

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

Species specific matters

Elephants (Elephantidae spp.)

IMPLEMENTATION OF RESOLUTION CONF. 10.10 (REV. COP16)
ON TRADE IN ELEPHANT SPECIMENS

1. This document has been prepared by the Secretariat.

Background

2. In Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*, in the section **Regarding trade in elephant specimens**, the Conference of the Parties:

DIRECTS the Standing Committee to 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, and to report the results at each meeting of the Conference of the Parties;

and

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 of trade in elephant specimens, and to assist the Standing Committee in its reporting to the Conference of the Parties.

3. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties adopted Decision 14.78 (Rev. CoP16) on *Elephant conservation (Elephantidae spp.)*, and Decisions 16.78 to 16.83 on *Monitoring of illegal trade in ivory and other elephant specimens (Elephantidae spp.)* as follows:

Directed to the Secretariat

14.78 (Rev. CoP16) In preparation for the 65th and 66th meetings of the Standing Committee, pending the necessary external funding, the Secretariat shall:

- a) produce an updated analysis of MIKE data, pending the availability of adequate new MIKE data;*
- b) invite TRAFFIC to submit an updated analysis of ETIS data and UNEP-WCMC to provide an overview of the latest elephant trade data;*
- c) invite the IUCN/SSC African and Asian Elephant Specialist Groups to submit any new and relevant information on the conservation status of elephants, and on pertinent conservation actions and management strategies; and*
- d) invite the African elephant range States to provide information on progress made in the implementation of the African elephant action plan.*

On the basis of the information specified above, the Secretariat shall recommend actions for consideration by the Standing Committee.

Directed to the Secretariat

16.78 *The Secretariat shall, subject to external funding:*

- a) *convene a CITES Ivory Enforcement Task Force, consisting of representatives from China (including Hong Kong SAR), Kenya, Malaysia, the Philippines, South Africa, Thailand, Uganda, the United Republic of Tanzania and Viet Nam, in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime (ICCWC) and, as appropriate, other Parties and experts, to:*
 - i) *review existing strategies and develop new strategies to combat illegal trade in ivory; and*
 - ii) *propose measures to African and Asian enforcement authorities to promote long-term collaboration between them, for example through exchange programmes or the secondment of law enforcement officers from destination or transit countries to source countries and vice versa;*
- b) *examine and advise about existing DNA-based and forensic identification techniques for sourcing and ageing ivory, identify relevant forensic facilities and research institutions, and consider the need for further research in these areas;*
- c) *convene a workshop for Parties on the use of controlled deliveries, in collaboration with ICCWC partner organizations, with the aim of expanding the application of this investigation technique, particularly in Africa and Asia; and*
- d) *develop, in cooperation with the World Bank and other ICCWC partners, an anti-money-laundering and asset recovery manual with a specific focus on wildlife crime, that can be used for the training of investigators, prosecutors and judges.*

The Secretariat shall report on progress on the implementation of the present Decision at the 65th and 66th meetings of the Standing Committee, with recommendations as necessary.

16.79 *The Secretariat shall, subject to external funding:*

- a) *contact each Party identified in document CoP16 Doc. 53.2.2 (Rev. 1) (ETIS report of TRAFFIC) as being of 'secondary concern' (Cameroon, the Congo, the Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Mozambique and Nigeria) to seek clarification on their implementation of CITES provisions concerning control of trade in elephant ivory and ivory markets;*
- b) *based on its findings and in consultation with the Parties of 'secondary concern', develop country-specific actions and deadlines focused on ensuring significant progress by the 65th meeting of the Standing Committee on the implementation of measures to effectively control trade in ivory and ivory markets; and*
- c) *report its findings and recommendations at the 65th and 66th meetings of the Standing Committee.*

16.80 *The Secretariat shall contact each country identified in document CoP16 Doc. 53.2.2 (Rev. 1) (ETIS report of TRAFFIC) as being of 'importance to watch' (Angola, Cambodia, Japan, the Lao People's Democratic Republic, Qatar and the United Arab Emirates) to seek clarification on their implementation of CITES and other provisions concerning control of trade in elephant ivory and ivory markets, and report its findings and recommendations at the 65th meeting of the Standing Committee.*

16.81 *The Secretary-General of CITES, subject to any guidance from the Standing Committee, shall cooperate with the United Nations Office on Drugs and Crime regarding:*

- a) *the levels of illegal killing of elephants in Africa and the related illegal trade in elephant ivory; and*

- b) *the national security implications for certain countries in Africa of this illegal killing and trade.*

Directed to the Standing Committee

16.82 *The Standing Committee shall review the report and recommendations of the Secretariat concerning the implementation of Decisions 16.78-16.81 and Decision 16.83 at its 65th and 66th meetings, and determine whether any further actions are necessary.*

Directed to the Parties

16.83 *Parties involved in large scale ivory seizures (i.e. 500 kg or more) should collect samples from the ivory seized within 90 days of the seizure and, if possible, from all large seizures from the past 24 months. They should submit the samples for analysis to begin immediately to appropriate forensic-analysis facilities capable of reliably determining the origin of the ivory samples, with the aim of addressing the entire crime chain.*

Implementation of the CoP16 instructions

4. At its 65th meeting (SC65, Geneva, July 2014), the Standing Committee adopted additional recommendations concerning elephants, based on its considerations of documents SC65 Doc. 42.1, SC65 Doc. 42.2 and SC65 Doc. 42.7. They are presented in Annex 1 to this document. The issues concerning National Ivory Action Plans were presented by the Secretariat at SC65 in a distinct document SC65 Doc. 42.2.
5. At its 66th meeting (SC66, Geneva, January 2016), the Standing Committee reviewed the status of implementation of the Decisions, recommendations and instructions referred to in paragraphs 2 to 4 above, on the basis of an overview provided by the Secretariat in document SC66 Doc. 47.1. The Secretariat collated all matters relating to the development and implementation of National Ivory Action Plans in document SC66 Doc. 29, which was dealt with separately by the Standing Committee (i.e. Decisions 16.79 and 16.80; and emanating from SC65: recommendations a), b), c), d) and n) based on document SC65 Doc. 42.1, and recommendations a) to f) based on document SC65 Doc. 42.2).

Reporting to CoP17

6. At SC66, the Standing Committee requested the Secretariat to draft the present report on its behalf, and in consultation with the Chair of the Standing Committee.
7. In compliance with the instructions in Resolution Conf. 10.10 (Rev. CoP16), this report reviews actions taken by the Parties to implement this Resolution, particularly – but not limited to – the provisions concerning trade in elephant specimens. This report furthermore summarizes the actions decided and determinations made by the Standing Committee regarding Decisions 14.78 (Rev. CoP16), 16.78, 16.81, 16.82 and 16.83 at its 64th, 65th and 66th meetings.

Reporting to CoP17 on National Ivory Action Plans

8. For clarity and consistency, the implementation of the instructions concerning National Ivory Action Plans in Decisions 16.79 and 16.80, and the related Standing Committee recommendations are subject of a separate agenda item for this meeting (see document CoP17 Doc. 24). Under this item, a large number of the actions envisaged under the section **Regarding trade in elephant specimens** of the Resolution are dealt with. This pertains in particular to those urged to be undertaken by *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 that may be designated as ivory importing countries* are, and those directed to the Secretariat in relation to the findings of the project Monitoring the Illegal Killing of Elephants (MIKE) and of the Elephant Trade Information System (ETIS).

ETIS and MIKE [Resolution Conf. 10.10 (Rev. CoP16)]

9. As instructed in the section *Regarding monitoring the illegal killing of elephants and trade in elephant specimens* and Annexes 1 and 2 of Resolution Conf. 10.10 (Rev. CoP16), the CITES Secretariat's MIKE team collated an analytical report on information collected through Monitoring the Illegal Killing of Elephants (MIKE); and TRAFFIC, in collaboration with the CITES Secretariat, produced a

comprehensive analytical report on information collected through the Elephant Trade Information System (ETIS). The MIKE and ETIS reports are presented in documents CoP17 Doc. 57.5 and 57.6 respectively.

10. The MIKE and ETIS Subgroup of the Standing Committee met on two occasions in the margins of SC65 and SC66. Among other issues, it considered a data access and release policy for ETIS. In its report to SC66, the Subgroup advised that this new policy be incorporated in Resolution Conf. 10.10 (Rev. CoP16), to which the Committee agreed. As the data policy adopted by the Standing Committee is very similar to that of MIKE, which was already incorporated in Resolution Conf. 10.10 (Rev. CoP16), the Secretariat proposed to integrate both policies into a single one in the Resolution. The proposed text to amend Resolution Conf. 10.10 (Rev. CoP16) accordingly is shown in Annex 3 to this document.
11. Resolution Conf. 10.10 (Rev. CoP16) directs the Standing Committee to establish a Technical Advisory Group (TAG) to provide technical oversight to MIKE and ETIS. At SC65, the Standing Committee adopted revised Terms of Reference for the TAG, and at SC66, it agreed to a revision of the composition of the TAG. These changes were communicated to the Parties in Notification to the Parties No. 2016/012 of 16 February 2016.
12. At SC66, the Standing Committee urged all Parties to report comprehensive and accurate data, as prescribed by the MIKE and ETIS monitoring systems, by 31 January 2016, and to conduct and release the results of elephant population surveys according to MIKE standards in a timely manner. This incitation reflects growing concern about the late submission (or lack of submission) of MIKE and ETIS data, and the inappropriate forms and format that Parties are using. The Secretariat reiterates that the quality and quantity of data available to MIKE and ETIS determine the overall strength and accuracy of these CITES monitoring instruments. Similarly, the Secretariat reiterates the importance for elephant range States to fully participate in the deployment of MIKE, and to use MIKE information for addressing elephant management issues; and for Parties to continue to provide direct and indirect support for implementing MIKE and ETIS successfully.

Reports on the conservation status of elephants, the African Elephant Action Plan, MIKE and ETIS
[Decision 14.78 (Rev. CoP16)]

13. In compliance with Decision 14.78 (Rev. CoP16), the Secretariat produced an updated analysis of data from Monitoring the Illegal Killing of Elephants (MIKE), and invited African elephant range States, TRAFFIC, the UNEP World Conservation Monitoring Centre (UNEP-WCMC), and the African and Asian Elephant Specialist Groups of the Species Survival Commission of the International Union for Conservation of Nature (IUCN) to submit the analysis and information that are referred to in paragraphs b) to d) of the Decision.
14. The Secretariat aggregated these contributions into single reports, and added conclusions and recommendations. These were presented at SC65 and SC66 in documents SC65 Doc. 42.1 and SC66 Doc. 47.1.
15. Since 2008, the Standing Committee has received at its regular meetings six updates on the conservation status of, and trade in elephants¹. The reports were compiled and submitted by the Secretariat, and relied principally on information from MIKE, ETIS, IUCN, UNEP-WCMC and the African Elephant Fund Steering Committee. The reports have guided the Committee in its decision-making concerning elephants and trade in ivory, and in monitoring the impacts of relevant CITES measures. Recognizing the importance of this regular reporting, the Standing Committee requested the Secretariat to prepare a proposal to incorporate the provisions in Decision 14.78 (Rev. CoP16) in Resolution Conf. 10.10 (Rev. CoP16) for consideration at the present meeting. The proposed text to amend Resolution Conf. 10.10 (Rev. CoP16) accordingly is shown in Annex 3 to this document.
16. The Secretariat has repeatedly stressed that robust and accurate reporting on an annual basis, as envisaged in the proposed amended text to Resolution Conf. 10.10 (Rev. CoP16), can only be accomplished pending considerable external funding towards MIKE and ETIS. IUCN, UNEP-WCMC and the African Elephant Fund (via its Secretariat) also require financial support to provide information upon invitation. Document CoP17 Doc. 57.5 shows in its annex the costs for implementing MIKE and ETIS, and reporting by the IUCN/SSC African Elephant Specialist Group (not included are the estimated costs for the contributions from the IUCN/SSC Asian Elephant Specialist Group and UNEP-WCMC).

¹ See documents SC57 Doc. 33.1, 33.2 and 33.3 (2008); SC58 Doc. 36.1 and 36.2 (2009); SC61 Doc. 44.1 and 44.2 (Rev. 1) (2011); SC62 Doc. 46.1 (2012); SC65 Doc.42.1 (2014); and SC66 Doc. 47.1 (2016).

CITES Ivory Enforcement Task Force

[Decision 16.78, paragraph a)]

17. The Secretariat has not been able to raise the necessary funding to date to convene a CITES Ivory Enforcement Task Force and implement Decision 16.78, paragraph a).
18. However, the Standing Committee agreed with the Secretariat that the objectives of convening an Enforcement Task Force had been met through the development and implementation of National Ivory Action Plans (NIAPs), which concerned practically all the Parties specified in the Decision, and the ensuing collaboration amongst these and other Parties involved in the NIAPs process. Additionally, several Parties and intergovernmental organizations (IGOs), including the International Consortium on Combating Wildlife Crime (ICWC), provided targeted support to these Parties, and cooperated in a series of actions contained in the NIAPs (see document SC66 Doc. 29).
19. The Standing Committee recognized that the goals of a stakeholder meeting on enforcement and illegal trade in ivory could best be accomplished by focusing on the NIAPs process. The Committee agreed to submit a draft decision to the present meeting, replacing Decision 16.78, paragraph a), by a decision calling for a meeting, as necessary, of Parties concerned by the development and implementation of NIAPs, in cooperation with ICWC partner organizations and, as appropriate, other Parties and experts. This draft decision is included in document CoP17 Doc. 24 on National ivory action plans process.

Forensic ivory identification techniques

[Decision 16.78, paragraph b)]

20. At SC65, the Secretariat reported that the United Nations Office on Drugs and Crime (UNODC), on behalf of ICWC, was leading the development of “Guidelines on Methods and Procedures for Ivory Sampling and Laboratory Analysis”². The guidelines were subsequently finalized and released in November 2014, and are available from the CITES website. ICWC also produced a training video on the collection of ivory samples that complements the guidelines, and will be made available to all Parties through the CITES Virtual College.
21. At SC65, the Standing Committee agreed to the following recommendation concerning forensics (see Annex 1):
 - e) *encourage all Parties to make full use of the “Guidelines for forensic methods and procedures of ivory sampling and analysis” developed by UNODC, to promote the use of forensic analysis to the fullest extent possible to combat the illegal ivory trade;*
22. The Standing Committee furthermore agreed at SC65 to:
 - f) *request the Secretariat to compile a list of appropriate forensic-analysis facilities capable of reliably determining the age or origin of ivory, or both, for distribution to the Parties;*
23. To promote and increase the use of wildlife forensic science in the investigation of wildlife crime offences, the CITES Secretariat, in cooperation with UNODC, commissioned in 2015 a review of global wildlife forensic capacity to support the implementation and enforcement of the Convention. This review is part of a broader project that will be implemented by UNODC on the use of forensic sciences in combating wildlife crime. It was undertaken in close cooperation with the Society for Wildlife Forensic Science (SWFS)³, and the outcomes not only benefit elephants, but many other species of which international trade is regulated under CITES. For this reason, the main findings are reported in document CoP17 Doc. 25 on Enforcement matters. The Standing Committee’s recommendation indicated in the paragraph above has been completed by undertaking this review.
24. The Standing Committee agrees with the Secretariat that Decision 16.78, paragraph b), has been implemented and that the recommendations emanating from SC65 indicated above have been acted upon.
25. In the context of the implementation of Decision 16.78, paragraphs a) and b), the trade in preconvention ivory was brought to the attention of the Standing Committee.

² https://cites.org/eng/ICWC_guidelines

³ <http://www.wildlifeforensicscience.org/>

26. At SC65, the Standing Committee endorsed a recommendation to *request the CITES Ivory Enforcement Task Force to examine the trade in pre-convention ivory and the possible laundering of illegal ivory into this trade and report its findings and recommendations to SC66 or SC67*. However, as indicated in paragraphs 17 to 19 above, the Ivory Enforcement Task Force has not convened and is proposed to be replaced by a workshop aimed at supporting the development and implementation of NIAPs. The Committee therefore requested the Secretariat to consider the matter of trade in pre-convention ivory in its reporting at CoP17.
27. The Secretariat is not aware of particular problems posed by trade in pre-convention ivory, noting that several Parties have taken strict measures concerning their trade in such ivory, including domestic trade. The Secretariat intends to inform the Standing Committee of any issues or concerns pertaining to trade in pre-convention ivory through its reporting at each regular meeting of the Standing Committee, as required in Resolution Conf. 10.10 (Rev. CoP16), which would be further emphasized in case the amendments to that Resolution proposed in paragraph 15 above are agreed to. In this context, the Secretariat also intends to report on any updates that may become available on forensic work concerning the aging and dating of ivory (e.g. through radiocarbon dating and isotope profiling).
28. The Standing Committee agrees with the Secretariat that Decision 16.78, paragraph b) has been fully implemented.

Workshops on controlled deliveries
[Decision 16.78, paragraph c)]

29. If well executed, controlled deliveries can target the entire crime chain and facilitate law enforcement actions beyond the point of detection of the illegality or the seizure. For this reason, the increased use of controlled deliveries, when and where circumstances permit, could have a significant impact on the activities of organized crime groups. This is not only of benefit in the context of the illegal trade in ivory, but also allows to combat other types of wildlife crime more effectively.
30. At SC65 and SC66, the Secretariat reported on complementary activities conducted by INTERPOL and the World Customs Organization (WCO) to progress the use of controlled deliveries to combat illegal trade in wildlife and implement Decision 16.78, paragraph c).
31. With funding from the Secretariat, WCO organized a workshop on "Controlled Deliveries of Illegally Traded Wildlife Products" in Bangkok in January 2015⁴ as part of its INAMA⁵ Project. The workshop was attended by delegates from customs, police and wildlife authorities from China, Indonesia, Kenya, South Africa, Thailand, Uganda and Zambia (i.e. countries that have the legal capacity to conduct controlled deliveries). As a follow-up to this workshop, WCO assisted with the deployment of Chinese customs officers to Kenya and South Africa in May 2015. Further activities on controlled deliveries, supported by funding provided by the Secretariat, were at the time of writing being undertaken by the WCO.
32. INTERPOL is implementing Project WAYLAY in close cooperation with its ICCWC partners. In its first phase, this project focuses on elephant ivory and rhinoceros horn. It aims to establish an international network of experts, harmonize procedures and develop guidance so that Parties wishing to apply controlled deliveries for cases involving illegal wildlife will have access to secure contacts and adequate tools.
33. The Secretariat would like to take this opportunity to once more draw the attention of the Parties to the specific training materials developed for the wildlife law enforcement community by INTERPOL and WCO, with assistance from the Secretariat. These include a handbook describing and illustrating wildlife smuggling concealment techniques, a manual on how to question wildlife smugglers and a manual on controlled deliveries.
34. Capacity-building and operational activities relating to controlled deliveries continue to be provided, *inter alia* with support from ICCWC.
35. The Standing Committee agrees with the Secretariat that Decision 16.78, paragraph c) has been fully implemented.

⁴ <http://www.wcoomd.org/en/media/newsroom/2015/february/wco-inama-project.aspx>

⁵ <http://www.wcoomd.org/en/topics/capacity-building/activities-and-programmes/cooperation-programmes/the-wco-inama-project>

Anti-money-laundering and asset recovery manual

[Decision 16.78, paragraph d)]

36. At the request of the Secretariat, the World Bank is leading for ICCWC the development of an anti-money-laundering learning programme for investigators, prosecutors and judges, with a specific focus on illegal trade in wildlife.
37. The programme consists of two complementary components: five anti-money-laundering training modules (covering subjects such as fundamentals of anti-money-laundering systems, domestic and international cooperation, and planning an anti-money-laundering investigation and asset recovery); and an anti-money-laundering case simulation exercise. The training modules will be accessible on the CITES Virtual College, and are expected to be available by CoP17. Pending external funding, the next phase of the project would involve on-the-ground training of relevant stakeholders, tailored to regional and national contexts. The anti-money-laundering learning programme should not only be of benefit in the context of elephants, but also for combating wildlife crime involving other species. More information is provided in document CoP17 Doc. 25 on Enforcement matters.
38. The Standing Committee agrees with the Secretariat that Decision 16.78, paragraph d) has been fully implemented.

Collaboration with UNODC

[Decision 16.81]

39. It is now well recognized that illegal trade in wildlife may involve transnational organized crime groups, and occasionally rebel militia and rogue elements of the military. In light of the serious nature of illegal trade in wildlife, the high level of poaching of some species in certain regions, and its adverse economic, social and environmental impacts, the United Nations General Assembly (UNGA) in July 2015 unanimously adopted a Resolution on 'Tackling Illicit Trafficking in Wildlife'⁶. The UNGA expresses particular concern over the alarmingly high levels of illegal killings of elephants in Africa. The Resolution, which has 18 preambular and 17 operative paragraphs, calls upon Member States, *inter alia*, to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime.
40. In September 2015, the United Nations Sustainable Development Summit adopted new global Sustainable Development Goals (SDGs). The SDGs specifically address tackling illegal trade in wildlife through Targets under Goal 15⁷.
41. The Secretary-General of CITES participated in a number of events between CoP16 and CoP17 that raised awareness of the serious nature of illegal trade in wildlife involving transnational organized crime groups, including: the Annual General Meeting of the International Air Transport Association (IATA-AGM 2015; Miami, June 2015); the Air Transport Action Group (ATAG) Global Aviation Summit (Geneva, September 2015); the XIV World Forestry Congress (Durban, September 2015); the International conference on wildlife crime (The Hague, March 2016); and others. The Secretariat further continued to maintain a close working relationship with UNODC. The Secretary-General of CITES and the Executive Director of UNODC participated together in a number of important events to raise awareness about the scale and nature of illegal trade in wildlife⁸, the need for increased political commitment to combat it⁹, and the importance of addressing corruption (at the 6th meeting of the Conference of the Parties to the UN Convention against Corruption)¹⁰.
42. The Standing Committee agrees with the Secretariat that Decision 16.81 has been fully implemented.

Large scale ivory seizures

[Decision 16.83]

43. Updated information on large scale ivory seizures (defined as 500 kg or more of raw or worked ivory in raw ivory equivalent terms) was provided in the ETIS sections of the Secretariat's reporting to SC65 and

⁶ https://cites.org/eng/unga_resolution_wildlife_trafficking_150730

⁷ https://cites.org/eng/CITES_welcomes_UN_SDGs_with_target_to_end_poaching_trafficking_wildlife_25092015

⁸ https://cites.org/eng/icwc_crime_congress_2015

⁹ https://cites.org/eng/un_system_and_intl_orgs_applaud_sust_dev_commitments_by_govs_to_battle_illegal_wildlife_trade_27092015

¹⁰ https://cites.org/eng/joint_statement_unodc_cites_on_corruption_wildlife_03112015

SC66. At SC65, the Standing Committee agreed to the following complementary recommendations concerning such seizures (see Annex 1):

- g) *encourage Parties that submit ivory samples for analysis in accordance with Decision 16.83, to use the forensic analysis results as suggested in paragraphs 39 and 40 of document SC65 Doc. 42.1*
- h) *encourage Parties to share with the Secretariat and affected countries of origin information on the origin of ivory specimens, arising from forensic analysis of ivory samples, for use in further investigation and prosecution in these countries and by the MIKE and ETIS programmes and their reporting to the Standing Committee and the Conference of the Parties*
- i) *encourage Parties affected by illegal ivory trade, as a source, transit or destination country, to develop national sampling and funding strategies aimed at promoting the collection of samples from seized ivory for forensic analysis both from large ivory seizures and from stockpiles;*
- j) *encourage Parties and the donor community to provide financial support to the International Consortium on Combating Wildlife Crime (ICWC) and to Parties and territories that make large ivory seizures (i.e. 500 kg or more) but lack the capacity and financial resources to implement the provisions of Decision 16.83 to support the collection and analysis of ivory samples from such seizures;*
- k) *encourage Parties and the donor community to provide financial support to Parties and territories that wish to collect samples from their national ivory stockpiles for forensic analysis but lack the capacity and financial resources to do so.*

44. Despite the current 'illegal ivory trader crisis', the recommendations to take samples of confiscated ivory, and to use analyses thereof in further investigations, have not generated as many response from Parties as expected. The implementation of Decision 16.83 and the additional recommendations agreed at SC65 have remained particularly challenging for Parties involved in large scale seizures. At the moment, samples are rarely collected "within 90 days of the seizure" (which in practice may not be possible for ivory kept under judicial custody, or for procedural legal reasons), and only a few Parties have undertaken to take samples from all large ivory seizures they were confronted with since 2011 (which corresponds to the request in Decision 16.83 to collect samples from all large seizures "from the past 24 months"). However, subject to good overall implementation, analysing ivory from seizures to determine its origin and age would contribute significantly to efforts to address ivory trafficking more effectively and professionally.

45. At SC66, the Standing Committee requested the Secretariat to prepare a proposal for consideration at the present meeting to consolidate the provisions directed to the Parties in Decision 16.83 and recommendations g) to k) in paragraph 43 above, and incorporate them in the section *Regarding the traceability of elephant specimens in trade* in Resolution Conf. 10.10 (Rev. CoP16). The proposed text to amend Resolution Conf. 10.10 (Rev. CoP16) accordingly is shown in Annex 3 to this document.

Illegal trade in live Asian elephants [Resolution Conf. 10.10 (Rev. CoP16)]

46. In document SC65 Doc. 42.9, concerns were expressed that illegal trade in live Asian elephants might be increasing. The Standing Committee noted this document and agreed that the Secretariat, pending the availability of external resources, conduct a review of the implementation of Resolution Conf. 10.10 (Rev. CoP16), in particular the trade in live elephants in Asian elephant range States and other relevant Parties. At SC66 the Secretariat reported that due to a lack of external resources, it had been unable to conduct this review. However, the Secretariat informed that IUCN had kindly agreed to assist with the implementation of the Standing Committee's recommendation and collaborate with the Secretariat between SC66 and CoP17 by seeking funding and contracting appropriate consultants for undertaking the review, thereby also avoiding persistent administrative problems at the Secretariat due to the roll out of Umoja¹¹.

47. At SC66, the Standing Committee requested the Secretariat to report on trade in live Asian elephant at CoP17, recognizing the expected collaboration between the CITES Secretariat and IUCN on this issue.

¹¹ Umoja is a United Nations-wide enterprise resource planning system that has had an impact on the timely implementation of the Secretariat's work programme. See Notification to the Parties [No. 2015/018](#) of 25 March 2015.

48. IUCN undertook the study during the first half of 2016. The provisional results are contained in the report “Illegal trade in live Asian elephants: a review of current legislative, regulatory, enforcement, and other measures across range States”. The findings of the review are summarized in [Annex 4](#) to this document. The full report, in the language as submitted, can be found in [Annex 5](#).
49. The review presents information from the 13 Asian elephant range countries (Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao People’s Democratic Republic (Lao PDR), Malaysia, Myanmar, Nepal, Sri Lanka, Thailand, and Viet Nam), with detailed country reports for 11 of them (Bangladesh and Cambodia did not respond in sufficient time for an in-country review).
50. The study found that some level of illegal trade in live elephants, both from wild and captive populations, continues across Asian range States. An important driver for such trade seems to be demand from tourism in a number of countries, including, but not limited to, Asian elephant range States.
51. Many national officials interviewed for the study acknowledged that some illegal trade in live Asian elephants takes place, which is perceived to occur in low volumes. This perception is difficult to ascertain as actual estimations of the levels of illegal trade are not available. Effective monitoring of illegal trade, particularly in border areas, is said to be largely beyond the reach and capacity of law enforcement. Compared to other forms of illegal wildlife trade, which happen more frequently, the issue does not receive much attention. The volume of (legal and illegal) international trade in live Asian elephants is small, due to limited offer and demand, and since most trade is thought to be across forest land borders, detection of illegalities by customs officers is unlikely to occur at port locations. The review indicates that pro-active investigation of allegations of illegal trade is not taking place, although such methods are much needed and effective in uncovering or preventing unlawful activities involving live Asian elephants.
52. The study found that national responsibilities for elephants may be shared among a number of agencies in range countries, which causes limited cross-sector and transboundary collaboration, representing a serious constraint to effective law enforcement. There is also a need for importing Parties to better verify if the purpose of importation of live Asian elephants is permitted under the Convention as some transaction involving wild elephants may be for primarily commercial purposes.
53. The majority of range States accord the highest level of protection to Asian elephants under their wildlife legislation (most laws do not distinguish between wild or captive elephants). The majority of the Asian elephant range country representatives felt that their national wildlife legislation was adequate and, if properly enforced, could deter illegal trade. But they also acknowledged that certain improvements could be made, with some in the process of legal reforms in the context of the implementation of National Ivory Action Plans.
54. Most range States in Asia have formal or semi-formal registration systems in place to monitor their captive Asian elephant populations. However, these systems are not sufficiently up to date and too insecure to prevent illicit trade. In this context, the study highlights the possibility for a regional DNA registration system for all non-wild elephants across Asia. Unlike tattoos or microchips, the DNA of an elephant cannot be changed, and could arguably be a method of identification that is not vulnerable to misidentification or declaration, tampering with identification marks, or changes to registration documents. Often-occurring questions about parentage could be relatively easily resolved. The review mentions that for this purpose, an affordable, relatively straightforward technique for obtaining DNA profiles from elephants is being developed in Thailand. The Secretariat notes that Thailand provided substantive information on its registration of live Asian elephants in the context of its reporting to the Secretariat and the Standing Committee on the implementation of its National Ivory Action Plan (see document SC66 Doc. 29, Annex 8).
55. Furthermore, the study reports that the presence of former labor elephants with no work in some range States, juxtaposed with increasing opportunities for employment (i.e. in tourism) in other range States, is a major driver behind the increase in (legal and illegal) trade and cross-border movements of Asian elephants in Asia. As the number of former labor elephants is significant, there is a need for Parties to develop strategies to manage and monitor these populations, and better control their movements.
56. The study highlights that as a result of habitat loss and fragmentation, human-wildlife conflicts and illegal killing and trade, local Asian elephant populations in several range countries may be facing extinction in the wild. It notes that potential future threats to Asian elephants, such as poaching for their skin or trunks (the study found an increasing trend in incidences involving these specimens), are inadequately researched, and no mitigating measures are in place. National agencies and other stakeholders are

advised to adopt measures to monitor trade and develop strategies to effectively address current and future threats to the remaining wild Asian elephant populations.

57. The review concludes that lack of effective, pro-active investigations and weak enforcement of existing laws are amongst the primary reasons why the illegal trade in live Asian elephants still exists in Asia. The researchers are of the opinion that (illegal) trade in live Asian elephants could rise, particularly in view of the situation with former labor elephants (see paragraph 55). However, while not quantified, illegal trade seems low, and involves both wild and captive-bred animals (in unknown proportions). Under these circumstances, other priorities may prevent enforcement officers from dedicating specific resources to address the issue. A way forward might be to suggest periodic national, bi-lateral or regional intelligence-driven operations focusing on problematic cases of trade in live Asian elephants. Such short, targeted and well-planned interventions may be more useful, and could attract external technical and financial support.
58. The Secretariat notes that a brief analysis of trade in live Asian elephants over the last 10 years (2005-2014), as recorded in the CITES trade data base, shows an annual average of some 60 transactions, mostly involving movements of zoo and circus specimens. Gross exports from Asian elephant range States were low to non-existent during this 10-year period (Lao PDR: 59 in total; Thailand: 45; Sri Lanka: 22; Myanmar: 20; Indonesia: 6; Malaysia: 5; India: 4; China: 3; Cambodia: 2; Bangladesh: 2; Bhutan, Nepal and Viet Nam: 0). Trade between Asian elephant range States was rarely recorded. The report provides some information on cases of illegal movements of, or (domestic) trade in, live Asian elephants between 2010 and 2016. These were recorded in China (15 live animals involved), Myanmar (10), Sri Lanka (30) and Thailand (51). Based on the study, the Secretariat proposes that the Conference of the Parties consider the Decisions indicated in Annex 2 of this document.

Ivory stockpiles [Resolution Conf. 10.10 (Rev. CoP16)]

59. Resolution Conf. 10.10 (Rev. CoP16) urges Parties to 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, 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 the Resolution; the source of the ivory; and the reasons for any significant changes in the stockpile compared to the preceding year.
60. Since CoP16, the Secretariat has issued Notifications to the Parties in 2013 and 2015 to remind Parties of the above reporting obligation, and provided a model table in an Annex that Parties could use for this purpose (see Notification to the Parties No. 2013/055 and [No. 2015/005](#)). A relatively limited number of Parties have responded to these Notifications, noting that not all submissions contained the details requested in Resolution Conf. 10.10 (Rev. CoP16), and that some did not provide the total amount of their stocks.
61. The Secretariat is aware of a number of thefts of ivory from government-held stocks in recent years, and for this reason, it has not included details of the information that it has received from the Parties in its documents to SC65 and SC66, in order to avoid elevating potential security risks.
62. As requested at SC65, the Secretariat has made country-specific data from the ivory stock declarations of Parties available to MIKE and ETIS for analysis. A detailed examination of the information on ivory stockpile inventories submitted by the Parties in 2014 and 2015 is provided in document CoP17 Doc. 57.6 [Report on the Elephant Trade Information System (ETIS)]. It is the view of the Secretariat that such information should be considered for each MIKE and ETIS analysis, and that a provision to that effect could be incorporated in Resolution Conf. 10.10 (Rev. CoP16). At SC66, the Standing Committee therefore requested that, as part of the proposed revisions to Resolution Conf. 10.10 (Rev. CoP16) for consideration at CoP17, the Secretariat prepare a proposal for using country-specific data from the ivory stock declarations of Parties in MIKE and ETIS analyses. The proposed text to amend Resolution Conf. 10.10 (Rev. CoP16) accordingly is shown in Annex 3 to this document.
63. Resolution Conf. 10.10 (Rev. CoP16) directs the Secretariat, subject to available funding, to provide technical assistance to Parties to support, where requested, the security and registration of government-held ivory stockpiles. Since CoP16, the Secretariat has received several requests from Parties to assist them with an inventory of government-held stockpiles of ivory. A lack of external funding and resources prevented the Secretariat from responding positively to most of these, but the Secretariat managed to participate in ivory stock inventory exercises in December 2013 in Ethiopia and in August 2014 in the United Republic of Tanzania. Both Parties were using a software inventory package developed by a non-government organization that the Secretariat found was suitable for collecting the information

required by Resolution Conf. 10.10 (Rev. CoP16). The Secretariat has encouraged all Parties to take forensic samples of stockpiles of illegal ivory, including stockpiles to be destroyed, and facilitated this process where possible. In this regard, Wildlife Incident Support Teams, deployed in line with Decision 16.40, have assisted some Parties in collecting DNA samples from confiscated elephant tusks, for example in Sri Lanka in July 2013 and the United Arab Emirates in January 2015. The matter of controls and management of stocks and stockpiles of specimens of CITES-listed species is further discussed in document CoP17 Doc. 47.

64. At SC65, the Committee requested the Secretariat, subject to available resources, to provide guidance, on “best practices” for the management of legal and illegal ivory stockpiles and make this available to Parties. However, no external funds had been received for the production of this guidance. At SC66, the Standing Committee therefore agreed to propose a decision, for consideration at CoP17, to request the Secretariat, subject to available resources, to provide guidance, in accordance with the provisions of Resolutions Conf. 9.10 (Rev. CoP15) and Conf. 10.10 (Rev. CoP16), on “best practices” for the management of legal and illegal ivory stockpiles. The Conference of the Parties is invited to consider the draft decision shown in Annex 2.

Review by the Standing Committee of Decisions 16.78 to 16.81 and Decision 16.83
[Decision 16.83]

65. As described in this document and in document CoP17 Doc. 24 on National ivory action plans process, the Standing Committee reviewed reports and recommendations of the Secretariat concerning the implementation of Decisions 16.78 to 16.81 and Decision 16.83 at SC65 and SC66, and determined at each of these meetings what further actions were necessary.
66. Through the implementation of Decisions 16.79 and 16.80 and related recommendations, the Standing Committee acquired considerable experience in the process involving National Ivory Action Plans. The Secretariat proposes that the responsibility of the Standing Committee in this regard be clearly articulated in Resolution Conf. 10.10 (Rev. CoP16), and has proposed amendment text accordingly in Annex 3 to this document. Further argumentation regarding the need for the proposed amendments can be found in document CoP17 Doc. 24 on *National ivory action plans process*.

Recommendations

67. The Conference of the Parties is invited to:
- a) agree that Decisions 14.78 (Rev. CoP16), 16.78, 16.81, 16.82 and 16.83 can be deleted;
 - b) consider for adoption the draft decisions presented in Annex 2 to this document; and
 - c) consider supporting the amendments to Resolution Conf. 10.10 (Rev. CoP116), as proposed in Annex 3 to this document.
68. The anticipated budget implications for implementing the decisions and activities proposed in paragraph 67 are presented in Annex 6 to this document.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat supports the recommendations of the Standing Committee in paragraph 67 of this document. It reiterates that further information on the implementation of Resolution Conf. 10.10 (Rev. CoP16), and relevant recommendations, can be found in document CoP17 Doc. 24 on *National ivory action plans process*.

Recommendations concerning elephant agreed by the Standing Committee at its 65th meeting, and based on considerations of documents SC65 Doc. 42.1, Doc. 42.2 and Doc. 42.7 (see documents SC65 Com. 7, SC65 Com. 9 and SC65 Summary record).

Document SC65 Doc. 42.1

Arising from Decisions 16.79

- a) request Cameroon, Congo, the Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Mozambique and Nigeria to:
 - i) work with the Secretariat and its consultants to finalize the development of national ivory action plans with time frames and milestones, by 31 October 2014, and to take urgent measures ensuring significant progress by SC66 on the implementation of their national ivory action plans; and
 - ii) submit a comprehensive report to the Secretariat by 15 May 2015, in the format provided in the Secretariat's evaluation of the progress reports as presented in the Annex to document SC65 Doc. 42.2, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66;

With regard to Parties of "Importance to Watch"

Arising from Decisions 16.80

- b) request Japan, Qatar and the United Arab Emirates to submit a report to the Secretariat on their implementation of CITES provisions concerning control of trade in elephant ivory and ivory markets, by 15 May 2015, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66;
- c) request Angola, Cambodia and the Lao People's Democratic Republic to:
 - i) work with the Secretariat and its consultants to finalize the development of national ivory action plans with time frames and milestones, similar to those that will be developed by countries of 'secondary concern', by 31 October 2014, and to take urgent measures ensuring significant progress by SC66 on the implementation of their national ivory action plans; and
 - ii) submit a comprehensive report to the Secretariat by 15 May 2015, in the format provided in the Secretariat's evaluation of the progress reports as presented in the Annex to document SC65 Doc. 42.2, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66;

With regard to Parties of "Secondary Concern" and "Importance to Watch"

- d) request the Secretariat to
 - i) make the national ivory action plans referred to in paragraphs a) and c) public;
 - ii) inform the Standing Committee in case a country fails to submit an adequate national ivory action plan by the deadlines specified in paragraphs a) and c), for the Standing Committee to consider taking appropriate intersessional decisions, which may include compliance measures as necessary; and
 - iii) recommend to Parties that develop or update national ivory action plans to include, where possible, indicators to measure the impacts of the actions in the NIAPs (e.g. 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); and changes to legislation);

Arising from Decision 16.78, paragraph b)

- e) encourage all Parties to make full use of the “Guidelines for forensic methods and procedures of ivory sampling and analysis” developed by UNODC, to promote the use of forensic analysis to the fullest extent possible to combat the illegal ivory trade;
- f) request the Secretariat to compile a list of appropriate forensic-analysis facilities capable of reliably determining the age or origin of ivory, or both, for distribution to the Parties;

Arising from Decision 16.83

- g) encourage Parties that submit ivory samples for analysis in accordance with Decision 16.83, to use the forensic analysis results as suggested in paragraphs 39 and 40 of document SC65 Doc. 42.1;
- h) encourage Parties to share with the Secretariat and affected countries of origin information on the origin of ivory specimens, arising from forensic analysis of ivory samples, for use in further investigation and prosecution in these countries and by the MIKE and ETIS programmes and their reporting to the Standing Committee and the Conference of the Parties;
- i) encourage Parties affected by illegal ivory trade, as a source, transit or destination country, to develop national sampling and funding strategies aimed at promoting the collection of samples from seized ivory for forensic analysis both from large ivory seizures and from stockpiles;
- j) encourage Parties and the donor community to provide financial support to the International Consortium on Combating Wildlife Crime (ICWC) and to Parties and territories that make large ivory seizures (i.e. 500 kg or more) but lack the capacity and financial resources to implement the provisions of Decision 16.83 to support the collection and analysis of ivory samples from such seizures;
- k) encourage Parties and the donor community to provide financial support to Parties and territories that wish to collect samples from their national ivory stockpiles for forensic analysis but lack the capacity and financial resources to do so.

Arising from Resolution Conf. 10.10 (Rev. CoP16) in the section “Regarding trade in elephant specimens”, paragraph e)

- l) the Secretariat to make country-specific data from the ivory stock declarations of Parties available to MIKE and ETIS for analysis, and report an aggregated summary of this data to the Standing Committee at its regular meetings and the meetings of the Conference of the Parties;
- m) encourage all Parties in whose territory legal ivory markets exist or that export pre-convention raw elephant ivory for commercial purposes, to provide wholesale price data on such sales of raw ivory to the Secretariat, for integration into MIKE and ETIS analyses.
- n) the Secretariat, through MIKE and ETIS, to identify Parties of “Primary Concern”, “Secondary Concern” or “Importance to Watch” for consideration by the Standing Committee at SC67, based on an analysis of all data in the last five years available to MIKE and ETIS and using scientific and clear methodologies.
- o) Request the CITES Ivory Enforcement Task Force to examine the trade in preconvention ivory and the possible laundering of illegal ivory into this trade and report its findings and recommendations to SC66 or SC67.

Document SC65 Doc. 42.2

With regard to Parties of “Primary Concern”

Arising from the recommendations adopted by the 64th meeting of the Standing Committee (SC64, Bangkok, March 2013)

- a) note the Secretariat’s evaluation of the progress reports submitted by China, Kenya, Malaysia, the Philippines, Thailand, Uganda, the United Republic of Tanzania and Viet Nam on the implementation of their NIAPs, as presented in the Annex to document SC65 Doc. 42.2;

- b) encourage the eight Parties to review and, as necessary, revise their NIAPs, including the milestones and timeframes and, where possible, to include indicators to measure the impacts of actions in the NIAPs (e.g. 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); and changes to legislation), based upon any new identified needs and these Parties’ own evaluations of progress¹². In doing so, the eight Parties are further encouraged to take into consideration the evaluation of the Secretariat, in particular the actions where progress was rated as ‘challenging’ or ‘unclear’;
- c) request the eight Parties to continue to implement their NIAPs between SC65 and SC66, in accordance with the milestones and timeframes in each NIAP, and including any revisions made to their NIAPs as referred to in recommendation b) above;
- d) request the Parties of “Primary Concern” to report on the further measures taken to implement their NIAPs to the Secretariat by 15 May 2015* and in the format used for the Secretariat’s evaluation of the progress reports as presented in the Annex to document SC65 42.2, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66;
- e) request the Secretariat to evaluate the reports submitted in compliance with the recommendation in paragraph d), including its footnote, and convey its findings and recommendations at SC66 in the format as submitted to SC65; and
- f) taking into consideration the reports and the Secretariat’s evaluation, the Standing Committee will, at its 66th meeting, decide whether Parties have substantially achieved their NIAPs and should no longer be considered of primary concern; or have made progress but remain of primary concern; or have made insufficient progress and require compliance measures.

Document SC65 Doc. 42.7

The Standing Committee:

- a) Notes the action taken by Kenya, Gabon, the Philippines, India, United States, China including Hong Kong SAR, France, Chad, Belgium, and Portugal in destroying stockpiles of mainly illegally sourced ivory since 2011;
- b) Requests the Secretariat, subject to available resources, to provide guidance¹³, in accordance with the provisions of Resolutions Conf. 9.10 (Rev. CoP15) and Conf. 10.10 (Rev. CoP16) on “best practices” for management of legal and illegal ivory stockpiles and make it available to Parties;
- c) Encourages governments, inter-governmental and non-governmental organizations, if requested, to provide support to range States and other countries to plan for and implement the management of ivory stockpiles for the purposes of these recommendations; and

¹² 1. *The Standing Committee recommends that Thailand submits to the Secretariat a revised NIAP by 30 September 2014, which should include the following actions, to be achieved by 31 March 2015:*

- a) *the enactment of appropriate legislative or regulatory provisions (such as the inclusion of the African elephant as "protected species" under the Wildlife Act) that allow for the effective control of domestic trade and possession of elephant ivory and provide for strict penalties in case of illegal possession or illegal domestic trade of ivory;*
- b) *the enactment of legislative or regulatory controls establishing (i) a comprehensive registration system for domestic ivory and (ii) an effective system for registration and licensing of ivory traders (including enforcement and penalisation in case of offences); if those controls are already in place, Thailand should inform the Secretariat on the acts establishing those controls;*
- c) *increases efforts on the monitoring and control of ivory traders and ivory data, as well for law enforcement efforts against illegal ivory trade, including indicators on how those efforts will be measured.*

The Standing Committee further recommends that Thailand submits a progress report to the Secretariat of the aforementioned actions by 15 January 2015. The Committee, after assessing Thailand’s progress, in consultation with the Secretariat, will make such recommendations as appropriate.

- 2. *The Standing Committee requests Thailand to submit a further progress report by 31 March 2015, on which date it will assess Thailand’s progress in consultation with the Secretariat, convey its assessment to Thailand and, if it is not satisfied that the actions in point 1. above have been achieved, shall proceed appropriately by postal procedure in accordance with provisions in Resolution Conf. 14.3, paragraph 30.*

¹³ *Guidance can include inter alia security, inventory procedures, transparency in tracking, reporting costs of storage/security, destruction options, DNA sampling and analysis, pre- and post- destruction monitoring, and the use of residual material;*

- d) Requests the Secretariat to report on progress made with regard to paragraph b) to the 66th Standing Committee meeting.

Draft decisions concerning trade in elephant specimens for consideration by the Conference of the Parties

Trade in live Asian elephants

Directed to the range States of Asian elephants

17.AA *The range States of Asian elephants (Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Sri Lanka, Thailand, and Viet Nam) 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;*
- 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, subject to external funding:*

- a) *develop practical guidance for the management of legal and illegal ivory stockpiles, 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 appropriate, as part of its regular reporting to the Standing Committee on the implementation of Resolution Conf. 10.1. (Rev. CoP16), prior to the 18th meeting of the Conference of the Parties.*

**Draft amendments to
Resolution Conf. 10.10 (Rev. CoP16)*
Trade in elephant specimens**

(new text is underlined; deleted text appears in ~~strikeout~~)

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;

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;

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

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

- 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

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 that may be 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 unregulated domestic markets that contribute to illegal trade;

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE 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 appropriate measures to support the implementation of the present resolution, including requests to identified Parties to develop and implement National Ivory Action Plans, and monitoring progress in executing these action plans, in accordance with Resolution Conf. 14.3 on CITES compliance procedures; and

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

- a) improve legislative, regulatory and enforcement measures concerning trade in ivory and in developing practical measures to control the trade in ivory; and
- b) support, where requested, the security and registration of government-held legal and illegal ivory stockpiles, and provide practical guidance for the management of these stockpiles;

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 all Parties and non-Parties prohibit the unregulated domestic sale of raw or worked ivory and enact, as appropriate, legislation that allows for the effective control of the possession of and trade in ivory, ensuring that ivory can only be possessed, acquired or traded in conformity with national legislation;

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;

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. CoP15) 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, which may include requests to certain Parties for the development and implementation of National Ivory Action Plans;; and
- c) ~~to~~ report the results at each meeting of the Conference of the Parties;

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 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;
 - 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 ~~relevant~~ forensic and other research institutions capable of reliably determining the origin or age of the ivory samples in support of investigations enforcement and prosecutions; ~~and~~

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 national 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; and

DIRECTS the Secretariat to inform the Standing Committee of instances brought to its attention of Parties failing to implement the actions concerning traceability of elephant specimens in trade outlined in this Resolution;

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; ~~and~~
 - 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; 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

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 to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – *Trade in African Elephant Ivory*.

Annex 1

Monitoring 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. Reporting~~

~~TRAFFIC, in collaboration with the CITES Secretariat, will produce a comprehensive analytical report with full explanatory and interpretive notes prior to each meeting of the Conference of the Parties, and provide other reports, updates or information on ETIS as required by the Conference of the Parties, the Standing Committee, the TAG or Parties.~~

~~The CITES Secretariat will report on information collected through ETIS and the ETIS analysis at relevant meetings of the Standing Committee and at each meeting of the Conference of the Parties.~~

~~6.7. 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.~~

~~7.8. Funding~~

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

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. Data access and release~~

~~Summaries and the aggregates of data provided to MIKE, and the analyses of such data, will be considered to be in the public domain once they are published on the CITES website. Detailed data on individual elephant mortalities or law enforcement data submitted to MIKE are owned by the range States that provided them. Such data will be accessible to the TAG and the respective range State for review purposes, but will not be released to any third party without the consent of the range State concerned. Data may be released to contractors (e.g. statisticians) under appropriate non-disclosure agreements.~~

~~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.~~

~~5. Reporting~~

~~The CITES Secretariat will report on information collected through MIKE and MIKE analyses at each meeting of the Conference of the Parties, and provide other reports, updates or information on MIKE as required by the Conference of the Parties, the Standing Committee, the TAG or Parties.~~

~~4.6. 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.

ILLEGAL TRADE IN LIVE ASIAN ELEPHANTS: A REVIEW OF CURRENT LEGISLATIVE, REGULATORY, ENFORCEMENT, AND OTHER MEASURES ACROSS RANGE STATES

IUCN, APRIL 2016

Key Findings

1. Illegal trade in live elephants continues, but tangible evidence is lacking

The illegal trade in live elephants, both from the wild and from captive populations, continues across range States. The key driving factor for such trade is increasing demand from tourism in a number of countries including but not limited to Asian elephant range states. It is important to recognize that unlike other wildlife crimes, the elephant tourism industry involves not only demand for elephants to move to tourism centers, but an increase in tourists travelling to existing elephant entertainment centers.

In some situations the illegal movement of already captive elephants moving to an area of employment is not seen as a conservation threat and therefore not an enforcement priority although it is a violation of CITES regulations. However, ignoring this movement of elephants can in turn encourage illegal trade. It sends the wrong message to field staff that such illegal issues can be allowed because there is no threat to wild elephant populations. Yet there are currently no studies on the impact of captures and elephant trade.

Interviews with some officials revealed some misinterpretation of the basic premise of “trade” under CITES, whereby certain import and export was not considered trade since it did not involve a financial transaction.

Many national officials spoken to acknowledged that some degree of illegal trade takes place. But such acknowledgement was accompanied by the acceptance that monitoring illegal trade, particularly in border area, is beyond the capacity of law enforcement, and also that the trade is perceived to be low in volume (despite a lack of information to support such a perception), with the implication that it was therefore not worthy of significant attention. Comments to the effect of “there is illegal trade but not very much” were often relayed during meetings with officials. Clearly, the trade in live elephants is unlikely to be of the same intensity as other commonly encountered forms of wildlife trafficking. Similarly, detection is unlikely to be made by Customs officers at port locations, as it is with commodities such as ivory or pangolins. The differences in the dynamics of the illegal trade in live elephants is under appreciated. Much needed pro-active investigation of allegations of illegal trade is not taking place.

It would also appear that apparently some legal CITES certified trade of Asian elephants is in contravention of the Convention. The main use of elephants is for commercial entertainment facilities yet the majority of trade has been for such use. There is a need for importing Parties to stringently check that the purpose of importation is permitted under the Convention.

2. Laws relating to elephants are not adequately enforced

The majority of the Asian elephant range country representatives interviewed felt that their national wildlife legislation is adequate and, if properly enforced, could deter illegal trade. However, some jurisdictions have several laws (one State has seven national Acts relating to elephants) which may result in confusion and result in issues of Ministerial responsibility for prosecutions. Harmonization of relevant, current legislation would ensure clarity for the public, enforcement officers and prosecutors. Arguably, lack of effective investigation and enforcement of existing laws is a primary reason why the illegal live trade of elephants still exists in Asia.

While some countries have specific legislation to enact CITES rules governing trade, other countries mentioned the need to revise their legislation to adequately adopt CITES measures. In some instances, legislation does not appear to acknowledge the fact that as a party to CITES the country legislation should have the ability to enact and adopt measures to implement the CITES treaty.

For the majority of range countries in Asia, elephants have the highest level of protection under their wildlife legislation, and most laws do not distinguish between wild or captive elephants. Only Thailand makes a legal

distinction between wild and captive elephants which are afforded differing levels of protection and are managed under different Ministries.

Some range countries allow trade in captive elephants within country; this likely has a bearing on international illegal trade from those same countries if adequate regulatory mechanisms are not in place.

3. Registration systems are not sufficiently updated and are not sufficiently secure to prevent illicit trade

Most range countries in Asia have formal or semi-formal registration systems to monitor their captive elephant populations. Most systems however include flaws, which combined with ineffective enforcement means there is currently no system in place to confidently determine the origin of elephants in captivity and ensure that no wild elephants enter the captive elephant market. On the contrary, it is likely that wild elephants are laundered into captive populations either calculatedly or opportunistically.

The registration of captive Asian elephants in most countries primarily involves the use of a simple database that includes basic biological information on each individual elephant (e.g. gender, approximate age, place of origin, accurate or estimated height, accurate or estimated weight, body condition, distinguishing characteristics, size and condition of tusks, any reproductive information, etc.). If the elephant was captured, date and capture site should be included. If the elephant is captive born, parentage information should be recorded at the time of registration. Some registration systems include photographs of the elephant as well as basic information about the use of the elephant, owner, and location (current and previous) of the elephant. As certain information may change over time, periodic renewal or updating of the registration is necessary. Such updates to the registration are often lacking in most range countries.

A registration database should be readily accessed and analyzed across all range countries.

Registration in some Asian range countries also includes the use of microchips and/or other tamper-proof mark to help positively identify each individual elephant. Microchips allow for a quick and easy check of an individual's identity. However, microchips can be transferred to other elephants and they also require specific instruments (readers) to be available in order to scan the animal's microchip.

Branding or tattoos are a long lasting visual identification method that can be effective. There have been concerns about elephant welfare during the branding process. Brands on an elephant could potentially be modified. Tattoos are used in other species as a means for permanent identification but have not yet been trialed in elephants.

Where microchips or other forms of tamper-proof identification marks are used, there is a need to standardize systems of use and provide training across range countries. This is still lacking. It is recommended that an elephant be registered no later than 6 months after birth.

Limitations to the captive elephant registration systems in Asia include:

- Poor implementation in countries that allow private ownership as not all privately owned elephants are registered.
- Inadequate resources, instruments (i.e. microchip readers), and limited access to the owner documentation and/or a central database.
- Low capacity of field staff to assess the validity of owner documentation and positively confirm the identity of an elephant.

It has been noted previously, that there is a need for a DNA registration system for all non-wild elephants across Asia. This is arguably a method of identification that is not vulnerable to misidentification, tampering of the identification mark, or changes to registration documents. The DNA of an elephant cannot be changed. In addition, DNA would resolve with a high level of certainty, issues related to disputed parentage. The wildlife forensics organization TRACE reports that it has developed an affordable, relatively straightforward technique for obtaining DNA profiles from elephants and is in collaboration with the Department of National Parks in Thailand. It would seem appropriate to explore the feasibility of a regional DNA registration database.

4. National responsibility for elephants is shared amongst a number of agencies

While the Ministries and Departments directly responsible for enforcing wildlife laws are generally aware of the need to address illegal trade - in live elephants or elephant products - under the country legislation, they have less information on the need for measures to adequately implement CITES trade regulations.

Further information would be needed to evaluate how to improve enforcement of wildlife trade laws and regulations in the range countries. Information on requirements to improve enforcement, which was not collected during this review, includes the following:

- Providing enough staff in areas of concern
- Providing training for staff in all methods and instruments to monitor captive elephant movement;
- Access to and availability of instruments
- Access to registration data and feedback provisions;
- Knowledge of wildlife laws, in particular of those governing wildlife trade.

Range countries stated they have limited capacity to enforce their country's wildlife laws, and adequate collaborations with various other government agencies in country to enforce these laws. Some countries stated that wildlife crime is also mentioned in the country's Penal Code, thereby providing additional enforcement. Several countries mentioned they had a good legal framework but sometimes the political will hinders the enforcement of existing regulations regarding illegal trade.

Only a few of the countries stated their international collaborations with neighboring countries and international law enforcement agencies were effective in addressing and investigating illegal cross-border trade in live elephants.

Government wildlife staff may not be fully aware of CITES regulations and expectations – from both a regulatory and enforcement perspective. There should be a consideration from CITES to provide better or more frequent awareness raising opportunities to range countries about expectations from these countries as government staff changes and information transfer within the different governmental agencies seems to be lacking.

It was generally agreed that the main constraints in enforcement are: limited budget, insufficient staff, limited capacity, limited cross-sector and transboundary collaborations, etc. There is a concern that the demand for wildlife, including live elephants, is growing in range countries and consequently wildlife and their parts are traded by illegal ways and means. Such illegal schemes have strongly backed finances and manpower and are using modern information distribution techniques. In order to reduce the above mentioned constraints, there is an urgent need to strengthen staff, funding, materials, capacity, data, information sharing, collaboration with public and related organizations, and improve international collaborations. Another important challenge for combating illegal wildlife crime is the security problem, particularly in border areas where law enforcement is very weak and often wildlife officers are killed in the line of duty.

5. Excessive populations of former labor elephants present potentially overwhelming challenges

Currently in Asia there exists a scenario of an increasing unemployed captive elephant population. Large numbers of elephants in this population are former labor elephants with no work in some range countries, yet there are increasing opportunities for employment (i.e. in tourism) in other range countries. This market is seen a major driver behind the increase in illegal trade of elephants across several borders in Asia. As the number of former labor elephants is significant, there is an urgent need for countries to develop strategies to manage these populations suitably. While existing CITES regulations allow for travelling/exhibition certificates which could potentially enable legal cross border movement of already captive elephants with no employment to areas of employment, promoting such transfers may actually create more incentive for illegal captures of wild elephants.

6. Future threats are inadequately researched and strategies to manage them are not in place

As the result of habitat loss and fragmentation, local elephant populations in several range countries may already be facing extinction in the wild. Presently some range countries have a larger population of captive elephants than wild, so in some regions the likelihood of captive elephant populations outliving wild populations seems to be an inevitable part of the future.

With increasingly large numbers of “surplus” elephants the demand for live elephants may escalate as certain sectors (i.e. tourism, entertainment, etc.) seek additional elephants. Increasing demand may also come from countries neighboring elephant range countries. These factors facilitate illegal trade and it is crucial that appropriate regulations be implemented to address the source of trade. Poaching in captive populations could become more likely as management responsibility diminishes and emerging markets for elephant products appear. The emergence of apparently new trade fads, such as the poaching of elephants for their skin and trunks, are troubling and should be carefully monitored.

National agencies and other stakeholders should adopt measures to pro-actively monitor trade and develop strategies to mitigate future threats that could within months decimate Asian elephant populations.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The Secretariat proposes the following tentative budget and source of funding:

- Implementation of Decision 17.AA: 80,000 USD (external funding to be identified)
- Implementation of Decision 17.CC (and depending upon requests): up to 150,000 USD (external funding to be identified)
- Implementation of proposed amendments to Resolution Conf. 10.10 (Rev. CoP16) between CoP17 and CoP18 (external funding to be identified):
 - Reporting to Standing Committee by the IUCN/SSC Asian elephant specialist Group and UNEP-WCMC: 40,000 USD per meeting of the Standing Committee (noting that the costs for implementing MIKE and ETIS, and reporting by the IUCN/SSC African Elephant Specialist Group, are shown in the Annex to Document CoP17 Doc. 57.5, and are covered through funding provided by the European Union up to and including the 70th meeting of the Standing Committee in 2018; subsequently, additional external funding will be required)
 - Activities by the Secretariat to support and enhance the traceability of elephant specimens in trade: 100,000 USD