

Decisions of the Conference of the Parties to CITES in effect after the 14th meeting

Decisions (other than Resolutions) adopted at the 14th meeting of the Conference of the Parties to CITES (The Hague, 2007) as well as the Decisions adopted at previous meetings that remain in effect after the 14th meeting.

Interpretation and implementation of the Convention

Species trade and conservation

Fauna

Elephants: Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States

- 10.2 (Rev. CoP11)
- a) The African elephant range States recognize:
- i) the threats that stockpiles pose to sustainable legal trade;
 - ii) that stockpiles are a vital economic resource for them;
 - iii) that various funding commitments were made by donor countries and agencies to offset the loss of assets in the interest of unifying these States regarding the inclusion of African elephant populations in Appendix I;
 - iv) the significance of channelling such assets from ivory into improving conservation and community-based conservation and development programmes;
 - v) the failure of donors to fund elephant conservation action plans drawn up by the range States at the urging of donor countries and conservation organizations; and
 - vi) that, at its ninth meeting, the Conference of the Parties directed the Standing Committee to review the issue of stockpiles and to report back at the 10th meeting.
- b) Accordingly, the African elephant range States agree that all revenues from any purchase of stockpiles by donor countries and organizations will be deposited in and managed through conservation trust funds, and that:
- i) such funds shall be managed by Boards of Trustees (such as representatives of governments, donors, the CITES Secretariat, etc.) set up, as appropriate, in each range State, which would direct the proceeds into enhanced conservation, monitoring, capacity building and local community-based programmes; and
 - ii) these funds must have a positive rather than harmful influence on elephant conservation.

- c) It is understood that this decision provides for a one-off purchase for non-commercial purposes of government stocks declared by African elephant range States to the CITES Secretariat within the 90-day period before the transfer to Appendix II of certain populations of the African elephant takes effect. The ivory stocks declared should be marked in accordance with the ivory marking system approved by the Conference of the Parties in Resolution Conf. 10.10 (Rev. CoP14)¹. In addition, the source of ivory stocks should be given. The stocks of ivory should be consolidated in a pre-determined number of locations. An independent audit of any declared stocks shall be undertaken under the auspices of TRAFFIC International, in cooperation with the CITES Secretariat.
- d) The African elephant range States that have not yet been able to register their ivory stocks and develop adequate controls over ivory stocks require priority assistance from donor countries to establish a level of conservation management conducive to the long-term survival of the African elephant.
- e) The African elephant range States therefore urge that this matter be acted upon urgently since any delays will result in illegal trade and the premature opening of ivory trade in non-proponent range States.
- f) This mechanism only applies to those range States wishing to dispose of ivory stocks and agreeing to and participating in:
 - i) an international system for reporting and monitoring legal and illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
 - ii) an international system for reporting and monitoring illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, with support from TRAFFIC International and institutions such as the African Elephant Specialist Group of the IUCN Species Survival Commission and the Lusaka Agreement.

Elephant conservation

13.26 The Conference of the Parties adopted the *Action plan for the control of trade in elephant ivory* attached as Annex 2 to these Decisions. (Rev. CoP14)

Directed to African elephant range States

14.75 The African elephant range States shall continue their constructive elephant dialogue aiming to develop joint conservation policies and exchange of management experience in order to improve the management of elephant populations.

The African elephant range States through the African elephant dialogue process shall develop an overall *African elephant action plan* for improved elephant management aiming at:

- a) accessing and directing resources, towards strengthening enforcement capacity in African elephant range States to combat poaching and illegal trade in ivory;
- b) the implementation of the *Action plan for the control of trade in elephant ivory*; and
- c) enhancing capacity building, managing translocations, reducing human-elephant conflicts and enhancing community-conservation programmes and development programmes within or adjacent to the elephant range.

¹ Corrected by the Secretariat: originally referred to Resolution Conf. 10.10 (Rev.), later corrected to Resolution Conf. 10.10 (Rev. CoP12).

The elephant range States will report to the Standing Committee on progress made under this decision with a view to providing the information necessary for the reviews referred to in Decision 14.78.

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.
- 14.78 The Standing Committee shall conduct ongoing comprehensive reviews of the status of the elephant, trade in its specimens and the impact of the legal trade, based on data from MIKE, the Elephant Trade Information System and the implementation of the *Action plan for the control of trade in elephant ivory* and the *African elephant action plan* referred to in Decision 14.75.

Directed to the Secretariat

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

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.

The Secretariat shall, as far as possible through MIKE funding, convene an African elephant meeting before 31 July 2008 and at later dates as necessary.

Rhinoceroses

Directed to the Secretariat

- 14.90 The Secretariat shall:
- a) examine the implementation of Resolution Conf. 9.14 (Rev. CoP14) in the range States where illegal poaching of rhinoceroses appears to have increased and to pose a significant threat to populations of rhinoceroses, particularly in the Democratic Republic of the Congo, Nepal and Zimbabwe;
 - b) collaborate with the World Heritage Convention in addressing rhinoceros poaching and illegal trade issues in World Heritage sites in the Democratic Republic of the Congo, *inter alia* to support greater coordination with neighbouring countries, facilitate the collation and distribution of intelligence information and provide capacity building for wildlife law enforcement personnel;
 - c) encourage relevant range States to link rhinoceros conservation actions where possible with the CITES site-based programme for Monitoring the Illegal Killing of Elephants; and
 - d) report on the implementation of these Decisions at the 57th and 58th meetings of the Standing Committee and at the 15th meeting of the Conference of the Parties.

Annex 2

Action plan for the control of trade in elephant ivory

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. CoP14) (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. The Secretariat shall, by 31 August 2007, distribute to all Parties and non-Parties that have been identified in the Elephant Trade Information System (ETIS) report for the 14th meeting of the Conference of the Parties as being affected by illicit trade in ivory a questionnaire relating to the control of trade in ivory. Questionnaires should be returned to the Secretariat by 31 December 2007.
3. 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.
4. 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.
5. 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.
6. Where an elephant range State fails to submit by 31 December 2007 the questionnaire referred to in point 2 above, the Secretariat shall 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. Such a recommendation shall remain in force until a completed questionnaire is received by the Secretariat.

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

7. 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, 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.
8. The Secretariat shall report upon the implementation of the action plan at each regular meeting of the Standing Committee.