

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



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

**CITES DECISIONS ON ELEPHANTS IN EFFECT AFTER THE
15TH MEETING OF THE CONFERENCE OF THE PARTIES**

1. This document has been prepared by the MIKE Central Coordination Unit of the CITES Secretariat.
2. The Decisions on elephant that are in effect after the 15th meeting of the Conference of the Parties (CoP15; Doha, March 2010) are presented in Annex 1 to this document.

Decisions 15.72 and 15.73: CITES Ivory and Rhinoceros Enforcement Task Force

3. Although principally devoted to Rhinoceroses, Decision 15.72 calls for the creation of a joint CITES Ivory and Rhinoceros Enforcement Task Force. The Task Force should exchange intelligence concerning smuggling of ivory and rhinoceros specimens, and develop strategies for combating illegal trade. The Secretariat should seek funds to convene the Task Force. The proposed membership of the Task Force includes several African elephant range States that are currently considered most affected by the smuggling of ivory and rhinoceros specimens.
4. The work of the Task Force should be reported by the Secretariat at the 61st meeting of the Standing Committee (SC61; Geneva, August 2011). Decision 15.73 allows for the Standing Committee to determine further actions based on the report from the Secretariat.

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

4. All the actions that are contained in the current *Action plan for the control of trade in elephant ivory* were already part of the *Action plan* that existed prior to CoP15. The main difference is that the current *Action plan* no longer refers to questionnaires relating to the controls of trade in ivory because these had to be submitted to the CITES Secretariat by 31 December 2007.
5. As reported to the Standing Committee at its 57th meeting (SC57; Geneva, July 2008), TRAFFIC was asked by the CITES Secretariat to consider the information contained in these questionnaires and provide an analysis thereof which would, in part, relate the questionnaire findings to ETIS seizure data. The results of this analysis will be presented to the Africa elephant range States during the third African elephant meeting.

Decision 14.76: Funding

6. This Decision was adopted at the 14th meeting of the Conference of the Parties (CoP14; Ten Hague, 2007) and has remained unchanged after CoP15. It calls for donors to support the African Elephant Fund and the Monitoring the Illegal Killing of Elephants (MIKE) programme.

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

7. This Decision was adopted at CoP14 and has remained unchanged. It calls for the Standing Committee, assisted by the Secretariat, to propose a decision-making mechanism for a process of trade in ivory by the 16th meeting of the Conference of the Parties (CoP16) in 2013 at the latest.
8. At SC57, the Standing Committee agreed that in order to initiate the implementation of this Decision, a study be undertaken on the development of a decision-making mechanism and process for future trade in elephant ivory for review by the Standing Committee. It agreed to the scope and the terms of reference of the proposed study as outlined in document SC57 Com. 4 (see Annex 2).

Decision 14.78 (Rev. CoP15): Reporting to the Standing Committee on elephant conservation and ivory trade issues

9. Decision 14.78 (Rev. CoP15) is an expanded version of the one that existed prior to CoP15. Under the provisions of this Decision, the Secretariat shall invite the African elephant range States to provide information on progress made in the implementation of the *Africa elephant action plan* at the 61st and 62nd meetings of the Standing Committee in 2011 and 2012 respectively. For similar reporting purposes, the Secretariat will furthermore invite TRAFFIC (for an updated analysis of ETIS data), UNEP-WCMC (for information on legal trade in elephant specimens) and the IUCN/SSC African and Asian Elephant Specialists Groups (for pertinent information on the status and conservation of elephants), and provide an updated analysis of data that its MIKE programme is collecting. The Decision acknowledges that these reports and analyses are pending external funding. The Secretariat shall recommend actions to the Standing Committee on the basis of these contributions.
10. The *African elephant action plan* was agreed by consensus in the sidelines of CoP15 by all the African elephant range States represented at that meeting. In the name of all 37 African elephant range States, the agreed *African elephant action plan* was submitted as information document CoP15 Inf 68 to the Conference of the Parties (see Annex 3).
11. The African elephant range States may wish to consider their response to the invitation that the Secretariat will direct to them prior to SC61.

Decision 14.79 (Rev. CoP15): African Elephant Fund

12. At CoP14 in 2007, separate Decisions had been adopted instructing the African elephant range States to develop an *African elephant action plan* (Decision 14.75) and the Secretariat to establish an accompanying African Elephant Fund and its steering committee, which should be composed of representatives of African elephant range States and donors (Decision 14.79). These two Decisions did not specify timeframes, but first an *action plan* had to exist before a Fund could be created.
13. As the *African elephant action plan* was only agreed to at CoP15, the Secretariat was unable to establish an African Elephant Fund before then, and the instruction to do so was therefore maintained.

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

13. The Decision, directed to the Standing Committee, requires it to consult the African and Asian elephant range States when evaluating the need to revise Resolution Conf. 10.10 (Rev. CoP15). The present meeting offers an opportunity for the African elephant range States to review the Resolution, indicate areas where amendments may be warranted, and propose improvements where necessary. These suggestions can be communicated to the Standing Committee.

**Decisions of the Conference of the Parties to CITES
in effect after its 15th meeting pertaining to elephants and trade in elephant
specimens**

Conservation of and trade in African and Asian rhinoceroses

Directed to the Secretariat

15.72 The Secretariat shall:

- a) facilitate, as a matter of urgency, and with others partners as appropriate, bilateral exchanges between key rhinoceros range States and rhinoceros horn consumer States, to improve wildlife enforcement cooperation efforts;
- b) report at the 61st and 62nd meetings of the Standing Committee (SC61 and SC62) on these efforts;
- c) seek funds to convene a joint CITES Ivory and Rhinoceros Enforcement Task Force. Besides the Secretariat, members should include the ASEAN Wildlife Enforcement Network Programme Coordination Unit, INTERPOL, the Lusaka Agreement Task Force, the United Nations Office on Drugs and Crime, the World Customs Organization and those Parties in Africa and Asia that are currently most affected by the smuggling of ivory and rhinoceros specimens. Priority should be given to including the following Parties: Cameroon, China, Ethiopia, Kenya, the Lao People's Democratic Republic, Mozambique, Nepal, the Philippines, South Africa, Thailand, the United Arab Emirates, the United Republic of Tanzania, Viet Nam and Zimbabwe. The Task Force should undertake an exchange of intelligence regarding smuggling of ivory and rhinoceros specimens and develop strategies for combating illegal trade; and
- d) report on the work of the Task Force at SC61.

Directed to the Standing Committee

15.73 At its 61st and 62nd meetings, the Standing Committee shall consider the reports of the Secretariat requested under Decision 15.72 and determine what further actions, if any, are necessary.

Elephant conservation

13.26 The Conference of the Parties adopted the *Action plan for the control of trade in* (Rev. *elephant ivory* attached as Annex 2 to these Decisions. CoP15)

Annex 2: Action plan for the control of trade in elephant ivory¹

1. All elephant range States², and other Parties and non-Parties with an ivory carving industry or internal trade in ivory that is unregulated, should urgently:
 - a) prohibit the unregulated domestic sale of ivory (raw, semi-worked or worked). Legislation should include a provision which places the onus of proof of lawful possession upon any person found in possession of ivory in circumstances from which it can reasonably be inferred that such possession was for the purpose of unauthorized transfer, sale, offer for sale, exchange or export or any person transporting ivory for such purposes. Where regulated domestic trade is permitted, it should comply with the provisions of Resolution Conf. 10.10 (Rev. CoP15) (*Trade in elephant specimens*);
 - b) issue instructions to all law enforcement and border control agencies to enforce existing or new legislation rigorously; and
 - c) engage in public awareness campaigns publicizing existing or new prohibitions on ivory sales.
2. All elephant range States are recommended to cooperate with relevant research projects studying the identification of ivory, especially by supplying relevant samples for DNA and other forensic science profiling.
3. The Secretariat should seek the assistance of governments, international organizations and non-governmental organizations in supporting the work to eradicate illegal exports of ivory from the African continent and the unregulated domestic markets that contribute to illicit trade. The Secretariat shall also, if requested, work with the relevant countries in Africa and Asia to provide technical assistance for the implementation of this action plan. It shall provide similar assistance to any other Parties that have an ivory carving industry or internal trade in ivory. The Secretariat shall also continue its work, in conjunction with national, regional and international law enforcement organizations and networks (such as the ASEAN Wildlife Enforcement Network, ICPO-Interpol, Lusaka Agreement Task Force and the World Customs Organization) to assist in combating illicit trade in ivory.
4. From 1 January 2008, the Secretariat shall undertake work to assess progress made with the implementation of the action plan. Where appropriate, this shall include *in situ* verification missions. Priority should be given to assessment of States that are identified during research by the Secretariat and through other appropriate sources of information to have active and unregulated internal markets for ivory or to be significantly affected by illicit trade in ivory. Particular priority should be given to Cameroon, the Democratic Republic of the Congo, Nigeria, Thailand and any other country identified through ETIS as being significantly affected by illicit trade.
5. In cases where relevant Parties or non-Parties are found not to implement this action plan, or where significant quantities of ivory are found to be illegally sold, the Secretariat shall,

¹ Note from the Secretariat: this Annex was originally adopted at the 14th meeting of the Conference of the Parties (CoP14) and amended at CoP15.

² Except any Party for which an annotation in the Appendices authorizes trade in worked ivory.

following consultation with the Standing Committee, issue a Notification to the Parties advising that the Conference of the Parties recommends that Parties not authorize commercial trade in specimens of CITES-listed species with the State in question.

6. The Secretariat shall report upon the implementation of the action plan at each regular meeting of the Standing Committee.

Directed to Parties, intergovernmental organizations and non-governmental organizations

- 14.76 Parties, trading countries, the ivory carving industry, intergovernmental organizations, non-governmental organizations and other donors are called upon to contribute significantly to the African Elephant Fund for the implementation of the *African elephant action plan* and the programme for Monitoring the Illegal Killing of Elephants (MIKE) to ensure their establishment and maintenance.

Directed to the Standing Committee

- 14.77 The Standing Committee, assisted by the Secretariat, shall propose for approval at the latest at the 16th meeting of the Conference of the Parties a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties.

Directed to the Secretariat

- 14.78 In preparation for the 61st and 62nd meetings of the Standing Committee, pending the (Rev. necessary external funding, the Secretariat shall:
CoP15)

- a) produce an updated analysis of MIKE data, pending the availability of adequate new MIKE data;
- b) invite TRAFFIC to submit an updated analysis of ETIS data and UNEP-WCMC to provide an overview of the latest elephant trade data;
- c) invite the IUCN/SSC African and Asian Elephant Specialist Groups to submit any new and relevant information on the conservation status of elephants, and on pertinent conservation actions and management strategies; and
- d) invite the African elephant range States to provide information on progress made in the implementation of the *African elephant action plan*.

On the basis of the information specified above, the Secretariat shall recommend actions for consideration by the Standing Committee.

Directed to the Secretariat

- 14.79 The Secretariat shall establish an African Elephant Fund that will be applied to the (Rev. implementation of the *African elephant action plan*.
CoP15)

The Secretariat shall establish a steering committee consisting of representatives of the range States and donors to govern the African Elephant Fund and to support and advise African elephant range States on the implementation of the Action Plan.

The Steering Committee shall decide on the organization of the administration of the fund.

Trade in elephant specimens

Directed to the Standing Committee

- 15.74 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.

**Document SC57 Com. 4, adopted at the 57th meeting of the Standing
Committee
Geneva (Switzerland), 14-18 July 2008**

DECISION-MAKING MECHANISM FOR AUTHORIZING IVORY TRADE

This document has been prepared by a working group of the Standing Committee on the basis of document SC57 Doc. 33.4.

Participation

- a) Botswana, France (chairman), Israel, Japan, Kenya, Mali, Namibia, South Africa, United States of America;
- b) European Commission;
- c) Born Free, David Shepherd Wildlife Foundation, EIA, IFAW, IWMC, SSN, TRAFFIC; and
- d) CITES Secretariat

Mandate

To look at the scope of the study proposed in paragraph 3 of document SC57 Doc. 33.4 and report to the Committee later in the meeting

Proposed amendments to paragraph 3 (changes are underlined):

3. In order to initiate the implementation of this Decision, the Secretariat proposes that an independent study be undertaken on the development of a decision-making mechanism and process for future trade in elephant ivory for review by the Standing Committee. This study, which could be coordinated by the Secretariat in consultation with stakeholders including African and Asian elephant range States and which would be subject to the availability of external funding, is proposed to cover the following issues:
 - a) examination of the various processes and decision-making mechanisms related to ivory trade that are or have been operating under the provisions of the Convention, including compliance and enforcement provisions;
 - b) evaluation of the strengths and weaknesses of international trade regimes and associated controls, safeguards and monitoring methods for other high-value commodities in the context of future trade in ivory;
 - c) basic principles and factors that could guide future trade in ivory, and proposals on how an effective, objective and independent decision-making mechanism could operate, taking into account the provisions of the African elephant action plan and experiences from Asia, and
 - d) exploration of the conditions under which international trade in elephant ivory could take place, taking into account: ecological and economic sustainability of ivory trade; the impact of trade on the illegal killing of elephants; the initial impact of the one-off sale of ivory that was agreed at CoP14; levels of illegal trade; enforcement challenges and capacities; information on linkages between legal and illegal trade, and methods to elucidate these linkages; methods to track the chain of custody; etc.

Document CoP15 Inf. 68: African elephant action plan