

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

Species specific matters

Elephants (Elephantidae spp.)

IMPLEMENTING ASPECTS OF RESOLUTION CONF. 10.10  
(REV. COP17) ON THE CLOSURE OF DOMESTIC IVORY MARKETS

1. This document has been submitted by Burkina Faso, Côte d'Ivoire, Ethiopia, Gabon, Kenya, Liberia, the Niger, Nigeria and the Syrian Arab Republic.\*

Summary

2. This document recognises and supports the significant steps taken by many Parties to close their domestic ivory markets. However, it is our view that maintaining a domestic ivory market creates opportunities for laundering illegally obtained ivory, presents monitoring and enforcement challenges, in particular due to the difficulty of policing online trade, and undermines ivory bans in other countries by providing an alternative outlet to which suppliers and traffickers can re-locate. We therefore request the Conference of the Parties to call for the closure of all remaining domestic ivory markets as a matter of urgency by amending Resolution Conf. 10.10 (Rev. CoP17) accordingly.

Background

3. The illegal killing of elephants for their ivory is a major problem across much of Africa. It threatens the survival of many populations of both savannah and forest elephants, including those that were previously thought secure, and undermines the ecological integrity of African forest and savannah ecosystems.
4. According to the African Elephant Status Report,<sup>1</sup> the first full status report for the African elephant in almost a decade, Africa's elephant population has seen the worst declines in 25 years, with a loss of approximately 111,000 elephants over the ten-year period 2006-2015. The report of the CITES Monitoring the Illegal Killing of Elephants (MIKE) Programme to the 69th meeting of the Standing Committee (SC69) concluded that "reported poaching levels continue to pose a risk to the survival of African elephants, with the overall poaching trends in 2016 suggesting more elephants continue to die from poaching than from natural causes."<sup>2</sup> The same conclusion was reached in the latest report to the 70th meeting of the Standing Committee (SC70) which states, "overall, the reported levels of illegal killing remain of concern";<sup>3</sup> figures on

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\* *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.*

<sup>1</sup> C.R. Thouless, H.T. Dublin, J.J. Blanc, D.P. Skinner, T.E. Daniel, R.D. Taylor, F. Maisels, H. L. Frederick and P. Bouché (2016). African Elephant Status Report 2016: an update from the African Elephant Database. Occasional Paper Series of the IUCN Species Survival Commission, No. 60 IUCN / SSC Africa Elephant Specialist Group. IUCN, Gland, Switzerland. vi + 309pp

<sup>2</sup> CITES SC69 Doc. 51.1 Species specific matters Elephants (Elephantidae spp.) Elephant conservation, illegal killing and ivory trade, prepared by the Secretariat

<sup>3</sup> CITES SC70 Doc. 49.1 Elephant conservation, illegal killing and ivory trade, prepared by the Secretariat. paragraph 12

elephant killing levels submitted to CITES<sup>4</sup> show that poaching rates in 2017 were up in the two African regions which account for the majority of elephants - Central and Southern Africa.

5. Furthermore, the CITES Elephant Trade Information System (ETIS) has reported that the volume of illegally traded ivory around the world between 2011 and 2016 was the highest level it has been at in nearly three decades.<sup>5</sup> A recent emerging trend suggests fewer movements of large quantities of ivory, replaced by increased ivory processing within Africa for the (illegal) export of worked ivory products to Asian markets.<sup>6</sup>
6. In recent years, the international view on the ivory trade, in range, transit, and consumer countries has changed dramatically, which is reflected in high level political declarations and agreements, such as the United Nations General Assembly's adoption of its first-ever resolution on wildlife trafficking (UNGA A/69/L.80, "Tackling illicit trafficking in wildlife")<sup>7</sup> on 25 September 2015 and the adoption of a Sustainable Development Goal (SDG) to address illegal wildlife trade.<sup>8</sup> The International Union for Conservation of Nature (IUCN) World Conservation Congress on 10 September 2016 also adopted a motion calling on governments to close their domestic markets for commercial trade in raw or worked elephant ivory.<sup>9</sup> That motion is now official IUCN Resolution WCC 2016 Res. 11.<sup>10</sup> Several other high level political declarations have been made in recent years supporting this position.<sup>11</sup>
7. This international recognition is critical, but the crisis facing the African elephant cannot be effectively tackled without taking strong steps to address one of the key drivers of consumer demand: the existence of domestic legal ivory markets. There is widespread concern that the continued existence of these markets, particularly but not exclusively in consumer States, stimulates demand for ivory and while these markets persist, they will undermine efforts to address the poaching crisis. In addition, the presence of these domestic ivory markets promotes the laundering of illegal ivory into countries with legal markets, which stimulates further poaching and ivory trafficking. The overwhelming majority of African elephant range States have repeatedly called upon transit and consumer States to assist range State efforts to protect elephant populations by closing transit and legal domestic ivory markets, notably through the African Elephant Coalition (AEC)<sup>12</sup> and Elephant Protection Initiative (EPI).<sup>13</sup> Most recently, the AEC reaffirmed its commitment to end global ivory trade and close domestic ivory markets at its Summit in Addis Ababa (1-3 June 2018), stating in its Communiqué that "*The Coalition is calling on all countries to close existing domestic markets and ban the trade in ivory, and looking to the international community to act as a matter of urgency*".<sup>14</sup>

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<sup>4</sup> CITES SC70 Doc. 49.1 Annex 1 Status of elephant populations, levels of illegal killing and the trade in ivory: a report to the CITES Standing Committee, prepared by the Secretariat using information from MIKE-ETIS, UNEPWCMC, IUCN and the Chair of the African Elephant Fund Steering Committee (Ghana)

51.1, Annex Status of Elephant Populations, Levels of Illegal Killing and the Trade in Ivory: A Report to the CITES Standing Committee. This fact was reiterated in TRAFFIC's ETIS Report to the 70th meeting of the Standing Committee in 2018 (CITES SC70 Doc. 49.1 Annex 1 p.24)

<sup>6</sup> Particularly chopsticks, name seal blocks, bangles, beads and pendants, CITES SC70 Doc. 49.1 Annex 1 Status of elephant populations, levels of illegal killing and the trade in ivory: a report to the CITES Standing Committee p. 23

<sup>7</sup> <http://www.un.org/Docs/journal/asp/ws.asp?m=A/69/L.80>. Available in 6 languages

<sup>8</sup> Target 15.7 of Goal 1 which states: *Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products*. Paragraph 9 of the document includes a Vision of a world "...in which humanity lives in harmony with nature and in which wildlife and other living species are protected."

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/L.85&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/L.85&Lang=E) and <https://sustainabledevelopment.un.org/post2015/summit>

<sup>9</sup> <https://portals.iucn.org/congress/motion/007>

<sup>10</sup> <https://portals.iucn.org/library/node/46428>

<sup>11</sup> CITES CoP17 Doc. 57.2 Closure of domestic markets for ivory, submitted by Angola, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Ethiopia, Gabon, Kenya, Niger and Senegal. paragraphs 10-15

<sup>12</sup> The AEC is a Coalition formalized in 2008 comprising 30 African member countries, including 28 range States, committed to a viable and healthy elephant population free of threats from international ivory trade. On 4 November 2015, representatives adopted the Cotonou Declaration, agreeing to "support all proposals and actions at international and national levels to close domestic ivory markets worldwide" [http://www.stopivory.org/wp-content/uploads/2015/11/05\\_African-Elephant-Coalition-Cotonou-Declaration.pdf](http://www.stopivory.org/wp-content/uploads/2015/11/05_African-Elephant-Coalition-Cotonou-Declaration.pdf) Further press releases and declarations by the African Elephant Coalition can be found here: <https://www.africanelephantcoalition.org/press-release/>

<sup>13</sup> The EPI is an African government-led initiative launched by Botswana, Chad, Ethiopia, Gabon and Tanzania in 2014 and now comprising 18 African member countries committed, *inter alia*, to "closing down domestic markets in ivory." <https://www.elephantprotectioninitiative.org/what-we-do/>

<sup>14</sup> [https://www.africanelephantcoalition.org/wp-content/uploads/2018/09/Addis-Ababa-Communiqu%C3%A9\\_FINAL\\_EN\\_3June-2018.pdf](https://www.africanelephantcoalition.org/wp-content/uploads/2018/09/Addis-Ababa-Communiqu%C3%A9_FINAL_EN_3June-2018.pdf)

8. The large majority of AEC member countries have already banned the domestic sale of elephant ivory, evidenced by an analysis presented to SC70.<sup>15</sup>

#### Measures on Domestic Ivory Markets agreed under CITES at CoP17

9. At the 17th meeting of the Conference of the Parties to CITES (CoP17), two proposals to close *all* domestic markets for commercial trade in raw and worked ivory were submitted, one by 10 African elephant range States<sup>16</sup> and one by the USA as part of a proposal to combat wildlife trafficking.<sup>17</sup> Negotiations in a working group led to a consensus decision by the CoP to amend Resolution Conf. 10.10 (Rev. CoP16) on *Trade in Elephant specimens* to, *inter alia*, recommend the closure “as a matter of urgency” of domestic ivory markets in all countries where there is a legal domestic market “that is contributing to poaching or illegal trade” in ivory”.
10. Key existing recommendations on Domestic Ivory Markets in Resolution Conf. 10.10 (Rev. CoP17) are as follows:

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

[...]

3. RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency; [emphasis added]
4. RECOGNIZES that narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade;
5. URGES those Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade and that have not closed their domestic ivory markets for commercial trade in ivory to implement the above recommendation as a matter of urgency; [emphasis added]

[...]

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

[...]

#### Developments since CoP17

11. At SC69, Burkina Faso, Republic of the Congo, Kenya and Niger submitted SC69 Doc. 51.2 requesting the Standing Committee, *inter alia*, to recommend that the Secretariat issue a Notification to all Parties as a matter of urgency, drawing their attention to the recommendation on market closure in paragraph 3 of Resolution Conf. 10.10 (Rev. CoP17) and requesting Parties to provide the information specified in paragraph 8 on the status of the legality of their markets and efforts to close those markets that contribute to poaching or illegal trade. Consequently, the Standing Committee directed the Secretariat to issue such a Notification to the Parties, and reminded them to report to SC70 on provisions relating to domestic ivory markets.<sup>18</sup> The Secretariat subsequently issued Notification to the Parties No. 2017/077 of 19 December

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<sup>15</sup> CITES SC70 Inf. 21 Status of Closure of Domestic Markets in African Elephant Coalition Member States – September 2018, submitted by Liberia and Sierra Leone on behalf of the African Elephant Coalition (AEC)

<sup>16</sup> CITES CoP17 Doc. 57.2 Closure of domestic markets for elephant ivory, submitted by Angola, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Ethiopia, Gabon, Kenya, Niger and Senegal

<sup>17</sup> CITES CoP17 Doc. 27 Actions to combat wildlife trafficking, submitted by USA

<sup>18</sup> CITES SC69 Summary Record, prepared by the Secretariat. paragraph 51.2

2017, inviting “concerned Parties to provide relevant information pursuant to paragraph 8” of Resolution Conf. 10.10 (Rev. CoP17) by 15 April 2018.<sup>19</sup>

- 12 In its report to SC70, the Secretariat presented information from 12 Parties that had responded to the Notification: Australia, Côte d’Ivoire, European Union, Greece, Hong Kong SAR (China), Japan, New Zealand, Singapore, South Africa, Thailand, United Kingdom of Great Britain and Northern Ireland, and United States of America.<sup>20</sup> Before SC70, Liberia and Sierra Leone submitted a further report on behalf of AEC member States in response to the Notification regarding the status of domestic ivory markets in each member State.<sup>21</sup> The Standing Committee noted the information contained in the document and its annexes.<sup>22</sup>
13. CoP17 directed the Secretariat, through Decision 17.87,<sup>23</sup> to undertake a study of the domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal and to report these findings to SC70. The Secretariat presented a report on the first phase of the study at SC70, which focused on domestic trade controls in consumer markets for elephant ivory and was explicitly linked to paragraph 3 of Resolution Conf. 10.10 (Rev. CoP17).<sup>24</sup> The nine markets selected for the study, conducted by the Environmental Law Institute (ELI), were China, including Hong Kong SAR, the European Union (EU) (and its Member States),<sup>25</sup> Japan, Lao People’s Democratic Republic (PDR), Malaysia, Philippines, Thailand, USA and Viet Nam.<sup>26</sup> A number of observations arise from the ELI report. Countries studied use various legal approaches to ban or otherwise regulate domestic trade in elephant ivory, ranging from outright bans on the domestic sale of ivory to bans on possessing ivory to controlling trade through registration schemes. The scope of bans varies, and while most of those countries studied impose some restriction on domestic sale of elephant ivory, fewer ban its commercial possession, and very few ban its personal possession. While all regulate domestic trade in elephant ivory to different extents, they also usually allow for exemptions from their ivory trade regulations to account for ownership of ivory products. These exemptions vary, with Hong Kong SAR, Thailand and particularly Japan, having the most permissive exemptions. Within countries and entities that have implemented and announced bans, including China, Hong Kong SAR and the UK, legal markets are shrinking, but markets have shifted to other countries. The severity of penalties varies across countries, and the online marketplace continues to be a major source of ivory sales. Effectively regulating, restricting, or prohibiting online sales remains a challenge in nearly every market.
14. The Secretariat’s report on the study highlights several conclusions,<sup>27</sup> including that: **1)** the recent fall in the price of ivory appears to have been caused by the mismatch in timing in ivory bans leading legal retailers to liquidate their stock. **2)** Exemptions to ivory bans present challenges to enforcement and oversight authorities. **3)** Bans in one country could potentially shift ivory markets into adjacent countries, leading to an increase in volume of sales despite a decrease in price. **4)** Policing online ivory sales is a continuing challenge for most domestic markets, particularly due to the difficulty in verifying documentation and monitoring all transactions. The Secretariat recommended the following addition to Resolution Conf. 10.10 (Rev. CoP17):

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<sup>19</sup> CITES notification to the Parties No. 2017/77 Concerning: Closure of domestic ivory markets that are contributing to poaching or illegal trade. <https://www.cites.org/sites/default/files/notif/E-Notif-2017-077.pdf>

<sup>20</sup> CITES SC70 Doc. 49.1 Elephant conservation, illegal killing and ivory trade, prepared by the Secretariat, paragraph 52; and CITES SC70 Doc. 49.1 Annex 2 Implementation of provisions relating to domestic ivory markets contained in Resolution Conf. 10.10 (Rev. CoP17) Responses provided by Parties to Notification 2017/077

<sup>21</sup> CITES SC70 Inf. 21 Status of Closure of Domestic Markets in African Elephant Coalition Member States – September 2018, submitted by Liberia and Sierra Leone on behalf of the African Elephant Coalition

<sup>22</sup> CITES SC70 Sum. 5 (03/10/18) Summary Wednesday 3rd October morning, prepared by the Secretariat

<sup>23</sup> CITES CoP17 Decision 17.87 Domestic markets for frequently illegally traded specimens

<sup>24</sup> CITES SC70 Doc. 28 Domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal: report of the Secretariat p. 1

<sup>25</sup> The report primarily analyses EU framework legislation. The authors did not have time/resources to produce a comprehensive analysis of domestic ivory controls in individual Member States. CITES SC70 Inf. 19 Controls on domestic trade in selected Appendix I listed species part I: elephant ivory Annex: country profiles *an analysis of Domestic Controls in nine countries*, prepared by the Environmental Law Institute (ELI) p. 25

<sup>26</sup> CITES SC70 Inf. 18 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory, prepared by the Environmental Law Institute (ELI); CITES SC70 Inf. 19 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory Annex: country profiles *an analysis of domestic controls in nine countries*, prepared by the Environmental Law Institute (ELI)

<sup>27</sup> CITES SC70 Doc. 28 Domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal: report of the secretariat pp. 3-4

5 bis. URGES Parties that close their domestic markets to enhance their border controls and collaboration with neighbouring countries that have not taken similar measures; and such neighbouring countries to closely review trends to ensure that measures are taken to immediately and effectively address illegal trade in ivory.

15. At SC70, the Standing Committee agreed to propose the amendment to Resolution Conf. 10.10 (Rev. CoP17) for consideration of the Conference of the Parties at its 18th meeting.<sup>28</sup>

#### Overview of developments in selected key domestic ivory markets

16. Responses of consumer countries to the elephant poaching crisis and international pressure to close their domestic ivory markets differ considerably. This section briefly reviews developments in selected consumer countries since 2016.

17. **China:** Outstanding progress has been made since CoP17. In March 2017, the CITES authorities in China closed 67 licensed ivory facilities, including 12 ivory carving factories and several dozen ivory retailers. This was the first stage of the implementation of an agreed programme to close down China's domestic ivory commerce by the end of 2017, as outlined in the State Council Notice on the Ban on Sale in Ivory.<sup>29</sup> The remaining official 105 processing and sales sites were closed by 31 December 2017 when the ban went into effect.<sup>30</sup> All processors and retailers are prohibited from introducing ivory products into the market. Museums may still possess ivory, and individuals may still inherit ivory products. China also allows professionally appraised cultural relics to be auctioned; the art auction market remains the only legitimate post-ban commercial outlet for ivory sales in China.<sup>31</sup> According to the new rules, elephant ivory items that can be legally auctioned must be items of art or craft originating before 1949 and from a 'legitimate source'; auctioneers are required to obtain approval from the State Forestry and Grassland Administration, the Department of Cultural Relics Preservation of the local government and the Wildlife Conservation Department of the local government. The stringency of these new rules is welcome, though an analysis by TRAFFIC has highlighted the need for further clarification on how to carry out a 'qualified appraisal' and how to demonstrate 'legality of origin'; it encourages the State Forestry and Grassland Administration and State Administration of Cultural Heritage to carry out joint awareness raising and provide guidance on how to apply the new rules.<sup>32</sup>

18. State agencies have carried out awareness raising and educational activities alongside international and non-governmental organisations in efforts to reduce demand<sup>33</sup> and to promote and disseminate knowledge concerning the ban, while regional forestry bureaus have taken action in areas of relatively heavy trading and import of ivory products, such as Guangdong and Guangxi.<sup>34</sup>

19. Thanks to the ban, the price of ivory has fallen in China, and the government is working to police the internet sales of ivory more effectively and to disrupt criminal networks. An e-commerce law is currently being drafted,<sup>35</sup> which should support efforts to monitor and enforce the ban online. These welcome actions by

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<sup>28</sup> CITES SC70 Sum. 5 (03/10/18) Summary Wednesday 3rd October morning, prepared by the Secretariat

<sup>29</sup> GUOWUYUAN BANGGONG TING GUANYU YOU XU TINGZHI SHANGYE XING JIAGONG XIAOSHOU XIANGYA JI ZHIPIN HUODONG DE TONGZHI, (国务院办公厅关于有序停止商业性加工销售象牙及制品活动的通知) [ST. COUNCIL NOTICE ON BAN ON SALE OF IVORY] (Notice No. 103, issued on 29 Dec., 2016), available at [http://www.gov.cn/gongbao/content/2017/content\\_5163456.htm](http://www.gov.cn/gongbao/content/2017/content_5163456.htm)

<sup>30</sup> CITES SC70 Inf. 19 Controls on domestic trade in selected Appendix I listed species part I: elephant ivory Annex: country profiles *an analysis of Domestic Controls in nine countries*, prepared by ELI p. 6

<sup>31</sup> CITES SC70 Inf. 18 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory, prepared by ELI

<sup>32</sup> Chou, H. W. (2018) China's ivory auction market: A comprehensive analysis of legislation, historical data and market survey results. TRAFFIC, Cambridge, UK. <https://www.traffic.org/site/assets/files/11150/chinas-ivory-auction-market.pdf>

<sup>33</sup> Including one of the largest ever awareness raising campaigns between 2013 and 2016, jointly organised by NGOs WildAid, African Wildlife Foundation and Save the Elephants with the participation of Chinese and international celebrities, including Li Bingbing, Jay Chou, Lang Lang and Jian Wen, Prince William, David Beckham, Lupita Nyong'o, Maggie Q, Sir Richard Branson, Edward Norton, Ian Somerhalder, the cast of the Walking Dead and others. <https://wildaid.org/buying-ivory-is-illegal-in-china-wildaid-and-yao-ming-inform-consumers/>

<sup>34</sup> CITES SC70 Inf. 19 Controls on domestic trade in selected Appendix I listed species part I: elephant ivory Annex: country profiles *an analysis of Domestic Controls in nine countries*, prepared by ELI p. 6; STATE FORESTRY ADMINISTRATION, 权威发布: 国家林业局公告 (分期分批停止商业性加工销售象牙及制品活动的定点加工单位和定点销售场所名录) (2017), available at <http://www.forestry.gov.cn/main/72/content-960222.html>.

<sup>35</sup> SECTION 4 OF CHAPTER 45 OF THE 13TH FIVE YEAR PLAN (2016-2020) 《电子商务法》 *dianzi shangwu fa*. Second draft was issued for public comment in November 2017.

China to fully implement Resolution Conf. 10.10 (Rev. CoP17) and IUCN Resolution WCC 2016 Res 11 are commendable.

20. **Hong Kong Special Administrative Region of China:** On 21 December 2016, the Government announced a three-step plan to phase out local ivory trade<sup>36</sup> by the end of 2021. The details of the three-step plan are as follows:<sup>37</sup> **Step 1:** The import and re-export of all elephant hunting trophies and post-Convention ivory items will be banned from 1 May 2018 and the relevant penalties will be increased significantly. The new penalties will apply to all CITES-listed species including elephants. **Step 2:** The import and re-export of pre-Convention ivory (except for antique ivory) will be banned from 1 August 2018. Import of antique ivory will require an import permit in addition to an export permit. **Step 3:** The local trade in all elephant ivory (except antique ivory) will be banned from 31 December 2021. A successful education programme involving public destruction has accompanied the ban on ivory trade.<sup>38</sup> It has been suggested, however, that there is a negative correlation between seizures of elephant ivory in China and Hong Kong, and that over the past two decades, when there was more ivory confiscated in China, there was less confiscated in Hong Kong and vice versa.<sup>39</sup> The mismatch in the implementation of the bans in China and Hong Kong SAR therefore risks shifting the trade to Hong Kong.<sup>40</sup>
21. **United States of America:** trade in elephant ivory is regulated both by Federal and State laws. Relevant Federal laws include the U.S. Endangered Species Act (ESA), the African Elephant Conservation Act, and U.S. CITES-implementing regulations (50 CFR part 23). Since June 2016, a near-total ban on trade in elephant ivory has been in place in the United States, through implementing regulations under the authority of the ESA.<sup>41</sup> Movement of ivory for law enforcement and bona fide scientific purposes, and the non-commercial movement of certain items containing pre-Convention ivory, such as museum specimens and musical instruments are exceptions to this ban at the federal level and trophy imports are limited to two per hunter (i.e., four tusks) per year. Within the United States, interstate commerce (trade across U.S. State lines) is prohibited, with certain limited exceptions, including for antiques and items that contain only small amounts of ivory. The ban in the US was accompanied by an education campaign, including public destruction of ivory stocks.<sup>42</sup> At the state level, some states, including those with the largest ivory markets such as California and New York, have chosen to enact legislation with stricter measures banning intrastate sales with limited exceptions.
22. **Japan's** domestic ivory market remains open and was recently described as “one of the largest in the world” by TRAFFIC.<sup>43</sup> The Japanese market has an active carving industry and since Japan has failed to adopt a “ban with narrow exemptions” approach, major regulatory loopholes enabling unregistered ivory to be sold to manufacturers, including “significant quantities” that have been illegally exported to China, exist.<sup>44</sup> Japan recently amended its Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES), coming into effect on 1 June 2018, as communicated in Notification No 2018/061.<sup>45</sup> Prior to the reform, whole ivory tusks, cut pieces of ivory and worked ivory products imported into Japan with pre-convention certificates issued by exporting countries, or that had pre-existed in Japan before CITES trade bans came into effect in Japan (in 1980 for Asian elephants and 1990 for African elephants) could be sold legally, as well as whole ivory tusks from stockpiles auctioned in southern Africa in 1999 and 2008 and imported into Japan.<sup>46</sup>

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<sup>36</sup> [https://www.legco.gov.hk/yr16-17/english/bills/brief/b201706024\\_brf.pdf](https://www.legco.gov.hk/yr16-17/english/bills/brief/b201706024_brf.pdf)

<sup>37</sup> CITES Notification to the Parties No 2018/057 Concerning: China: Stricter domestic measures on ivory trade in Hong Kong Special Administrative Region, China. <https://www.cites.org/sites/default/files/notif/E-Notif-2018-057.pdf>

<sup>38</sup> CITES SC70 Inf. 18 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory, prepared by ELI, referencing *AFCD Endangered Species Advisory Committee, Confirmed Minutes of Meeting (February 2013)*, available at : [http://www.afcd.gov.hk/textonly/english/aboutus/abt\\_adv/files/Minutes\\_of\\_meeting\\_130201Eng.pdf](http://www.afcd.gov.hk/textonly/english/aboutus/abt_adv/files/Minutes_of_meeting_130201Eng.pdf)

<sup>39</sup> <https://news.mongabay.com/2018/09/delay-in-hong-kongs-ivory-ban-endangers-elephants-and-is-legally-unnecessary/>

<sup>40</sup> Gibson, L., Hofford, A., Dudgeon, D., Song, Y., Chen, Y., Baker, D., and Andersson, A. (2018) Hong Kong's delayed ivory ban endangers African elephants. *Frontiers in Ecology and the Environment*. Volume 16 Issue 7

<sup>41</sup> 50 C.F.R. § 17.40(e)

<sup>42</sup> CITES SC70 Inf. 18 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory, referencing *U.S. Fish & Wildlife Service, Elephants over Ivory: Crushing the Illegal Ivory Market (Jul. 15, 2015)*, <https://www.fws.gov/news/blog/index.cfm/2015/7/15/Elephants-Over-Ivory-Crushing-the-Illegal-Ivory-Market>

<sup>43</sup> Kitade, T. and Nishino, R. (2017). Ivory Towers: An assessment of Japan's ivory trade and domestic market. TRAFFIC. Tokyo, Japan. Executive Summary. p. V

<sup>44</sup> CITES CoP17 Doc. 57.6 (Rev 1.) Report on the Elephant Trade Information System (ETIS) prepared by the Secretariat. Annex. Milliken, T., F. M. Underwood, R. W. Burn and L. Sangalakula (2016). The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory: A report to the 17th meeting of the Conference of the Parties to CITES. p. 23

<sup>45</sup> CITES Notification to the Parties No 2018/061 Concerning: Japan – Tightened regulations on ivory transactions

<sup>46</sup> [https://cites.org/eng/news/pr/2008/081107\\_ivory.shtml](https://cites.org/eng/news/pr/2008/081107_ivory.shtml)

Following the amendment, business operators handling ivory products are now subject to requirements for registration with the government, renewable every five years. They are required to register whole ivory tusks in their possession (private owners are exempt unless they intend to sell the whole tusk domestically), and a “traceability information form” must be prepared for cut pieces weighing over 1 kg and exceeding 20 cm. However, other raw (e.g. cut pieces) and worked ivory can be traded by anyone without proof-of-legality requirements, and while the law has required records to be kept that document every transaction involving cut pieces and worked ivory products since before the amendment, these need only be held for five years.

23. Despite the 2018 amendment to LCES, the lack of a comprehensive proof of legality system for privately held whole tusks and worked ivory, as well as the lack of a functioning traceability system have been identified as major loopholes in Japan’s amended domestic regulatory framework for trade in ivory.<sup>47</sup> Only whole tusks require registration to be traded; all other ivory pieces are exempted. Although registered business operators are required to keep transaction records for cut pieces and worked ivory, and prepare traceability information forms for cut pieces, their “legality” is only tracked by the businesses selling them.<sup>48</sup> The “legality” of registered whole tusks also lacks credibility since Japan does not require proof of legality of origin and legality of acquisition of tusks presented for registration (unsworn statements are accepted regarding the age of the tusks).<sup>49</sup> By the government’s own admission, whole ivory tusks have previously been traded illegally (without being registered).<sup>50</sup> Furthermore, a 2017 review of online ivory trade in Japan carried out by TRAFFIC found advertisements for ivory jewellery recently brought back from Asia and Africa with explicit statements about their origins, clearly infringing CITES regulations.<sup>51</sup> Japan claims that its domestic market does not contain illegal ivory and that the CITES recommendation on closure of domestic markets does not apply, but the report by TRAFFIC disputes this, stating that that there is “considerable evidence to suggest it [Japan’s domestic ivory market] is contributing to illegal trade”<sup>52</sup> and recommending that “legislative, regulatory and enforcement measures towards market closure” be taken.<sup>53</sup> TRAFFIC’s findings indicate that Japan is not implementing Res. Conf. 10.10 as relates to domestic ivory markets.
24. **European Union:** The EU regulates all ivory commerce, but the domestic market remains open. Trade to, within and from the EU of ivory for commercial purposes is generally not permitted, except for pre-Convention and antique items. An administrative ban on the re-export of raw ivory for commercial purposes has been in force since July 2017 under revised EU guidance on the ivory trade.<sup>54</sup> Whilst this 11-page guidance document<sup>55</sup> is not “hard” European law, it is published in the official EU journal and is the framework to be followed in all EU Member States (in addition to any national rules on ivory). It includes provisions on the re-export of raw and worked ivory; specific guidance on intra-EU trade in worked ivory specimens; evidence required to demonstrate legal acquisition before the Member States may issue certificates, and provisions on marking, registration and other means of identifying ivory items.
25. According to the European Commission, its domestic market “is not attracting ivory items of illegal origin from recently poached elephants.”<sup>56</sup> However, there remains significant concern because the EU retains a major internal domestic market, including trade in ivory antiques, where intra-EU commerce does not require any CITES permits or documentation. A radiocarbon analysis carried out by Oxford University on 109 pieces of worked ivory, purchased from 10 countries across Europe through antique dealers and private sellers, both online and in shops, found that 74% of sampled worked ivory items claiming to be antiques were in fact

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<sup>47</sup> Kitade, T. and Nishino, R. (2017). Ivory Towers: An assessment of Japan’s ivory trade and domestic market. TRAFFIC. Tokyo, Japan pp. 6-7

<sup>48</sup> CITES SC70 Inf.18 Controls on domestic trade in selected Appendix I listed species Part I: elephant ivory, III. E, prepared by ELI

<sup>49</sup> CITES SC70 Inf.19 (Rev.1) Controls on domestic trade in selected Appendix I listed species part I: elephant ivory Annex: country profiles an analysis of Domestic Controls in nine countries, prepared by ELI, p 34

<sup>50</sup> CITES SC70 Doc. 49.1 Annex 2 Implementation of provisions relating to domestic ivory markets contained in Resolution Conf. 10.10 (Rev. CoP 17) Responses provided by Parties to Notification 2017/077

<sup>51</sup> Kitade, T. (2017) An updated review of online ivory trade in Japan. TRAFFIC Briefing

<sup>52</sup> Kitade, T. and Nishino, R. (2017). Ivory Towers: An assessment of Japan’s ivory trade and domestic market. TRAFFIC. Tokyo, Japan

<sup>53</sup> Kitade, T. and Nishino, R. (2017). Ivory Towers: An assessment of Japan’s ivory trade and domestic market. TRAFFIC. Tokyo, Japan pp. 6-7

<sup>54</sup> [http://ec.europa.eu/environment/cites/pdf/guidance\\_ivory.pdf](http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf)

<sup>55</sup> EU regime governing intra-EU trade and re-export of ivory (2017/C 154/06)

<sup>56</sup> CITES SC70 Doc. 49.1 Annex 2 Implementation of provisions relating to domestic ivory markets contained in Resolution Conf. 10.10 (Rev. CoP 17) Responses provided by Parties to Notification 2017/077 pp. 2-3

shown by the tests to be from modern ivory.<sup>57</sup> The online ivory trade is still rife in the EU, as evidenced by a 2018 study of online wildlife trade carried out by the International Fund for Animal Welfare (IFAW), which found that out of more than 5,000 adverts offering to sell almost 12,000 items, worth \$4m in total, 11% of the adverts were for ivory.<sup>58</sup> The Commission has gathered data on the extent of legal and illegal ivory trade in, to and from the EU, in order to guide possible future proposals at the EU level to further restrict ivory trade. They also undertook a public consultation on the matter in 2017. In follow-up to the consultation, in July 2018, Ministers from four Member states (France, Germany, Luxembourg and the UK) wrote to the Commission noting that the overwhelming majority of respondents considered the EU regulations insufficient to ensure the EU market does not contribute to illegal international ivory trade and that a “great majority also say that banning all ivory trade to, from and within the EU should be the main priority for the EU and its Member States”.<sup>59</sup> They highlighted the need to act with urgency and urged the Commission to draft proposals for further restrictions on ivory trade within and from the EU in advance of the London Illegal Wildlife Trade Conference in October 2018, though no proposals were produced by the time of the conference.<sup>60</sup> The EU Commission also adopted a progress report<sup>61</sup> in October 2018 on the implementation of its action plan against wildlife trafficking, though no measures on how to further restrict the EU’s internal ivory trade were included in the report.

26. Some Member states have already enacted or are planning stricter legislation to close their markets. **France** banned domestic ivory trade in 2016 through a ministerial decree,<sup>62</sup> and Luxemburg enacted a domestic ban in 2018.<sup>63</sup> On 23 May 2018, the **UK** government introduced the Ivory Bill into Parliament. The Bill will enact a ban on commercial dealing in ivory in the UK, subject to narrow and limited exemptions for items that are not directly or indirectly linked to the poaching of elephants. At the time of writing, the Bill was in the late stages of its progress through the House of Parliament, with the third reading in the House of Lords scheduled for 13 November 2018.<sup>64</sup> This ban will prohibit commercial dealing in items made of, or containing ivory within the UK and to and from other Parties, and their import to, or re-export from the UK. In **Belgium**, a legislative proposal for a new law on ivory trade<sup>65</sup> has been put forward by the New Flemish Alliance, banning all domestic ivory sales with limited exceptions for antique worked ivory specimens, and a motion for resolution calling for an EU ivory ban has been introduced in the Belgian Senate in November 2018.<sup>66</sup> In the **Netherlands**, the minister for agriculture has announced that the country is considering a domestic ban if the EU fails to take further action.<sup>67</sup> The aforementioned IFAW study notes that while the number of online sales had dropped significantly in the UK and France, a surge was seen in Germany, suggesting that the ban in France and the upcoming one in the UK is shifting the EU ivory trade to remaining open domestic markets.
27. The government of **Singapore** has also recently launched a public consultation on a proposal to ban the domestic sale of elephant ivory and ivory products.<sup>68</sup>

<sup>57</sup> Avaaz in collaboration with the University of Oxford (2018) Radiocarbon testing illegal ivory in Europe’s domestic antique trade. [https://s3.amazonaws.com/avaazimages.avaaz.org/AVAAZ\\_EUROPE\\_DEADLY\\_IVORY\\_TRADE.pdf](https://s3.amazonaws.com/avaazimages.avaaz.org/AVAAZ_EUROPE_DEADLY_IVORY_TRADE.pdf)

<sup>58</sup> IFAW (2018) Disrupt: Wildlife Cybercrime: uncovering the scale of online wildlife trade. <https://www.ifaw.org/sites/default/files/IFAW%20-%20Disrupt%20Wildlife%20Cybercrime%20-%20English.pdf> p. 6

<sup>59</sup> [https://www.bmu.de/fileadmin/Daten\\_BMU/Download\\_PDF/Artenschutz/elfenbein\\_brief\\_eu\\_kommission\\_en\\_bf.pdf](https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Artenschutz/elfenbein_brief_eu_kommission_en_bf.pdf)

<sup>60</sup> *Ibid*

<sup>61</sup> European Commission (2018) Report from the Commission to the Council and the European Parliament. Progress report on the implementation of the EU Action Plan against Wildlife Trafficking. [http://ec.europa.eu/environment/cites/pdf/progress\\_report\\_EU\\_action\\_plan\\_wildlife\\_trafficking\\_en.pdf](http://ec.europa.eu/environment/cites/pdf/progress_report_EU_action_plan_wildlife_trafficking_en.pdf)

<sup>62</sup> Arrêté du 16 août 2016 relatif à l'interdiction du commerce de l'ivoire d'éléphants et de la corne de rhinocéros sur le territoire national ORF n°0190 du 17 août 2016 texte n° 4

<sup>63</sup> <https://environnement.public.lu/fr/actualites/2018/07/cites.html> legislation text not available online at time of writing (October 2018)

<sup>64</sup> <https://services.parliament.uk/Bills/2017-19/ivory/stages.html>

<sup>65</sup> <http://www.dekamer.be/FLWB/PDF/54/3202/54K3202001.pdf>

<sup>66</sup> <http://www.senate.be/www/webdriver?MltabObj=pdf&MlcolObj=pdf&MlnamObj=pdfid&MltypeObj=application/pdf&MlvalObj=100663991>

<sup>67</sup> <https://www.rijksverheid.nl/documenten/kamerstukken/2018/08/20/beantwoording-kamervragen-over-artikel-nederland-medeschuldig-aan-olifantenslaching>

<sup>68</sup> <https://www.reach.gov.sg/participate/public-consultation/agrifood-veterinary-authority-of-singapore/proposed-ban-on-sales-of-elephant-ivory-and-ivory-products-in-singapore>



## Conclusions

28. The closure of major domestic ivory markets in China and the USA, which were respectively announced and implemented before CoP17, signified an important shift in global action to protect elephants from poaching for the ivory trade, and to respond to the requests coming from the majority of African elephant range States. The CoP17 recommendation in Resolution Conf. 10.10 (Rev. CoP17) to close domestic ivory markets “contributing to poaching or illegal trade” was a significant first step by CITES. Since it was agreed, measures have been taken, or are underway, in other ivory consumer countries and entities to close or phase-out their markets, most notably in Hong Kong SAR (China) and some of the EU Member States in the absence of concerted action by the EU. However, key consumer markets remain open, while others, including Japan and the EU, contain loopholes or present enforcement weaknesses enabling the laundering of poached and trafficked ivory, further fuelling demand and contributing to the poaching crisis.
29. All domestic ivory markets, legal or illegal, contribute to poaching. The burden should be placed on those Parties that claim the contrary to demonstrate it. As the study presented in SC70 Doc 28 concludes,<sup>69</sup> exemptions to ivory bans present challenges to enforcement and oversight authorities, and the closure of domestic ivory markets in one country can lead to the ivory markets shifting to neighbouring countries, especially where there are weaknesses in enforcement and legislation.<sup>70</sup> We therefore consider it imperative for the Conference of the Parties to take the next step, and to direct *all* Parties with domestic ivory markets to close them, or announce their closure as a matter of urgency, and amend Resolution Conf. 10.10 (Rev. CoP17) accordingly, together with enhanced provisions to ensure adequate monitoring of and compliance with this recommendation.

## Recommendations

30. We recommend that the Conference of the Parties adopt the amendments to Resolution Conf. 10.10 (Rev. CoP17) and associated draft Decisions included in the Annex to this document.

## COMMENTS OF THE SECRETARIAT

- A. The Secretariat notes that a document on similar issues was submitted for consideration at the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016) (see document CoP17 Doc. 57.2). Many of the observations provided in the Secretariat’s comments to that document still apply. The Secretariat notes that recommending the closure of legal domestic markets for, and national trade in specimens of, CITES-listed species obtained in accordance with the laws of that State for the protection of fauna and flora, is a complex and sensitive issue, for several reasons:
- i) First, Article I of the Convention defines “Trade” to mean export, re-export, import and introduction from the sea, which means that only international trade between countries is regulated by the Convention.
  - ii) Second, the legal status of specimens obtained in accordance with relevant national laws and the Convention cannot be ignored by the Convention nor by the individual Parties concerned.
  - iii) Third, Parties may wish to refer to Principle 2 of the Rio Declaration on Environment and Development, according to which “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

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<sup>69</sup> CITES SC70 Doc. 28 Domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal: report of the Secretariat p. 3

<sup>70</sup> <https://www.theguardian.com/environment/2017/jan/06/china-ban-ivory-life-worse-elephants-poaching> ; Titeca, K. (2018). Understanding the illegal ivory trade and traders: evidence from Uganda. *International Affairs*, 94(5), 1077-1099.

- B. The Secretariat notes that the Conference of the Parties have under exceptional circumstances addressed domestic markets for Appendix-I listed species in the rare instances when there was a sufficiently clear nexus between domestic and international illegal trade, undermining compliance with the Convention.
- C. At CoP17, the Parties addressed this concern as it relates to ivory by adopting amendments to Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*. In paragraph 6, the Conference of the Parties:
6. *FURTHER URGES those Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for or illegal trade in ivory, or where ivory stockpiles exist, and Parties designated as ivory importing countries, to ensure that they have put in place comprehensive internal legislative, regulatory, enforcement and other measures: a) to regulate the domestic trade in raw and worked ivory;*

Furthermore, in paragraph 3, the Conference of the Parties:

3. RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency;
- D. As explained in the present document and in document CoP18 Doc.31, several Parties have taken significant steps to restrict or completely ban their domestic trade in elephant ivory in recent years.
- E. In document CoP18 Doc. 31 on *Domestic markets for frequently illegally traded specimens*, the Secretariat notes that it is premature to assess the full effect of the recently adopted amendments to Resolution Conf. 10.10 (Rev. CoP17). Further, paragraph 29 of the document states that
29. *With regard to the unintended effect of bans on ivory trade that may lead to ivory markets shifting to other countries, often countries adjacent to the country where the ban was imposed, the study did not provide any concrete suggestions to address this problem. It is further noted that there is rather limited evidence to substantiate this conclusion, given the uncertainty surrounding illegal trade. However, it is possible that illegal trade may be displaced as criminals seek out locations where it might be easier to conduct this illegal trade. To address this matter, Parties that put in place bans on domestic trade should redouble efforts to control their borders with neighboring countries which may not have a similar ban in place. They should reach out to the neighboring countries in advance of the entry into force of new and stricter controls and offer enhanced collaboration regarding border controls. Neighboring Parties should in turn be particularly vigilant in their efforts to combat illegal trade in ivory, by reviewing trends closely to ensure that measures are taken to immediately and effectively respond to illegal trade in ivory. As a precautionary measure, the Standing Committee is proposing the following amendment to Resolution Conf. 10.10 (Rev. CoP17):*

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

- 5 bis. URGES Parties that close their domestic markets to enhance their border controls and collaboration with neighboring countries that have not taken similar measures; and such neighboring countries to closely review trends to ensure that measures are taken to immediately and effectively address illegal trade in ivory. “
- F. Based on these considerations and recognizing the complexity of the matter, the Secretariat considers that urging all Parties to close their domestic markets for commercial trade in raw or worked ivory may fall outside the scope of the Convention, as the authors have provided no evidence that all domestic ivory markets contribute to poaching as claimed in paragraph 29 of the present document.
- G. The Secretariat also reminds Parties that the Convention does not affect their right to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof pursuant to paragraph 1 (a) of Article XIV of the Convention.
- H. In view of the above, the Secretariat does not find there are sufficient reasons to recommend that the Conference of the Parties adopt any of the proposed amendments to Resolution Conf. 10.10 (Rev. CoP17).

- I. The Secretariat would like to offer the following specific comments on the specific provisions proposed in the present document:
- i) With respect to the proposed amendments to paragraphs 3, 4 and 5, there is no evidence that all domestic markets contribute to poaching or illegal trade and that therefore they should all close. Only when a market contributes to poaching or illegal trade, it is justifiable to consider the adoption of a recommendation under the Convention to ban domestic trade in elephant ivory. The proposed changes may also prevent the trade in hunting trophies, which under the Convention is recognized as a form of sustainable use if conducted in accordance with the provisions of the Convention.
  - ii) If the proposed changes to the chapeau of paragraph 6 are adopted, important “guidance” regarding the Parties that should adopt specific measures to control trade in ivory will be lost. The Secretariat is of the view that not all Parties need to be targeted by these recommendations. The Secretariat advises to leave paragraph 6 unchanged and to include an additional paragraph 5 bis on enforcement of existing bans as proposed by the Standing Committee in document CoP18 Doc. 31.
  - iii) In line with its comments above, the Secretariat does not recommend the proposed amendments to paragraph 7.
  - iv) Regarding paragraph 8, the Secretariat sees no need for all Parties to report each year on these matters; it is sufficient that they inform the Secretariat at the time of changes to the legal status, which they currently do. The Secretariat does not support making this information available to the Elephant Trade Information System (ETIS), which has a specific mandate to analyze international illegal ivory trade through seizure data.
  - v) With respect to the amendments proposed to paragraph 9 a), the Secretariat notes that this may increase the scope of the number of Parties that may be subject to the National Ivory Action Plan (NIAP) process and increase the resources required for the Secretariat to implement this, without any evidence that this will contribute to addressing the problem of poaching. The Secretariat, therefore, does not recommend the adoption of this proposal.
  - vi) In paragraph 9 b), the authors of the document suggest adding a reference to other relevant resolutions related to ivory trade, including Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*. The Secretariat notes that the reference to other relevant resolutions is too vague in this context; furthermore, the NIAP process already covers these matters where relevant and appropriate.
  - vii) With respect to the proposed change to paragraph 10 b), the Secretariat notes that this goes beyond the scope of paragraph 3 e), where Parties are urged to maintain an inventory of significant privately held stockpiles of ivory only where this is possible. Should the Conference of the Parties wish to include the reference to privately held stockpiles in the paragraph, the Secretariat draws the attention to the fact that paragraph 10 is addressed to the Secretariat; the reference to “within their territory” therefore would be out of place.
  - viii) Finally, the Secretariat does not recommend the proposed deletion of paragraph 19 as the Conference of the Parties must decide on future commercial trade in ivory.
- J. With respect to the proposed draft decisions, the Secretariat considers that they should not be adopted. In the light of the explanations provided above and of the fact that the proposed actions and tasks directed to the Parties, the Secretariat and the Standing Committee in the proposed draft decisions are already covered by the provisions of the Resolution, notably paragraphs 3-9 and paragraph 16, the decisions are not needed.
- K. As mentioned above, some of the tasks directed to the Secretariat in the proposed amendments would require significant resources for the Secretariat to implement. These tasks cannot be absorbed by its core work programme and funding and would require additional external resources, including to recruit additional staff to undertake the analysis of the information to be provided by Parties under the proposed revised paragraphs 8 and 9.

DRAFT PROPOSED AMENDMENTS TO RESOLUTION  
CONF. 10.10 (REV. COP17)

[...]

**Regarding trade in elephant specimens**

[...]

3. RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory ~~that is contributing to poaching or illegal trade~~, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency;
4. RECOGNIZES that narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade;
5. URGES ~~these~~ all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory ~~that is contributing to poaching or illegal trade~~ and that have not closed their domestic ivory markets for commercial trade in ivory to implement the above recommendation as a matter of urgency;
6. FURTHER URGES ~~these~~ all Parties and non-Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for or illegal trade in ivory, or where ivory stockpiles exist, and Parties designated as ivory importing countries, to ensure that they have put in place comprehensive internal legislative, regulatory, enforcement and other measures to:
  - a) enforce regulate the recommendation in paragraph 3 domestic trade in raw and worked ivory;
  - b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in ~~raw or worked~~ ivory under narrow exemptions provided for in paragraph 4; and
  - c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory traded under narrow exemptions provided for in paragraph 4 and manage ivory stockpiles within the State, particularly by means of:
    - i) compulsory trade controls over ~~raw~~ all ivory traded under narrow exemptions provided for in paragraph 4, enabling appropriate government agencies to trace the movement of each piece; and
    - ii) comprehensive and demonstrably effective ~~stock~~ inventory, reporting, and enforcement systems for worked ivory stockpiles;
  - d) engage in evidence-based 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 the programme Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (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;

7. 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 close domestic ivory markets for commercial trade in ivory that contribute to illegal trade;
8. ~~REQUESTS~~ URGES Parties to inform the Secretariat each year before 28 February of the status of the legality of their domestic ivory markets and efforts to implement the provisions of this Resolution, including efforts to close those markets and combat illegal trade in ivory that contribute to poaching or illegal trade, *inter alia* to be made available to the Elephant Trade Information System (ETIS) for their analyses and to the Standing Committee;
9. FURTHER DIRECTS the Secretariat, with reference to the findings of ETIS, MIKE and its findings on the status of domestic ivory markets and illegal trade in ivory, and within available resources:
  - a) to identify those Parties that have unregulated internal markets for not taken steps to close their domestic markets for commercial trade in 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 under narrow exemptions provided for in paragraph 4;
  - b) to seek from each Party so identified information concerning its implementation of the provisions of this Resolution and other relevant Resolutions relating to ivory trade such as Resolution Conf. 11.3 (Rev. CoP 17) on Compliance and enforcement, and, where appropriate and in consultation with the Party, undertake *in situ* verification missions; and
  - c) to report its findings and recommendations to the Standing Committee, which may consider recommendations to support the implementation of the present Resolution, including requests to identified Parties to develop and implement, or revise National Ivory Action Plans, and monitor progress in executing these Action Plans, in accordance with the *Guidelines* contained in Annex 3, as well as other appropriate measures in accordance with Resolution Conf. 14.3 on *CITES compliance procedures*;
10. DIRECTS the Secretariat, subject to available resources, to provide technical assistance to Parties to:
  - a) improve legislative, regulatory and enforcement measures concerning trade in ivory and in developing practical measures to implement this Resolution;
  - b) support, where requested, the security and registration of government-held ivory stockpiles and significant privately held ivory stockpiles within their territory, and provide practical guidance for the management of these stockpiles; and
  - c) identify specimens of elephant ivory, other types of ivory and ivory look-alike materials;

[...]

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

19. ~~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;~~

[...]

## DRAFT DECISIONS

Request Parties with legal domestic markets for commercial trade in ivory, including Japan and the European Union, to close these markets expeditiously, and to inform the Secretariat on progress made in accordance with paragraph 9 of Resolution Conf. 10.10 (Rev. CoP18).

Direct the Secretariat to:

- 1) through the issuance of Notifications to the Parties and other means, collect information on the status of the legality of Parties' domestic ivory markets and efforts to implement the provisions of Resolution Conf. 10.10 (Rev. CoP18), including efforts to close domestic markets for commercial trade in ivory, and make the information available to the Elephant Trade Information System (ETIS) for their analyses; and
- 2) report on their findings to the Standing Committee at its 73rd and 74th meetings.

Direct the Standing Committee to:

- 1) consider the report of the Secretariat and recommend time-bound, country specific actions as necessary to ensure the implementation of Resolution Conf. 10.10 (Rev. CoP18) with respect to the closure of domestic markets for commercial trade in ivory; and
- 2) report on this matter to the 19th meeting of the Conference of the Parties to CITES.

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.