

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

Regulation of trade

Definition of the term 'appropriate and acceptable destinations'

INTERNATIONAL TRADE IN LIVE AFRICAN ELEPHANTS:
PROPOSED REVISION OF RESOLUTION CONF. 11.20 (REV. COP17) ON
DEFINITION OF THE TERM 'APPROPRIATE AND ACCEPTABLE DESTINATIONS'

1. This document has been submitted by Burkina Faso, Jordan, Lebanon, Liberia, the Niger, Nigeria, the Sudan and Syrian Arab Republic.*
2. The present document proposes a revision to the text in Resolution Conf. 11.20 (Rev. CoP17) on the *Definition of the term "appropriate and acceptable destinations"*, clarifying the definition for African elephants to mean *in situ* conservation programmes within their natural range.

Background

3. African elephants are split-listed in two Appendices: Appendix I and Appendix II. The populations of African elephants in South Africa, Zimbabwe, Botswana and Namibia are listed in Appendix II, subject to an annotation¹ with the exclusive purpose of allowing, *inter alia*, trade in live animals to "appropriate and acceptable" destinations, as defined in Resolution Conf. 11.20 (Rev. CoP17), for Botswana and Zimbabwe and for *in situ* conservation programmes for Namibia and South Africa. Live African elephants from Appendix I populations can be traded for non-commercial purposes to destinations "suitably equipped to house and care for them" under the terms of Article III par. 3(b) of the Convention.
4. The split listing of African elephant populations and the two different criteria within the annotation for the Appendix II populations have created different provisions for trade in live African elephants. Lack of uniform criteria concerning the trade in live African elephants undermines the implementation and enforcement of the Convention. There are no scientific grounds in elephant biology or principles of well-being that support the situation where elephants that are listed in the same Appendix, but originating from different countries, should be treated differently when they are traded across international borders.
5. Resolution Conf. 11.20 was amended during the 17th meeting of the Conference of the Parties (CoP17), clarifying the definition of "appropriate and acceptable" destinations. The new language (underlined) states that "where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the trade in live animals, this term shall be defined to mean destinations where:

* 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 Annotation 2. b) <https://www.cites.org/eng/app/appendices.php#ftnt2>

- a) *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; and*
 - b) *the Scientific Authorities of the State of import and the State of export are satisfied that the trade would promote in situ conservation*.
6. In 2003, the IUCN-SSC African Elephant Specialist Group (AfESG) made the following statement: “*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*”.²
 7. The Conference of the Parties, at its 17th meeting (CoP17, Johannesburg, 2016), adopted Decisions 17.178 to 17.180 on the implementation of the Definition of the term “*appropriate and acceptable destinations*” and Article III, paragraphs 3(b) and 5(b), of the Convention regarding findings that recipients of living specimens of CITES Appendix-I species are suitably equipped to house and care for them, with a view to developing recommendations and guidance for consideration by the Standing Committee and the 18th meeting of the Conference of Parties (CoP18, Sri Lanka, 2018).
 8. At the 29th meeting of the Animals Committee (AC29, Geneva, July 2017) and the 69th meeting of the Standing Committee (SC69, Geneva, November 2017), an intersessional working group was established by each Committee^{3,4} on definition of the term ‘appropriate and acceptable destinations’ and Article III, paragraphs 3(b) and 5(b), of the Convention, and a revised time-frame was agreed to implement Decision 17.178. The Secretariat reported to the 30th meeting of the Animals Committee (AC30) and the 70th meeting of the Standing Committee (SC70).
 9. At SC69, Burkina Faso and Niger, on behalf of several NGOs⁵, submitted an Information Document (SC69 Inf. 36)⁶ on *Challenges to CITES regulation of the international trade in live, wild-caught African elephants*. The document presents a detailed analysis of information on the legal implications, biological impacts and welfare effects of the trade in live African elephants, including case studies. It concludes that, emergencies aside, the only recipients that should be regarded as “appropriate and acceptable” for wild-caught African elephants are *in situ* conservation programmes or secure areas in the wild within the species’ natural range.
 10. The African Elephant Coalition (AEC), representing 30 countries of the African elephant range, held a Summit in Addis Ababa from 1-3 June 2018⁷. Among a number of pertinent issues discussed concerning protecting elephants was the continued international trade of live wild elephants and the conditions under which these animals were caught and traded. The Coalition reaffirmed its position that the only “appropriate and acceptable” destinations for live wild elephants are *in situ* conservation programmes within their wild natural range. It was agreed to submit a document to SC70 expressing the views and recommendations of the AEC.
 11. The 30th meeting of the Animals Committee (AC30, Geneva, July 2018) adopted an outline of non-binding guidance on factors that should be considered when evaluating whether the proposed recipient of a living specimen is suitably equipped to house and care for it, such as: climate conditions of the recipient, space to display normal behaviour, dietary needs, social well-being of the living specimens, and others⁸.

² <https://www.iucn.org/ssc-groups/mammals/african-elephant-specialist-group/afesg-statements/removal-african-elephants-captive-use>

³ The mandate and the members of the AC29 intersessional working group can be found at: <https://cites.org/sites/default/files/eng/com/ac/29/sum/E-AC29-SR.pdf>

⁴ The mandate and the members of the SC69 intersessional working group can be found at: <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-Sum-06-R1.pdf>

⁵ Amboseli Trust for Elephants, Animals Asia Foundation, Animal Welfare Institute, Born Free Foundation, David Shepherd Wildlife Foundation, Fondation Franz Weber, Future for Elephants, GSM (Society for the Conservation of Marine Mammals, Denmark), Humane Society International, National Council of SPCAs (South Africa), Pro Wildlife, Performing Animal Welfare Society and Species Survival Network.

⁶ <https://cites.org/sites/default/files/eng/com/sc/69/inf/E-SC69-Inf-36.pdf>

⁷ AEC member countries present were: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Republic of Congo, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Mali, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Sudan, Togo, Uganda.

⁸ <https://cites.org/sites/default/files/eng/com/ac/30/com/E-AC30-Com-06.pdf>

12. The Animals Committee recommended for submission to CoP18 the adoption of several Decisions directed to the Secretariat, the Parties, the Animals Committee and the Standing Committee⁹, including a draft Decision to prepare non-binding best practice guidance on how to determine whether “the trade would promote *in situ* conservation” and prepare more detailed species-specific guidance for living specimens of African elephants.
13. At the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), Burkina Faso and Niger submitted SC70 Doc. 38.3 on “*Definition of the term ‘appropriate and acceptable destinations’: trade in live elephants*”, asking the Standing Committee, *inter alia*, to¹⁰:
- Endorse the Animals Committee recommendations, in particular that it should continue its work on the guidance;
 - Ask CoP18 to direct the Secretariat to engage Parties whose elephant populations are listed in Appendix II and who have exported wild caught live elephants to a non-elephant range State since CoP11 on their implementation of Resolution Conf. 11.20 (Rev.CoP17); and
 - Ask that CoP18 reconsider and take decisions on the particular issues connected with trade in live wild elephants [and southern white rhinoceros], including an option to amend Resolution Conf. 11.20 (Rev. CoP17) and include a recommendation that the only appropriate and acceptable destinations for live wild African elephants are *in situ* conservation programmes within their wild natural range. Further, they ask for the recognition that the only certain way to promote *in situ* conservation is through *in situ* conservation programmes within their wild natural range.
14. The Standing Committee agreed to propose to the Conference of the Parties the outline of the non-binding guidance and the set of draft Decisions presented in paragraphs 8 and 9 of document SC70 Doc. 38.1, respectively, and confirmed that Decisions 17.178 to 17.180 had been fully implemented¹¹. It further agreed to propose to the Conference of the Parties the following additional draft Decision:

Directed to the Secretariat

The Secretariat shall consult with Parties whose elephants are listed in Appendix II and who have exported wild caught elephants to a non-elephant range State since CoP11 on their implementation of Resolution Conf. 11.20 (Rev. CoP17), in particular considering the role and responsibility of the State of export in Article IV and Resolution Conf. 16.7 (Rev. CoP17) and Resolution Conf. 11.20 (Rev. CoP17).

15. Furthermore, the Standing Committee noted the concerns raised in document SC70 Doc. 38.3 submitted by Burkina Faso and Niger and requested the Secretariat to consult with Parties that have imported live elephants to share their findings that 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; and that the Scientific Authorities of the State of import and the State of export are satisfied that the trade would promote *in situ* conservation in accordance with Resolution Conf. 11.20 (Rev. CoP17) on *Definition of the term ‘appropriate and acceptable destinations’*.

Concerns regarding capture and trade of wild-caught African elephants for captivity purposes

16. African elephants are intelligent animals with active minds and complex social structures underpinned by strong family bonds that can last a lifetime. Elephants are extremely gregarious, and African savannah elephants congregate seasonally in their hundreds¹². Social learning and behavioural innovation are essential to both individual development and to the very fabric of elephant society, tradition and culture¹³. Individuals interact with many animals from different female-offspring social units across a large population. Although they are not as cohesive as female groups, bachelor groups of juvenile and even fully adult bull

⁹ <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-38-01.pdf>

¹⁰ <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-38-03.pdf>

¹¹ <https://cites.org/sites/default/files/eng/com/sc/70/exsum/E-SC70-Sum-09-R1.pdf>

¹² Moss, C. (1988) *Elephant Memories: Thirteen Years in the Life of an Elephant Family*. William Morrow, New York; Poole, J.H. & Moss, C.J. (2008) *Elephant sociality and complexity: The scientific evidence*. In: Wemmer, C.M. & Christen, C.A. (Eds.) *Elephants and Ethics: Toward a Morality of Coexistence*. Johns Hopkins University Press, Baltimore, pp. 69-98.

¹³ Lee, P.C. & Moss, C.J. (1999) *The social context for learning and behavioural development among wild African elephants*. In: Box, H.O. & Gibson, K.R. (Eds.) *Mammalian Social Learning; Symposium of the Zoological Society of London, 72*, Cambridge University Press, Cambridge, pp. 102-125; Poole & Moss, op.cit.

elephants often include stable companionships¹⁴. Social interactions between elephants in the wild, and the stimulation that such interactions provide, are essential to well-being of both sexes, both during early life and throughout adulthood.

17. African elephants in the wild are wide-ranging and constantly on the move, behaviour that keeps their minds stimulated and their bodies vigorous and physically fit. Being able to roam and forage freely over a diverse and varied landscape is critical to an elephant's daily life¹⁵.
18. Until the mid-1990s, most captures of wild African elephants were young calves surviving to be taken as the by-product of culling operations. During the last decade, captures have involved deliberately separating calves from their family members, resulting in injuries or mortality and psychological trauma for the calves, and leaving the remaining family groups fragmented and disrupted. These captures of wild African elephants undermine the conservation of the species, because they interfere with the social cohesion that is essential for survival and successful reproduction, and increase the antagonism between elephants and the humans who share their habitats.
19. Captured calves transported to holding facilities suffer depression, lethargy, anxiety, intra-specific aggression, and a diminished or non-existent appetite, sometimes resulting in death or contributing to premature mortality. Training in temporary facilities may include food and/or light deprivation, restriction of movement, forcing the animal into an uncomfortable position for extended periods of time, and regular beatings. This mistreatment will have long-lasting psychological impacts.
20. Given the unique biological and behavioural characteristics noted above, it is clear that African elephants have very specific needs that captive facilities must struggle to provide if they are to match what elephants can find in the wild. Failure to do so condemns the animals to inadequate and unstimulating living spaces, unnatural social environments and the loss of opportunities for learning crucial skills of parenting and foraging.
21. Where national zoo association guidelines for elephant management do exist, they tend to be conservative, and based more on the ability of their member establishments to achieve them rather than on the genuine biological needs of the animals. In the report (SC69 Inf. 36) submitted to CITES SC69 by Burkina Faso and Niger⁶, a review noted guidelines published by zoo associations in the United States, Britain and Ireland, Australasia and India. This review reveals that typical "best practice" standards for the minimum size of indoor stalls (35-60m² per animal) and outdoor enclosures (500m² per animal), and minimum social group size (3-4 animals of either sex), fall far short of the conditions that appear to be required by elephant biology, as described above. It should go without saying that such conditions are well-provided at *in situ* locations.
22. The same report to SC69 noted that an estimated 533 wild-sourced African elephants were held in captivity worldwide as of September 2017, 465 in zoos and 68 in circuses. African elephants are found in zoos in almost every continent, from Europe, North America, and Latin America to Asia. Some of the zoos are located in places where the natural climate, including severe winter conditions, is unsuitable for the species. While elephants in such locations may have access to indoor heat, confinement in an indoor enclosure for weeks or months will cause damaging behavioural frustration and foot and joint problems that could lead to premature death.
23. The CITES Trade Database indicates that South Africa, Namibia, and Zimbabwe have been the top three exporters of live, wild-sourced elephants for zoos (Purpose code "Z"), together comprising 73% or 215 animals of such exports during 1990 to 2015. Botswana exported a total of 5 elephants to overseas zoos. In the case of Botswana where the volume of trade has been consistently low, there is no clear need to maintain the option of live trade to *ex situ* captivity, while in the case of Zimbabwe, the export trade to *ex situ* locations appears detrimental to the interests of the elephants. The top three range States for export directly from the wild to circuses (Purpose code "Q") were South Africa, Namibia and Botswana, together comprising 71% of

¹⁴ Evans, K. E., & Harris, S. (2008) Adolescence in male African elephants, *Loxodonta Africana*, and the importance of sociality. *Animal Behaviour*, 76: 779-787; Lee, P.C., Lindsay, W.K. & Moss, C.J. (2011) Ecological patterns of variability in demographic rates. In: Moss, C.J., Croze, H. & Lee, P.C. (Eds.) *The Amboseli Elephants: A Long-Term Perspective on a Long-Lived Mammal*. University of Chicago Press, Chicago, pp. 74-88.

¹⁵ Poole, J.H. & Granli, P. (2009) Mind and movement: Meeting the interests of elephants. In: Forthman, D.L., Kane, L.F., Hancocks, D. & Waldau, P.F. (Eds.) *An Elephant in the Room: The Science and Well-being of Elephants in Captivity*. Tufts Center for Animals and Public Policy, North Grafton, Massachusetts, pp. 2-21.

such exports or 49 elephants during the same period. From Zimbabwe, for 1990¹⁶ to 2016¹⁷ (the latest year that the data are available), five countries reported imports (for Purpose codes Z and Q) of a total of 86 live, wild-sourced elephants, while Zimbabwe itself reported only 43 elephants exported (for Purpose code Z) to one country, China. Zimbabwe's reported exports of elephants to China were of 8 animals in 2012 and 35 animals in 2016. China reported a total of 69 elephants imported from Zimbabwe, 8 animals in 2012, 27 in 2015 and 34 in 2016.

Conclusions

24. In view of the condition in Resolution Conf.11.20 (Rev.CoP17) that trade in live animals to 'appropriate and acceptable destinations' should promote *in situ* conservation, together with the conclusion of the AfESG that there is no direct benefit to *in situ* conservation from the removal of African elephants from the wild, it is clear that *ex situ* captive use should not be considered an "appropriate and acceptable" destination for wild-caught African elephants.
25. Therefore, we conclude that the only recipient that can be considered as "suitably equipped to house and care for" wild-caught African elephants are *in situ* conservation programmes within their wild natural range, and that the only way to promote *in situ* conservation is through *in situ* conservation programmes within their wild natural range.

Recommendations

26. The Conference of the Parties is requested to:
 - a) Recommend that the outline for non-binding guidance for evaluating whether the proposed recipient of a living specimen is suitably equipped to house and care for it, guidance on how to determine whether the trade would promote *in situ* conservation, and more detailed species-specific guidance for living specimens of African elephants and southern white rhinoceros be included as an Annex to Resolution Conf. 11.20 (Rev. CoP17);
 - b) Adopt the Decisions put forward by the 70th meeting of the Standing Committee; and
 - c) Adopt the amendments to Resolution Conf. 11.20 (Rev. CoP17) contained in Annex 1 of the present document.

COMMENTS OF THE SECRETARIAT

- A. This proposal is closely linked to document CoP18 Doc. 44.1, which has been submitted to this meeting by the Standing Committee and reports on the implementation of Decisions 17.178 to 17.180 on *Definition of the term appropriate and acceptable destinations*. Those Decisions were adopted at CoP17 as an agreed way forward following deliberations on documents [CoP17 Doc. 40](#) and [CoP17 Doc. 57.4](#). The former document proposed a set of draft decisions and revisions to Resolution Conf. 11.20 on *Definition of the term 'appropriate and acceptable destinations'*. The latter document sought to amend Resolution Conf. 10.10 (Rev. CoP16) on *Trade in live elephants*, such that trade in live elephants would be limited to "*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 Conference of the Parties adopted the proposed amendments to Resolution Conf. 11.20 on *Definition of the term 'appropriate and acceptable destinations* and the draft decisions as amended in document [CoP17 Com. II. 30 \(Rev. 1\)](#).
- B. In document CoP18 Doc. 44.1, the Standing Committee proposes the adoption of non-binding guidance for determining whether recipients of living specimens of CITES Appendix-I species are suitably equipped to house and care for them. This non-binding guidance was developed by the Animals Committee and endorsed by the Standing Committee at its 70th meeting (SC70, Sochi, October 2018).

¹⁶ The year 1990 was chosen as it is when the Appendix I listing of the African elephants took effect.

¹⁷ <https://trade.cites.org/> data downloaded on 21 October 2018

- C. The Standing Committee also proposes a new set of draft decisions on the *definition of the term 'appropriate and acceptable destinations'* in document CoP18 Doc. 44.1 that will build on Decisions 17.178 to 17.180. These draft decisions include instructions to the Animals Committee and Standing Committee to develop more species-specific guidance for determining whether recipients of living specimens of African elephant and southern white rhinoceros are suitably equipped to house and care for them; and preparing non-binding guidance on how to determine whether the trade would promote *in situ* conservation.
- D. The Secretariat notes that the proposal in document CoP18 Doc. 44.2 is similar to the intent of document SC70 Doc. 38.3, which was submitted by Burkina Faso and Niger to SC70. Some of the suggestions in that document have been included in the set of decisions in document CoP18 Doc. 44.1, which the Standing Committee has submitted for consideration at this meeting.
- E. Noting that the Standing Committee has already come to a conclusion based on a stepped and measured approach and developed a clear way forward on the definition of the term “appropriate and acceptable destinations”, as outlined in document CoP18 Doc. 44.1, the Secretariat does not support the proposal in this document.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Proposed amendments to Resolution Conf. 11.20 (rev. cop17) on Definition of the term 'appropriate and acceptable destinations'

The following new provisions in underlined text on trade in live wild-caught elephant specimens are proposed for inclusion in Resolution Conf. 11.20 (Rev. CoP17):

Preamble

RECOGNIZING that elephants are highly social animals and that removal of elephants from their social groups disrupts wild populations and has detrimental effects on the physical and social well-being of elephants removed from these groups;

AKNOWLEDGING the Addis Ababa Communiqué from the African Elephant Coalition Summit, 1-3 June 2018, in which 21 representatives of African elephant range States reaffirmed the position of the 30 African States in the Coalition that the only appropriate and acceptable destinations for live wild African elephants are *in situ* conservation programmes within their wild natural range;

FURTHER ACKNOWLEDGING that the only certain way to promote *in situ* conservation of live wild African elephants is through *in situ* conservation programmes within their wild natural range;

(Note: this text is intended to be added to the existing preamble)

Operative section

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. AGREES that where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of *Loxodonta africana* in Appendix II of the Convention with reference to the trade in live elephants from the wild, this term shall be defined to mean *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;
- 1.2. FURTHER AGREES that, where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the trade in all other live animals, this term shall be defined to mean destinations where:
 - a) the Management and 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 sustainably; and
 - b) the Management and Scientific Authorities of the State of import and the State of export are satisfied that the trade would promote *in situ* conservation;
- 2.3. ENCOURAGES that any permit authorizing trade of live rhinoceroses or elephants under an 'appropriate and acceptable destinations' annotation contain a condition stating that the rhinoceros horn or elephant ivory from those animals and from their progeny may not enter commercial trade and be sport hunted outside of their historic range; and
- 3.4. RECOMMENDS that all Parties have in place legislative, regulatory, enforcement, or other measures to prevent illegal and detrimental trade in live elephants and rhinoceroses, and to minimize the risk of negative impacts on wild populations and injury, damage to health or cruel treatment of live elephants and rhinoceroses in trade, and to promote the social well-being of these animals.

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Web links

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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.