

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



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

SUMMARY RECORD

Background

This document has been prepared by the MIKE Central Coordination Unit of the CITES Secretariat.

The CITES Secretariat convened the third African elephant meeting in Gigiri, Kenya, from 1 to 3 November 2010. The meeting was organized by the Secretariat's programme Monitoring the Illegal Killing of Elephants (MIKE) with financial support from the European Commission. The meeting was attended by 62 representatives from 35 of the 37 African elephant range States (Mozambique and Somalia were invited but did not attend the meeting), United Nations Environment Programme – Division of Environmental Policy Implementation (UNEP/DEPI), the European Commission, IUCN/SSC African Elephant Specialist Group (AfESG), TRAFFIC, Mainz University, and the CITES Secretariat and its MIKE programme.

Opening of the meeting

The Chair, the Director of UNEP/DEPI, welcomed the delegates. The CITES Secretary-General gave an opening speech via video-conferencing and apologized for not being able to attend the meeting in person, owing to previous commitments. The Secretary-General expressed his appreciation for all African elephant range States, partners and the European Commission for their support of the MIKE programme. He urged the African elephant range States to move forward on areas of common ground and to continue to work towards a consensus on issues concerning elephants where there was still disagreement. He noted that the outcomes of the recent 10th meeting of the Conference of the Parties to the Convention of Biological Diversity in Nagoya had created opportunities for governments to access funding for CITES-related activities through the provision of significant resources to review and implement National Biodiversity Strategies and Action Plans. He encouraged the participants to ensure that, during these reviews, relevant activities in the African elephant action plan be incorporated in their National Biodiversity Strategies and Action Plans.

Adoption of the agenda and working programme

The Chair introduced the agenda and working programme and invited comments and proposals for amendments. He also noted that he might not be available for the entire meeting and asked the Chair of the AfESG to act as co-Chair. He reminded participants that simultaneous interpretation was provided for 6 hours a day only, thereby limiting the opportunities to work bilingually. The agenda was adopted, but several proposals were made to rearrange the working programme. A number of comments were made on the importance of the African Elephant Fund for the implementation of the African elephant action plan, requesting that it be brought forward in the meeting's programme and allocated more time. Other comments revolved on the importance of addressing Decision 14.77 on a decision-making mechanism for a process for trade in ivory. Subsequently, it was agreed that the discussions on the African elephant fund would be initiated in the afternoon of the first day of the meeting. The Secretariat was requested to prepare a revised working programme, which was disseminated later in the meeting.

Updates on the illegal killing of elephants and illegal trade in ivory

Update on MIKE

The MIKE Coordinator introduced the document *Progress in the implementation of MIKE in Africa*. Ethiopia had just joined the programme and was the 30th of 37 African elephant range States to do so. After years of preparation, piloting and investment by donors and range States, MIKE was currently meeting the four objectives contained in Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens*: (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;

Data collected up to December 2009 had been used for the analysis presented at the 15th meeting of the Conference of the Parties to CITES (CoP15, Doha, 2010), with the Proportion of Illegally Killed Elephants (PIKE) used as the variable in the analysis of poaching trends. Based on the limited evidence available, this analysis did not show evidence of a relationship between CITES decisions and levels and trends of poaching as estimated by PIKE. It demonstrated that the Human Development Index and government effectiveness at the national level, and human population density and forest cover at the site level were the most important factors statistically associated with levels of illegal killing. Comprehensive capacity-building activities, including the transition to a new data collection and analysis tool (MIST), were ongoing in Africa. At CoP15, the Parties had decided that the MIKE programme should deliver annually updated data analyses until the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013). MIKE had also been included in the African elephant action plan. The MIKE ETIS Subgroup of the Standing Committee had been reconstituted at CoP15. Finally, it was explained that the MIKE Phase II project for Africa, supported by the European Commission, would be concluded in December 2011 and that, therefore, emphasis would be placed on ensuring that the programme could remain operational and productive until CoP16 or beyond.

During the ensuing discussion, some range States remarked that MIKE was not capturing sufficient local, site-level information which might be important for understanding levels of illegal killing. The MIKE CCU responded that information for MIKE analyses should be collected uniformly across the range of MIKE sites, which limited the possible variables to be included. Suggestions from other range States included enhancing the involvement of local communities in the programme, closer participation in local elephant management issues such as human-elephant conflict, and the addition of more countries and sites. Range States also flagged the issue of data verification and the need to be aware of national resource allocation from the MIKE programme for planning purposes. Several participants stressed the need for closer collaboration between MIKE and ETIS.

Compiling and utilizing data on illegal killing from a variety of unofficial sources and the potential for integration with MIKE

The secretariat of the AfESG presented the document *Compiling and utilizing data on illegal killing from a variety of unofficial sources and the potential for integration with MIKE*. The document also addressed possibilities for developing an 'early warning system' that could alert managers for surges in elephant poaching. During the brief debate following the presentation, it was explained that data on elephant mortality from sites with continuous monitoring presence could be included in and enrich the MIKE sample. Such site could also benefit from using MIKE standards for data collection and monitoring. Information on elephant mortality from unofficial sources, such as media reports, expert networks and NGOs, could be considered to complement findings of MIKE analyses, recognizing that these data were biased and geographically unbalanced. The possibility of providing early warnings to managers was hampered by the slow information flows between sites and more centralized places for broader dispatching, which in turn impeded fast responses. The Technical Advisory Group for MIKE (MIKE TAG) had been exploring these questions regarding additional data on elephant mortality and an early warning system for some time, with further research ongoing. Some African elephant range States expressed support for the ideas in the paper, but cautioned that proper data verification remained an important concern.

Update on ETIS

The ETIS Director presented an update of the Elephant Trade Information System (ETIS), highlighting areas of concern, particularly those countries with poor law enforcement effort scores as calculated by ETIS on the basis of ivory seizures implicating these countries. The African elephant range States present received a country report with relevant ETIS data, collated until June 2010. The ensuing discussions covered a range of issues. A number of participants requested that, before the analysis of ETIS data was finalized for reporting to CITES meetings, elephant range States and other Parties be given ample opportunities to comment on provisional drafts, and provide corrections and inputs as necessary.

With regard to country reports, the ETIS Director indicated that these had been sent to the CITES Secretariat in June 2010. The Secretariat confirmed that they had been distributed since that time. It was suggested that ETIS could work more closely with the Lusaka Agreement, which might contribute to alleviating the problem of certain instances of illegal cross-border trade in ivory. It was pointed out however that the Lusaka agreement only covered a few countries in Africa, while ETIS was a global programme. Some range States suggested sharing the country reports with other States to enhance collaboration and enforcement. The ETIS Director noted that all countries were free to share their reports as widely as they liked. It was also proposed to disseminate the country reports in electronic format. Some suggested that a centralized, electronic 'alert' system should be developed to share information on ivory seizures quickly and effectively. Furthermore, participants urged ETIS to communicate better and more frequently with African elephant range States. ETIS was requested to work bilaterally with individual African elephant range States to address the challenges and problems identified in the country analyses. A number of participants also called for assistance with resources and training to combat the illegal trade in ivory.

Valid CITES Decisions and Resolutions concerning elephants

Outcome of CoP15: enforcement issues and elephants

The Chief of Enforcement Support of the CITES Secretariat joined the meeting via video-conferencing. He explained his role in CITES with regard to enforcement issues and discussed the practical complications surrounding wildlife crime and the illegal trade in ivory. He expressed concern that countries were currently not sufficiently exchanging intelligence information to combat illegal wildlife trade. He further discussed how trade in ivory could be handled in the future and encouraged the CITES community to consider how countries with large stockpiles of confiscated ivory, such as China, Malaysia, the Philippines or Viet Nam, might deal with those stocks. He recommended including the *Action plan for the control of trade in elephant ivory* (Decision 13.26) in a revised version of Resolution Conf. 10.10 (Rev. CoP15). He remarked that colleagues in the United Kingdom of Great Britain and Northern Ireland were investigating sales of so-called ivory "identification" devices, which had been found to be a scam. Finally, he encouraged participants to join the CITES Secretariat's online discussion forum on enforcement where, in addition to CITES Alerts, a number of enforcement training manuals and materials were available (see <http://www.cites.org/forum/forum.php>).

Outcome of CoP15: an overview

The MIKE Coordinator introduced the document *CITES Decisions on elephants in effect after the 15th meeting of the Conference of the Parties*, outlining all valid CITES Decisions pertaining to elephants. He also touched upon the CITES listing proposals for *Loxodonta africana* that had been submitted at CoP15, noting that one had been withdrawn while all others had failed to win the two-third majority required for adoption. The listing of *Loxodonta africana* in the Appendices of CITES, including the annotations of the four Appendix-II populations, therefore remained unchanged from what had been agreed at CoP14 (The Hague, 2007). Some participants continued to express the opinion that the CoP14 compromise on African elephants was meant to result in a 9-year moratorium on all proposals to trade in ivory, and not only for proposals from the four Parties with populations in Appendix II, as stated in the current Appendix-II annotation. Other participants indicated that their understanding of the CoP14 compromise was in line with the text of the annotation and requested not to prolong this debate.

Decision 14.79 (Rev. CoP15): African Elephant Fund

The range States agreed to discuss the establishment and operation of the African Elephant Fund. The Secretariat gave a brief update on the current status of the African Elephant Fund. Later in the meeting, it circulated the supporting document *Implementation status of the African Elephant Fund* that provided further details. The three current donors to the Fund, France, Germany and the Netherlands, needed to honour their financial pledges by the beginning of December 2010. In order to facilitate this, the Secretariat intended to use an existing budget line within the CITES Trust Fund budget to hold this money temporarily. The CITES Secretary-General would ask the Executive Director of UNEP to waive the Programme Support Cost (PSC), normally 13 %, for this transaction.

For a more permanent home for the Fund, the Secretariat noted that the main option under consideration was the creation of a multi-donor trust fund under UNEP, which would be the fastest and most straightforward way to establish the Fund. A number of range States expressed support for this approach, but concern was raised about the level of the PSC and the possible amount of bureaucracy required to access funds through the UN system. The Secretariat confirmed that it was working with UNEP to negotiate a PSC rate lower than 13 %. The Chair commented that the Executive Director of UNEP had only limited flexibility in agreeing to deviations from the normal PSC, and that the easiness with which money could be released would depend on the agreed *modus operandi* for the Fund rather than on the UN administrative rules.

The Secretariat further informed the participants that some range States had suggested that the Fund could be established at a private bank, proposing Barclays Bank. However, donor States and certain African elephant range States had indicated they did not support such an arrangement. The Secretariat highlighted some other challenges related this suggested set-up, including the need for a legal entity to hold the bank account; the totality of the costs for establishing, accessing and administering the account; arrangements and costs for its auditing; the possible need for a competitive tender so that other commercial banks could put forward bids; the ability to work in both English and French; and the general lack of precedents for operating similar funds through commercial banks. Some range States indicated that it might nevertheless be of interest to explore alternative institutional options for hosting the Fund, including private banks, while perhaps using UNEP in the meantime.

With regard to the Fund's Steering Committee, the Secretariat indicated that its membership had not yet been decided. Assuming that the African elephant range States would be represented in the Committee by eight countries (two each from Central, East, West and Southern Africa), subregional nominations had been received from Central Africa (Cameroon and Congo) and Southern Africa (Botswana and South Africa). During the meeting, it was agreed that West Africa would be represented by Burkina Faso and Nigeria, and East Africa by Kenya and the Sudan. Regarding the criteria for the inclusion of donors in the Steering Committee, some range States opined that only States that had given USD 50,000 or more to the Fund should be eligible. A limit on the number of donors that could be member of the Steering Committee was also discussed, as well as the Committee's mandate.

The Secretariat had drafted Terms of Reference for the operation of the Steering Committee which had been circulated to a Fund working group composed of representatives of the African elephant range States and donors. It summarized the comments that the working group had supplied. In the ensuing discussions on the rules of procedure of the Steering Committee, emphasis was put on the duration of the members' terms, and the rotation of membership. The Chair suggested that the Secretariat and the participants consider the example of the rules of procedure of the UN-REDD programme. He requested the Secretariat to update its draft Terms of Reference in the light of the views expressed during the meeting.

Later in the meeting, the Secretariat circulated a document *Revised draft interim Terms of Reference for the African Elephant Fund Steering Committee*, as well as its initial draft interim Terms of Reference and the comments from the Fund working group, and the UN-REDD programme's *Rules of Procedure & Operational Guidance*. The Chair encouraged the range States to give their Steering Committee members a mandate to finalize the deliberations on the Terms of Reference and the rules of procedure for the Fund.

The participants reviewed in detail the Secretariat's revised draft interim Terms of Reference for the Steering Committee. The range States confirmed that they wished to have eight range State members in the Steering Committee, two from each subregion, in addition to three donor States (that should have given a minimum of USD 50,000). Donor NGOs could be invited to attend meetings of the Steering Committee as observers without voting rights, and the host of the Fund should serve on the Steering Committee as an *ex officio* member. Term limits for the members of the Committee would be set at three years. The Chair of the Steering Committee should rotate by African subregion, with an alternate chair from that same subregion.

The range State member of the Steering Committee would have to consult their respective subregions in finalizing and approving the Terms of Reference. Throughout their tenure on the Committee, they should consistently confer with and represent their subregions. Further specific responsibilities of the Steering Committee were identified to include rules for accepting donations, decision-making for the disbursement of funds, fund allocation amongst subregions, support for emerging issues or emergency needs, as well as a number of new ideas such as fundraising, monitoring and evaluation, and coordination with existing regional initiatives and structures. The Secretariat reminded the meeting that donors needed to review and agree to the proposed draft Terms of Reference.

The participants recognized that the Steering Committee would need administrative support from the CITES Secretariat until a secretariat for the Fund could be established. The CITES Secretariat committed to assist with this. Finally, a timeline was agreed for establishing the Fund. In November 2010, the Secretariat would seek a waiver of the PSC from UNEP for funds temporarily held within a budget line of the CITES Trust Fund. Also in November, the Secretary-General would send a follow-up letter to the Executive Director of UNEP regarding the possible hosting of the Fund by UNEP, with a request to reduce the PSC. In December 2010, contributions to the Fund would be accepted and the composition of the Steering Committee and its interim Terms of Reference finalized. The Steering Committee could begin work through electronic communication. In February 2011, the Fund would be established and become operational, with a waiver or a reduction in the standard PSC percentage, and funds could become available for use.

Decision 13.26 (Rev. CoP15): Action plan for the control of trade in ivory

The CITES Secretariat introduced the questionnaire on ivory trade that it had distributed to the Parties in 2007. TRAFFIC had been contracted to analyse the responses to the questionnaire and to compare this information with ETIS data. The Secretariat noted that the identification of any potential compliance matter related to Decision 13.26 would have to be handled in accordance with the provisions in Resolution Conf. 14.3 on *CITES compliance procedures*.

With reference to the document *Elephant and ivory trade questionnaires*, the ETIS Director presented the analysis of the responses to the questionnaires, focusing on the African elephant range States. The participants received a working document containing the full report on this analysis, as well as an executive summary thereof. All information had been provided by governments, and 30 of the 37 African elephant range States had replied. Countries had reported on their legislation covering different levels of domestic ivory trade, and on their compliance and enforcement measures. This information was then compared with the Domestic Ivory Market score in the ETIS database to identify those countries with high discrepancies between reported ivory trade controls and the size and activity of their domestic ivory markets. Based on this analysis, TRAFFIC had concluded that the situation in Côte d'Ivoire, the Democratic Republic of the Congo, Ethiopia, Mozambique, Nigeria, Senegal and the Sudan might require further clarifications. Additionally, it was noted that there were discrepancies between ivory stocks reported in the 2007 questionnaires and those recorded in previous reports. This might need further explanations.

A number of range States responded to the results of the analysis by providing clarifications on their legislation and controls, and some requested for bilateral meetings with the researchers to discuss the findings. The Secretariat clarified that it would work bilaterally with range States to take the findings of the analysis forward in the context of the implementation of Resolution Conf. 14.3.

With regard to cooperation on the identification of ivory as required in the Action plan, Stefan Ziegler from the University of Mainz outlined in the sidelines of the meeting a research project that was being undertaken with support from the German CITES Management Authority, and that aimed at identifying

and ageing elephant ivory using isotope analysis. The African elephant range States had the opportunity to ask questions to the researcher, expressing their overall support and interest in participating in the research project.

Decision 14.77: Decision-making mechanism for a process of trade in ivory

The MIKE Coordinator introduced Decision 14.77 which directed the Standing Committee, assisted by the Secretariat, to propose a decision-making mechanism for a process of trade in ivory by CoP16 at the latest. The Standing Committee had agreed that, in order to initiate the implementation of the Decision, a study should be undertaken and it had established its scope and terms of reference. Botswana confirmed that it had contributed USD 20,000 to the implementation of Decision 14.77 and Namibia confirmed that it would be contributing funds as well.

Decision 15.74: Revision of Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens*

The CITES Secretariat presented the document *Decision 15.74: revision of Resolution Conf. 10.10 (Rev. CoP15) on Trade in elephant specimens*, summarizing the content of Resolution Conf. 10.10 (Rev. CoP15) and a number of possible sections in the Resolution that could be amended. The Standing Committee had been instructed at CoP15 to produce a draft revision of the Resolution in consultation with the Secretariat and African and Asian elephant range States, for consideration at CoP16. The Secretariat indicated that the current meeting offered opportunities to consult the African elephant range States, and hoped that the Asian elephant range States could be consulted at subregional MIKE meetings in 2011.

The AfESG facilitated the discussions on the revision of Resolution Conf. 10.10 (Rev. CoP15). Four working groups were formed, one per African subregion, and asked to go through a number of guided questions dealing with the operational, analytical, financial and other issues associated with the different components of the Resolution. The spokesperson for each subregional working group later reported in plenary on their deliberations.

The groups recognized the usefulness of MIKE at the operational level. The groups agreed that the operational structure of the MIKE programme, with Site and National Officers, Subregional Steering Committees, and subregional and global Support Units, needed to be maintained and formalized in the Resolution. Some groups argued for stronger mandates for the Subregional Steering Committees in the implementation of MIKE and ETIS. The roles and responsibilities of IUCN and TRAFFIC in MIKE and ETIS needed to be clarified in the revised Resolution. Some groups also indicated that the Steering Committee of the African Elephant Fund could play a role in overseeing MIKE and ETIS, as both monitoring programmes were contained in the African elephant action plan. It was noted that the global objectives for MIKE did not include the analytical and other needs at the national and site levels, and that this could be revised. Some participants expressed the wish to add new sites to the programme, with a number of working groups flagging the importance of considering transboundary sites and sites covering entire ecosystems. Some groups suggested that MIKE could address wider *in situ* elephant management and conservation needs. All groups emphasized the need for closer linkages or a merger between MIKE and ETIS. Working groups emphasized the need for ETIS to work more closely with the African elephant range States, some suggesting that it should apply or be incorporated into the structure of MIKE.

At the analytical level, the working groups were of the opinion that the range States should be able to evaluate reports and analyses from MIKE and ETIS once that these had been reviewed by the MIKE and ETIS Technical Advisory Group, but before they were submitted to the Conference of the Parties or other CITES forums. The Chair noted that, under these circumstances, the time required to collect and validate data, prepare the analyses, and go through the proposed reviews would likely mean that data inputs would have to be closed one year in advance of meetings of the Conference of the Parties. Parties would therefore not have the most recent data analyses available.

On financial matters, it was noted that the implementation of MIKE and ETIS were contained in the African elephant action plan, which should provide for their eligibility for funding under the African Elephant Fund. The general support expressed for the continuation of MIKE and ETIS now required that serious attention should be given to financing the programmes. The European Commission was

called upon to continue its support to MIKE beyond 2011. Several suggestions were presented on financing, such as allocating portions of the Africa elephant range State contributions to the CITES Trust Fund going towards MIKE and ETIS.

It was agreed by all working groups that relevant parts of Decision 13.26 (the Action plan for the control of trade in ivory) should be incorporated into the Resolution. The issue of how to deal with large and growing stockpiles of raw ivory in Africa and elsewhere in the world, originating from natural elephant mortalities, government management measures, or confiscations, was raised by most working groups.

Finally, a working group suggested that African and Asian elephant range States should remain involved in the Standing Committee's revision of the Resolution. It was pointed out that such an arrangement would have to be mandated by the Standing Committee, to whom the Decision to evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP15) was directed.

Study on trade in elephant meat: preliminary results

Daniel Stiles, a consultant for the AfESG, presented the preliminary results of a study on the impact of the trade in African elephant meat in Central Africa. This project, funded by the CITES MIKE programme, has been underway over the past year. The preliminary results indicated that for most hunters, ivory was still the primary motivation for killing elephants in Central Africa: tusks can be removed quickly and transported easily; there is a ready market for ivory; and most elephant hunters were found to be paid to do so by rich individuals (so-called *commanditaires*) who did not want to spend time and effort to track meat sales. But this could change if the transport of meat would become easier or law enforcement levels declined. Indeed, the study found that there was a high latent demand for elephant meat in the subregion. The study also confirmed that logging roads, mines and infrastructure projects attract immigrants, which promote bushmeat hunting. Additional research activities were envisaged to expand and strengthen the initial findings. The study was expected to be finalized early in 2011.

Meeting results, conclusions and recommendations

The Chair concluded the meeting with a summary of the outcomes and recommendations of the meeting. Items 16, 18 and 19 of the provisional agenda had not been addressed due to time constraints. The Secretariat confirmed that a draft summary record of the meeting would be circulated to allow comments by the participants.