

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



**Third African elephant meeting
Gigiri, Kenya
1-3 November 2010**

**DECISION 15.74: REVISION OF RESOLUTION CONF 10.10 (REV COP15)
ON TRADE IN ELEPHANT SPECIMENS**

1. This document has been prepared by the MIKE Central Coordination Unit of the CITES Secretariat.
2. At the 15th meeting of the Conference of the Parties (CoP15; Doha, March 2010), the Decision 15.74 was adopted, directed to the Standing Committee as follows:

The Standing Committee shall, in consultation with African and Asian elephant range States and the Secretariat, evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP15) and present a summary of the consultations and its proposals in this regard at the 16th meeting of the Conference of the Parties.

Background

3. About half of the text of Resolution Conf. 10.10 (Rev. CoP15) (see Annex), adopted at the 10th meeting of the Conference of the Parties (Harare, 1997), is based on the text of Resolution Conf. 9.16 (adopted at Fort Lauderdale, 1994), which was a consolidation of 10 Resolutions dating from 1981 to 1989. Since 1997, the Resolution has already been amended four times, adding, in particular, major sections on the control of internal ivory trade, and on the monitoring of illegal killing of elephants (MIKE – Monitoring the Illegal Killing of Elephants) and of illegal trade in elephant specimens (ETIS – Elephant Trade Information System) at the 11th meeting of the Conference of the Parties (Gigiri, 2000).

Resolution Conf. 10.10 (Rev. CoP15)

4. The operational part of the Resolution is subdivided in eight sections that address issues concerning the trade in elephant specimens that are more or less independent from each with limited cross referencing. These can be grouped as follows:

Ivory trade and ivory trade controls:

- Definitions of raw and worked ivory
- Marking of whole tusks and cut pieces of ivory
- Controls of internal ivory trade
- Compliance with control of internal trade
- Quotas for trade in raw ivory

Specific monitoring mechanisms:

- Monitoring of illegal hunting (and Annex 2)
- Monitoring of illegal trade in elephant specimens (and Annex 1)

Assistance and resources:

- Assistance to elephant range States
 - Resources required for implementing the Resolution
5. Resolution Conf. 10.9 (Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II) (Annex 2) is the second valid Resolution that deals specifically with elephants and trade in elephant specimens. Additionally, Decision 13.26 (Rev. CoP15) concerning the *Action plan for the control of trade in elephant ivory*, originally adopted at the 13th meeting of the Conference of the Parties (Bangkok, 2004), relates explicitly to trade in elephant specimens. Further Decisions relating to elephants that are in effect after CoP15 are presented in a separate document. Whether some could or should be consolidated or integrated fully or partially into a revised Resolution Conf. 10.10 (Rev. CoP15) remains to be evaluated by the Standing Committee in consultation with the Secretariat and the elephant range States.

Ivory trade and ivory trade controls

6. The Resolutions' sections regarding definitions and marking of ivory, and with quotas for trade in raw ivory have undergone minimal amendments since 1997.
7. The section dealing with control of internal ivory trade has expanded over the years, with the section regarding compliance with control of internal trade added at the 12th meeting of the Conference of the Parties (Santiago, 2002). It could be evaluated if or to what extent the provisions in these sections could refer to or integrate (part of) the *Action plan for the control of trade in elephant ivory*.

Specific monitoring mechanisms

8. In document CoP15 Doc. 18 Annex 7, presented at CoP15 and which led to the adoption of Decision 15.74, the Secretariat justified the need for a review of the sections that refer to MIKE and ETIS in Resolution Conf. 10.10 (Rev. CoP15) as follows:
- The objectives and the general framework for ETIS and MIKE, as outlined in the Resolution and its Annexes 1 and 2, have changed very little since 2000, the main amendment being a new provision adopted at CoP12 (Santiago, 2002) that requests the Secretariat to establish an independent technical advisory group to provide technical oversight to both MIKE and ETIS.
 - In Resolution Conf. 10.10, in 1997, the Conference of the Parties called for the establishment of MIKE. This programme is run by the elephant range States and staff of the CITES Secretariat. However, Annex 2 of the Resolution, describing the framework for MIKE, does not clearly articulate the responsibilities of all those involved and contains instructions to the Secretariat that would benefit from an update, as they stem from the period from when the MIKE programme became established.
 - In the same Resolution, and for good reasons, the Conference recognized the Bad Ivory Database System, established by TRAFFIC in 1992, for the purpose of collecting and compiling law-enforcement data on seizures and confiscations of elephant specimens in international trade. This system was further developed and later renamed the Elephant Trade Information System. The Resolution states that both MIKE and ETIS are established

under the supervision of the Standing Committee, which continues to oversee the continuation and expansion of both programmes.

- The Trust Fund budget established by the Conference of the Parties does not provide funding for either MIKE or ETIS. In the case of ETIS, the Resolution indicates that "A funding mechanism will be established to ensure that ETIS is fully operational", and with regard to MIKE that "substantial funding will be required for the above activities". The funding mechanism has not been established, and both MIKE and ETIS remain entirely dependent upon external funding for their operation. Yet, the Resolution calls for a considerable amount of work to be done by TRAFFIC and the Secretariat, and both are instructed to provide regular reports to the Conference of the Parties or the Standing Committee. There is nothing unusual in requesting a report from the Secretariat but the instruction to TRAFFIC, over which the Conference has no authority, and without funding, is more exceptional.
- Although ETIS is a CITES-recognized programme managed and coordinated by TRAFFIC, with funding that it obtains from its own efforts, there is no written agreement between TRAFFIC and a representative of the Parties (such as the Secretariat) on who owns the data that are submitted by the Parties, how the system should be maintained in the long-term (for example with regard to staffing and funding, backups of databases, data management, analysis and reporting, etc.) or what TRAFFIC may do with the data that are provided to them.
- The stable formal CITES context in which ETIS and MIKE have operated for nearly a decade suggests that the Parties have broadly remained in agreement with the purpose and overall design of the monitoring programmes. The sections on MIKE and ETIS in Resolution Conf. 10.10 (Rev. CoP14) could nevertheless benefit from certain revisions in the light of past experience. Such a revision could serve to, *inter alia*:
 - a. technically correct and update Annexes 1 and 2 where necessary;
 - b. better define the roles and responsibilities of those instructed to implement the monitoring programmes;
 - c. clarify the use of MIKE and ETIS data, information and analyses;
 - d. re-examine the scope and organizational set-up of MIKE and ETIS; and
 - e. consider the resource implications for operating the two monitoring programmes.

Assistance and resources

9. The sections regarding assistance and resources in Resolution Conf. 10.10 (Rev. Cop15) have remained unchanged since 1997. The funding for MIKE or ETIS, which were integrated in the Resolution in 2000, and their current dependency on external funding is explained in paragraph 9 above.
10. It could be evaluated if or to what extent the provisions in Decision 14.76 concerning funding for the African Elephant Fund and MIKE, directed to Parties, Intergovernmental organizations and non-governmental organizations, could be referred to or (partially) integrated into these sections.
11. At the 58th meeting of the Standing Committee, the Secretariat had observed that the Parties had agreed to other elephant-trade-related activities requiring external funding that were not mentioned in Decision 14.76, such as the implementation of the *Action plan for the control of trade in elephant ivory*, ETIS and other decisions concerning elephant conservation agreed by

the Conference of the Parties. The Secretariat's recommendation at CoP15 to broaden the scope of Decision 14.76 accordingly was not retained (see document CoP15 Doc. 19).

Recommendations

12. In support of the provisions of Decision 15.78, the African elephant range States present at this meeting are invited to review Resolution Conf. 10.10 (Rev. CoP15), indicate areas where amendments may be warranted, and propose improvements where necessary. The African elephant range States can agree on their contribution to the Standing Committee's evaluation.
13. It is proposed that these reviews take place in smaller working groups. Working groups may be provided with a number of guiding questions concerning Resolution Conf. 10.10 (Rev. CoP15) to assist in the review process.

RESOLUTION CONF. 10.10 (REV. COP15)*: TRADE IN ELEPHANT SPECIMENS

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding definitions

AGREES that:

- a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) 'worked ivory' shall be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

Regarding marking

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies, indelible ink, or other form of permanent marking, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

Regarding control of internal ivory trade

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

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

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
- b) establish a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
 - i) compulsory trade controls over raw ivory; and
 - ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

URGES the Secretariat, where possible, to assist Parties in improving these legislative, regulatory and enforcement measures; and

DIRECTS the Standing Committee to undertake a regular review of actions taken by consumer States to improve legislation and enforcement measures and to report the results at each meeting of the Conference of the Parties;

Regarding compliance with control of internal trade

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) to identify those Parties with an ivory carving industry and internal ivory trade whose domestic measures do not provide them with the authority to:
 - i) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
 - ii) assert compulsory trade controls over raw ivory; and
 - iii) establish a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;
- b) to seek from each Party so identified information indicating the procedures, action and time-frames that are needed in order to establish the measures necessary to properly effect the recommendations regarding internal ivory trade; and
- c) to report its findings, recommendations or progress to the Standing Committee, which shall consider appropriate measures, including restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties; and

DIRECTS the Secretariat, dependent on available resources, to provide technical assistance to Parties to develop practical measures to regulate their internal ivory trade;

Regarding monitoring of illegal hunting of and trade in elephant specimens

AGREES that:

- a) the systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:

- i) measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepôts;
 - ii) assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;
 - iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
 - iv) building capacity in range States;
- b) these monitoring systems shall be in accordance with the framework outlined in Annex 1 for *Monitoring of illegal trade in ivory and other elephant specimens* and in Annex 2 for *Monitoring of illegal hunting in elephant range States*;
 - c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration; and
 - d) technical oversight will be provided to both MIKE and ETIS through an independent technical advisory group to be established by the Secretariat;

Regarding assistance to elephant range States

RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;

Regarding quotas for and trade in raw ivory

RECOMMENDS that:

- a) each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year (1 January to 31 December);
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) the Secretariat maintain its *Ivory Trade Control Procedures Manual* and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;

- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat's Manual;
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

Regarding resources required for implementation of this Resolution

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and

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

ANNEX 1: MONITORING OF ILLEGAL TRADE IN IVORY AND OTHER ELEPHANT SPECIMENS

1. Introduction

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. The Conference of the Parties recognizes the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement of BIDS, the Elephant Trade Information System (ETIS) was developed to monitor the pattern and scale of illegal trade in ivory and other specimens.

2. Scope

ETIS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have occurred anywhere in the world since 1989. ETIS will also include subsidiary information on law enforcement effort, legal and illegal elephant product markets and background economic data.

3. Methods

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology will be developed for the collection of data, including, *inter alia*:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- profile of offenders/suspects
- status of cases in the courts
- law enforcement effort.

A data collection form has been designed and circulated to all Parties by the CITES Secretariat.

4. Data collection and compilation

The MIKE and ETIS Technical Advisory Group (TAG) support the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG.

All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.

TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

5. Data analysis and interpretation

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2) and in consultation with TAG.

6. Reporting

TRAFFIC will produce a comprehensive report for each meeting of the Conference of the Parties.

7. Intersessional remedial action

In the event that there is a need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

8. Funding

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

ANNEX 2: MONITORING OF ILLEGAL HUNTING IN ELEPHANT RANGE STATES

1. Introduction

In order to address the concerns of many elephant range States, it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant specimens can be assessed. Of primary importance is the establishment of a simple system of international reporting of incidents of illegal hunting as a baseline against which levels and trends can be determined and changes in these levels and trends can be detected.

It is recognized that such measurement must consist of two elements. The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention, and the monetary value of illegally traded ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

The second element is the establishment of correlations between relevant parameters and the decisions of the Conference of the Parties with regard to elephants.

The overall aim of this system is to provide information needed for range States and other Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations by improving their ability to monitor elephant populations, detect changes in levels of illegal killing, and to use this information to provide more effective law enforcement and to strengthen any regulatory measures required to support such enforcement. The system should be established in such a way that it can continue after financial support for the programme has come to an end.

2. Scope and methodology

The monitoring system will include elephant range States in both Africa and Asia and trade entrepôts.

It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE and ETIS Technical Advisory Group (TAG).

3. Data collection, compilation and reporting

Data collection will cover the following topics:

- elephant population data/trends;
- incidence and patterns of illegal hunting; and
- measures of the effort and resources employed in detection and prevention of illegal hunting and trade.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat will request/sub-contract technical support from appropriate experts, with the advice of the TAG, to:

- a) select sites for monitoring as representative samples;
- b) develop a standardized methodology for data collection analysis;
- c) provide training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified; and
- e) provide a report to the CITES Secretariat for transmission to the Standing Committee and Parties to CITES.

4. Reporting

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, at each meeting of the Conference of the Parties.

5. Funding

Substantial funding will be required for the above activities.

RESOLUTION CONF. 10.9: CONSIDERATION OF PROPOSALS FOR THE TRANSFER OF AFRICAN ELEPHANT POPULATIONS FROM APPENDIX I TO APPENDIX II

RECALLING Resolution Conf. 7.9, adopted by the Conference of the Parties at its seventh meeting (Lausanne, 1989), which provided a special mechanism for considering proposals to transfer certain African elephant populations from Appendix I to Appendix II;

RECOGNIZING that the transfer of the African elephant to Appendix I was agreed by the Conference of the Parties in 1989 although populations in certain range States may not have met the criteria in Resolution Conf. 1.1, adopted at the first meeting of the Conference of the Parties (Bern, 1976);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) all proposals to transfer populations of the African elephant from Appendix I to Appendix II shall be subject to a review by a Panel of Experts, which shall consider:
 - i) the scientific evidence regarding the numbers and trends of the populations;
 - ii) the conservation and management of these populations, and threats to their status; and
 - iii) the adequacy of controls on trade in ivory and other parts and derivatives;
- b) the Panel of Experts shall include expertise in the following areas:
 - i) elephant ecology and population biology;
 - ii) field conservation and management;
 - iii) monitoring of trade in parts and derivatives of elephants;
 - iv) establishment and operation of trade regimes including establishment of quotas; and
 - v) security of stocks of elephant parts and derivatives and/or wildlife law enforcement;
- c) the Standing Committee, after consultation as appropriate with UNEP, IUCN, TRAFFIC International, the affected range State and the region concerned, shall nominate the members of the Panel of Experts, which should not exceed six in number;
- d) the selection should take into account the need for appropriate geographical representation;
- e) the proponent State should appoint a representative to facilitate the work of the Panel and to act as an adviser;
- f) the Standing Committee shall direct the CITES Secretariat to convene the Panel of Experts;
- g) the Panel of Experts shall:
 - i) meet at its earliest convenience but no later than two months following the receipt by the Secretariat of a proposal to be reviewed and as frequently thereafter as is necessary;

- ii) evaluate, within 45 days after its first meeting if possible, each proposal to transfer a population to Appendix II;
 - iii) elect its Chairman from within its own membership;
 - iv) be provided with technical assistance and support as required;
 - v) assign particular tasks to individual members and may appoint consultants to carry out studies on its behalf; and
 - vi) be financed from the regular budget of the CITES Secretariat or from funds assigned for this purpose by Parties;
- h) the proponent State should undertake to give the Panel or its accredited consultants free and unrestricted access to all data in its possession regarding elephant populations, elephant management, trade in parts and derivatives of elephants and, as appropriate, law enforcement procedures and actions;
- i) in evaluating the status and management of an elephant population the Panel of Experts shall take into account:
- i) the viability and sustainability of the population, and potential risks;
 - ii) the affected range State's demonstrated ability to monitor the subject population; and
 - iii) the effectiveness of current anti-poaching measures;
- j) in evaluating the affected range State's ability to control trade in ivory from African elephants, the Panel of Experts shall take into account:
- i) whether total levels of offtake from both legal and illegal killing are sustainable;
 - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
 - iii) whether law enforcement is effective; and
 - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State;
- k) when appropriate, the Panel of Experts shall also consider:
- i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
 - ii) the controls on ivory trade in specified importing countries;
- l) the Panel of Experts shall also evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State; and
- m) for the purpose of deciding on the transfer of a population of the African elephant from Appendix I to Appendix II and the necessary conditions to be attached to such a transfer, the Parties shall take into account the report of the Panel of Experts and in particular:
- i) the status of the elephant population in the affected range State;

- ii) the affected range State's ability to manage and conserve its population effectively; and
- iii) the affected range State's ability to control trade in elephant ivory; and

REPEALS Resolution Conf. 7.9 (Lausanne, 1989) – Terms of Reference for the Panel of Experts on the African Elephant and Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II.