

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.)

TRADE IN LIVE ELEPHANTS: PROPOSED REVISION OF RESOLUTION CONF. 10.10 (REV. COP16)
ON *TRADE IN LIVE ELEPHANTS*

1. This document has been submitted by Burkina Faso, Central African Republic, Chad, Kenya, Mali, Niger and Senegal.*
2. This document proposes a revision to the text in Resolution Conf. 10.10 (Rev. CoP16) on *Trade in Elephant Specimens* dealing with trade in live elephants. Under the sub heading “Regarding trade in elephant specimens” in the current text, the third RECOMMENDS states, “RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal trade in live elephants”. This document proposes to expand the language regarding trade in live elephants.
3. The Preamble to Resolution Conf. 10.10 (Rev. CoP16) recognizes the need “to manage and conserve elephants in the long term.” The IUCN SSC African Elephant Specialist Group has stated, “Believing there to be no direct benefit for in situ conservation of African elephants, the African Elephant Specialist Group of the IUCN Species Survival Commission does not endorse the removal of African elephants from the wild for any captive use.”¹
4. There are well-documented harmful effects resulting from the capture of young African elephants for *ex situ* purposes. These effects include the trauma experienced by these animals as they are removed from their mothers and family groups and confined in unnatural enclosures, high rates of mortality, injury and disease in captivity as well as the trauma and disruption experienced by the animals remaining in the family groups from which they are derived.²
5. According to information contained in the CITES Trade Database, between 2005 and 2014, 70 live wild-caught African elephants were exported from African range States for purposes other than reintroduction or introduction into the wild for conservation including trade to zoos for circuses, education and commercial

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

¹ https://www.iucn.org/about/work/programmes/species/who_we_are/ssc_specialist_groups_and_red_list_authorities_directory/mammals/african_elephant/statements/captive_use/

² <http://www.elephantvoices.org/multimedia-resources/statements-a-testimonies.html>;
<http://www.elephantvoices.org/phocadownload/FAQs-Swaziland-elephant-export-publ28Oct2015.pdf> ;
<http://allanschore.com/pdf/SchoreBradshawNature-elephantbreakdown.pdf> ; Shannon et al. 2013. *Effects of social disruption in elephants persist decades after culling*. *Frontiers in Zoology* 2013, 10:62. <http://www.frontiersinzoology.com/content/10/1/62>;
http://www.elephants.com/joanna/Bradshaw&Lindner_PTSD-rev.pdf

purposes.³ Over half of these, totaling 44 specimens, were from countries with elephant populations on CITES Appendix I.

6. The African elephant populations of Botswana, Namibia, South Africa and Zimbabwe are currently listed in CITES Appendix II with an annotation that permits “trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20, for Botswana and Zimbabwe populations and for *in situ* conservation programmes for Namibia and South Africa populations.”⁴ The annotation further states, “All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.”
7. All other African and Asian elephant populations are listed in CITES Appendix I, and the grant of an import permit for live animals requires, under CITES Article III, paragraph 3(b), that “a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.”⁵
8. Resolution Conf. 11.20 on *Definition of the term 'appropriate and acceptable destinations'* defines the term “appropriate and acceptable destinations” “to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.”⁶
9. There is support in most of the African elephant range States for restricting trade in live African elephants taken from the wild only for *in situ* conservation purposes, preferably involving transfer of entire family groups.
10. The 2008 National Norms and Standards for the Management of Elephants in South Africa⁷ prohibits capture of live elephants except in narrow circumstances (not including export to zoos), because of the trauma associated with such capture. The Norms and Standards state, “elephants are intelligent, have strong family bonds and operate within highly socialized groups and unnecessary disruption of these groups by human intervention should be minimized.”

Recommendations

11. The proponents recommend that, the Conference of the Parties adopt the following proposed amendments to the text of Resolution Conf. 10.10 (Rev. CoP16) in order to restrict trade in African elephants taken from the wild to transfers for *in situ* conservation purposes only.

COMMENTS FROM THE SECRETARIAT

- A. The document seeks to amend Resolution Conf. 10.10 (Rev. CoP16) to limit the trade in live elephants to the following destinations “*in situ* conservation programmes or secure areas in the wild within the species’ natural range, except in the case of temporary transfers in emergency situations”. The proposed amendments to this effect, as shown in the annex to the document, do not distinguish between African or Asian elephants, captive-bred or wild animals, or domesticated African or Asian elephants.
- B. The document does not explain what is meant by “secure areas in the wild” or “temporary transfers in emergency situations”, and no conservation rationale is provided for the proposed limitations in destinations where live elephants can be (re-)exported to. It therefore remains unclear why these destinations would be the only ones that could be regarded as “appropriate and acceptable”, or “suitably equipped to house and care for” live African or Asian elephants. Most range States of African elephants and several of Asian elephants may actually not have such facilities at the proposed destinations.

³ http://trade.cites.org/en/cites_trade/. Search conducted on 19 February 2016. Figures on live African elephants in trade cited in text are based on exporting country reports; importing country figures are higher.

⁴ <https://cites.org/eng/app/appendices.php#6>

⁵ <https://cites.org/eng/disc/text.php#III>

⁶ <https://cites.org/eng/res/11/11-20.php>

⁷ https://www.environment.gov.za/sites/default/files/gazetted_notices/nemba_elephantsinsa_q30833qon251.pdf

- C. At the request of the Standing Committee, the Secretariat discussed in document CoP17 Doc. 57.1 the results of a study on the trade in live Asian elephants, undertaken by IUCN in the first half of 2016. The Secretariat proposes several draft decisions directed to range States of Asian elephants and the Secretariat, recommending *inter alia* the development of a regional marking system, and full compliance with all provisions of Article III for international transactions involving wild live Asian elephants (including satisfaction that the live specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment, and that the proposed recipient is suitably equipped to house and care for it). The Secretariat did not conclude from the study on trade in live Asian elephants that amendments to Resolution Conf. 10.10 (Rev. CoP16) relating to their transport or destinations were warranted.
- D. The present document seems to focus on trade in live African elephants which, compared to trade in live Asian elephants, has occurred at lower levels, and was not the subject of the work on live elephants requested by the Standing Committee. During the ten year period of 2005 - 2015, gross exports in the CITES trade database show some 1,000 transactions involving live Asian elephants, and some 500 involving live African elephants⁸.
- E. The Annex to the document proposes three amendments to Resolution Conf. 10.10 (Rev. CoP16). The Secretariat considers that the proposed language in the first RECOMMENDS, by confirming existing provisions in the text of the Convention, might add some clarity but seems superfluous. The first AGREES addresses animal welfare issues specific to elephants. While the Convention does address some animal welfare considerations⁹, these particular considerations fall outside the scope of the Convention, and they are matters for each country to decide upon and regulate at the national level.
- F. The implicit notion that only African or Asian elephant range States would have the infrastructure or ability to suitably house and care for live elephants, or be appropriate and acceptable destinations, as reflected in the second AGREES, is not substantiated in the present document.
- G. The Secretariat draws attention of the Parties to its comments on document CoP17 Doc. 40, which addresses related issues, focusing on Resolution Conf. 11.20.
- H. Based on the above considerations, the Secretariat does not recommend that the Conference of the Parties adopt the draft amendments proposed in the Annex to this document.
- I. The Secretariat considers however that it would be useful for the Parties to reflect on the possibility of developing generic as well as species-specific guidance for Scientific Authorities to assist them in taking well-informed decisions in compliance with Article III, paragraph 3, (b), i.e. that "a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it".

⁸ This figure includes a transaction in 2009 of 110 live African elephants of captive bred origin exported from Jordan to the United Arab Emirates. The export is reported by Jordan, but the import is not recorded UAE. It may reflect an error.

⁹ See for example : https://cites.org/eng/news/sq/keynote_address_cites_secretary_general_lia_state_university_tbilisi_20102015

Proposed new text is underlined.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding trade in elephant specimens

RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal and detrimental trade in live elephants and to minimize the risk of injury, damage to health or cruel treatment of live elephants in trade;

AGREES that, elephants are highly social animals, and that removal of elephants from their social groups both disrupts wild populations and has detrimental effects on the physical and mental state of live elephants removed from these groups, and therefore trade in such animals is neither appropriate nor acceptable.

AGREES that in relation to trade in live elephants taken from the wild, the only recipients that should be regarded as “appropriate and acceptable” (as referred to in Resolution Conf. 11.20) and “suitably equipped to house and care for” those elephants in accordance with Article III, Para 3(6) of the Convention are *in situ* conservation programmes or secure areas in the wild within the species’ natural range, except in the case of temporary transfers in emergency situations.