

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



Fifty-seventh meeting of the Standing Committee
Geneva (Switzerland), 14-18 July 2008

Interpretation and implementation of the Convention

Species trade and conservation

Elephants

CONTROL OF TRADE IN ELEPHANT IVORY

1. This document has been prepared by the Secretariat.

Ivory trading partners

2. Annotation 5. g) ii), to the Appendices, which relates to trade in raw ivory from the elephant populations of Botswana, Namibia, South Africa and Zimbabwe, requires that trade take place "only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10. 10 (Rev. CoP14) concerning domestic manufacturing and trade".
3. At its 54th meeting (Geneva, October 2006), the Standing Committee agreed with a recommendation by the Secretariat that Japan be designated a trading partner.
4. In March 2005, a team consisting of a member of the CITES Secretariat, an official of the World Customs Organization and a staff member of TRAFFIC visited China to assess its ivory trade controls. A detailed report (in English only) of the mission was made available in the Annex to document SC53 Doc. 20.1 and can be accessed at this URL:

<http://www.cites.org/eng/com/SC/53/E53-20-1.pdf>
5. At that time, the Secretariat was satisfied that China's controls met the requirements of Resolution Conf. 10. 10 (Rev. CoP14) (Trade in elephant specimens) but was unwilling to make a specific recommendation to the Standing Committee owing to the high volume of ivory of illicit origin that appeared to be destined for China.
6. In late March and early April 2007, during a mission to China to examine issues related to Asian big cats, the Secretariat visited eight cities around the country. It took this opportunity to survey markets where illicit ivory might have been on sale but no significant findings were made. The report of the mission (in English only), which was made available in Annex 7 to document CoP14 Doc. 52, can be viewed at URL:

<http://www.cites.org/common/cop/14/doc/E14-52A07.pdf>
7. At the 55th meeting of the Standing Committee (The Hague, June 2007), the Secretariat remained unwilling to make a firm recommendation regarding China's designation. China requested it be designated a trading partner. This was put to a vote and was rejected.

8. In the ETIS report (document CoP14 Doc. 53.2) for the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), it was noted that China's law enforcement effort scores had improved markedly, rising from 6% in 2002, to 30 % in 2004, to 58 % in the analysis for CoP14. The Secretariat is aware that China's efforts continue and that many more seizures have been reported to ETIS since CoP14. In mid-March 2008, a seizure of over 750 kg of raw ivory was made in Guangxi Province in China and the Secretariat has been provided with initial details regarding the background of the investigation. This is the first major seizure of raw ivory on mainland China for several years.
9. One of the allegations made in a document circulated by a non-governmental organization at the time of CoP14 was that ivory confiscated by the authorities in China had 'leaked' into trade or had been deliberately released into internal trade. To address this issue, the Secretariat undertook a final mission to China from 24 to 27 March 2008.
10. It visited Shanghai, the site of several of China's major ivory seizures and confiscations, and inspected the stores of Shanghai Airport Customs Unit and the main ivory store at Customs headquarters. Records were examined and random inspections were conducted. No irregularities were found. A major tourist area of Shanghai, which has many souvenir and art and craft shops, was visited but only legal ivory was found on offer at licensed premises.
11. The Secretariat learned of further awareness-raising work that the Government of China had conducted, which included efforts to reach out to Chinese citizens residing and working abroad, especially in Africa, to discourage them from purchasing illicit ivory. The Government has worked closely with TRAFFIC in the production of awareness-raising materials and in surveys of the domestic ivory trade and markets.
12. The Secretariat also visited Macao Special Administrative Region, which was thought to be linked with some attempts to illegally import significant quantities of ivory to mainland China. The Secretariat wished to confirm that CITES and enforcement officials in Macao had an adequate awareness of illicit trade in ivory and to improve communication with them. Meetings were held with local officials and the Secretariat was taken to several border control posts where it was clear that Macao Customs Service is a highly effective and well-equipped agency. The Secretariat visited a number of retail locations where ivory might potentially have been on sale but found none.
13. Having reviewed China's ivory controls and markets on a number of occasions, the Secretariat believes that China should be designated a trading partner and recommends that the Standing Committee agree. China certainly remains a destination for illegal ivory. However, its trade controls satisfy what is required by the relevant Resolution and these are designed to prevent illicit ivory from being laundered through licensed premises. Additionally, China's legislation contains some of the most severe criminal sanctions for CITES-related violations of all Parties and the courts have not hesitated to impose very substantial penalties (including capital punishment and life imprisonment) upon those who attempt to smuggle ivory into mainland China. China's enforcement agencies have set combating illegal trade in ivory as a priority and its Customs anti-smuggling units have been particularly effective. Almost all large-scale seizures of raw ivory have taken place at the border, where attempted imports have been intercepted. Although the most recent significant seizure took place 'inside' mainland China, it is important to note that the shipment had been under surveillance by the authorities since its entry into Chinese territory.
14. The Secretariat is of the opinion that linking legal supplies of raw ivory from southern African countries with the legal demand in countries in Asia should help reduce the motivation for the poaching of elephants and illegal trade in ivory. It is very conscious, however, that illicit trade in ivory continues to occur and acknowledges that some criminals and unscrupulous traders will undoubtedly seek to exploit any opportunity to launder poached ivory. It is, therefore, vital that China and Japan continue to rigorously enforce their trade controls and maintain their efforts to intercept any attempts to import unlawfully ivory into their territories. At the same time, countries in Africa must maintain or increase their work to combat poaching and illegal or unregulated trade.

Raw ivory approved for sale at CoP14

15. Between 30 March and 11 April 2008, the Secretariat conducted missions to Botswana, Namibia, South Africa and Zimbabwe. During this period, it conducted audits of the ivory stocks held by these countries to verify whether they had been properly registered by 31 January 2007, that they were of a legal origin and that the weights declared were within the acceptable range of usual variation.
16. In each case, the findings of the audits were satisfactory. Consequently, the Secretariat recorded that the following quantities of raw ivory have been declared for sale by these countries:

Botswana	43,682.91 kg
Namibia	9,209.68 kg
South Africa	51,121.8 kg
Zimbabwe	3,755.55 kg

Action plan for the control of trade in elephant ivory

17. The Conference of the Parties adopted, in Decision 13.26 (Rev. CoP14), an amended Action plan. This required the Secretariat to distribute a questionnaire seeking information about Parties' domestic ivory trade controls. Such a questionnaire was distributed with Notification to the Parties No. 2007/029 of 17 September 2007.
18. At CoP14 the Conference of the Parties decided that a recommendation to suspend trade would take immediate effect if elephant range States that featured in the ETIS report presented at the meeting failed to submit a completed questionnaire by 31 December 2007. On 13 February 2008, the Secretariat issued Notification to the Parties No. 2008/011, recommending the suspension of commercial trade in CITES-listed species in respect of 13 range States. However, by the time of writing (mid-April), the recommendation remained in force in respect of only three range States: Gabon, Rwanda and Somalia.
19. The Secretariat intends to share the completed questionnaires with the TRAFFIC office responsible for the maintenance of the ETIS database, since much of the information should be beneficial to the analyses of ETIS data that are undertaken.
20. The Secretariat continues to attempt to identify and engage with range States where it is thought that the Action plan is not being implemented or where significant quantities of illegal-obtained ivory are found to be sold. In such work, it looks to Parties, intergovernmental organizations, the private sector and non-governmental organizations to provide information they may have regarding unregulated ivory markets. The Secretariat intends, in May 2008, to participate in a workshop in Mozambique, facilitated by TRAFFIC, to build capacity among enforcement and CITES officials, particularly with regard to trade in ivory. Mozambique was one Party that had been identified, through ETIS and other sources, as being affected by significant levels of illicit trade.
21. With regard to point 3 of the Action plan, the Secretariat is in discussion with the forensic science laboratory of the U.S. Fish and Wildlife Service with a view to establishing a collection of elephant specimens that can serve as a reference collection, probably involving DNA profiling, which can be used to help determine the geographical origin of ivory. Although work in this field has already been undertaken by at least two facilities that the Secretariat knows of, the examinations, reference collections and results currently available are unlikely to meet the forensic science standards required by many criminal courts. This issue will be discussed with elephant range States during a meeting that the Secretariat plans to convene in June 2008. An oral update will be provided to the Standing Committee at the present meeting.
22. The Secretariat has no specific recommendations to make to the Committee at this time in respect of the Action plan.

Final comments and recommendation

23. The Secretariat is of the opinion that the conditions in Annotation 5. g), relating to Appendix - II elephant populations of Botswana, Namibia, South Africa and Zimbabwe, adopted at the 14th meeting of the Conference of the Parties, have been complied with by the prospective exporting and importing countries. It recommends that the Standing Committee agree. If so, China would be designated as a trading partner and the Secretariat will advise it and Botswana, Japan, Namibia, South Africa and Zimbabwe that the trade, in accordance with sub-paragraphs g), v) and vi), may proceed.
24. The Secretariat wishes to remind the Committee and the exporting and importing Parties of a relevant provision of the annotation, namely:

On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.