

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



Eighteenth meeting of the Conference of the Parties
Geneva (Switzerland), 17-28 August 2019

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II
ADDENDUM

A. Proposal

Transfer the population of Zambia from Appendix I to Appendix II subject to:

1. Trade in registered raw ivory (tusks and pieces) for commercial purposes only to CITES approved trading partners who will not re-export;
2. Trade in hunting trophies for non-commercial purposes;
3. Trade in hides and leather goods; and
4. All other specimens shall be deemed to be specimens of species in Appendix I and the trade in them shall be regulated accordingly.

B. Proponent

The Republic of Zambia*

C. Supporting statement

1. Taxonomy

- 1.1 Class: Mammalia
- 1.2 Order: Proboscidea
- 1.3 Family: Elephantidae
- 1.4 Genus, species or subspecies, including author and year: *Loxodonta africana africana*
- 1.5 Scientific synonyms: None
- 1.6 Common names:
English: African Elephant
French: Elephant d'Afrique
Spanish: Elefante africano
- 1.7 Code numbers: CITES A115.001.002.001

* 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.

2. Overview

This proposal is intended to advance sustainable conservation practices for the African elephant population in the Republic of Zambia. The Zambian population of the African elephant no longer meets the biological criteria for listing in Appendix I as outlined in Resolution Conf. 9.24(Rev.CoP17) Annex 1. The wild population is large (about 27,000 animals) and stable. The majorities of the animals are neither found in small sub-populations, nor are they concentrated in one sub-population. The wild population does not have a restricted area of distribution nor is this area subject to fluctuation or fragmentation. The species is not vulnerable in Zambia as past and present experience has shown. Therefore, the current population is clearly an Appendix II population meeting criteria A of annex 2b of Resolution Conf. 9.24(Rev.CoP17). The proposed annotation is also in conformity with the precautionary measures as spelt out in annex 4 of the above-mentioned Resolution, particularly paragraphs 1.1, A 2(b) i) and ii) and (c).

Zambia proposes to down-list its population of the African elephant to allow for sustainable use of the species through trophy hunting for non-commercial purposes, commercial trade in hides and leather goods. Currently, the primary risk to the long-term survival of the elephant in Zambia is not illegal international trade but increasing conflicts with legitimate human interests such as agriculture as shown by the rising number of human-elephant conflicts. The Appendix I listing exacerbate the illegal flow of Ivory.

The Zambian government by law owes it to the rural communities to conserve and to benefit from wildlife resources in a serious partnership. There are various sustainable use options for intervention exist as has been demonstrated by Botswana, Namibia, South Africa and Zimbabwe whose populations are in Appendix II according to the annotation.

The downlisting proposal is important for the following reasons;

1. It is in the best interest of sustained elephant conservation and management;
2. It is in line with the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity
3. It will assist in alleviating poverty of the impoverished rural communities;
4. It will in the long-term support biodiversity conservation and wildlife management;
5. There are strong political and socio-economic imperatives for transfer; and
6. The Transfer is necessary for effective enforcement.

3. Species conservation

African elephants are in competition with man particularly in recent years when the population has been recorded to be on the increase and reclaiming its former range. The protected areas are now becoming grossly inadequate to accommodate the wet and dry season needs of the species within the protected areas of Zambia. If the elephant is to survive in the long-term, there is need to ensure that the diversity of habitats in and outside the protected area system are secured so that elephants can freely range across huge areas of natural, wild habitat on private and customary land. This makes sense from an ecological and management standpoint. However, the challenge is on private and customary land as this is where competition for space between man and elephants is greatest and conflict most severe and increasing. To compete successfully with other forms of land use, such as agriculture, elephants must be able to contribute significant economic value to the landholder and the economy of Zambia.

4. Precautionary measures

The CITES Secretariat noted on the basis of the Zambia Proposal CoP 18 Prop. 10 that the African elephant population of Zambia does not seem to meet the biological criteria contained in Annex 1 of Resolution Conf. 9.24 (Rev. CoP17), but information relating to the precautionary measures stipulated in Annex 4 of the same Resolution is limited, especially relating to how the proposed trade in raw ivory would be conducted, regulated and enforced.

The following specific precautionary measures will be an integral part of any transfer of the species to Appendix II Zambia commits according to the provisions of Resolution Conf. 9.24 (Rev. CoP17), in order to

prevent any negative conservation impact on any other elephant population or to stimulate illegal hunting or trade.

- a) **Zambian populations only:** Only the Zambian populations are included in the proposal. Any ivory of Zambian origin held in other countries or in private ownership are excluded from this proposal.
- b) **A one off quota for clearance of accumulated registered stocks of raw ivory only:** The export quotas will refer only to the stocks of whole ivory tusks of management or natural mortality origin registered with and managed by the Department of National Parks and Wildlife (hereinafter referred to as “the CITES Management Authority of Zambia”) as on 28 February 2019 and owned by the Government of Zambia. The amount of these quotas shall correspond with the amounts of raw ivory of management or natural mortality origin declared by the relevant CITES Management Authorities in their 2019 declaration of ivory stocks to the CITES Secretariat on or before 28 February 2019 pursuant to Resolution Conf. 10.10 (Rev. CoP17) 6.e).
- c) **Annual export quotas:** Annual export quotas will be announced by the CITES Management Authority of Zambia before 31 December in each preceding year before exports are allowed. If no annual export quota is announced in this manner, no exports will be authorized for the next year.
- d) **Ivory stock register and its verification:** The CITES Management Authority of Zambia will provide to the CITES Secretariat, an ivory stock register of all such items three months before any exports take place, and with such ivory stock to not exceed the amount of raw ivory of management or natural mortality origin held in possession by 28 February 2019 or by 31 December in subsequent years, verifiable by the ivory stock registers and marks placed on each item which includes the date of acquisition as specified by Resolution Conf. 10.10 (Rev. CoP17). The CITES Secretariat can verify or appoint any credible person or organization to verify the accuracy of the ivory stock control system of Zambia or its ivory stock register in relation to the raw ivory specimens that Zambia has included in any one off or annual export quota.
- e) **Ivory to be exported:** There will be no export of any ivory of unknown origin, seized or confiscated ivory, or where it is known or suspected to have come from outside Zambia as the case may be. Only ivory of known natural and management related mortalities (e.g. natural mortalities, problem animal control) will be included in the annual export quotas. No elephant will be killed in order to become part of the export quota, as all ivory proposed for export in b) or c) would already be in stock and all ivory to be exported as part of annual export quotas must verifiably be from management or natural mortality origin.
- f) **Ivory to be marked with a standard system:** In accordance with Resolution Conf. 10.10 (Rev.CoP17) 2., all whole tusks in the stockpiles for export have been and will in future be individually marked and the marks correlated with the register of ivory of known country specific origin showing the source of each specimen. All other ivory controlled by the Zambian CITES Management Authority has also been individually marked and registered with the CITES Secretariat in the declarations of ivory stocks to the CITES Secretariat pursuant to Resolution Conf. 10.10 (Rev. CoP17) 6.e) on or before 28 February 2019 to ensure that there can be no mixing of unknown or foreign ivory with ivory of the specific national origin as declared to CITES Secretariat. The same will apply to ivory declared by 31 December in subsequent years. All other ivory will be kept in a separate facility that will be accessible to the CITES Secretariat at any time.
- g) **Safeguards against abuse:** The Depositary Government (Switzerland) has already made a commitment to submit a proposal for re-transfer of the population in the case of abuse. CITES already makes the provision that any Party who becomes aware of abuses of the downlisting, or a failure of a CITES Management Authority or the importing Party to adhere to the terms of the proposal as agreed by the CoP, to report such abuses to the Standing Committee which may ask the Depositary Government to prepare an urgent proposal for re-transfer to Appendix I to put before the Parties under the postal procedure of Article XV par. 2. The Zambian government will furthermore not attempt to trade with any other Party or in greater volumes than agreed to by the CoP, without submitting such proposals to the CoP.
- h) **Sale through one single centre:** All ivory sales and subsequent packing and dispatch will take place only from the Management Authority central ivory stores in their capital cities at the addresses already provided to the CITES Secretariat.

- i) Limited number of ivory shipments: For ease of monitoring and control there will only be at most two shipments of ivory per Party subject to these provisions in any one year, and as far as possible only one per year.
- j) Trade only with importing countries that have not closed their domestic ivory markets and where such markets are not linked to illegal trade: Ivory will only be sold for export to countries that have not closed their domestic ivory markets and where such markets are not linked to illegal trade. Before any ivory is sold, written confirmation will be obtained from Management Authorities from importing countries that such ivory imports will be allowed.
- k) Direct export of ivory to importing country: Export permits will only allow shipment to one importing country and shipments will have to be made direct with no transit, other than that which is geographically unavoidable. The country of import will be requested to register any consignment upon arrival, alternatively the CITES Secretariat could choose to do that if it so wishes. The shipment of raw ivory from the Parties involved will be open to international inspection by any Party or credible international organization agreed to by CITES Secretariat and the CITES Management Authority of the Republic of Zambia.
- l) Importing country to have internal controls and to agree not to re-export: No ivory will be exported to any country that has not committed in writing to the CITES Management Authority of the Republic of Zambia that it will not authorize any re-exports.
- m) Independent monitoring: Enforcement personnel from the CITES Secretariat, or Parties and organizations agreed to in advance by the CITES Management Authority of Zambia and the CITES Secretariat, may be present at any part or all of the sale, packing and shipping process to check all details and inventories. Similar inspection may take place when the containers are unloaded and the tusks distributed in the importing country. Access to all ivory storerooms under the control of the Management Authority will be guaranteed to the CITES Secretariat.
- n) Unannounced inspections: The CITES Management Authority of the Republic of Zambia will refund reasonable expenses of one unscheduled inspection of their ivory stores per calendar year by one member of the CITES Secretariat, at a time decided by the CITES Secretariat, in addition to guaranteeing unlimited access to all ivory storage facilities to the CITES Secretariat at any other time.
- o) Use of ivory revenue: All revenue from ivory sales will be paid into a sub Elephant Management Fund established under section 109 of the Zambia Wildlife Act No. 14 of 2015. Section 109 of the Zambia Wildlife Act No. 14 of 2015 provides for a Wildlife Development Fund for purposes of wildlife development, research, conservation and management. The CITES Management Authority will create a sub-fund for management of proceeds from sale of Elephant ivory trade. This Fund will be used exclusively for elephant conservation (including monitoring, research, law enforcement, other management expenses) and community conservation and development programmes, and assisting communities with elephant-human conflict mitigation. An annual report will be provided to the CITES Secretariat on the use of such funds, if so requested.
- p) Monitoring of the effects of the downlisting Zambia: Zambia will cooperate with neighbouring countries in the monitoring of elephant population trends and illegal trade. Zambia will continue to participate in the MIKE and ETIS programmes. The CITES Management Authority will endeavour to contribute an amount of the revenue earned from the sale of ivory to the implementation of the MIKE and ETIS programmes. This implementation of the MIKES and ETIS programmes will be undertaken by the CITES Management Authority at the MIKES sites and reports will be made to the CITES Secretariat under the reporting system.
- q) Remedy against non-compliance: On a proposal from the Secretariat, the Standing Committee can decide to make recommendations to the Parties to suspend trade or to the Depositary Government to submit an amendment proposal that will result in trade to cease, in the event of non-compliance by Zambia, or in the case of proven detrimental impacts of the trade on other elephant populations.

5. Human wildlife conflict

The CITES Secretariat noted that the rationale of the proposal is framed around the main threat to the long-term survival of the African elephant in Zambia not being illegal international trade, but increasing conflicts with legitimate human interests such as agriculture as shown by the rising number of human-elephant

conflict. The liberalized Zambian economy challenged many resource poor local communities. Poverty reduction strategies to them are meaningful but only on paper when there are no tangible benefits. Their primary concern is to fight the injustice that elephants further inflict on them in the destruction of their livelihood by loss of crops and human life. 7. The benefits from elephant hunting mitigate the hardship of communities that they have through conflict. These benefits persuade communities to have a positive attitude towards elephants and other wildlife species. The consequence of withdrawing these benefits from communities is the destruction of the species through poaching and conflict retaliation. Elephant hunting helps in the conservation of the species itself through management and conflict mitigation.

For example, in the South Luangwa Area Management Unit, Human Elephant Conflicts (HEC) increased by 90% from 301 in 2009 to 572 reports in 2010. In 2017 HEC was at 260 in the South Luangwa Area management Unit. Since 1996, the elephant population in Zambia has continued to increase from 22, 000 elephants to the current populations of about 27,000 elephants (Chansa et al 2012). By 2009, the number of human elephant reports had increased to 3270 reports per annum from only 288 reports per annum in 2002 (Figure 1). The recent report on elephant human conflict has increased by 336% from 1,269 in 2014 to 4,265 in 2018. There has also been an increase in the number of elephants controlled during the same period as indicated in table 1. The increasing number of elephants being controlled can significantly reduce if they were commercially hunted and proceeds used for elephant management and conservation. Preponderance of these reports (>95%) are attributed to crop damages, destroying the very livelihood of the poor populace of the rural areas. The hotspots of these incursions are the Luangwa Valley, Lower Zambezi area (Mid Zambezi Valley), areas around Kafue National Park, and areas around Mosi-oa-tunya National Park. In such hotspots, for example, in the case of Luangwa Valley, elephants cause damage exceeding 52.0% of the annual crop production. In Zambia, elephants were responsible for more deaths to humans than any other species in 2009 and 2010 (ZAWA annual report 2010). The number of problem elephant reports is detailed in Table 1.

6. International trade

CITES Secretariat indicated that the proposed annotation restricts trade in registered raw ivory to CITES approved trading partners, but does not include a proposed quota and it is not clear what is meant with “CITES approved trading partners”. Zambia has a CITES approved annual quota of 80 elephants (160 tusks). This is much less than the consumable population in the Game Management Areas. It is less than 0.05 % of the estimated total population of 21,900+/_ 4000. Since 2015 the average elephant quota has been 34 bull elephants. The actual hunting off take has been negligible (0.014 – 0.055) % of the total population estimate. Actual hunting offtakes are negligible and have no impact on the national population growth rate. The following is a tabulation of the same for the period 2015-2019:

2015 Hunting offtake (% of Total Elephant Population): 03 (0.014%)

2016 Hunting offtake (% of Total Elephant Population): 12 (0.055%)

2017 Hunting offtake (% of Total Elephant Population): 11 (0.050%)

The benefits from elephant hunting mitigate the hardship of communities that they have through wildlife species. The consequence of withdrawing these benefits from communities is the destruction of the species through poaching and conflict retaliation. Elephant hunting helps in the conservation of the species itself through management and conflict mitigation. The benefits accrued from this minimal use, to conservation and general improvement of community livelihoods in the surrounding communities have been significant. The share of revenue derived from elephant hunting has been used for community projects and conservation for the local communities in the Game Management Areas where hunting is undertaken. Hunting outfitters’ concession agreements with DNPW and the Community Resource Board identify mandatory anti-poaching obligations and expenditures. At present, 75 Community Resource Boards employ over 750 wildlife Community Scouts and 79 support personnel, at a monthly cost of over \$38,800. Those scouts are paid emoluments from revenues from hunting tourism. A small sample of four operators spent over \$201,000 on anti-poaching in 2015, community scouts and on equipping their own anti-poaching teams. Moreover, under the wildlife management guidelines in Zambia, which is also contained on Hunting Concession Agreement, at least 50% of harvested game meat is donated and distributed to local communities. A 2015 study found that hunting outfitters in three GMAs contributed an average of 6,000 kilograms of harvested meat per season, and estimated that outfitters across all GMAs could provide ~130 tons of much-needed protein annually.

The use of “CITES approved Trading Partners” in the proposal is intended to address the fact that Zambia will not export elephant ivory to countries that are not compliant with CITES or trade in a manner that not

permitted by the Convention. Any ambiguity created by the use of the terminology “CITES approved trading partners” was not intentional.

Table 1: Details of Problem Elephant Reports in Zambia for the period 2014 to 2018

Period	Total No. of Reports for all species	No. of Reports for Elephant	% Occurrences	Elephants Controlled
2014	2,897	1,269	44	24
2015	5,342	2,457	46	20
2016	1,516	506	33	-
2017	2,062	530	26	26
2018	6,313	4,265	68	28