concerns of many elephant range States, a system has been established to monitor trends in levels of illegal killing of elephants and to elucidate factors associated with such trends. The system, Monitoring the Illegal Killing of Elephants (MIKE), relies on a simple, standardized protocol for national and international reporting of incidents of illegal killing of elephants, from which levels and trends, and factors associated with these trends can be established, and changes in these levels, trends and factors can be detected.

Such measurement consists 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 of elephants, the pattern and scale of illegal trade in ivory, as well as the effort and resources being applied to detection and/or prevention of such instances, and the monetary value of illegally traded ivory.

The second element is the establishment of correlations between relevant parameters, identified above, and decisions of the Conference of the Parties with regard to elephants. Other factors at the site, country and

global levels, such as socio-economic data, civil strife, the flow of illegal arms and ammunition, loss of habitat, and drought will also be examined.

The overall aim of MIKE is to provide information needed for elephant range States and the 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, use this information to provide more effective law enforcement and strengthen any regulatory measures required to support such enforcement.

## **2. Scope and methodology**

MIKE is based on a standardized methodology for the reporting by designated authorities and for monitoring in specific sites or areas.

MIKE is implemented by African and Asian elephant range States in coordination and collaboration with the Secretariat and implementing partners. Elephant range States participating in MIKE will appoint national and site focal points, and inform the Secretariat through the MIKE programme or the relevant Management Authorities of their names and contact details, as well as of any changes in such focal points when they occur. Each elephant range State participating in MIKE will also nominate a member in the Subregional Steering Committee that oversees the implementation of MIKE in its subregion and, through the Secretariat, liaises with the Standing Committee.

Relevant databases and standard reporting protocols have been established by the CITES Secretariat and implementing partners in consultation with elephant range States and the MIKE and ETIS Technical Advisory Group (TAG).

## **3. Roles and responsibilities**

Elephant range States are primarily responsible for the collection and regular submission of field data as part of their routine biodiversity monitoring activities following the standard formats provided by MIKE. Data collection includes the following topics:

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

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 is primarily responsible for the global data compilation, analysis and reporting, but may request or sub-contract technical support from appropriate experts or organizations, with the advice of the TAG, for the coordination of the following activities:

- a) obtaining and compiling the data and information indicated above, including through active communication with range States;
- b) selecting sites for monitoring and, as appropriate, expanding the number of sites to the maximum extent;
- c) developing and refining a standardized methodology for data collection and analysis;
- d) facilitating the provision of training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- e) establishing appropriate databases and developing linkages with existing databases containing relevant data for analysis; and
- f) collating and processing all data and information from all sources identified.

The CITES Secretariat or implementing partners may enter into specific agreements with range States regarding the implementation of MIKE.

## **4. Funding and operational support**

Substantial funding is required for deploying and implementing MIKE. It is expected that most of the data collection functions will be absorbed by elephant range States into routine national-level biodiversity monitoring and law enforcement activities, but long-term support will be required to ensure: the continuity

and sustainability of national; regional and global coordination; the provision of training and capacity building; and global data compilation, analysis and reporting. In this regard, the CITES Secretariat will maintain existing partnerships and establish new ones as appropriate, such as the existing collaboration with IUCN in support of activities in the field and the provision and compilation of elephant population data.

## Annex 3

## Guidelines to the National Ivory Action Plans Process

### Step 1: Identification of Parties to participate in the National Ivory Action Plans Process

- a) The foundation for identifying Parties to participate in the National Ivory Action Plans Process (NIAP) process is the ETIS report submitted to each meeting of the Conference of the Parties under Resolution Conf. 10.10 (Rev. CoP16).
- b) For Parties identified through the ETIS analysis as requiring attention, the CITES Secretariat will, in cooperation and consultation with the Party concerned, determine whether there is additional information to be considered in developing its recommendation to the Standing Committee.
- c) The Secretariat may, if needed, engage with other experts and conduct country missions to assist in this process. The Secretariat will prepare within 90 days from the submission of the ETIS report, in consultation with the Party concerned, using other relevant information and taking into account the purpose and intended outcome of the NIAP process, a recommendation to the Standing Committee as to whether a Party should be included in the process or not.
  - There is a presumption that Parties categorised as of ‘primary concern’ are to be recommended for participation in the NIAP Process.
  - No presumption will be made for Parties of ‘secondary concern’.
  - There is a presumption that Parties categorised as of ‘importance to watch’ are not recommended for participation in the NIAP Process.
- d) Where the Standing Committee has determined that it is appropriate, it will recommend that a Party participates in the NIAP Process and request the Party to develop a NIAP, including by postal procedure.
- e) Where the Standing Committee has determined that it is not appropriate, it will recommend that a Party not participate in the NIAP process and document and communicate this decision.

### Step 2: Development of a NIAP

- a) Upon the request by the Standing Committee, the Party concerned will develop an ‘adequate’ NIAP, which is a NIAP that:
  1. Addresses the specific issues (or gaps) identified in Step 1;
  2. Is structured along the following five pillars, as required:
    - i) Legislation and regulations;
    - ii) National level enforcement action and inter-agency collaboration;
    - iii) International and regional enforcement collaboration;
    - iv) Outreach, public awareness and education;
    - v) Reporting;

3. Has the following characteristics:
    - i) Clearly outlines the actions to be implemented;
    - ii) Is time-bound and clearly outlines the timeframe for implementation of each action;
    - iii) Is approved at a level that represents national commitment;
    - iv) Is developed through a consultative and participatory process and involves all relevant actors in a country (depending on the specific matter and as determined by each Party according to its national circumstances);
    - v) Indicates the costs and funding needs, as well as availability of such funds, as appropriate; and
    - vi) Includes performance indicators and targets directly related to the actions required and which measure the impacts of the actions in the NIAPs; such as through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph (d) under “Regarding trade in elephant specimens” of Resolution Conf. 10.10 (Rev. CoP16); changes to legislation; and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.
  4. Is developed in accordance with the template provided by the Secretariat; and
  5. Whose measures are proportional to the problems they are intended to solve.
- b) Parties should submit a NIAP, to the Secretariat within a period of 120 days from the time the Standing Committee requested the concerned Party to develop a NIAP.

#### Step 3: Assessment of the adequacy of a NIAP

- a) Upon the development of a NIAP by a Party, the Secretariat will, in consultation with experts, if needed, assess the adequacy of the NIAP;
- b) If revisions to a NIAP are required, a Party should submit these within a period of 60 days from the time the Secretariat requested the concerned Party to revise its NIAP.
- c) The Secretariat will accept the Plan and the Party will approve its plan.

#### Step 4: Monitoring of implementation

- a) Parties should submit progress reports to the Secretariat 90 days in advance of each regular Standing Committee meeting;
- b) Parties should report on the implementation of each NIAP action in the template provided by the Secretariat, allocating to each NIAP action one of the following ratings, as relevant:
  1. *Achieved* – item or action is completed
  2. *Substantially achieved* - there has been significant progress with implementation and the specified milestones and timeframes have been totally or substantially achieved;
  3. *On track* – there has been good progress with implementation and the specified milestones and timeframes appear to be on track or largely on track for achievement;
  4. *Partial progress* – there has been limited progress with implementation, and achievement of the specified milestones and timeframes appears unlikely. When this category is used, the reporting Party should provide an explanation on any reasons for the lack of progress or any challenges experienced in the implementation of the rated action;

5. *Pending completion of another action* - the implementation of an action cannot start or the set milestones and timeframes for an action cannot be achieved unless another action in the NIAP is progressed or completed. When this category is used, the reporting Party should provide an explanation of the action that should be completed or progressed, and how it relates to the rated action;
  6. *Not commenced* – the action has, in accordance with the timeframe set for it in the NIAP, not been commenced. Where a Party achieves partial or limited progress due to limited capacity, it should communicate this to the Secretariat.
- c) The Secretariat will evaluate the reports, based on the self-assessments and in cooperation with experts, if needed, and make recommendations to the Standing Committee, as appropriate.
  - d) The Secretariat will determine where insufficient information was available to conduct an evaluation of progress or actions against set milestones or objectives.
  - e) Upon the overall assessment by the Secretariat of a Party's progress report, the Standing Committee should consider the following ratings:
    1. *Achieved* – a minimum of 80% of NIAP actions have been assessed as 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.
    2. *Partial progress* – a minimum of 50% of NIAP actions have been assessed as 'on track'; any remaining actions have been assessed as 'commencement/progress pending completion of another action' and/or 'partial progress'. The progress report submitted by the Party provides sufficient detail of the activities delivered to justify the allocated progress ratings.
    3. *Limited progress* – neither of the above ratings applies and thus limited progress has been made with the implementation of NIAP actions.
  - f) If a Party has been requested to develop and implement a NIAP and has not submitted an adequate NIAP within the specified time frame, submitted a progress report by the specified date, achieved the goals identified in the NIAP within the specified time frame, or has otherwise failed to follow the process and procedures contained in Step 1-3 of these guidelines, the Secretariat and Standing Committee, as relevant, should consider appropriate measures, in accordance with Resolution Conf. 14.3 on *CITES Compliance Procedures* to ensure compliance with the NIAP Process.

#### Step 5: Completion of a NIAP and exit from NIAP Process

- a) Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as 'substantially achieved' and all remaining NIAP actions as 'on track'.
- b) The Secretariat will, in consultation with relevant experts (e.g. ICCWC and its members), evaluate the implementation reported by the Party, including through country missions, as required.
- c) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported and ETIS analysis no longer identifies the Party, the Secretariat will recommend that the Party has 'achieved' its NIAP and recommend to the Standing Committee that the Party exits the NIAP Process.
- d) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis continues to identify the Party, the Secretariat will recommend to the Standing Committee to identify the gaps in the NIAP in order to evaluate whether there is a need to revise or update the completed NIAP or whether the Party exits the NIAP Process or any other measures need to be taken.
- e) If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported yet ETIS analysis is not available, the Secretariat will indicate that the Party's NIAP is achieved however the Secretariat will recommend to the Standing Committee that the Party do not enter into a new NIAP until the ETIS analysis is available. The status of this Party will be noted as 'NIAP completed awaiting new ETIS analysis'.

- f) If the Secretariat, in consultation with relevant experts is not satisfied that the Party concerned has implemented all NIAP actions as reported, the Secretariat will recommend appropriate measures to the Standing Committee.

## DRAFT DECISIONS

### **Trade in live Asian elephants**

#### ***Directed to the Parties***

- 17.AA All Parties involved in the trade in live Asian elephants are encouraged to:
- a) undertake, as necessary, investigations into the illegal trade in live Asian elephants, and endeavour to enforce, and where necessary improve, national laws concerning international trade in specimens of Asian elephants with the explicit intention of preventing the illegal trade in live Asian elephants;
  - b) develop strategies to manage captive Asian elephant populations;
  - c) ensure that trade in, and cross-border movements of live Asian elephants are conducted in compliance with CITES, including the provisions in Article III, paragraph 3, for Asian elephants of wild origin;
  - d) collaborate in the development and application of a regional system for registering, marking and tracing live Asian elephants, requesting as necessary assistance from experts, specialized agencies or the Secretariat; and
  - e) at the request of the Secretariat, provide information on the implementation of this Decision for reporting by the Secretariat to the Standing Committee.

#### ***Directed to the Secretariat***

- 17.BB The Secretariat shall:
- a) upon request and pending the availability of external funding, assist the range States of Asian elephants in their implementation of Decision 17.AA; and
  - b) incorporate information provided by range States in accordance with Decision 17.AA, paragraph e), together with other findings and recommendations concerning trade in live Asian elephants as appropriate, into its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.10 (Rev. CoP16).

### **Elephant ivory stockpiles**

#### ***Directed to the Secretariat***

- 17.CC The Secretariat shall, in collaboration with Parties and subject to external funding, where appropriate:
- a) develop practical guidance for the management of ivory stockpiles, including their disposal, based on an analysis of best practices and in accordance with provisions in Resolutions Conf. 9.10 (Rev. CoP15) and Conf. 10.10 (Rev. CoP16);
  - b) disseminate the guidance to the Parties and make it available on the CITES website; and
  - c) report on the implementation of this Decision, as part of its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.10 (Rev. CoP16), prior to the 18th meeting of the Conference of the Parties.

***Directed to the Standing Committee***

- 17.DD The Standing Committee shall make recommendations for consideration at the 18th meeting of the Conference of the Parties as appropriate.

**Identification of ivory in trade**

***Directed to the Secretariat***

- 17.EE The Secretariat shall, subject to the availability of external funds, prepare a revised and updated version of the *Identification Guide for Ivory and Ivory Substitutes*, taking into account modern forensic methods such as DNA analysis, for circulation to the Parties.

***Directed to the Parties and donors***

- 17.FF Parties and donors are encouraged to provide voluntary funding to the Secretariat to finance the activity called for in Decision 17.EE.

**National Ivory Action Plans Process**

***Directed to the Parties***

- 17.GG Parties that have been implementing NIAPs at the request of the Standing Committee, should complete the implementation of any NIAP actions in accordance with the *Guidelines to the NIAP Process*.
- 17.HH New Parties identified in document CoP17 Doc. 57.6 (*ETIS Report of TRAFFIC*), shall, upon the conclusion of the Conference of Parties at its 17th meeting, collaborate with the Secretariat in regards of Step I of the NIAP process as defined in the *Guidelines to the NIAP Process*.
- 17.II All Parties are invited to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.

***Directed to the Standing Committee***

- 17.JJ The Standing Committee is directed to:
- a) Review the reports presented by Parties already in the NIAP process in accordance with the *Guidelines* and determine, on the basis of these reports, whether assistance is required by these countries or if any other measures are required to ensure timely and effective completion of the NIAPs;
  - b) On the basis of recommendations by the Secretariat, determine in accordance with the *Guidelines to the NIAP Process* whether any Party should continue to participate in the NIAP process;
  - c) Report to the Conference of Parties at its 18th meeting on the implementation of these decisions as part of its report on the general implementation of Resolution Conf. 10.10 (Rev. CoP16).

***Directed to the Secretariat***

- 17.KK The Secretariat shall upon the conclusion of the 17th meeting of the Conference of the Parties consult with TRAFFIC in order to review current names of the categories used to group Parties identified in the ETIS Report of TRAFFIC and present its conclusions to the 69th meeting of the Standing Committee.

- 17.LL The Secretariat shall, upon the conclusion of the 17<sup>th</sup> meeting of the Conference of the Parties, commence the process of identifying new Parties to participate in the NIAP process in accordance with the *Guidelines to the NIAP Process* contained in Annex X of Resolution Conf. 10.10 (Rev. CoPxx).
- 17.MM The Secretariat shall, upon the conclusion of the 17<sup>th</sup> meeting of the Conference of the Parties, commence the application of the *Guidelines to the NIAP Process* to Parties already participating in the NIAP process.
- 17.NN The Secretariat shall develop a template for NIAPs and progress reports in accordance with the *Guidelines to the NIAP Process*.
- 17.OO The Secretariat shall submit progress reports of Parties to the Standing Committee at each of its meetings.
- 17.PP The Secretariat shall make all NIAPs and progress reports publicly available on the CITES NIAP webpage.
- 17.QQ The Secretariat shall, subject to external funding:
- a) convene a meeting from representatives of Parties concerned with the development and implementation of National Ivory Action Plans, in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime (ICWC) and, as appropriate, other Parties, experts and donors, to:
    - i) review the development and implementation of National Ivory Action Plans and, inter alia, exchange experiences and best practices;
    - ii) identify opportunities including opportunities that promote long-term collaboration among enforcement authorities, for cross-border collaboration and regional cooperation, joint actions, and resource mobilisation; and
    - iii) discuss shared challenges and technical assistance needs;
  - b) report on the implementation of the present decision to the Standing Committee at its 69<sup>th</sup> or 70<sup>th</sup> meeting with recommendations, as appropriate.
- 17.RR The Secretariat shall liaise with ICWC and its members to seek their cooperation for the development of the NIAPs and the monitoring of their implementation.
- 17.SS The Secretariat shall approach Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.