

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES  
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Septuagésima cuarta reunión del Comité Permanente  
Lyon (Francia), 7 - 11 de marzo de 2022

Cuestiones de interpretación y aplicación

Cumplimiento y observancia general

CIERRE DE LOS MERCADOS NACIONALES DE MARFIL:  
INFORME DE LA SECRETARÍA

1. Este documento ha sido preparado por la Secretaría.
2. En su 18a reunión (CoP18, Ginebra, 2019), la Conferencia de las Partes adoptó las Decisiones 18.117 a 18.119 sobre *Cierre de los mercados nacionales de marfil* como sigue:

**18.117 Dirigida a las Partes**

*Se pide a las Partes que no han cerrado sus mercados nacionales para el comercio de marfil en bruto y trabajado que presenten un informe a la Secretaría, para que lo someta a la consideración del Comité Permanente, en sus reuniones 73ª y 74ª, sobre las medidas que están adoptando para garantizar que sus mercados nacionales de marfil no contribuyen a la caza furtiva o el comercio ilegal.*

**18.118 Dirigida a la Secretaría**

*La Secretaría deberá compilar informes y ponerlos a disposición de las Partes con anterioridad a las reuniones del Comité Permanente.*

**18.119 Dirigida al Comité Permanente**

*El Comité Permanente deberá:*

- a) *considerar los informes mencionados en la Decisión 18.118; y*
- b) *presentar un informe sobre esta cuestión y formular recomendaciones, según proceda, de conformidad con el alcance y el mandato de la Convención, a la 19ª reunión de la Conferencia de las Partes.*

3. La Secretaría publicó la Notificación a las Partes [No. 2020/026](#), de fecha 23 de marzo de 2020, solicitando a las Partes que comunicaran a la Secretaría la información requerida en la Decisión 18.117. Se alentó a las Partes a que tuvieran en cuenta todas las disposiciones pertinentes de la Resolución Conf. 10.10 (Rev. CoP18) sobre *Comercio de especímenes de elefante*, así como las disposiciones de otras resoluciones pertinentes.
4. Se recibieron ocho informes, de Israel, Japón, Nueva Zelanda, el Reino Unido de Gran Bretaña e Irlanda del Norte, Sudáfrica, Tailandia, la Unión Europea (respuesta coordinada de la UE) y Zimbabue.

5. En 2020, el aplazamiento de la 73ª reunión del Comité Permanente creó una oportunidad adicional para solicitar a las Partes que informaran a la Secretaría en relación con la Decisión 18.117. Por lo tanto, la Secretaría publicó otra Notificación a las Partes ([No. 2021/005](#)), de fecha 18 de enero de 2021, solicitando a las Partes que no habían presentado informes en respuesta a la Notificación a las Partes No. 2020/026, o que deseaban proporcionar una actualización de los informes presentados en 2020, que informaran a la Secretaría a más tardar el 30 de abril de 2021.
6. Se recibieron cuatro respuestas, incluidas dos actualizaciones de las Partes que habían presentado informes en respuesta a la Notificación No. 2020/026: Australia, Japón, la Región Administrativa Especial (RAE) de Hong Kong (China) y Sudáfrica. Cabe señalar que la RAE de Hong Kong indicó que la parte A del informe de progresos del Plan de acción nacional para el marfil (PANM) que presentó el 30 de junio de 2020 abarcaba la información solicitada en la Notificación.
7. Las comunicaciones recibidas en respuesta a las dos notificaciones figuran en los **Anexos 1 a 10** del presente documento (únicamente en inglés y en el formato recibido) para su consideración por el Comité Permanente. La Secretaría desea agradecer a las Partes los informes que han presentado. En los párrafos 8 a 17 se resumen a continuación las respuestas recibidas.

#### Resumen de las medidas comunicadas por las Partes

8. Australia informó de que, además de las estrictas medidas internas aplicadas desde 1990 en relación con la prohibición de casi todas las importaciones y exportaciones comerciales de artículos de elefante africano, se estaba llevando a cabo un proceso interno para poner en práctica el compromiso asumido por Australia en la CoP18, de prohibir el comercio interno de marfil (Anexo 1).
9. La Unión Europea y sus Estados miembros informaron de que se había elaborado un conjunto completo de normas que regulan el comercio de especímenes de marfil dentro de la UE: por ejemplo, no se permite en general el comercio hacia, dentro y desde la UE de marfil con fines comerciales; se especifican exenciones muy limitadas; y la reexportación de marfil en bruto se ha suspendido desde el 1 de julio de 2017 (Anexo 2). La aplicación de estas normas era una de las principales prioridades de los organismos de control de los Estados miembros de la UE, y la UE incluyó en el informe datos relativos a los esfuerzos de control. Además, la UE y sus Estados miembros estaban ultimando nuevas medidas restrictivas que se centrarán en la reexportación de marfil trabajado desde la UE, así como en el mercado interno de la UE, es decir, la prohibición del comercio de marfil en bruto dentro de la UE y de marfil trabajado, con exenciones limitadas ([proyecto de documento de orientación revisado - Régimen de la UE que regula el comercio de marfil](#)).
10. La RAE de Hong Kong proporcionó información en la parte A de su informe de progresos del PANM en relación con la aplicación del plan de tres etapas para eliminar gradualmente el comercio local de marfil para finales de 2021 (Anexo 3). Ya se habían aplicado las dos primeras etapas, que incluían la prohibición de la importación y reexportación de todos los trofeos de caza de elefantes y el comercio internacional de los artículos de marfil posteriores a la Convención permitidos por la CITES, así como la importación y reexportación de marfil preconvencción con fines comerciales. La última etapa, la prohibición de la posesión de marfil con fines comerciales, se aplicaría a partir del 31 de diciembre de 2021. En el informe también se proporcionó información relativa a las medidas de observancia.
11. Israel indicó en su informe que los elefantes y las partes y derivados de estos no pueden ser mantenidos o comercializados (a nivel nacional o internacional) sin un permiso de la autoridad pertinente (Autoridad de Parques y Naturaleza de Israel) (Anexo 4). No se ha permitido el comercio internacional de marfil, excepto para los especímenes preconvencción, mientras que se han permitido determinados intercambios con fines no comerciales. El 1 de enero de 2021 se promulgaron nuevas directrices más estrictas que garantizarán el cierre del comercio nacional e internacional de marfil de elefante y mamut en Israel. Las nuevas directrices también incluyen más restricciones al intercambio y la posesión con fines no comerciales de marfil de elefante y mamut.
12. Japón respondió a las dos Notificaciones a las Partes (No. 2020/026 y No. 2021/005) (Anexo 5) y proporcionó información relativa a las medidas jurídicas, de observancia y de sensibilización aplicadas para regular el mercado nacional legal de marfil en Japón. También se facilitó información sobre la cooperación internacional y las existencias privadas de marfil de elefante.
13. Nueva Zelanda indicó que seguía investigando la necesidad de promulgar otras reglamentaciones para garantizar que su mercado nacional no contribuya a la caza furtiva o al comercio ilegal (Anexo 6). En septiembre de 2019, el Gobierno de Nueva Zelanda publicó un documento de debate público en el que se

invitaba a presentar propuestas sobre una revisión de la Ley sobre el comercio de especies amenazadas que incluía la regulación del marfil de elefante y un conjunto de opciones para la regulación de los mercados nacionales de marfil de elefante y otros controles fronterizos relacionados con el marfil de elefante. Nueva Zelanda indicó que el plazo para que el gobierno considerara las comunicaciones sobre las opciones del documento de debate se había extendido debido a la pandemia de COVID-19.

14. Sudáfrica respondió a las dos Notificaciones a las Partes (No. 2020/026 y No. 2021/005) (Anexo 7) y proporcionó información relativa a las medidas adoptadas para regular el mercado nacional legal de marfil en Sudáfrica. Sudáfrica también informó sobre el aumento de sus poblaciones de elefantes, la disminución del número de elefantes matados ilegalmente en Sudáfrica y los decomisos de marfil.
15. Tailandia proporcionó información sobre la situación y la legalidad de sus mercados nacionales de marfil y la aplicación y observancia de las disposiciones jurídicas, las actividades de sensibilización y de reducción de la demanda, así como el fomento de la capacidad y el fortalecimiento de la cooperación en el marco de la Asociación de Naciones de Asia Sudoriental (ASEAN) (Anexo 8). Tailandia también informó sobre las medidas para abordar el comercio electrónico de especímenes de elefante. También se compartió en el informe información relativa al grupo de trabajo especializado creado para combatir y reprimir el comercio ilegal de fauna y flora silvestres a través de Internet, conocido como iniciativa *Yiaw Dong* o “Equipo águila salvaje”.
16. El Reino Unido de Gran Bretaña e Irlanda del Norte proporcionó información relacionada con la legislación primaria adoptada en diciembre de 2018, que puso en marcha una estricta prohibición de la venta de marfil a nivel nacional con exenciones limitadas (Anexo 9). A la fecha en que se presentó el informe a la Secretaría, se estaban elaborando disposiciones detalladas, como el establecimiento de un sistema de registro de artículos exentos.
17. Zimbabwe presentó información relacionada con el marco legislativo implementado para regular el mercado nacional legal de marfil, que incluye el sistema de licencias y registro utilizado para regular a los fabricantes de marfil (Anexo 10). Se proporcionó información sobre el control y la observancia de la ley, incluidas capacitación, inspecciones y operaciones conjuntas, así como sobre las actividades de conservación, educación y sensibilización.

#### Informes anteriores presentados por la Secretaría

18. La Secretaría desea llamar a la atención del Comité Permanente los informes anteriores relativos a los mercados nacionales de marfil preparados por la Secretaría. En la 70ª reunión del Comité Permanente (SC70, Sochi, octubre de 2018), la Secretaría informó en respuesta a la siguiente petición formulada en la 69ª reunión del Comité Permanente (SC69, Ginebra, noviembre - diciembre de 2017) ([SC69 SR](#)):
  - b) *El Comité Permanente encarga a la Secretaría que publique una Notificación a las Partes señalando a su atención el párrafo 3 de la Resolución Conf. 10.10 (Rev. CoP17), en el que se recomienda “que todas las Partes y los Estados no Parte en cuya jurisdicción exista un mercado nacional legal de marfil que esté contribuyendo a la caza furtiva o al comercio ilegal adopten todas las medidas legislativas, normativas y coercitivas necesarias para cerrar sus mercados nacionales al comercio de marfil no trabajado y trabajado con carácter urgente”.*
  - c) *El Comité Permanente también encarga a la Secretaría en la Notificación mencionada en el párrafo b) anterior que invite a las Partes interesadas a proporcionar a la Secretaría la información a que se hace alusión en el párrafo 8 de la Resolución Conf. 10.10 (Rev. CoP17) sobre el estado de la legalidad de sus mercados nacionales de marfil y los esfuerzos desplegados para aplicar las disposiciones de la resolución, incluyendo los esfuerzos para cerrar los mercados nacionales que contribuyen a la caza furtiva o el comercio ilegal.*
19. Doce Partes presentaron información en respuesta a la [Notificación a las Partes No. 2017/077](#) publicada el 19 de diciembre de 2017, y las respuestas se notificaron al Comité Permanente en un anexo del documento SC70 Doc. 49.1 ([SC70 Doc. 49.1 Anexo 2](#)). Ocho de las Partes que presentaron informes también lo hicieron en respuesta a las Notificaciones mencionadas en los párrafos 3 y 5 del presente documento. Los países que no respondieron a las Notificaciones a las Partes [No. 2020/026](#) y [No. 2021/005](#), pero sí a la Notificación a las Partes No. 2017/077 (Côte d'Ivoire, Estados Unidos de América, Grecia y Singapur) habían indicado que no existe un mercado interno legal en sus respectivos países (Côte d'Ivoire y Grecia); que estaba en proceso de considerar la posibilidad de promulgar una prohibición interna de la venta de marfil (Singapur); o que se habían tomado medidas para establecer una prohibición casi total del comercio de marfil de

elefante (Estados Unidos de América). En el caso de Singapur, la Parte informó a la Secretaría General, el 27 de agosto de 2021, de que el 1 de septiembre de 2021 entraría en vigor una prohibición nacional de la venta, la publicidad y la exposición pública de marfil de elefante y de productos de marfil con fines de venta ([Prohibición del comercio nacional de marfil](#)).

20. En la reunión SC70, también se examinó el informe de la Secretaría sobre los *Controles nacionales de los mercados de consumo para los especímenes de especies incluidas en los Apéndices de la CITES cuyo comercio internacional es predominantemente ilegal* (SC70 Doc. 28) que dio lugar a que el Comité Permanente recomendará una propuesta de enmienda a la Resolución Conf. 10.10 sobre *Comercio de especímenes de elefante* para instar a las Partes que cierran sus mercados nacionales a mejorar los controles fronterizos y a colaborar con los países vecinos que no han tomado medidas similares. En la CoP18, las Partes examinaron el documento [CoP18 Doc. 31](#) sobre el mismo asunto y aprobaron la propuesta de enmienda a la Resolución Conf. 10.10 (Rev. CoP17) [véase el párrafo 6 de la Resolución Conf. 10.10 (Rev. CoP18)].

## Conclusiones

21. La Secretaría toma nota del número limitado de comunicaciones que se presentaron en respuesta a las notificaciones publicadas en relación con el cierre de los mercados nacionales de marfil. Sobre la base de la limitada tasa de respuesta y los informes anteriores preparados por la Secretaría y examinados por el Comité Permanente en sus reuniones 69ª y 70ª de 2017 y 2018, podría ser que algunas Partes no consideraran necesario informar debido a que:
  - a) se han prohibido los mercados nacionales de comercio de marfil en bruto y trabajado mediante la promulgación y aplicación de prohibiciones; o
  - b) las Partes no tienen mercados nacionales para el comercio de marfil en bruto o trabajado; o
  - c) las Partes no tienen mercados nacionales legales para el marfil que esté contribuyendo a la caza furtiva o al comercio ilegal.
22. Las disposiciones de los párrafos 3, 4, 5, 6 y 8 de la Resolución Conf. 10.10 (Rev. CoP18) sobre *Comercio de especímenes de elefante* especifican las medidas que deben tomar las Partes para abordar los mercados nacionales de marfil que están contribuyendo a la caza furtiva o al comercio ilegal, mientras que las disposiciones del párrafo 7 abordan las medidas que deben tomar las Partes en relación, entre otros, con los mercados nacionales legales y los mercados no regulados de marfil ilegal.
23. Los informes remitidos por las Partes, que figuran en los Anexos 1 a 10, reflejan las medidas adoptadas para cumplir las disposiciones mencionadas en la resolución, y algunas Partes proporcionan más detalles que otras. La Secretaría señala que la elaboración, revisión y aplicación de las disposiciones legislativas son el centro de atención, ya que sustentan todas las demás actividades, como la aplicación, incluidas las inspecciones, así como las campañas de sensibilización del público. Ocho Partes informaron que han establecido medidas internas legislativas, reglamentarias, de aplicación de la ley y de otro tipo para regular o prohibir el comercio nacional de marfil; dos Partes informaron que estaban en proceso de explorar la necesidad de promulgar legislación interna específica sobre el marfil o de realizar consultas internas relacionadas con la prohibición del comercio nacional de marfil.
24. Solo una Parte informó sobre el comercio electrónico (comercio a través de Internet). Esta puede ser una esfera que requiere más atención, y las disposiciones de la [Resolución Conf.11.3 \(CoP18\)](#) sobre *Observancia y aplicación*, párrafos 12 y 13, podrían resultar útiles en este sentido.
25. En el párrafo 9 de la Resolución Conf. 10.10 (Rev. CoP18), se solicita a las Partes que informen a la Secretaría sobre el estado de la legalidad de sus mercados nacionales de marfil y sobre sus esfuerzos para aplicar las disposiciones de la resolución, incluidos los esfuerzos para cerrar los mercados que contribuyen a la caza furtiva o al comercio ilegal. La Secretaría es de la opinión de que puede no ser necesario que se presenten informes adicionales por separado sobre este asunto, como se requiere en la Decisión 18.117.
26. En el futuro, el Comité Permanente podría considerar la posibilidad de solicitar a la Secretaría que incluya un recordatorio a las Partes sobre las disposiciones del párrafo 9 de la Resolución Conf 10.10 (Rev. CoP18) en la notificación que se publica anualmente sobre las disposiciones de la resolución relativas al mercado, los inventarios y la protección de las existencias de marfil de elefante.

27. La Secretaría recomienda que la información remitida a la Secretaría de acuerdo con el párrafo 9 de la resolución se incluya en los informes presentados al Comité Permanente con arreglo al párrafo 10 c) de la Resolución Conf. 10.10 (Rev. CoP18). El Comité Permanente podría, en su caso, incluir esta información en su informe a la Conferencia de las Partes, con arreglo a los párrafos 17 c) y 19 de la resolución.
28. La Secretaría observa que el ámbito de aplicación y el objetivo de la Convención es regular el comercio para proteger a las especies incluidas los Apéndices contra la sobreexplotación por el comercio internacional, como se indica en su preámbulo. Según el párrafo c) del Artículo I de la Convención, "comercio" significa "exportación, reexportación, importación o introducción procedente del mar". Puede ser aconsejable limitar las recomendaciones sobre los mercados nacionales legales de marfil al ámbito de la Convención.

#### Recomendaciones

29. Se invita al Comité Permanente a:

- a) tomar nota del presente documento y de los informes presentados por Australia, Israel, Japón, Nueva Zelandia, la Región Administrativa Especial de Hong Kong (China), el Reino Unido de Gran Bretaña e Irlanda del Norte, Sudáfrica, Tailandia, la Unión Europea y Zimbabwe;
- b) considerar los informes mencionados en la Decisión 18.118 que figuran en los Anexos 1 a 10 del presente documento; y
- c) considerar las observaciones de la Secretaría que figuran en los párrafos 21 a 28.

30. La Secretaría recomienda que el Comité Permanente:

- a) aliente a las Partes a prestar especial atención a las disposiciones que figuran en los párrafos 12 y 13 de la Resolución Conf. 11.3 (Rev. CoP18) sobre *Observancia y aplicación* al abordar el comercio ilegal de marfil;
- b) solicite a la Secretaría que incluya un recordatorio a las Partes sobre las disposiciones del párrafo 9 de la Resolución Conf. 10.10 (Rev. CoP18) sobre *Comercio de especímenes de elefante* en la notificación que publica anualmente para recordar a las Partes las disposiciones de la Resolución Conf. 10.10 (Rev. CoP18) relativas al marcado, los inventarios y la protección de las existencias de marfil de elefante;
- c) solicite a la Secretaría que ayude al Comité Permanente a presentar sus informes a la Conferencia de las Partes, como se prevé en el párrafo 19 de la Resolución Conf. 10.10 (Rev. CoP18), e incluya la información que figura en el presente documento en el informe solicitado en la Decisión 18.119, párrafo b); e
- d) invite a la Conferencia de las Partes a acordar que las Decisiones 18.117 a 18.119 han sido plenamente aplicadas y pueden ser suprimidas.

## **Australia's response to Notification 2021/005 – Closure of domestic ivory markets**

Australia notes that at its 18th meeting (CoP18), the CITES Conference of the Parties adopted Decision 18.177 and 18.188 on closure of domestic ivory markets.

### **18.117 Directed to Parties**

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

### **18.118 Directed to the Secretariat**

*The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings*

Australia supports the call for Parties which have not taken such action be required to report on the measures they are taking to ensure their markets are not contributing to poaching or illegal trade.

Although Australia's domestic market does not represent a major threat to wild elephant populations, Australia is dedicated to protecting species at risk from poaching and illegal wildlife trade including elephants. At CoP18, Australia announced its intention to implement a domestic ban for trade in elephant ivory. Australia is committed to ensuring steps are taken to end domestic trade in all jurisdictions within Australia. Work is underway to implement this commitment. Due to Australia's constitutional framework, this requires cooperation from national and state and territory governments.

Australia has already ensured that all our international trade is in strict compliance with CITES regulations. Further, Australia has had a strict domestic measure in place that has effectively banned almost all commercial imports and exports of African elephant items since 1990. Australia's ivory market is relatively small compared to major ivory markets; for the period 2010-2015, Australia accounted for 0.9 per cent of global legal ivory imports (2,108 items).

## EU coordinated reply to CITES Notification 2020/026

In its Notification 2020/026, the CITES Secretariat invites Parties that have not closed their domestic markets for commercial trade in raw and worked ivory to report on measures taken to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

Parties are furthermore encouraged to take into consideration relevant provisions contained in Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens, such as the recognition that “narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade; and the need for Parties in whose jurisdiction is [...] a legal trade in ivory [...] comprehensive internal legislative, regulatory, enforcement and other measures are put in place to regulate the domestic trade”.

The EU and its Member States continue to be firmly committed to combating elephant poaching and ivory trafficking. Addressing this problem is one of the cornerstones of the EU Action Plan against Wildlife Trafficking,<sup>1</sup> and many initiatives have been taken over the years by the EU and its Member States against elephant poaching and ivory trafficking. Additional action will be decided upon in 2020, as announced in the EU’s recently adopted Biodiversity Strategy.<sup>2</sup> More specifically, the EU and its Member States are in the process of finalizing further restrictive measures that will target the re-export of ivory from the EU as well as the EU internal market.

As part of their approach against illegal ivory trade, the EU and its Member States:

1. have developed a comprehensive set of rules governing trade in ivory specimens within the EU;
2. have suspended the re-export of raw ivory since 1 July 2017;
3. have made the implementation of these rules a top priority for enforcement agencies in the EU Member States;
4. have provided considerable support to other Parties with capacity-building initiatives, and to CITES and other international organisations (notably ICCWC partners<sup>3</sup>) for their actions against elephant poaching and ivory trafficking.

### Domestic ivory trade in the EU

CITES is implemented in the EU through Regulation (EC) No 338/97<sup>4</sup> and associated Commission Regulations (“EU Wildlife Trade Regulations”). With regard to elephant ivory, the EU has adopted additional measures that are stricter than CITES provisions. As a result, trade to, within and from the EU of ivory for commercial purposes is generally not permitted.

Intra-EU trade (between and within Member States) and the re-export of ivory for commercial purposes are only permitted under the following conditions:

- Intra-EU trade is authorised for ivory items only when it can be demonstrated that the related specimens were imported into the EU before the elephant species was listed in Appendix I of CITES (18 January 1990 for African elephant and 1 July 1975 for Asian elephant). Intra-EU trade can only occur if a certificate has been

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<sup>1</sup> [https://ec.europa.eu/environment/cites/trafficking\\_en.htm](https://ec.europa.eu/environment/cites/trafficking_en.htm)

<sup>2</sup> [https://ec.europa.eu/environment/nature/biodiversity/strategy/index\\_en.htm](https://ec.europa.eu/environment/nature/biodiversity/strategy/index_en.htm)

<sup>3</sup> Interpol, World Customs Organisation, UNODC, World Bank, CITES

<sup>4</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997R0338-20170204&qid=1484753427128&from=EN>

issued to this effect by the relevant EU Member State (except for ‘worked specimens’<sup>5</sup> proven to be acquired before 3 March 1947, which can currently still be traded in the EU without a certificate, but which require proof of age and legal background). Such certificates are issued on a case-by-case basis, meaning that each potential sale is thoroughly scrutinized before being authorised. These rules apply to commercial transactions of ivory items all across the EU, including for commercial transactions occurring within a Member State;

- Re-export from the EU is authorised for ivory worked specimens acquired before the date on which CITES became applicable to them. A suspension is in place for the re-export of raw ivory from the EU to other countries. Pursuant to the recommendations by the European Commission in its guidance document on ivory trade, EU Member States can no longer issue re-export certificates for raw ivory since 1 July 2017<sup>6</sup>.

These rules go beyond the requirements set out in CITES and are more stringent than the rules governing domestic ivory trade within the jurisdictions of many other Parties.

### **Implementation of CITES and EU rules on ivory trade**

The above-mentioned guidance document on ivory trade by the European Commission contains strict, detailed recommendations on the implementation of EU legal rules on ivory trade. This includes recommendations on the conditions under which evidence to demonstrate legal acquisition should be accepted by the Member States Management Authorities before they may issue certificates, as well as on the marking, registration and other means aimed to identify ivory items.

In addition to commercial re-export of raw ivory being suspended since 2017, the re-export of worked ivory items from the EU, carried out in line with the EU Regulation, has also decreased substantially since 2016. Further measures addressing re-export as well as internal ivory trade, are being discussed internally at the time of making this submission. The overall rationale is to limit further trade in potential higher-risk items while continuing to allow a limited and well-controlled trade in low-risk items. As such, the EU and its Member States intend to arrive at a precautionary as well as a proportionate approach to the EU’s domestic ivory trade. Further details on these will be shared with other Parties to the Convention in due course.

Furthermore, addressing ivory trafficking remains one of the top priorities defined at EU level for the enforcement of CITES. The issue is systematically discussed twice a year within the EU wildlife trade enforcement group, which gathers enforcement agencies from the EU Member States, the European Commission, as well as other EU and international agencies (Europol, Eurojust, Interpol, CITES Secretariat, UNODC, WCO).

Results of these enforcement efforts of recent years can be found on the EU’s website ([https://ec.europa.eu/environment/cites/reports\\_en.htm#seizures\\_annual\\_illegal](https://ec.europa.eu/environment/cites/reports_en.htm#seizures_annual_illegal)).

Cooperation with other Parties to the Convention, notably ivory-trade destination countries such as China and Vietnam, on enforcement of CITES rules on ivory has also been increased

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<sup>5</sup> For the definition of “worked specimens” in EU law, see [Article 2\(w\) of the Regulation cited in footnote 4 above](#).

<sup>6</sup> [http://ec.europa.eu/environment/cites/pdf/guidance\\_ivory.pdf](http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf)

in the last years. Several EU Member States are involved in international enforcement cooperation against ivory trafficking through Interpol and its dedicated working group on wildlife trafficking.

### **Links between the EU domestic ivory market and elephant poaching or illegal ivory trade**

In line with paragraph 3 of CITES Resolution Conf. 10.10 (Rev. CoP18), possible links between the EU domestic ivory market and elephant poaching or illegal ivory trade are being investigated thoroughly by the EU and its Member States. To this end, data relating to illegal and legal ivory trade affecting the EU is continuously being scrutinised, alongside information from relevant stakeholders (sectors involved in legal ivory trade in the EU, NGOs, researchers, etc.).

The information available at present shows that important quantities of old ivory items are present in the EU, which were imported into EU Member States before elephant species were included in CITES Appendix I. In addition, the overall demand for ivory items in the EU has decreased over the last decades, in contrast to the demand from other countries. This, as well as seizure and investigation data, indicates that the EU market is not attracting ivory items of illegal origin from recently poached elephants.

It remains important to ensure that rules and enforcement efforts in the EU effectively prevent that legal trade of ivory items within and from the EU contribute to elephant poaching or illegal trade in ivory. An issue of particular relevance in that context, for the EU and its Member States, is to reduce the risk that ivory items acquired in the EU and then exported to third countries could fuel the demand for illegal ivory items, and thus undermine enforcement and demand reduction activities. This is part of the ongoing internal discussion process on further measures.

If possible, the EU and its Member States will provide additional information to the CITES Secretariat on the issues subject to Notification 2020/026, at or before the 73<sup>rd</sup> meeting of the Standing Committee.



## CITES SC73 NATIONAL IVORY ACTION PLAN PROGRESS REPORT Parties of 'primary concern'

Prepared for the 73rd meeting of the CITES Standing Committee

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Party: HONG Kong SAR, China

Reporting period: September 2015 – June 2020

### **PART A: Synopsis of NIAP implementation**

#### **Progress to date**

The Standing Committee recognized Hong Kong SAR of China has substantially achieved the NIAP at SC66 and SC70.

Hong Kong SAR of China was encouraged to submit a report to SC73 on 4 specific areas of regulating ivory trade. The measures implemented and the corresponding achievements are illustrated below:

*A. Any further measures taken and activities implemented to combat illegal trade in ivory*

The Hong Kong SAR CITES Management Authority (HKMA) has been conducting inspections targeting at licensed ivory shops and non-licensed art and craft shops to check the licence compliance as well as to detect and deter illegal ivory trade. The department has been applying radiocarbon dating analysis to determine the age and hence the legality of ivory. Control buy operations were conducted at local licensed ivory shops, and a total of 4 licensed shops were proved selling ivory products that were obtained after ivory trade ban of year 1990 by the radiocarbon dating analysis. Enforcement actions were taken and the concerned licensees were subsequently prosecuted and convicted. The cases were reported by local media and it is believed the enforcement actions imposed deterrent effect to illegal trade.

*B. Progress with the implementation of the three-step plan outlined in Notification to the Parties No. 2018/057 of 1 June 2018*

The three-step plan to phase out the local ivory trade by the end of 2021 commenced on 1 May 2018. Since then, the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES has been banned (step 1).

We are currently at step 2 of the phase out plan where starting from 1 August 2018, the import and re-export of pre-Convention ivory has been banned. Licence to possess is required for keeping pre-Convention ivory for commercial purposes. Applications have been scrutinised and inspection of the commercial stocks of pre-Convention ivory has been conducted for recording weight, taking photo and putting on tamper-proof hologram sticker. To publicise the phase-out plan of the local ivory trade and the new penalty regime among the general public, travellers and traders, HKMA has carried out a series of publicity and education activities such as distribution of handbills and display of posters at various import and export control points, broadcasting TV and radio announcements of public interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops.

Starting from 31 December 2021, possession of ivory for commercial purposes will be banned, which means domestic ivory market will be shut down by then (step 3).

*C. Any measures and activities implemented to prevent the displacement of illegal trade in ivory to Hong Kong SAR, that may result from the closure of domestic ivory markets in Mainland China*

HKMA has been in close contact with the Mainland counterparts in updating the measures of regulating ivory trade on both places. To prevent the potential laundering of licensed ivory by ivory of illegal source, apart from the existing marking/labeling of unique number on the raw ivory, a new marking system of unique tamper-proof hologram is put on registered ivory tusks and worked ivory of over 0.1kg. Photographic record has also been taken for worked ivory. Inspection to the licensed ivory shops was stepped up and enforcement actions to be taken if irregularities found.

*D. Measures implemented to deter and detect worked ivory products moving out of Africa to Hong Kong SAR, and to penalize offenders involved.*

Enforcement agents of Hong Kong including the Customs and Excise Department and HKMA keep vigilant in combating smuggling of endangered species including ivory from entering Hong Kong. There were 2 major ivory seizure cases in the

reporting period. The first case happened in July 2017 where about 7 tonnes of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case was the largest seizure of raw ivory so far and it was revealed after DNA tests that the ivory was sourced from Africa. The second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that was re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory and about 8,268 kg pangolin scales were found in the container. Information of both cases was sent to relevant Parties via Eco-message for their possible follow up actions. Also, ivory sample taking of the year 2017 case was performed and samples were sent to Dr. Samuel Wasser to trace the origin and smuggling route of ivory, and hence assisted the country of origin to protect their elephants.

In the legislative amendments to implement the three-step ivory phase out plan mentioned in Part B above, the maximum penalties of the legislation were also largely increased. For offences convicted on indictment, the maximum penalty for Appendix I species is a fine of 10 million Hong Kong dollars and imprisonment for 10 years (the previous maximum penalty was a fine of 5 million Hong Kong dollars and imprisonment of 2 years only) The significant increase of penalty has a strong deterrent effect against illicit wildlife trade, and sends a clear signal to the international and local communities that Hong Kong SAR is committed to the protection of endangered species and to combating wildlife trafficking. In fact, with the continuous effort in combating smuggling of ivory and the large increment of maximum penalties, the once commonly seen *modus operandi* of passengers smuggling ivory using their suitcase has been largely reduced in the last couple of years.

The National Ivory Action Plan of Hong Kong SAR has been carried out in accordance with the work plan and the targets have substantially achieved. More information of the actions and achievements could be found in part (C) below.

### **Future outlook**

The HKSAR Government is committed to the protection of endangered species including elephants, and abides by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in regulation of trade in endangered species including elephants.

The domestic ivory market of Hong Kong SAR will be shut down by the end of 2021. In the meantime, the measures to combat illegal trade in ivory will continue to be implemented and monitoring of the local ivory market has been stepped up to check any irregularities. We will also keep on enhancing public awareness on protection of endangered species through public education and publicity.

The enforcement agents of Hong Kong will endeavor, as always, to combat smuggling of endangered species including ivory in future. We also recognize the importance of international cooperation and will strive for the opportunity to participate in international enforcement operation and keep close contact with other counterparts in intelligent exchange. We will continue our unwavering efforts to implement the CITES and maintain our enforcement momentum.

**PART B: Summary evaluation of actions (assigned progress ratings)**

CATEGORY/PILLAR	PROGRESS RATING			
	Substantially achieved	On track	Challenging	Unclear
1. [Regulation of Trade]	1.1 Legislation and licensing control 1.2 Compliance monitoring			
2. [Enforcement]	2.1 Import Control 2.2 Intelligence exchange 2.3 International collaboration 2.4 Capacity building			
3. [Publicity and Disposal of Ivory]	3.1 Publicity and Education 3.2 Incineration of confiscated ivory			

## PART C: Detailed evaluation of actions

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
<b>CATEGORY 1: [Regulation of trade]</b>		
1.1 [Legislation and licensing control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Legislation amendments to phase out ivory trade of Hong Kong SAR has been completed. A three-step plan to phase out the local ivory trade by the end of 2021 was commenced on 1 May 2018. Elephant hunting trophies, post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES and pre-Convention ivory has been banned from import and re-export. Licence to possess is required for keeping pre-Convention ivory for commercial purposes.</li> <li>• The Hong Kong SAR CITES Management Authority (HKMA) has completed conducting comprehensive stock check to all licensed premises keeping ivory for commercial purpose. Tamper-proof hologram was applied to registered ivory to prevent laundering of illegally sourced ivory.</li> </ul>
1.2 [Compliance monitoring]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In addition to the stock check inspection, surprise inspection were conducted to both licensed shops selling ivory as well as other arts and crafts shops to check if there are any irregularities. During the reporting period, a total of 2,151 inspections were made.</li> <li>• Control buy operations were conducted to local licensed ivory shops and radiocarbon dating technique was applied to check the age and hence the legality of the purchased ivory. As a result, a total of 4 licensed shops were found selling ivory products that were obtained after ivory trade ban of 1990. Enforcement actions were taken and the concerned licensees were subsequently prosecuted and convicted.</li> </ul>
<b>CATEGORY 2: [Enforcement]</b>		
2.1 [Import and export control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• The HKMA works closely with Hong Kong Customs to combat smuggling of ivory. From September 2015 to June 2020, there were a total of 201 seizures that involved about 10.8 tonnes of ivory.</li> <li>• Two major seizures were made. The first case was in July 2017 where about 7 tonnes of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case was the largest seizure of raw ivory so far and it was revealed after DNA tests that the ivory was sourced from Africa. The</li> </ul>

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
		<p>second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that was re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory together with 8,268 kg pangolin scales were found in the container.</p> <ul style="list-style-type: none"> <li>• Sniffer dogs were continued to be deployed at import and export control points. A total of 140 seizures of endangered species were detected by sniffer dogs between September 2015 and June 2020.</li> </ul>
2.2 [Intelligence exchange]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Information of major seizures have been exchanged with Parties along the trade chain.</li> <li>• Ivory seizures were reported to CITES through ETIS.</li> </ul>
2.3 [International collaboration]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In collaboration with Gabon CITES Scientific Authority and Malaysia CITES MA, both Parties sent representative to Hong Kong and took 90 ivory samples from the 7 tonnes seizure case mentioned in section 2.1 above. The samples were taken to Malaysia for a quick DNA test and were then revealed the ivory was sourced from Central Africa.</li> <li>• HKMA continued to take samples from major ivory seizure cases and provided them to a designated forensic laboratory to trace the origin of the elephant population. In the reporting period, HKMA completed sample taking of the 7 tonnes ivory seizure case and the ivory samples were sent to Dr. Samuel Wasser of the University of Washington. It is expected that the outcome of the analysis would help to locate the affected elephant population.</li> </ul>
2.4 [Capacity building]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• To keep abreast of the international practices, skills and knowledge of wildlife enforcement, HKMA sent enforcement officers to participate in international training workshops related to wildlife crime. Three officers participated in the Wildlife Investigators Training Course during the reporting period organized by The International Law Enforcement Academy (ILEA)</li> </ul>
<b>CATEGORY 3: [Publicity and Disposal of Ivory]</b>		
3.1 [Publicity and education]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• A series of publicity of ivory regulations after legislative amendments targeting at the general public, travellers and relevant stakeholders have been launched. Activities included distribution of handbills and display of posters at various import and export control points, broadcasting TV and radio announcements</li> </ul>

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
		of public interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops.
3.2 [Incineration of confiscated ivory]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• HKMA has completed disposal of stockpiled confiscated ivory. A total of about 29.5 tonnes of confiscated ivory has been disposed of by incineration. Apart from ivory saved for conservation, education and enforcement purposes, confiscated ivory will be disposed of by the same method in future.</li> </ul>

**Part D: Indicators (OPTIONAL)**

NIAP CATEGORY		Indicator	Performance
[category/pillar name]	1	[List indicator]	[progress against indicator]
	2	[List indicator]	[progress against indicator]

**Part E: Annex (supporting information) (OPTIONAL)**

***CATEGORY 1: [name]***

[Description of information provided]

***CATEGORY 2: [name]***

[Description of information provided]

Etc...



## Israel's Authority for the CITES Convention

Israel Nature and Parks Authority | 3 Am VeOlam Street | Jerusalem 9546303, Israel  
E-mail: [import@npa.org.il](mailto:import@npa.org.il)

Jerusalem, 17 May 2020

### **Israel's response to Notification No. 2020/026 concerning: Closure of domestic ivory markets**

To the CITES Secretariat

We are writing in response to Notification 2020/026 and Decision 18.117 directed to Parties that have not closed their domestic markets for commercial trade in raw and worked ivory, which are requested to report to the Secretariat for consideration by the Standing Committee at its 73<sup>rd</sup> and 74<sup>th</sup> meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

The response is on the following pages.

If you need any further details, please do not hesitate to contact us:

Sincerely,

Yatir Shamir, Israel's Management Authority for the CITES Convention

Dr. Simon Nemptzov, Israel's Scientific Authority for the CITES Convention



## Israel's Authority for the CITES Convention

Israel Nature and Parks Authority | 3 Am VeOlamo Street | Jerusalem 9546303, Israel  
E-mail: [import@npa.org.il](mailto:import@npa.org.il)

May 2020

### Israel's response to Notification No. 2020/026 concerning:

#### Closure of domestic ivory markets

1. Israel has long been a strong advocate of strong conservation measures to protect elephants and to combat the ivory trade. Under Israeli law, elephants as well as all parts and derivatives of elephants, may not be kept or traded, domestically or internationally without a permit from the Israel Nature and Parks Authority (INPA), which is Israel's sole government agency responsible for all wildlife, as well as serving as Israel's CITES Authorities.
2. In order to ensure that no domestic sale of ivory in Israel could harm elephant populations in the wild, the INPA has always required import and export permits for all specimens of ivory and has not allowed international commercial trade in ivory, except for pre-convention specimens. Some non-commercial trade in elephant and mammoth ivory has also been permitted (such as for inheritance, museum exchanges and scientific use).
3. In order to tighten control of ivory trade in response to CITES Decisions and Resolutions, Israel has recently enacted new stricter guidelines which will ensure closure of commercial domestic and international trade in elephant and mammoth ivory. The new guidelines also include restrictions, on non-commercial trade and possession of elephant and mammoth ivory, that even stricter than the ones that are in place today.
4. These new guidelines are being enacted in order to reduce availability and demand for ivory and to make clear to the public that ivory is no longer an acceptable trade commodity. This message is specifically aimed at helping prevent poaching of elephants and combatting the illegal trade in their ivory, in line with Resolution Conf. 17.4 on **Demand reduction strategies to combat illegal trade in CITES-listed species**, and Resolution Conf. 10.10 (Rev. CoP18) on **Trade in elephant specimens**.

5. According to Israeli law, the term "trade" is defined thus:

**"Trade" - includes purchase, sale, exchange, export, re-export, import, import from the sea as well as an offer to trade.**

6. Following a public hearing in 2019, the INPA announced that the new guidelines on trade and possession of elephant and mammoth ivory will go into effect on 1 January 2021. People who are in possession of pre-convention ivory and mammoth ivory are able to receive a permit for commercial trade or transfer of their ivory specimens that will be effective only up until the end of 2020.
7. Prior to 1 January 2021, the INPA will issue a "general permit" which will allow possession of pre-convention and mammoth ivory, without the need to register each piece. Once the guidelines are in effect, on 1 January 2021, only non-commercial transfer of pre-convention and mammoth ivory will be allowed (such as inheritance or donation to a museum), and this will be by general permit.
8. After 1 January 2021, anyone in possession of "new ivory" (that is all elephant ivory that is not pre-convention ivory) will be able to receive a possession permit for it, but only if they can prove legal acquisition. Once the guidelines go into effect, trade or transfer of new ivory, whether commercial or non-commercial, will not be allowed (except for enforcement or scientific purposes).
9. Any questions regarding these new guidelines should be directed to the Israel Nature and Parks Authority to this e-mail address: [import@npa.org.il](mailto:import@npa.org.il)
10. The new guidelines are summarized in the table on the next page.

## New guidelines for international and domestic trade and possession of ivory in Israel – effective 1 January 2021

	Commercial trade	Non-commercial international trade	Non-commercial domestic trade and possession
<p><b>Preconvention ivory</b></p> <p><b>Determined according to the date it was removed from the wild or born in captivity:</b></p> <p><b>For African elephant (<i>Loxodonta africana</i>) ivory: from before 26 February 1976;</b></p> <p><b>For Indian elephant (<i>Elephas maximus</i>) ivory: from before 1 July 1975.</b></p>	<p>Not allowed; except for special permits which will be granted where ivory is a part of a larger item provided that it meets ALL the following criteria:</p> <ol style="list-style-type: none"> <li>a. The ivory is all preconvention, and;</li> <li>b. The ivory is fully attached to the item and is not readily separable, and;</li> <li>c. The ivory is processed and not raw, and;</li> <li>d. The ivory makes up less than 50% of the overall volume of the item, and;</li> <li>e. The total weight of the ivory in the item does not exceed 200 grams, and;</li> <li>f. The item was made before the date that these guidelines are in effect (1 January 2021).</li> </ol>	<p>Not allowed; except for special permits which will be granted for these purposes only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research, or;</li> <li>4. Frequent cross-border non-commercial movements of musical instruments containing ivory, in accordance with CITES Resolutions.</li> </ol>	<p>Grandfather clause allows keeping ivory that is already in one's possession on 1 January 2021. Non-commercial domestic trade or transfer is allowed by general permit.</p>
<p><b>Non-preconvention ivory,</b></p> <p><b>Any newer ivory from an elephant removed from the wild or born in captivity, more recently than the dates listed above.</b></p>	<p>Not allowed</p>	<p>Not allowed; except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>	<p>Possession permit is granted only if the owner had legal acquisition before 1 Jan 2021. Non-commercial trade or transfer is not allowed, except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>
<p><b>Mammoth ivory</b></p>	<p>Not allowed</p>	<p>Not allowed; except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>	<p>Grandfather clause allows keeping ivory that is already in one's possession on 1 January 2021. Non-commercial domestic trade or transfer is allowed by general permit.</p>

Response to Notification to the Parties No. 2020/026

### **Japan's report pursuant to Decision 18.117**

Japan has been implementing stringent measures to ensure that its domestic ivory market is not contributing to poaching or illegal trade. It is our understanding that a request directed to the Parties for reporting their measures pursuant to Decision 18.117 does not necessarily mean to urge Parties to report highlighting new additional measures to the ones that have already been made available among Parties in the form such as information documents for previous meetings. Therefore, the following mainly summarizes existing measures with some plans that are to be implemented at appropriate timing in the near future. Japan is determined to continue making its utmost efforts in sincere implementation of the CITES at home,

#### **Measures taken**

##### **1. Legislation on ivory control (outline of the amended LCES)**

- (1) The amended Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES), including tighter regulations on ivory transactions within its own borders, came into effect in June 2018. Major revisions are as follows. Details of the amended law are available in Japan's report submitted as Doc. 27.4 A11 at SC70.
  - a) Raw and worked ivory business operators must be registered. And business operators must fulfil all requirements for registration, which requires to be renewed every five years.
  - b) Business operators must register all tusks of their possession.
  - c) Business operators must prepare and keep inventory data including transaction records and traceability information records for cut pieces.
  - d) Business operators must indicate information including their business registration number and business operator's name, at the time of display or advertisement.
  - e) The Japanese government publishes a list of registered business operators.
  - f) Heavier penalties are to be imposed on business operators' offense. i.e. introduction of imprisonment, increased fines
- (2) Intense scrutiny for the registration of a whole tusk

Since July 2019, registration of a whole tusk requires the result of scientific radiocarbon dating or other equivalent proof that shows the tusk was imported before the adoption of CITES trade ban for Japan, unless an applicant submits a customs document or an import permit. A third-party affidavits becomes no longer sufficient enough to prove the legitimacy of a tusk without additional official evidence.

## **2. Strengthened management measures on domestic ivory transactions (including those under planning)**

- More effective and intensive on-site inspections and patrols at antique markets by the competent authorities are continued to be conducted in order to ensure strict compliance within the borders.
- The government is initiating digitalization of business operators' reporting system on transactions and inventories in order to enhance the traceability of ivory products. It will enable more accurate stocktaking of domestic ivory product distribution, and facilitate more effective control on ivory products which lack enough traceability.
- Competent authorities enhance and improve website and online public relations to raise public awareness, and disseminate information on CITES and related domestic legislation regarding wildlife transactions as well as regulations on ivory products.
- Competent authorities reiterate to widely announce a prohibition on bringing ivory products in/out of Japan targeting those who travel across the borders. Posters to raise attention are displayed in neighboring countries where Japan is placed among popular tourist destinations.
- Notice on ivory trade regulations will be announced at major tourist attractions in Japan in cooperation with local governments of several big cities and the Tokyo Metropolitan Government, which is a host of the 2021 Olympic and Paralympic Games. The Japan National Tourism Organization will post related information on its website and app for foreign visitors.
- Capacity building training programs are consecutively implemented for officials in charge of monitoring and control on transactions of ivory.

Note: Major large-scale online shopping platform organizers such as Mercari and Rakuten in 2017 and Yahoo in 2019 have completely halted trading ivory products on their markets.

## **3. International cooperation**

- Japan contributes to Range States' anti-poaching endeavor through the CITES Monitoring the Illegal Killing of Elephants (MIKE) Programme.
- In cooperation with China, Japan continues to seek an opportunity to organize an annual bilateral meeting between Management Authorities, which has been postponed in 2020 due to Covid-19 pandemics. Through such dialogues, Japan fortifies collaboration with China as a neighboring country, which put in place bans on domestic trade, in order to prevent illegal trade in ivory products effectively.

#### 4. Privately-held stocks of elephant ivory

##### (1) Whole tusks

In order to trade whole tusks domestically, each tusk must be registered under the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES). The number and quantity of the registered whole tusks as of the end of December 2019 are shown below.

Type of specimen	Number of tusks	Total weight (kg)
Whole tusks		
a) African elephant	17,166	184,205
b) Asian elephant	146	797
Total	17,312	185,002

In order to strengthen control on the domestic markets, efforts to identify whole ivory tusk stocks in Japan have been made since August 2017. While making it known widely that such efforts are underway, the Government invites private owners to register their whole ivory tusks pursuant to the LCES.

##### (2) Cut pieces, tips and ivory products

Ivories not in the form of whole tusk (i.e. cut pieces, tips or ivory products) are controlled through a registration system whereby business operators have to report to the authorities to be able to engage in domestic commercial trade. All of these operators, such as manufacturers, wholesalers or retailers, must register a certain number of information such as their names, addresses and stockpiles to the authorities. Furthermore, they are obliged to submit to the authorities a report on the balance of stockpiles and an inventory describing the contents of transactions.

The quantity of cut pieces, tips and ivory products reported by the business operators as of the end of March 2019 are shown below.

(Cut pieces, tips)

Description	Total weight (kg)
Cut pieces, Tips	74,113

(Products)

Description	Total quantity
Sign seals	951,456
Accessories including parts	1,540,575
Furnishing goods including parts	80,061
Stationeries including parts	150
Smoking supplies including parts	4,151
Buddhist altar articles including parts	21,620
Musical instruments including parts	91,100
Tableware including parts	16,026
Tea utensils including parts	11,572
Indoor recreational equipment including parts	3,581
Convenience goods including parts	47,193
Others	20,861

Note:

Throughout this document, “legally imported” means the following:

-Whole ivory tusks, cut pieces of ivory and worked ivory products that had pre-existed in Japan ahead of the adoption of CITES trade ban (in 1980\* for Asian elephants and 1990 for African elephant). \*Japan joined CITES in 1980.

-Whole ivory tusks, cut pieces of ivory and worked ivory products which were imported to Japan with pre-convention certificates issued by exporting countries under CITES.

-Whole ivory tusks which were imported to Japan in 1999 and 2009, as exceptions approved under CITES.

## **Japan's report pursuant to Decision 18.117**

Japan has been implementing stringent measures to ensure that its domestic ivory market is not contributing to poaching or illegal trade. The following mainly summarizes existing measures with some plans that are to be implemented at appropriate timing in the near future. Japan is determined to continue making its utmost efforts in sincere implementation of the CITES at home.

### **Measures taken**

#### **1. Legislation on ivory control (outline of the amended ACES)**

(1) The amended Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES), including tighter regulations on ivory transactions within its own borders, came into effect in June 2018. Major revisions are as follows. Details of the amended law are available in Japan's report submitted as Doc. 27.4 A11 at SC70.

- a) Raw and worked ivory business operators must be registered. And business operators must fulfil all requirements for registration, which requires to be renewed every five years.
- b) Business operators must register all tusks of their possession.
- c) Business operators must prepare and keep inventory data including transaction records and traceability information records for cut pieces.
- d) Business operators must indicate information including their business registration number and business operator's name, at the time of display or advertisement.
- e) The Japanese government publishes a list of registered business operators.
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Since July 2019, registration of a whole tusk requires the result of scientific radiocarbon dating or other equivalent proof that shows the tusk was imported before the adoption of CITES trade ban for Japan, unless an applicant submits a customs document or an import permit. A third-party affidavits becomes no longer sufficient enough to prove the legitimacy of a tusk without additional official evidence.

## **2. Strengthened management measures on domestic ivory transactions (including those under planning)**

- More effective and intensive on-site inspections and patrols at antique markets by the competent authorities are continued to be conducted in order to ensure strict compliance within the borders.
- The government is initiating digitalization of business operators' reporting system on transactions and inventories in order to enhance the traceability of ivory products. It will enable more accurate stocktaking of domestic ivory product distribution, and facilitate more effective control on ivory products which lack enough traceability.
- Competent authorities enhance and improve website and online public relations to raise public awareness, and disseminate information on CITES and related domestic legislation regarding wildlife transactions as well as regulations on ivory products. [Website](#) about CITES, ACES, and conservation and sustainable use of wildlife will be renewed in April 2021 (Japanese and English).
- Competent authorities reiterate to widely announce the prohibition on bringing ivory products in/out of Japan targeting those who travel across the borders.

Posters to raise attention are displayed in neighboring countries where Japan is placed among popular tourist destinations. The competent authorities also have formally requested businesses to prevent ivory products from bringing out of Japan without permissions.

- Notice on ivory trade regulations will be announced at major tourist attractions in Japan in cooperation with local governments of several big cities and the Tokyo Metropolitan Government. The Japan National Tourism Organization will post related information on its website and app for foreign visitors.
- Capacity building training programs are consecutively implemented for officials in charge of monitoring and control on transactions of ivory.

Note: Major large-scale online shopping platform organizers such as Mercari and Rakuten in 2017 and Yahoo in 2019 have completely halted trading ivory products on their markets.

## **3. International cooperation**

- Japan contributes to Range States' anti-poaching endeavor through the CITES

Monitoring the Illegal Killing of Elephants (MIKE) Programme.

- In cooperation with China, Japan continues to seek an opportunity to organize an annual bilateral meeting between Management Authorities, which has been postponed due to Covid-19 pandemics. Through such dialogues, Japan fortifies collaboration with China as a neighboring country, which put in place bans on domestic trade, in order to prevent illegal trade in ivory products effectively.

#### 4. Privately-held stocks of elephant ivory

##### (1) Whole tusks

In order to trade whole tusks domestically, each tusk must be registered under the Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES). The number and quantity of the registered whole tusks as of the end of December 2020 are shown below.

Type of specimen	Number of tusks	Total weight (kg)
Whole tusks		
a) African elephant	16,709	176,881
b) Asian elephant	145	801
Total	16,854	177,682

##### (2) Cut pieces, tips and ivory products

Ivories not in the form of whole tusk (i.e. cut pieces, tips or ivory products) are controlled through a registration system whereby business operators have to report to the authorities to be able to engage in domestic commercial trade. All of these operators, such as manufacturers, wholesalers or retailers, must register a certain number of information such as their names, addresses and stockpiles to the authorities. Furthermore, they are obliged to submit to the authorities a report on the balance of stockpiles and an inventory describing the contents of transactions.

The quantity of cut pieces, tips and ivory products reported by the business operators as of the end of March 2020 are shown below.

(Cut pieces, tips)

Description	Total weight (kg)
Cut pieces, Tips	65,699

(Products)

Description	Total quantity
Sign seals	967,844
Accessories	302,486
Parts of accessories	3,175,623
Furnishing goods including parts	41,309
Stationeries including parts	565
Smoking supplies including parts	6,147
Buddhist altar articles including parts	28,045
Musical instruments including parts	69,864
Tableware including parts	16,652
Tea utensils including parts	20,502
Indoor recreational equipment including parts	2,509
Convenience goods including parts	51,837
Others	34,128

Note:

Throughout this document, “legally imported” means the following:

-Whole ivory tusks, cut pieces of ivory and worked ivory products that had pre-existed in Japan ahead of the adoption of CITES trade ban (in 1980\* for Asian elephants and 1990 for African elephant). \*Japan joined CITES in 1980.

-Whole ivory tusks, cut pieces of ivory and worked ivory products which were imported to Japan with pre-convention certificates issued by exporting countries under CITES.

-Whole ivory tusks which were imported to Japan in 1999 and 2009, as exceptions approved under CITES.

Response from New Zealand

CITES Notification 2020/026

At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.117 – 18.119 on *Closure of domestic ivory markets*, as follows:

**18.117 Directed to Parties**

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

**18.118 Directed to the Secretariat**

*The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.*

**18.119 Directed to the Standing Committee**

*The Standing Committee shall:*

*a) consider the reports under Decision 18.118; and  
b) report on this matter and make recommendations, as appropriate and consistent with the scope and mandate of the Convention, to the 19th meeting of Conference of the Parties.*

2. Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are hereby requested to report to the Secretariat on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade, even if they have previously done so.

3. Parties are encouraged to take into consideration relevant provisions contained in Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*, particularly in paragraphs 3 to 9, 13, and 15 to 16 *Regarding trade in elephant specimens*; and in paragraphs 22 to 25 *Regarding the traceability of elephant specimens in trade*. Provisions in other relevant Resolutions will also be important to consider, e.g. Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.

4. Reports should be submitted by email to the Secretariat at [info@cites.org](mailto:info@cites.org) and [thea.carroll@un.org](mailto:thea.carroll@un.org) no later than **15 June 2020**.

5. A compilation of the reports submitted by Parties will be made available in advance of the 73rd meeting of the Standing Committee.

New Zealand Response

New Zealand legislation does not currently regulate the sale of elephant ivory on the domestic market and the New Zealand government is investigating the need for further regulation to ensure its domestic ivory market is not contributing to poaching or illegal trade.

Based on evidence from the New Zealand CITES database (which records data on all seized and surrendered CITES specimens at the border) New Zealand has considered its domestic market to be small and largely removed from the illegal ivory trade which contributes to elephant poaching. The majority of ivory items legally entering New Zealand are classified as

a Personal Household Effect (PHE) and are pre-Convention, with the ivory acquired prior to the species being listed as protected under the Convention in 1975/76. The most common examples of these items are pianos, bagpipes, chess sets, Mah-jong sets and small carvings.

In September 2019, the New Zealand government released a public discussion document inviting submissions on a review of the Trade in Endangered Species Act that implements CITES in New Zealand. This discussion document addressed the regulation of elephant ivory and set out five options for regulation of the domestic elephant ivory market and additional border controls relating to elephant ivory:

- Option 1 – Ban the domestic sale of elephant ivory in New Zealand
- Option 2 – Ban the domestic sale of elephant ivory in New Zealand with exemptions
- Option 3 – Regulate the domestic market for ivory by requiring registration of elephant ivory sellers and tracking of all elephant ivory items that are sold
- Option 4 – Ban the import of all post-Convention elephant ivory
- Option 5 – Ban the import of all elephant ivory, with exemptions

The public discussion document can be found here:

<https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2019/ties-act-consultation/ties-act-consultation-discussion-document.pdf>

Submissions on the discussion document closed on Friday 25 October 2019 with 119 received, most of which focused on elephant ivory regulation and increased border control measures.

The timeframe for the Government considering the options in the discussion document has been delayed due to the response to COVID-19.

Contact details: Attn: Sarah Bagnall; New Zealand CITES Management Authority  
Department of Conservation, 18-32 Manners Street, Wellington 6011, New Zealand  
Email: sbagnall@doc.govt.nz



**environment, forestry  
& fisheries**

Department: Environment, Forestry  
and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

**Ref:** CITES Notification 2020/026

**Enquiries:** Sonja Meintjes

**Tel:** +27 12 399 9597 **Email:** [smeintjes@environment.gov.za](mailto:smeintjes@environment.gov.za)

CITES Secretariat  
International Environment House  
11 Chemin des Anémones  
CH-1219 Châtelaine,  
**GENEVA**  
Switzerland

Attention: Ms Thea Carroll

**Email:** [info@cites.org](mailto:info@cites.org); [thea.carroll@un.org](mailto:thea.carroll@un.org)

Dear Madam

**CLOSURE OF DOMESTIC IVORY MARKETS: SOUTH AFRICA**

I refer to Notification 2020/026 dated 23 March 2020 with regard to the above.

Please find attached feedback from South Africa on Decisions 18.117 – 18.119 on Closure of domestic ivory markets as requested.

Yours sincerely

**Mr Ishaam Abader**  
**Acting Director-General**  
**Department of Environment, Forestry and Fisheries**  
**Letter signed by: Frances Craigie**  
**Designation: Chief-Director: Sector Enforcement**  
**Date: 2020-06-17**

## **SOUTH AFRICA: FEEDBACK ON NOTIFICATION 2020/026 ON CLOSURE OF DOMESTIC IVORY MARKETS**

### Regarding trade in elephant specimens

The Department of Environment, Forestry and Fisheries (DEFF) believes that the limited, regulated domestic ivory market in South Africa does not contribute to poaching or illegal trade and we thus do not intend to close our domestic ivory trade market.

South Africa does not have a major ivory carving industry. We do have knife makers and a limited number of jewellers who use ivory in the jewellery they make.

We are continuing our awareness training on wildlife trafficking at all our border posts and also do awareness sessions at various South African Defence Force Training facilities as the Defence Force is responsible for protecting our borderline and are thus the first responders for illegal activities on the borderline. We collaborate with neighbouring countries through joint cross border operations. The National Biodiversity Investigators Forum, the forum where investigators from the conservation authorities as well as the South African Police Service involved in the illegal wildlife trade, meets bi-annually, and shares best practises and information and continues to review trends to ensure that measures are taken to immediately and effectively address illegal trade in wildlife.

### Legislative, regulatory and other measures to:

South Africa has comprehensive internal legislative, regulatory, enforcement and other measures as set out below:

*Loxodonta africana* (African elephant) is listed as a protected species in terms of National Environmental Management: Biodiversity Act (NEMBA) and restricted activities involving specimens of the species must be authorized through permits issued in terms of NEMBA and the Threatened or Protected Species (TOPS) Regulations.

The definition of “restricted activity” is as follows:

- (a) in relation to a specimen of a listed threatened or protected species, means-
  - (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
  - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) **exporting from the Republic, including re-exporting from the Republic, any specimen of a listed threatened or protected species;**
- (vi) **having in possession or exercising physical control over any specimen of a listed threatened or protected species;**
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) **conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;**
- (ix) **selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or**
- (x) **any other prescribed activity which involves a specimen of a listed threatened or protected species.**

The terms “specimen” is defined in NEMBA as follows:

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which-
  - (i) contain a derivative of an animal, plant or other organism; or
  - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism.

In addition to the aforementioned, permits are also required in terms of the National CITES Regulations, promulgated in terms of NEMBA, for the import, export and re-export of specimens of species listed in the CITES Appendices. The nine Provincial Conservation Authorities in South Africa also regulate elephant specimens in terms of provincial legislation. The management of African elephant is further regulated through the National Norms and Standards for the management of elephants in South Africa. These norms and standards were developed and published in terms of NEMBA.

Furthermore, the TOPS Regulations include a compulsory registration requirement for wildlife traders, which means that a person is not allowed to trade in any specimens of TOPS listed species (African elephant is a TOPS listed species) without being registered as a wildlife trader. All persons / companies that trade in ivory and ivory products within South Africa must be registered in terms of these provisions.

Non-compliance with a provision in NEMBA (carrying out a restricted activity without a permit, e.g. possess or sell ivory without a permit); the TOPS Regulations (e.g. ivory not marked as prescribed in the regulations or a trader is not registered as prescribed) and the CITES Regulations, constitutes an offence and the penalties upon conviction are specified below:

- Penalties specified in NEMBA: A person convicted of an offence is liable to a fine not exceeding R10 million, or an imprisonment for a period not exceeding ten years, or to both such a fine and such imprisonment. In addition, a person convicted of an offence involving a specimen of a listed threatened or protected species, a fine may be determined, either in terms of the aforementioned provision or equal to three times the commercial value of the specimen in respect of which the offence was committed, whichever is the greater.
- Penalties specified in TOPS Regulations: A person convicted of an offence in terms of the TOPS regulations is liable to-
  - (a) imprisonment for a period not exceeding five years;
  - (b) a fine not exceeding R5 million, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment; or
  - (c) both a fine and such imprisonment.
- Penalties specified in the CITES Regulations: A person convicted of an offence in terms of the CITES Regulations is liable to-

- (a) a fine not exceeding five million rand or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years;
- (b) both such fine and imprisonment; or
- (c) in case of repeated offenders, a fine or imprisonment or both a fine and imprisonment and being banned from ever applying for a permit to trade in CITES listed species again.

The Department of Environment, Forestry and Fisheries and the nine provincial conservation authorities implement the above-mentioned legislation. Compliance monitoring and enforcement are the responsibility of the Environmental Management Inspectors (EMIs) in these departments, but other enforcement departments and agencies, including among others, the South African Police Service (SAPS), the Directorate for Priority Crime Investigation (DPCI) (Hawks), the South African Revenue Services (SARS – Customs) and the National Prosecuting Authority are also actively involved in assisting to detect, investigate and prosecute non-compliance with the legal provisions.

With regard to stockpile management, the marking of ivory is prescribed in the TOPS Regulations and the National CITES Management Authority maintains an inventory of government-held stockpiles and the provincial CITES Management Authorities maintain an inventory of both provincial and privately owned stockpiles. South Africa informs the CITES Secretariat of the ivory stocks on an annual basis.

#### Illegal killing of elephants in South Africa does not contribute to a decline in our elephant population

It should be noted that 99% of elephants killed illegally in South Africa occur in the Kruger National Park (KNP). The loss of the animals in KNP has not contributed to a decline in South Africa's elephant population. The national elephant population in South Africa is increasing and estimated at approximately 30 000 individuals of which an estimated 24 000 individuals occur within national and provincial reserves in seven of the nine provinces of South Africa. The KNP elephant population is estimated at 20 000 individuals and is the largest elephant population in South Africa growing at approximately 3.5% per annum.

Since the launch of Project Ivory in the northern part of the KNP in January 2019 to ensure technical and ranger support for operations in the area, illegal killing of elephants in KNP declined from 71 animals in 2018 to 29 animals in 2019.

Seizures of raw and worked ivory

South Africa reported 29 ivory seizures in its CITES illegal trade report for 2018 consisting of raw and worked ivory. South Africa is willing to supply samples of seized ivory and have supplied samples from legally acquired ivory in South Africa to Germany for research purposes. We do have laboratories in South Africa where ivory can be identified for forensic purposes.



## environment, forestry & fisheries

Department: Environment, Forestry  
and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

**Ref:** CITES Notification 2021/05

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Switzerland

Attention: Ms Thea Carroll

**Email:** [info@cites.org](mailto:info@cites.org); [thea.carroll@un.org](mailto:thea.carroll@un.org)

### **CLOSURE OF DOMESTIC IVORY MARKETS: SOUTH AFRICA**

I refer to Notification 2021/05 dated 18 January 2021 with regard to the above.

Further to the response from South Africa to Notification 2020/026, we would like to inform the Secretariat that in 2020, 16 elephants were killed illegally in South Africa (Kruger National Park). This figure is almost half of the 30 animals killed in South Africa in 2019.

South Africa reported 24 ivory seizures in its CITES illegal trade report for 2019 consisting of raw and worked ivory.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frances Craigie', written over a light blue grid background.

**Ms Frances Craigie**  
**Acting Director-General: Regulatory Compliance & Sector Monitoring**  
**Department of Environment, Forestry and Fisheries**  
**Date: 2021-01-29**

**URGENT**

No. 0902.3/ 2260



CITES Management Authority  
Department of National Parks,  
Wildlife and Plant Conservation  
61 Paholyothin Rd., Chatuchak,  
Bangkok 10900, THAILAND  
Tel./Fax. (66)2 940 6449

15 June B.E. 2563 (2020)

Dear CITES Secretariat,

**Subject : Closure of domestic ivory markets**

In reference to the notification to the parties no. 2020/026 dated 23 March 2020 requesting the report to the secretariat on what measures we are taking to ensure that our domestic ivory markets are not contributing to poaching or illegal trade. Please find the attachment for the relevant information. We hope that you would find the provided information useful.

Your continued cooperation is, as always, highly appreciated.

Yours sincerely,

(Mr. Somkiat Soontornpitakkool)

Director of CITES MA of Thailand

Department of National Parks, Wildlife and Plant Conservation

CITES Secretariat

International Environment House

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## Thailand's Report on Closure of domestic ivory markets

At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.117 – 18.119 on Closure of domestic ivory markets, as follows:

### 18.117 Directed to Parties

Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

### 18.118 Directed to the Secretariat

The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.

### 18.119 Directed to the Standing Committee

The Standing Committee shall:

- a) consider the reports under Decision 18.118; and
- b) report on this matter and make recommendations, as appropriate and consistent with the scope and mandate of the Convention, to the 19th meeting of Conference of the Parties.

## 1. Status and legality of Thailand's domestic ivory markets

Asian elephants in Thailand are divided into 2 categories with different legal status. The wild elephant is under protection of the Wild Animal Reservation and Protection Act 2019 (WARPA 2019, revised from former WARPA 1992); and the domesticated elephant under the Beasts of Burden Act, B.E.2482 (1939). The WARPA 2019 protects wild elephant from poaching and possessing of their part and derivative. The commercial trade of wild elephant's ivory is consequently prohibited in accordance with this law. The law pertaining to domesticated elephants is the Beasts of Burden Act, B.E.2482 (1939) that classifies elephant as draught animals along with horses, donkey and oxen. This law allows domesticated elephants to be treated as private property. The ivory comes from these elephants can be worked and traded commercially in the domestic market.

## **2. Efforts to implement the provisions of the Decision 18.117**

To distinguish between the domestic elephant's ivory and wild elephant's ivory and to regulate the domestic market to ensure that the market does not contribute to illegal trade, Thailand has put in place comprehensive internal legislative, regulatory, enforcement and relevant measures as follows:

2.1 Enacting the Elephant Ivory Act B.E.2558 (2015), which was entered into force in January 2015, in order to control the domestic trade in and possession of domesticated elephants' ivory in Thailand. The Elephant Ivory Act B.E.2558 (2015) stipulates that any person, who possesses ivory, shall notify the possession in order to receive the document for the ivory possession. Any person who wishes to trade domesticated elephant ivory shall submit an application form to the Director General of DNP for permission. Ivory traders are obligated to keep accounts and submit those copies to the officials at the specified time. In case of ivory traders who wish to change the location of their ivory shops, to transform or change the shape of the elephant ivory, the ivory traders shall notify in writing to the officials both before and after doing so. The ivory traders are also obligated to issue the certificates for every single ivory product sold to customers. Any ivory trader that violates the Act shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding six million baht (about US\$ 190,000) or to both.

2.2 Controlling the raw elephant ivory acquisition. Raw elephant tusks entering into the manufacturing process or to ivory shops shall only be derived from domesticated elephants under the Beast of Burden Act. Such tusks also require the certificate of origin and/or movement permits from appointed agencies in order to prove the legal acquisition of those tusks. The DNP has received report from the Department of Provincial Administration regarding the number of elephant tusks' certificates of origin during January 2015 - May 2020 which was found that it is consistent with the number of raw ivory entering the ivory market in Thailand.

2.3 Preventing the laundering of wild-caught elephants into the domesticated elephant population. This measure was implemented in 2017. DNP collected blood sample of all domesticated elephants and developing the database of domesticated elephant population to prevent the laundering of wild-caught elephants into the domesticated one. This measure also includes enacting a regulation under the Beast and Burden Act 1939 as to have the better control for identifying the domesticated elephant and tracing the origin of suspect ivory. According to this regulation, the form of domesticated elephants' identification certificates is revised for the benefit of traceability. All necessary information of

domesticated elephants is recorded in the new identification certificates. This includes sex, DNA, mark, height, microchip number, size of tusks, etc. This would help in supporting monitoring and law enforcement.

2.4 Strengthening law enforcement efforts to regulate the ivory shops and prevent its contributing to poaching or illegal trade. The registered ivory shops have been inspected and their businesses have been monitored monthly by 22 ivory shop inspection patrol teams nationwide. The officials of Department of National Parks, Wildlife and Plant Conservation (DNP) in cooperation with the Police Force have inspected the ivory stock, records of ivory acquisition, manufacturing and trade in accordance with the provisions under relevant laws and regulations.

Before enacting the Elephant Ivory Act B.E.2558 (2015), there were 339 ivory shops (as of November 2014) regulated by the Commercial Registration Act B.E.2499 (1956) and the Accounting Act B.E. 2543 (2000). Since the Elephant Ivory Act B.E.2558 (2015) entered into force, the registered ivory shops in Thailand have been gradually declining from 215 in January 2016 to 117 in March 2018 and to 113 in May 2020, especially for small shops and shops that do not sell ivory as a main product such as Jewelry shops and antique shops. Those shops terminated their ivory shop permits issued by the DNP when the ivory products in their stock were sold out or had only a few items left, as there was too much burden for the ivory traders with regard to the implementation required by the relevant laws and regulations.

2.5 Monitoring the emerging trend and suppression of illegal trade of ivory. In December 2017, the Department of National Parks, Wildlife and Plant Conservation (DNP) established "Yiaw Dong" or the Wild Hawk Team, which is a specialized task force to combat and suppress illegal wildlife trade over the internet. In March 2018, the efforts to suppress illegal ivory trade over the internet found the investigation progressing towards the significant seizures of African ivory and arrests of smugglers. By following the online transaction records on Facebook and delivery thereafter through postage, the suspected sellers in southern Thailand and the suspected buyers in northern and north-eastern Thailand were apprehended. Upon seizure, the illegal ivory was found to have weighed for 171.6 kilograms in total.

2.6 Thailand has conducted the inventory of ivory stockpiles and the level of stockpiles has been reported to CITES Secretariat each year by 28 February.

2.7 Raising public awareness aiming to reinforce understanding on ivory legislation and impact of illegal ivory trade, as well as to inform foreign visitors not to buy and take ivory product out of Thailand. Public education campaigns at international airports, the border checkpoints, tourist attractions in Thailand have been done continually via signs and boards, and distributing leaflets regarding prohibition on import and export of ivory and ivory products.

2.8 Reducing Demands of ivory and wildlife consumption in the country.

The implement to change the consumption behaviour of the general public is ongoing by informing them of the Elephant Ivory Act. B.E. 2558 (2015) as well as promote substitute products and raise awareness to the conservation of elephants by not buying, selling, or using products made from ivory.

- Cooperate with NGOs and other private sectors such as USAID, TRAFFIC, WWF and WildAid in hosting various campaigns such as; “Travel Ivory Free”, “Ivory Free” and “Beautiful without Ivory”.

- Promote media that dissuade the buying and exporting of illegal ivory as well as raise awareness among foreign tourists at transportation hubs in Bangkok’s popular tourism sites and around the site of Suvarnabhumi Airport

2.8 Conducting a study on alternatives of policies for the regulation of ivory trade. In 2018, the Department of National Parks, Wildlife and Plant Conservation (DNP) collaborated with WWF Thailand in conducting a study project on alternative policies for the regulation of ivory trade within Thailand. The study recommended a total of 5 (five) alternatives which are: 1) Complete closure of domestic markets; 2) Zoning of tradable areas; 3) Limited Licensing; 4) Government monopoly; and 5) Inaction with traceability system. According to the present circumstance and national legislation, Thailand ultimately chose to implement the final alternative wherein they would continue using the current systems while also looking to further develop them.

2.9 Building capacity of Law Enforcement Officials for better knowledge and capability to suppress illegal trade of ivory. The following training and workshop were conducted:

- The hosting of the workshop on examining wildlife corpses and elephant ivory for officials related to the suppression of illegal ivory smuggling around airports, wildlife checkpoints, and immigration checkpoints such as Customs, Natural Resources and Environmental Crime Suppression Division (NRECD)

- The hosting of the workshop on “Wildlife Species and CITES Enforcement” in various regions throughout the country for the purposes of capacity building in combatting against illegal wildlife trade, especially the efforts in southern Thailand.

- The hosting of course trainings on initial investigative procedures in wildlife crimes between countries for related officials.

2.10 Building cooperation on combatting illegal wildlife trade, including ivory, under the ASEAN framework. Thailand has been assigned as the Lead Country of the ASEAN Working Group on CITES and Wildlife Enforcement (AWG-CITES and WE), and the Lead Shepherd of the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber (AWG on ITWT) under decisions of the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC). This position allows Thailand to take the role as the main actor in propelling the issue to the forefront of the regional collaboration.

### **Conclusion**

Thailand remains firmly committed to combatting the illegal ivory trade. A comprehensive measure to regulate the domestic ivory trade within Thailand is already existing. In combination with Thailand’s Elephant Ivory Act, B.E. 2558 (2015), Thailand is regulating domestic ivory trade which allows for domestic elephant ivory trades acquired through legal means and follows the strict guidelines by the CITES convention closely. Past results by Thailand have proven that we have been adequately strict and effective in self-regulating the ivory market, as Thailand have been recently excluded from the National Ivory Action Plan Process (NIAP process), following the recent 71<sup>th</sup> Standing Committee meeting (SC71) in 2019. As seen in the ETIS report that was submitted for review in this CoP18, it can be clearly seen that Thailand is no longer listed as a risk country in either category A, B, or C, which ranks countries that would receive the most impact from illegal ivory trade from highest to lowest.

\*\*\*\*\*

Dear Secretariat

Further to Notification 2020/026 on the closure of domestic ivory markets, please see the UK response below which we hope you find helpful.

The UK adopted primary (framework) legislation in December 2018 to put in place a strict domestic ivory sales ban (the Ivory Act 2018). The ban has a limited number of exemptions, listed below. We consider that the ban will eliminate any scope for the legal UK market to contribute to poaching or the illegal trade. The UK is currently developing the detailed provisions, such as establishing the registration scheme for exempt items, before bringing the ban into force as soon as practicable.

The exemptions from the ban are narrowly drawn, as follows:

- "De minimis": items with less than 10% ivory content made before 1947
- Musical instruments: less than 20% ivory content made before 1975
- Portrait miniatures: less than 320cm<sup>2</sup> made before 1918
- Sales and exchanges to and between accredited museums. This applies to museums accredited by Arts Council England, the Welsh Government, the Scottish Government or the Northern Ireland Museums Council in the UK, or, for museums outside the UK, the International Council of Museums.
- Items of outstandingly high artistic, cultural or historical value: such items will be certified as such based on expert advice from a selection of institutions deemed to have the necessary knowledge and expertise to do so, and must be pre-1918.

Kind regards

Elizabeth Biott  
UK CITES Management Authority

# ZIMBABWE'S REPORT ON CLOSURE OF DOMESTIC IVORY MARKETS

## 1.1 BACKGROUND AND INTRODUCTION

This report is in response to Notification to the Parties No. 2020/026 as agreed at the 18<sup>th</sup> meeting (CoP18, Geneva, 2019), the Conference of the Parties Decisions 18.117 – 18.119 on Closure of domestic ivory markets, as follows:

### *18.117 Directed to Parties*

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

## 1.2 REGULATORY FRAMEWORK

Zimbabwe's wildlife trade is regulated by international laws such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). It is also regulated national laws and regulations which are classified under Category 1 by CITES. Some of the Zimbabwe's laws relevant to ivory trade include;

### **Parks and Wildlife Act Chapter 20:14 of 1996 as amended in 2001**

The Principal legislation which governs and regulates the purchasing, selling and exporting of parts and derivatives including live animals. It also protects gazette protected areas which form the major range and habitat for the elephant.

The Act prohibits the hunting of any animal and removal of parts of animals from any land without authority. The Act provides for the protection of animals in the Parks and Wild life Estates (national parks, sanctuaries, recreational parks, safari areas, botanic reserves and gardens).

The Act further provides for categorization of animals into specially protected animals and plants. These species are afforded the highest legal protection in the country. Examples of such animal species are black rhino and white rhino.

The Act has the following provisions which address issues related to Control of live animals, trophies and trade;

- Section 59 provides for the general protection of all wildlife which is not covered by the above categories.

This Act empowers the Minister responsible for the Parks and Wild Life to issue regulations governing certain activities such as-:

- Section 60 where the Minister may prohibit or restrict hunting and removal of animals in defined areas.
- Section 66 provides for the licensing of professional hunters who undertake legalized hunting safaris.
- Section 72 provides for the sale of animals born or hatched and held in captivity.
- Section 73 provides for the sale and manufacture of articles from trophies.

### **Statutory Instrument 362 of 1990**

Parks and Wild Life (General) Regulations, 1990; these are the principal regulations that supports conservation work in Zimbabwe, in the same legal instrument, that is where provisions for appointment of specified officers, registration of ivory and horn, retention of ivory and horn, disposal of retained ivory and horn, marking of manufactured ivory, sale or transfer of registered raw ivory, restriction on acquisition, possession, sale or transfer of unregistered or unmarked ivory, sale or manufacture of horn prohibited, acquisition, possession or transfer of horn and exemptions thereof.

This legislation provides in sections 66-75 for the Regulation of Manufacture, Processing and Dealing in trophies.

#### *Prohibition of unlicensed manufacture of or dealing in trophies and ivory*

Section 66(1) Subject to subsection (2) no person shall process, carve, embellish or otherwise manufacture any trophy, other than ivory, for sale or reward unless he is authorized to do so by a trophy dealer's license issued in terms of section 67. The same section further spells-out the other categories where no one is allowed to carry-on various activities without a relevant permit issued by the Authority.

Section 67(1) deals with issuance of various categories of licenses where the Director can issue out operating licenses to applicants upon meeting the requirements stipulated by the law. Take note that the Director may issue or deny granting of a license to anyone whom he feel does not meet the standard requirements sat down.

Section 68 gives the expiry date of each license, which is the thirty-first day of December in the year in which it was issued.

Section 69(1) spells-out the terms and conditions of dealer's license.

Section 70 compels every license holder to display his or her license at a prominent place within the premises to which the license relates.

Section 71 deals with cancellation of dealer's license, upon the failure of a holder of a dealer's license to comply with any provisions of the Act or these regulations or with the terms and conditions of his license. The Director is also empowered to amend any of the terms and conditions of; or suspend or cancel that or any other dealer's license held by such holder.

IMPORTANT to note; as part of the monitoring measures, section 72 provides for maintenance of registers, returns and accounts of dealers and in section 73, all dealers are required to account for dust that accrue from manufacturing/production processes of ivory.

Section 74 compels every holder of a license to notify the Director of any change of his or her business address. In section 75, any dealer is expected to notify the Director in writing within seven days after ceasing operations.

Section 76 provides for the registration of specified officers who shall carry-on the business of registering ivory and horn, and these are bona-fide employees of the Authority.

Section 77 provides for the registration of ivory and horn within fifteen days of such acquisition or coming into possession.

Section 80 deals with aspects of marking of manufactured ivory and the following particulars shall be endorsed at the surface of the ivory; the number of the register in which he has entered a description of the article concerned; and the identifying letters that have been registered in his name in terms of subsection (4).

Section 81 spells-out sale or transfer of registered raw ivory where certain steps are to be followed in order to ensure that the said ivory does not fall in wrong hands and its movement can be traced at any given time.

Section 82 provides for the restriction on acquisition, possession, sale or transfer of unregistered or unmarked ivory. Further take note that section 85 (3) states that section 82 shall not apply in respect of the acquisition or possession of any unregistered ivory by any person in accordance with an authority granted to him by the Director. It further states that any marked ivory that has been lawfully imported into Zimbabwe after being manufactured outside Zimbabwe or any marked ivory that was manufactured prior to the 19<sup>th</sup> of December, 1986.

### **Statutory Instrument 76 of 1998**

Statutory Instrument number 76 of 1998, Parks and Wild Life (Import and Export) (Wild Life) Regulations specifically deals with Import and Export of wildlife products. This legislation was

enacted to ensure compliance with CITES requirements for export and import of wild flora and fauna. These provide for the following-:

- Section 3 deals with the Control of Import and Export of wild life and trophies.

The above section lays down a general prohibition on the import into or export from Zimbabwe of any “wild life” or trophy of “wild life” except in accordance with either a certificate issued in terms of section 5 by the Director or Director of Customs, or an open general permit:

- Section 5 deals with Permits and Certificates and is consistent with CITES legislation.
- Section 15 deals with Offences and Penalties.

Any person who contravenes any of the provisions of subsection 1 shall be guilty of an offence, and liable to a fine or imprisonment.

**To effectively ensure compliance, the Zimbabwe Parks and Wildlife Management Authority deployed a permanent team of officers based at all ports of exit and entry to assist border control officials in monitoring and inspection of all wildlife exports.**

#### **Trapping of Animals (Control) Act Chapter 20:21**

The Act may be cited as the Trapping of Animals (Control) Act [Chapter 20:21] it is an ACT to provide for the control, restriction of making, possession and use of certain traps for the purpose of trapping animals; to control the sale and disposal of certain animals; and to provide for matters incidental to or connected with the foregoing.

#### **Statutory Instrument 56 Of 2012**

Parks and Wild Life (Payment for Hunting of Animals and Fish) Notice, 2012

This instrument provides for compensation values of various wildlife forms to include animals and fish. It acts as an additional deterrent measure in matters where poaching cases are being dealt with in accordance with the law. The compensation value for illegal hunting of an elephant is pegged at US\$50 000,00 and rhino at US\$120 000,00.

#### **Statutory Instrument 57 of 2012**

Parks and Wild Life (Payment for Trapping of Wild Animals) Notice, 2012

This instrument provides for the payment of compensation to the state or game owners in the event that one is convicted for illegally trapping wild animals on various land categories. The compensation value for illegal hunting of an elephant is pegged at US \$50 000,00 and rhino at US \$120 000,00.

These values form the basis for the value of the prejudice in Court proceedings and for restitution purposes by the wrong doer to the complainant in the form of compensation when convicted in Court.

### **Statutory Instrument 40 of 1994**

Parks and Wildlife (Appropriate Authorities for Communal Land) Notice, 1994, resulted in the according of Appropriate Authority status to various Rural District Councils. This legislation devolved authority to Rural District Councils and gave rights to local communities to sustainably utilize wildlife and other natural resources in their areas of jurisdiction.

### **Statutory Instrument number 85 and 86 of 2010**

Deals with aspects of amount of worked ivory that can be purchased by a foreign client as artifacts, a customer is allowed to purchase limited quantities of not more than five (5) of worked ivory not exceeding 10kgs and not exceeding US\$5 000,00 per person. The ivory should be carved to an extent that the customer will not be able to reproduce other artifacts out of the purchased ivory. The stringent measures are meant to ensure compliance in our local domestic trade.

General Laws Amendment number 5 of 2011 general notice number 48 amended section 128 of the Parks and Wild Life Act, Special penalties for certain offences, relating to specially protected species to include elephant ivory. The penalty provision gives a jail term of nine (9) years on a first conviction and eleven (11) years and above on a second and subsequent conviction. The same provides for compensation of the equivalent value of the animal involved upon conviction. The accused person pays this amount either to the State or owner of the animal.

### **Elephant Management Plan (2015-2020)**

An Elephant Management Plan is in place to conserve and manage the elephant population both on private and state land.

## **2.0 LICENCING AND LAW ENFORCEMENT**

### **2.1 Operators**

All players in the ivory industry are licensed by the Zimbabwe Parks and Wildlife Management Authority's CITES Management Authority. Every operator is issued with an Ivory manufacturer's license. In addition, the workers who handle ivory are also issued with an ivory carver's license. This means that you have to be licensed for you to handle ivory in Zimbabwe. This system effectively closes all backyard ivory carving activities in the country.

However, Zimbabwe stopped issuing new licenses to new ivory manufactures in 2019 in an attempt to maintain the number of operators to a manageable limit. Currently there are 7 registered ivory manufactures and 4 registered ivory carvers.

## 2.2 Enforcement

- Trade in wildlife products is enforced through a licensing system.
  - Licenses are only issued after vetting the applicant for any wildlife related criminal record.
  - Licenses are valid for a calendar year and renewable annually.
  - There are three types of licenses in force namely
    1. Ivory Manufacturers License,
    2. Trophy Dealers License and
    3. Trophy Retailers License
    4. Ivory carver's license
  - All traders are registered and licensed by Zimbabwe Parks and Wildlife Management Authority.
1. ***Ivory Manufacturers License***- authorizes the holder to manufacture and sell ivory products only
    - Employees of Ivory Manufactures responsible for ivory carving are also licensed by the Authority as Ivory Carvers.
    - No ivory is sold by the manufacturer in its raw state.
    - Limited quantities of not more than five (5) ivory products weighing not more than 10kgs in total shall be sold to a client at a time.
    - Ivory products sold to clients are treated as personal belongings and cannot be commercialized.
  2. ***Trophy Dealers License***- authorizes the holder to manufacture other game products except ivory and products from specially protected species.
  3. ***Trophy Retailers License***- authorizes the holder to sell ivory products purchased from licensed Ivory Manufactures and other game products purchased from licensed Trophy Dealers. Keep registers of what they would have purchased from Ivory Manufactures and Trophy Dealers.
  4. Ivory carver's license authorizes one to carve raw elephant ivory into finished products

## 3.1 Supply of raw Ivory by the State

- Zimbabwe Parks and Wildlife Management Authority is the sole supplier of raw ivory.
- Only registered Ivory Manufacturers are allowed to buy raw ivory from the Authority's Central stores.

### **3.2 Disposal of Ivory products by Ivory Manufactures**

- Ivory products are sold directly to Trophy Retailers and individual clients
- Manufactures are only allowed to sell ivory products from the premises to which the license relates.
- Street vending and buying of wildlife products is strictly prohibited.
- Clients can only buy from licensed dealers whose licenses are displayed in shops.
- Products sold to individual clients are solely for personal use and cannot be commercialized
- Each individual client is restricted to a maximum of five (5) ivory products and weighing up to 10kgs in total per transaction and on export.

### **3.3 Disposal of Ivory products by Trophy retailers**

- Retailers are only allowed to sell ivory products from the premises to which the license relates.
- Products are sold directly to individual clients.
- Street vending and buying of wildlife products is strictly prohibited.
- Clients can only buy from licensed dealers whose licenses are displayed in shops.
- Products sold to individual clients are solely for personal use and cannot be commercialized.
- Each individual client is restricted to a maximum of five (5) ivory products and weighing up to 10kgs in total per transaction and on export.

### **4.1 Export /import of ivory products**

- All export of ivory products are accompanied by a CITES export/import permits.
- Products meant for export are physically presented to the Authority for inspection and verification before an export permit is issued.
- Ivory products are carried in person to a specific destination indicated on export permit.
- At the port of exit, all products are checked against accompanying export documents

### **5.1 Recording, Traceability and Reporting Systems**

- The Authority keeps and maintains a database which can generate raw ivory sales report
- The Authority also keeps and maintains a database which generates exported products reports.
- Ivory Manufactures submit a return to the Authority at the end of each month.
- Ivory Manufactures use a standard form to record the following information;
  1. Raw ivory purchased during the month.
  2. Description and quantity of manufactured items.

3. Description and quantity of manufactured items and raw ivory in stock at the end of each month.
4. Description and quantity of items sold.
5. Dust- accumulated dust and dust from each manufactured tusk.
6. Offcuts- accumulated offcuts and offcuts from each manufactured tusk.

Trophy Dealers and Trophy Retailers use standard forms to report stocks on trade.

### **6.1 Monitoring and Awareness Campaigns**

- Periodic inspection of dealers' premises is conducted by the Authority and other state security agencies.
- Movement of products on trade is monitored through monthly returns, export permits other reports.
- Awareness campaigns to dealers and visiting clients is conducted concurrently with the inspection exercise.
- Border control personnel and other law enforcement agents also assist in monitoring the movement of goods across borders.
- Training of other law enforcement Agents such as the Zimbabwe Republic police, Prosecution Authorities and the Judiciary on Ivory related issues is done.
- Joint operation with other law enforcement Agent is also carried out.
- Carrying out conservation education and awareness campaigns with communities

### **7.1 Measures In Place To Ensure That Domestic Ivory Markets Are Not Contributing To Poaching Or Illegal Trade**

- Zimbabwe has adopted a zero tolerance initiative to poaching and wildlife trade and trafficking. The Parks and Wildlife General Laws Amendment number 5 of 2011 provides 9 years jail term for anyone found in possession of specially protected wildlife products and killing of the animals
- Training border officials including police, customs, and wildlife officers on basic skills for identifying and discovering concealment/ concealed wildlife specimens and knowledge on appropriate export/ import documents
- Foster cross-border collaboration and improved sharing and networking of intelligence among strategic ports and airports
- Deployment of trade and compliance inspectors at entry/ exit points
- Collaboration with reputable research institutions in managing and presenting evidence in courts of law through new technologies
- Formulating various enabling policies, legislation and strategies that promote wildlife conservation and protection. Zimbabwe has a National Policy for Wildlife and has species specific policies such as Rhino Policy and Management Framework and Elephant Policy and Management Plan.

- Involvement of all arms of Government responsible for tackling wildlife crime and private stakeholders in the fight against illegal wildlife trade and all forms of poaching Lobbying parliament for enactment of deterrent legislation
- Sharing of information between seizing authorities and the countries of origin/ export
- Political will to implement wildlife programmes
- Appropriate Authority Status (ref. Parks and Wildlife Act Chapter 20:14) gives responsibility for the management, protection and utilization of wildlife to legal occupiers of any land. This is the basis for devolving management of and benefits from wildlife to local levels and broad participation in wildlife industry; thus, creating an incentive to wildlife producers and in turn assisting in self-policing initiatives

## **Australia's response to Notification 2021/005 – Closure of domestic ivory markets**

Australia notes that at its 18th meeting (CoP18), the CITES Conference of the Parties adopted Decision 18.177 and 18.188 on closure of domestic ivory markets.

### **18.117 Directed to Parties**

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

### **18.118 Directed to the Secretariat**

*The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings*

Australia supports the call for Parties which have not taken such action be required to report on the measures they are taking to ensure their markets are not contributing to poaching or illegal trade.

Although Australia's domestic market does not represent a major threat to wild elephant populations, Australia is dedicated to protecting species at risk from poaching and illegal wildlife trade including elephants. At CoP18, Australia announced its intention to implement a domestic ban for trade in elephant ivory. Australia is committed to ensuring steps are taken to end domestic trade in all jurisdictions within Australia. Work is underway to implement this commitment. Due to Australia's constitutional framework, this requires cooperation from national and state and territory governments.

Australia has already ensured that all our international trade is in strict compliance with CITES regulations. Further, Australia has had a strict domestic measure in place that has effectively banned almost all commercial imports and exports of African elephant items since 1990. Australia's ivory market is relatively small compared to major ivory markets; for the period 2010-2015, Australia accounted for 0.9 per cent of global legal ivory imports (2,108 items).

## EU coordinated reply to CITES Notification 2020/026

In its Notification 2020/026, the CITES Secretariat invites Parties that have not closed their domestic markets for commercial trade in raw and worked ivory to report on measures taken to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

Parties are furthermore encouraged to take into consideration relevant provisions contained in Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens, such as the recognition that “narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade; and the need for Parties in whose jurisdiction is [...] a legal trade in ivory [...] comprehensive internal legislative, regulatory, enforcement and other measures are put in place to regulate the domestic trade”.

The EU and its Member States continue to be firmly committed to combating elephant poaching and ivory trafficking. Addressing this problem is one of the cornerstones of the EU Action Plan against Wildlife Trafficking,<sup>1</sup> and many initiatives have been taken over the years by the EU and its Member States against elephant poaching and ivory trafficking. Additional action will be decided upon in 2020, as announced in the EU’s recently adopted Biodiversity Strategy.<sup>2</sup> More specifically, the EU and its Member States are in the process of finalizing further restrictive measures that will target the re-export of ivory from the EU as well as the EU internal market.

As part of their approach against illegal ivory trade, the EU and its Member States:

1. have developed a comprehensive set of rules governing trade in ivory specimens within the EU;
2. have suspended the re-export of raw ivory since 1 July 2017;
3. have made the implementation of these rules a top priority for enforcement agencies in the EU Member States;
4. have provided considerable support to other Parties with capacity-building initiatives, and to CITES and other international organisations (notably ICCWC partners<sup>3</sup>) for their actions against elephant poaching and ivory trafficking.

### Domestic ivory trade in the EU

CITES is implemented in the EU through Regulation (EC) No 338/97<sup>4</sup> and associated Commission Regulations (“EU Wildlife Trade Regulations”). With regard to elephant ivory, the EU has adopted additional measures that are stricter than CITES provisions. As a result, trade to, within and from the EU of ivory for commercial purposes is generally not permitted.

Intra-EU trade (between and within Member States) and the re-export of ivory for commercial purposes are only permitted under the following conditions:

- Intra-EU trade is authorised for ivory items only when it can be demonstrated that the related specimens were imported into the EU before the elephant species was listed in Appendix I of CITES (18 January 1990 for African elephant and 1 July 1975 for Asian elephant). Intra-EU trade can only occur if a certificate has been

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<sup>1</sup> [https://ec.europa.eu/environment/cites/trafficking\\_en.htm](https://ec.europa.eu/environment/cites/trafficking_en.htm)

<sup>2</sup> [https://ec.europa.eu/environment/nature/biodiversity/strategy/index\\_en.htm](https://ec.europa.eu/environment/nature/biodiversity/strategy/index_en.htm)

<sup>3</sup> Interpol, World Customs Organisation, UNODC, World Bank, CITES

<sup>4</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997R0338-20170204&qid=1484753427128&from=EN>

issued to this effect by the relevant EU Member State (except for ‘worked specimens’<sup>5</sup> proven to be acquired before 3 March 1947, which can currently still be traded in the EU without a certificate, but which require proof of age and legal background). Such certificates are issued on a case-by-case basis, meaning that each potential sale is thoroughly scrutinized before being authorised. These rules apply to commercial transactions of ivory items all across the EU, including for commercial transactions occurring within a Member State;

- Re-export from the EU is authorised for ivory worked specimens acquired before the date on which CITES became applicable to them. A suspension is in place for the re-export of raw ivory from the EU to other countries. Pursuant to the recommendations by the European Commission in its guidance document on ivory trade, EU Member States can no longer issue re-export certificates for raw ivory since 1 July 2017<sup>6</sup>.

These rules go beyond the requirements set out in CITES and are more stringent than the rules governing domestic ivory trade within the jurisdictions of many other Parties.

### **Implementation of CITES and EU rules on ivory trade**

The above-mentioned guidance document on ivory trade by the European Commission contains strict, detailed recommendations on the implementation of EU legal rules on ivory trade. This includes recommendations on the conditions under which evidence to demonstrate legal acquisition should be accepted by the Member States Management Authorities before they may issue certificates, as well as on the marking, registration and other means aimed to identify ivory items.

In addition to commercial re-export of raw ivory being suspended since 2017, the re-export of worked ivory items from the EU, carried out in line with the EU Regulation, has also decreased substantially since 2016. Further measures addressing re-export as well as internal ivory trade, are being discussed internally at the time of making this submission. The overall rationale is to limit further trade in potential higher-risk items while continuing to allow a limited and well-controlled trade in low-risk items. As such, the EU and its Member States intend to arrive at a precautionary as well as a proportionate approach to the EU’s domestic ivory trade. Further details on these will be shared with other Parties to the Convention in due course.

Furthermore, addressing ivory trafficking remains one of the top priorities defined at EU level for the enforcement of CITES. The issue is systematically discussed twice a year within the EU wildlife trade enforcement group, which gathers enforcement agencies from the EU Member States, the European Commission, as well as other EU and international agencies (Europol, Eurojust, Interpol, CITES Secretariat, UNODC, WCO).

Results of these enforcement efforts of recent years can be found on the EU’s website ([https://ec.europa.eu/environment/cites/reports\\_en.htm#seizures\\_annual\\_illegal](https://ec.europa.eu/environment/cites/reports_en.htm#seizures_annual_illegal)).

Cooperation with other Parties to the Convention, notably ivory-trade destination countries such as China and Vietnam, on enforcement of CITES rules on ivory has also been increased

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<sup>5</sup> For the definition of “worked specimens” in EU law, see [Article 2\(w\) of the Regulation cited in footnote 4 above](#).

<sup>6</sup> [http://ec.europa.eu/environment/cites/pdf/guidance\\_ivory.pdf](http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf)

in the last years. Several EU Member States are involved in international enforcement cooperation against ivory trafficking through Interpol and its dedicated working group on wildlife trafficking.

### **Links between the EU domestic ivory market and elephant poaching or illegal ivory trade**

In line with paragraph 3 of CITES Resolution Conf. 10.10 (Rev. CoP18), possible links between the EU domestic ivory market and elephant poaching or illegal ivory trade are being investigated thoroughly by the EU and its Member States. To this end, data relating to illegal and legal ivory trade affecting the EU is continuously being scrutinised, alongside information from relevant stakeholders (sectors involved in legal ivory trade in the EU, NGOs, researchers, etc.).

The information available at present shows that important quantities of old ivory items are present in the EU, which were imported into EU Member States before elephant species were included in CITES Appendix I. In addition, the overall demand for ivory items in the EU has decreased over the last decades, in contrast to the demand from other countries. This, as well as seizure and investigation data, indicates that the EU market is not attracting ivory items of illegal origin from recently poached elephants.

It remains important to ensure that rules and enforcement efforts in the EU effectively prevent that legal trade of ivory items within and from the EU contribute to elephant poaching or illegal trade in ivory. An issue of particular relevance in that context, for the EU and its Member States, is to reduce the risk that ivory items acquired in the EU and then exported to third countries could fuel the demand for illegal ivory items, and thus undermine enforcement and demand reduction activities. This is part of the ongoing internal discussion process on further measures.

If possible, the EU and its Member States will provide additional information to the CITES Secretariat on the issues subject to Notification 2020/026, at or before the 73<sup>rd</sup> meeting of the Standing Committee.



## CITES SC73 NATIONAL IVORY ACTION PLAN PROGRESS REPORT Parties of 'primary concern'

Prepared for the 73rd meeting of the CITES Standing Committee

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Party: HONG Kong SAR, China

Reporting period: September 2015 – June 2020

### **PART A: Synopsis of NIAP implementation**

#### **Progress to date**

The Standing Committee recognized Hong Kong SAR of China has substantially achieved the NIAP at SC66 and SC70.

Hong Kong SAR of China was encouraged to submit a report to SC73 on 4 specific areas of regulating ivory trade. The measures implemented and the corresponding achievements are illustrated below:

*A. Any further measures taken and activities implemented to combat illegal trade in ivory*

The Hong Kong SAR CITES Management Authority (HKMA) has been conducting inspections targeting at licensed ivory shops and non-licensed art and craft shops to check the licence compliance as well as to detect and deter illegal ivory trade. The department has been applying radiocarbon dating analysis to determine the age and hence the legality of ivory. Control buy operations were conducted at local licensed ivory shops, and a total of 4 licensed shops were proved selling ivory products that were obtained after ivory trade ban of year 1990 by the radiocarbon dating analysis. Enforcement actions were taken and the concerned licensees were subsequently prosecuted and convicted. The cases were reported by local media and it is believed the enforcement actions imposed deterrent effect to illegal trade.

*B. Progress with the implementation of the three-step plan outlined in Notification to the Parties No. 2018/057 of 1 June 2018*

The three-step plan to phase out the local ivory trade by the end of 2021 commenced on 1 May 2018. Since then, the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES has been banned (step 1).

We are currently at step 2 of the phase out plan where starting from 1 August 2018, the import and re-export of pre-Convention ivory has been banned. Licence to possess is required for keeping pre-Convention ivory for commercial purposes. Applications have been scrutinised and inspection of the commercial stocks of pre-Convention ivory has been conducted for recording weight, taking photo and putting on tamper-proof hologram sticker. To publicise the phase-out plan of the local ivory trade and the new penalty regime among the general public, travellers and traders, HKMA has carried out a series of publicity and education activities such as distribution of handbills and display of posters at various import and export control points, broadcasting TV and radio announcements of public interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops.

Starting from 31 December 2021, possession of ivory for commercial purposes will be banned, which means domestic ivory market will be shut down by then (step 3).

*C. Any measures and activities implemented to prevent the displacement of illegal trade in ivory to Hong Kong SAR, that may result from the closure of domestic ivory markets in Mainland China*

HKMA has been in close contact with the Mainland counterparts in updating the measures of regulating ivory trade on both places. To prevent the potential laundering of licensed ivory by ivory of illegal source, apart from the existing marking/labeling of unique number on the raw ivory, a new marking system of unique tamper-proof hologram is put on registered ivory tusks and worked ivory of over 0.1kg. Photographic record has also been taken for worked ivory. Inspection to the licensed ivory shops was stepped up and enforcement actions to be taken if irregularities found.

*D. Measures implemented to deter and detect worked ivory products moving out of Africa to Hong Kong SAR, and to penalize offenders involved.*

Enforcement agents of Hong Kong including the Customs and Excise Department and HKMA keep vigilant in combating smuggling of endangered species including ivory from entering Hong Kong. There were 2 major ivory seizure cases in the

reporting period. The first case happened in July 2017 where about 7 tonnes of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case was the largest seizure of raw ivory so far and it was revealed after DNA tests that the ivory was sourced from Africa. The second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that was re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory and about 8,268 kg pangolin scales were found in the container. Information of both cases was sent to relevant Parties via Eco-message for their possible follow up actions. Also, ivory sample taking of the year 2017 case was performed and samples were sent to Dr. Samuel Wasser to trace the origin and smuggling route of ivory, and hence assisted the country of origin to protect their elephants.

In the legislative amendments to implement the three-step ivory phase out plan mentioned in Part B above, the maximum penalties of the legislation were also largely increased. For offences convicted on indictment, the maximum penalty for Appendix I species is a fine of 10 million Hong Kong dollars and imprisonment for 10 years (the previous maximum penalty was a fine of 5 million Hong Kong dollars and imprisonment of 2 years only) The significant increase of penalty has a strong deterrent effect against illicit wildlife trade, and sends a clear signal to the international and local communities that Hong Kong SAR is committed to the protection of endangered species and to combating wildlife trafficking. In fact, with the continuous effort in combating smuggling of ivory and the large increment of maximum penalties, the once commonly seen *modus operandi* of passengers smuggling ivory using their suitcase has been largely reduced in the last couple of years.

The National Ivory Action Plan of Hong Kong SAR has been carried out in accordance with the work plan and the targets have substantially achieved. More information of the actions and achievements could be found in part (C) below.

### **Future outlook**

The HKSAR Government is committed to the protection of endangered species including elephants, and abides by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in regulation of trade in endangered species including elephants.

The domestic ivory market of Hong Kong SAR will be shut down by the end of 2021. In the meantime, the measures to combat illegal trade in ivory will continue to be implemented and monitoring of the local ivory market has been stepped up to check any irregularities. We will also keep on enhancing public awareness on protection of endangered species through public education and publicity.

The enforcement agents of Hong Kong will endeavor, as always, to combat smuggling of endangered species including ivory in future. We also recognize the importance of international cooperation and will strive for the opportunity to participate in international enforcement operation and keep close contact with other counterparts in intelligent exchange. We will continue our unwavering efforts to implement the CITES and maintain our enforcement momentum.

**PART B: Summary evaluation of actions (assigned progress ratings)**

CATEGORY/PILLAR	PROGRESS RATING			
	Substantially achieved	On track	Challenging	Unclear
1. [Regulation of Trade]	1.1 Legislation and licensing control 1.2 Compliance monitoring			
2. [Enforcement]	2.1 Import Control 2.2 Intelligence exchange 2.3 International collaboration 2.4 Capacity building			
3. [Publicity and Disposal of Ivory]	3.1 Publicity and Education 3.2 Incineration of confiscated ivory			

## **PART C: Detailed evaluation of actions**

<b>ACTION</b>	<b>EVALUATION</b>	<b>SUMMARY OF PROGRESS (and <i>comments</i>)</b>
<b><i>CATEGORY 1: [Regulation of trade]</i></b>		
1.1 [Legislation and licensing control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Legislation amendments to phase out ivory trade of Hong Kong SAR has been completed. A three-step plan to phase out the local ivory trade by the end of 2021 was commenced on 1 May 2018. Elephant hunting trophies, post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES and pre-Convention ivory has been banned from import and re-export. Licence to possess is required for keeping pre-Convention ivory for commercial purposes.</li> <li>• The Hong Kong SAR CITES Management Authority (HKMA) has completed conducting comprehensive stock check to all licensed premises keeping ivory for commercial purpose. Tamper-proof hologram was applied to registered ivory to prevent laundering of illegally sourced ivory.</li> </ul>
1.2 [Compliance monitoring]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In addition to the stock check inspection, surprise inspection were conducted to both licensed shops selling ivory as well as other arts and crafts shops to check if there are any irregularities. During the reporting period, a total of 2,151 inspections were made.</li> <li>• Control buy operations were conducted to local licensed ivory shops and radiocarbon dating technique was applied to check the age and hence the legality of the purchased ivory. As a result, a total of 4 licensed shops were found selling ivory products that were obtained after ivory trade ban of 1990. Enforcement actions were taken and the concerned licensees were subsequently prosecuted and convicted.</li> </ul>
<b><i>CATEGORY 2: [Enforcement]</i></b>		
2.1 [Import and export control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• The HKMA works closely with Hong Kong Customs to combat smuggling of ivory. From September 2015 to June 2020, there were a total of 201 seizures that involved about 10.8 tonnes of ivory.</li> <li>• Two major seizures were made. The first case was in July 2017 where about 7 tonnes of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case was the largest seizure of raw ivory so far and it was revealed after DNA tests that the ivory was sourced from Africa. The</li> </ul>

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
		<p>second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that was re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory together with 8,268 kg pangolin scales were found in the container.</p> <ul style="list-style-type: none"> <li>• Sniffer dogs were continued to be deployed at import and export control points. A total of 140 seizures of endangered species were detected by sniffer dogs between September 2015 and June 2020.</li> </ul>
2.2 [Intelligence exchange]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Information of major seizures have been exchanged with Parties along the trade chain.</li> <li>• Ivory seizures were reported to CITES through ETIS.</li> </ul>
2.3 [International collaboration]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In collaboration with Gabon CITES Scientific Authority and Malaysia CITES MA, both Parties sent representative to Hong Kong and took 90 ivory samples from the 7 tonnes seizure case mentioned in section 2.1 above. The samples were taken to Malaysia for a quick DNA test and were then revealed the ivory was sourced from Central Africa.</li> <li>• HKMA continued to take samples from major ivory seizure cases and provided them to a designated forensic laboratory to trace the origin of the elephant population. In the reporting period, HKMA completed sample taking of the 7 tonnes ivory seizure case and the ivory samples were sent to Dr. Samuel Wasser of the University of Washington. It is expected that the outcome of the analysis would help to locate the affected elephant population.</li> </ul>
2.4 [Capacity building]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• To keep abreast of the international practices, skills and knowledge of wildlife enforcement, HKMA sent enforcement officers to participate in international training workshops related to wildlife crime. Three officers participated in the Wildlife Investigators Training Course during the reporting period organized by The International Law Enforcement Academy (ILEA)</li> </ul>
<b>CATEGORY 3: [Publicity and Disposal of Ivory]</b>		
3.1 [Publicity and education]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• A series of publicity of ivory regulations after legislative amendments targeting at the general public, travellers and relevant stakeholders have been launched. Activities included distribution of handbills and display of posters at various import and export control points, broadcasting TV and radio announcements</li> </ul>

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
		of public interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops.
3.2 [Incineration of confiscated ivory]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• HKMA has completed disposal of stockpiled confiscated ivory. A total of about 29.5 tonnes of confiscated ivory has been disposed of by incineration. Apart from ivory saved for conservation, education and enforcement purposes, confiscated ivory will be disposed of by the same method in future.</li> </ul>

**Part D: Indicators (OPTIONAL)**

NIAP CATEGORY		Indicator	Performance
[category/pillar name]	1	[List indicator]	[progress against indicator]
	2	[List indicator]	[progress against indicator]

**Part E: Annex (supporting information) (OPTIONAL)**

***CATEGORY 1: [name]***

[Description of information provided]

***CATEGORY 2: [name]***

[Description of information provided]

Etc...



**Israel's Authority for the CITES Convention**

Israel Nature and Parks Authority | 3 Am VeOlam Street | Jerusalem 9546303, Israel  
E-mail: [import@npa.org.il](mailto:import@npa.org.il)

Jerusalem, 17 May 2020

**Israel's response to Notification No. 2020/026 concerning:  
Closure of domestic ivory markets**

To the CITES Secretariat

We are writing in response to Notification 2020/026 and Decision 18.117 directed to Parties that have not closed their domestic markets for commercial trade in raw and worked ivory, which are requested to report to the Secretariat for consideration by the Standing Committee at its 73<sup>rd</sup> and 74<sup>th</sup> meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

The response is on the following pages.

If you need any further details, please do not hesitate to contact us:

Sincerely,

Yatir Shamir, Israel's Management Authority for the CITES Convention

Dr. Simon Nemptzov, Israel's Scientific Authority for the CITES Convention

## Israel's Authority for the CITES Convention

Israel Nature and Parks Authority | 3 Am VeOlamo Street | Jerusalem 9546303, Israel  
E-mail: [import@npa.org.il](mailto:import@npa.org.il)

May 2020

### Israel's response to Notification No. 2020/026 concerning:

#### Closure of domestic ivory markets

1. Israel has long been a strong advocate of strong conservation measures to protect elephants and to combat the ivory trade. Under Israeli law, elephants as well as all parts and derivatives of elephants, may not be kept or traded, domestically or internationally without a permit from the Israel Nature and Parks Authority (INPA), which is Israel's sole government agency responsible for all wildlife, as well as serving as Israel's CITES Authorities.
2. In order to ensure that no domestic sale of ivory in Israel could harm elephant populations in the wild, the INPA has always required import and export permits for all specimens of ivory and has not allowed international commercial trade in ivory, except for pre-convention specimens. Some non-commercial trade in elephant and mammoth ivory has also been permitted (such as for inheritance, museum exchanges and scientific use).
3. In order to tighten control of ivory trade in response to CITES Decisions and Resolutions, Israel has recently enacted new stricter guidelines which will ensure closure of commercial domestic and international trade in elephant and mammoth ivory. The new guidelines also include restrictions, on non-commercial trade and possession of elephant and mammoth ivory, that even stricter than the ones that are in place today.
4. These new guidelines are being enacted in order to reduce availability and demand for ivory and to make clear to the public that ivory is no longer an acceptable trade commodity. This message is specifically aimed at helping prevent poaching of elephants and combatting the illegal trade in their ivory, in line with Resolution Conf. 17.4 on **Demand reduction strategies to combat illegal trade in CITES-listed species**, and Resolution Conf. 10.10 (Rev. CoP18) on **Trade in elephant specimens**.

5. According to Israeli law, the term "trade" is defined thus:

**"Trade" - includes purchase, sale, exchange, export, re-export, import, import from the sea as well as an offer to trade.**

6. Following a public hearing in 2019, the INPA announced that the new guidelines on trade and possession of elephant and mammoth ivory will go into effect on 1 January 2021. People who are in possession of pre-convention ivory and mammoth ivory are able to receive a permit for commercial trade or transfer of their ivory specimens that will be effective only up until the end of 2020.
7. Prior to 1 January 2021, the INPA will issue a "general permit" which will allow possession of pre-convention and mammoth ivory, without the need to register each piece. Once the guidelines are in effect, on 1 January 2021, only non-commercial transfer of pre-convention and mammoth ivory will be allowed (such as inheritance or donation to a museum), and this will be by general permit.
8. After 1 January 2021, anyone in possession of "new ivory" (that is all elephant ivory that is not pre-convention ivory) will be able to receive a possession permit for it, but only if they can prove legal acquisition. Once the guidelines go into effect, trade or transfer of new ivory, whether commercial or non-commercial, will not be allowed (except for enforcement or scientific purposes).
9. Any questions regarding these new guidelines should be directed to the Israel Nature and Parks Authority to this e-mail address: [import@npa.org.il](mailto:import@npa.org.il)
10. The new guidelines are summarized in the table on the next page.

## New guidelines for international and domestic trade and possession of ivory in Israel – effective 1 January 2021

	Commercial trade	Non-commercial international trade	Non-commercial domestic trade and possession
<p><b>Preconvention ivory</b></p> <p><b>Determined according to the date it was removed from the wild or born in captivity:</b></p> <p><b>For African elephant (<i>Loxodonta africana</i>) ivory: from before 26 February 1976;</b></p> <p><b>For Indian elephant (<i>Elephas maximus</i>) ivory: from before 1 July 1975.</b></p>	<p>Not allowed; except for special permits which will be granted where ivory is a part of a larger item provided that it meets ALL the following criteria:</p> <ol style="list-style-type: none"> <li>a. The ivory is all preconvention, and;</li> <li>b. The ivory is fully attached to the item and is not readily separable, and;</li> <li>c. The ivory is processed and not raw, and;</li> <li>d. The ivory makes up less than 50% of the overall volume of the item, and;</li> <li>e. The total weight of the ivory in the item does not exceed 200 grams, and;</li> <li>f. The item was made before the date that these guidelines are in effect (1 January 2021).</li> </ol>	<p>Not allowed; except for special permits which will be granted for these purposes only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research, or;</li> <li>4. Frequent cross-border non-commercial movements of musical instruments containing ivory, in accordance with CITES Resolutions.</li> </ol>	<p>Grandfather clause allows keeping ivory that is already in one's possession on 1 January 2021. Non-commercial domestic trade or transfer is allowed by general permit.</p>
<p><b>Non-preconvention ivory,</b></p> <p><b>Any newer ivory from an elephant removed from the wild or born in captivity, more recently than the dates listed above.</b></p>	<p>Not allowed</p>	<p>Not allowed; except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>	<p>Possession permit is granted only if the owner had legal acquisition before 1 Jan 2021. Non-commercial trade or transfer is not allowed, except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>
<p><b>Mammoth ivory</b></p>	<p>Not allowed</p>	<p>Not allowed; except for special permits which will be granted for these purposes, only:</p> <ol style="list-style-type: none"> <li>1. Enforcement, or;</li> <li>2. Nature conservation, or;</li> <li>3. Scientific research.</li> </ol>	<p>Grandfather clause allows keeping ivory that is already in one's possession on 1 January 2021. Non-commercial domestic trade or transfer is allowed by general permit.</p>

Response to Notification to the Parties No. 2020/026

### **Japan's report pursuant to Decision 18.117**

Japan has been implementing stringent measures to ensure that its domestic ivory market is not contributing to poaching or illegal trade. It is our understanding that a request directed to the Parties for reporting their measures pursuant to Decision 18.117 does not necessarily mean to urge Parties to report highlighting new additional measures to the ones that have already been made available among Parties in the form such as information documents for previous meetings. Therefore, the following mainly summarizes existing measures with some plans that are to be implemented at appropriate timing in the near future. Japan is determined to continue making its utmost efforts in sincere implementation of the CITES at home,

#### **Measures taken**

##### **1. Legislation on ivory control (outline of the amended LCES)**

- (1) The amended Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES), including tighter regulations on ivory transactions within its own borders, came into effect in June 2018. Major revisions are as follows. Details of the amended law are available in Japan's report submitted as Doc. 27.4 A11 at SC70.
  - a) Raw and worked ivory business operators must be registered. And business operators must fulfil all requirements for registration, which requires to be renewed every five years.
  - b) Business operators must register all tusks of their possession.
  - c) Business operators must prepare and keep inventory data including transaction records and traceability information records for cut pieces.
  - d) Business operators must indicate information including their business registration number and business operator's name, at the time of display or advertisement.
  - e) The Japanese government publishes a list of registered business operators.
  - f) Heavier penalties are to be imposed on business operators' offense. i.e. introduction of imprisonment, increased fines
- (2) Intense scrutiny for the registration of a whole tusk

Since July 2019, registration of a whole tusk requires the result of scientific radiocarbon dating or other equivalent proof that shows the tusk was imported before the adoption of CITES trade ban for Japan, unless an applicant submits a customs document or an import permit. A third-party affidavits becomes no longer sufficient enough to prove the legitimacy of a tusk without additional official evidence.

## **2. Strengthened management measures on domestic ivory transactions (including those under planning)**

- More effective and intensive on-site inspections and patrols at antique markets by the competent authorities are continued to be conducted in order to ensure strict compliance within the borders.
- The government is initiating digitalization of business operators' reporting system on transactions and inventories in order to enhance the traceability of ivory products. It will enable more accurate stocktaking of domestic ivory product distribution, and facilitate more effective control on ivory products which lack enough traceability.
- Competent authorities enhance and improve website and online public relations to raise public awareness, and disseminate information on CITES and related domestic legislation regarding wildlife transactions as well as regulations on ivory products.
- Competent authorities reiterate to widely announce a prohibition on bringing ivory products in/out of Japan targeting those who travel across the borders. Posters to raise attention are displayed in neighboring countries where Japan is placed among popular tourist destinations.
- Notice on ivory trade regulations will be announced at major tourist attractions in Japan in cooperation with local governments of several big cities and the Tokyo Metropolitan Government, which is a host of the 2021 Olympic and Paralympic Games. The Japan National Tourism Organization will post related information on its website and app for foreign visitors.
- Capacity building training programs are consecutively implemented for officials in charge of monitoring and control on transactions of ivory.

Note: Major large-scale online shopping platform organizers such as Mercari and Rakuten in 2017 and Yahoo in 2019 have completely halted trading ivory products on their markets.

## **3. International cooperation**

- Japan contributes to Range States' anti-poaching endeavor through the CITES Monitoring the Illegal Killing of Elephants (MIKE) Programme.
- In cooperation with China, Japan continues to seek an opportunity to organize an annual bilateral meeting between Management Authorities, which has been postponed in 2020 due to Covid-19 pandemics. Through such dialogues, Japan fortifies collaboration with China as a neighboring country, which put in place bans on domestic trade, in order to prevent illegal trade in ivory products effectively.

#### 4. Privately-held stocks of elephant ivory

##### (1) Whole tusks

In order to trade whole tusks domestically, each tusk must be registered under the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES). The number and quantity of the registered whole tusks as of the end of December 2019 are shown below.

Type of specimen	Number of tusks	Total weight (kg)
Whole tusks		
a) African elephant	17,166	184,205
b) Asian elephant	146	797
Total	17,312	185,002

In order to strengthen control on the domestic markets, efforts to identify whole ivory tusk stocks in Japan have been made since August 2017. While making it known widely that such efforts are underway, the Government invites private owners to register their whole ivory tusks pursuant to the LCES.

##### (2) Cut pieces, tips and ivory products

Ivories not in the form of whole tusk (i.e. cut pieces, tips or ivory products) are controlled through a registration system whereby business operators have to report to the authorities to be able to engage in domestic commercial trade. All of these operators, such as manufacturers, wholesalers or retailers, must register a certain number of information such as their names, addresses and stockpiles to the authorities. Furthermore, they are obliged to submit to the authorities a report on the balance of stockpiles and an inventory describing the contents of transactions.

The quantity of cut pieces, tips and ivory products reported by the business operators as of the end of March 2019 are shown below.

(Cut pieces, tips)

Description	Total weight (kg)
Cut pieces, Tips	74,113

(Products)

Description	Total quantity
Sign seals	951,456
Accessories including parts	1,540,575
Furnishing goods including parts	80,061
Stationeries including parts	150
Smoking supplies including parts	4,151
Buddhist altar articles including parts	21,620
Musical instruments including parts	91,100
Tableware including parts	16,026
Tea utensils including parts	11,572
Indoor recreational equipment including parts	3,581
Convenience goods including parts	47,193
Others	20,861

Note:

Throughout this document, “legally imported” means the following:

-Whole ivory tusks, cut pieces of ivory and worked ivory products that had pre-existed in Japan ahead of the adoption of CITES trade ban (in 1980\* for Asian elephants and 1990 for African elephant). \*Japan joined CITES in 1980.

-Whole ivory tusks, cut pieces of ivory and worked ivory products which were imported to Japan with pre-convention certificates issued by exporting countries under CITES.

-Whole ivory tusks which were imported to Japan in 1999 and 2009, as exceptions approved under CITES.

## **Japan's report pursuant to Decision 18.117**

Japan has been implementing stringent measures to ensure that its domestic ivory market is not contributing to poaching or illegal trade. The following mainly summarizes existing measures with some plans that are to be implemented at appropriate timing in the near future. Japan is determined to continue making its utmost efforts in sincere implementation of the CITES at home.

### **Measures taken**

#### **1. Legislation on ivory control (outline of the amended ACES)**

(1) The amended Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES), including tighter regulations on ivory transactions within its own borders, came into effect in June 2018. Major revisions are as follows. Details of the amended law are available in Japan's report submitted as Doc. 27.4 A11 at SC70.

- a) Raw and worked ivory business operators must be registered. And business operators must fulfil all requirements for registration, which requires to be renewed every five years.
- b) Business operators must register all tusks of their possession.
- c) Business operators must prepare and keep inventory data including transaction records and traceability information records for cut pieces.
- d) Business operators must indicate information including their business registration number and business operator's name, at the time of display or advertisement.
- e) The Japanese government publishes a list of registered business operators.
- f) Heavier penalties are to be imposed on business operators' offense. i.e. introduction of imprisonment, increased fines

(2) Intense scrutiny for the registration of a whole tusk

Since July 2019, registration of a whole tusk requires the result of scientific radiocarbon dating or other equivalent proof that shows the tusk was imported before the adoption of CITES trade ban for Japan, unless an applicant submits a customs document or an import permit. A third-party affidavits becomes no longer sufficient enough to prove the legitimacy of a tusk without additional official evidence.

## **2. Strengthened management measures on domestic ivory transactions (including those under planning)**

- More effective and intensive on-site inspections and patrols at antique markets by the competent authorities are continued to be conducted in order to ensure strict compliance within the borders.
- The government is initiating digitalization of business operators' reporting system on transactions and inventories in order to enhance the traceability of ivory products. It will enable more accurate stocktaking of domestic ivory product distribution, and facilitate more effective control on ivory products which lack enough traceability.
- Competent authorities enhance and improve website and online public relations to raise public awareness, and disseminate information on CITES and related domestic legislation regarding wildlife transactions as well as regulations on ivory products. [Website](#) about CITES, ACES, and conservation and sustainable use of wildlife will be renewed in April 2021 (Japanese and English).
- Competent authorities reiterate to widely announce the prohibition on bringing ivory products in/out of Japan targeting those who travel across the borders.

Posters to raise attention are displayed in neighboring countries where Japan is placed among popular tourist destinations. The competent authorities also have formally requested businesses to prevent ivory products from bringing out of Japan without permissions.

- Notice on ivory trade regulations will be announced at major tourist attractions in Japan in cooperation with local governments of several big cities and the Tokyo Metropolitan Government. The Japan National Tourism Organization will post related information on its website and app for foreign visitors.
- Capacity building training programs are consecutively implemented for officials in charge of monitoring and control on transactions of ivory.

Note: Major large-scale online shopping platform organizers such as Mercari and Rakuten in 2017 and Yahoo in 2019 have completely halted trading ivory products on their markets.

## **3. International cooperation**

- Japan contributes to Range States' anti-poaching endeavor through the CITES

Monitoring the Illegal Killing of Elephants (MIKE) Programme.

- In cooperation with China, Japan continues to seek an opportunity to organize an annual bilateral meeting between Management Authorities, which has been postponed due to Covid-19 pandemics. Through such dialogues, Japan fortifies collaboration with China as a neighboring country, which put in place bans on domestic trade, in order to prevent illegal trade in ivory products effectively.

#### 4. Privately-held stocks of elephant ivory

##### (1) Whole tusks

In order to trade whole tusks domestically, each tusk must be registered under the Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES). The number and quantity of the registered whole tusks as of the end of December 2020 are shown below.

Type of specimen	Number of tusks	Total weight (kg)
Whole tusks		
a) African elephant	16,709	176,881
b) Asian elephant	145	801
Total	16,854	177,682

##### (2) Cut pieces, tips and ivory products

Ivories not in the form of whole tusk (i.e. cut pieces, tips or ivory products) are controlled through a registration system whereby business operators have to report to the authorities to be able to engage in domestic commercial trade. All of these operators, such as manufacturers, wholesalers or retailers, must register a certain number of information such as their names, addresses and stockpiles to the authorities. Furthermore, they are obliged to submit to the authorities a report on the balance of stockpiles and an inventory describing the contents of transactions.

The quantity of cut pieces, tips and ivory products reported by the business operators as of the end of March 2020 are shown below.

##### (Cut pieces, tips)

Description	Total weight (kg)
Cut pieces, Tips	65,699

(Products)

Description	Total quantity
Sign seals	967,844
Accessories	302,486
Parts of accessories	3,175,623
Furnishing goods including parts	41,309
Stationeries including parts	565
Smoking supplies including parts	6,147
Buddhist altar articles including parts	28,045
Musical instruments including parts	69,864
Tableware including parts	16,652
Tea utensils including parts	20,502
Indoor recreational equipment including parts	2,509
Convenience goods including parts	51,837
Others	34,128

Note:

Throughout this document, “legally imported” means the following:

-Whole ivory tusks, cut pieces of ivory and worked ivory products that had pre-existed in Japan ahead of the adoption of CITES trade ban (in 1980\* for Asian elephants and 1990 for African elephant). \*Japan joined CITES in 1980.

-Whole ivory tusks, cut pieces of ivory and worked ivory products which were imported to Japan with pre-convention certificates issued by exporting countries under CITES.

-Whole ivory tusks which were imported to Japan in 1999 and 2009, as exceptions approved under CITES.

Response from New Zealand

CITES Notification 2020/026

At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.117 – 18.119 on *Closure of domestic ivory markets*, as follows:

**18.117 Directed to Parties**

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

**18.118 Directed to the Secretariat**

*The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.*

**18.119 Directed to the Standing Committee**

*The Standing Committee shall:*

*a) consider the reports under Decision 18.118; and  
b) report on this matter and make recommendations, as appropriate and consistent with the scope and mandate of the Convention, to the 19th meeting of Conference of the Parties.*

2. Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are hereby requested to report to the Secretariat on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade, even if they have previously done so.

3. Parties are encouraged to take into consideration relevant provisions contained in Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*, particularly in paragraphs 3 to 9, 13, and 15 to 16 *Regarding trade in elephant specimens*; and in paragraphs 22 to 25 *Regarding the traceability of elephant specimens in trade*. Provisions in other relevant Resolutions will also be important to consider, e.g. Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.

4. Reports should be submitted by email to the Secretariat at [info@cites.org](mailto:info@cites.org) and [thea.carroll@un.org](mailto:thea.carroll@un.org) no later than **15 June 2020**.

5. A compilation of the reports submitted by Parties will be made available in advance of the 73rd meeting of the Standing Committee.

New Zealand Response

New Zealand legislation does not currently regulate the sale of elephant ivory on the domestic market and the New Zealand government is investigating the need for further regulation to ensure its domestic ivory market is not contributing to poaching or illegal trade.

Based on evidence from the New Zealand CITES database (which records data on all seized and surrendered CITES specimens at the border) New Zealand has considered its domestic market to be small and largely removed from the illegal ivory trade which contributes to elephant poaching. The majority of ivory items legally entering New Zealand are classified as

a Personal Household Effect (PHE) and are pre-Convention, with the ivory acquired prior to the species being listed as protected under the Convention in 1975/76. The most common examples of these items are pianos, bagpipes, chess sets, Mah-jong sets and small carvings.

In September 2019, the New Zealand government released a public discussion document inviting submissions on a review of the Trade in Endangered Species Act that implements CITES in New Zealand. This discussion document addressed the regulation of elephant ivory and set out five options for regulation of the domestic elephant ivory market and additional border controls relating to elephant ivory:

- Option 1 – Ban the domestic sale of elephant ivory in New Zealand
- Option 2 – Ban the domestic sale of elephant ivory in New Zealand with exemptions
- Option 3 – Regulate the domestic market for ivory by requiring registration of elephant ivory sellers and tracking of all elephant ivory items that are sold
- Option 4 – Ban the import of all post-Convention elephant ivory
- Option 5 – Ban the import of all elephant ivory, with exemptions

The public discussion document can be found here:

<https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2019/ties-act-consultation/ties-act-consultation-discussion-document.pdf>

Submissions on the discussion document closed on Friday 25 October 2019 with 119 received, most of which focused on elephant ivory regulation and increased border control measures.

The timeframe for the Government considering the options in the discussion document has been delayed due to the response to COVID-19.

Contact details: Attn: Sarah Bagnall; New Zealand CITES Management Authority  
Department of Conservation, 18-32 Manners Street, Wellington 6011, New Zealand  
Email: sbagnall@doc.govt.nz



**environment, forestry  
& fisheries**

Department: Environment, Forestry  
and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

**Ref:** CITES Notification 2020/026

**Enquiries:** Sonja Meintjes

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CITES Secretariat  
International Environment House  
11 Chemin des Anémones  
CH-1219 Châtelaine,  
**GENEVA**  
Switzerland

Attention: Ms Thea Carroll

**Email:** [info@cites.org](mailto:info@cites.org); [thea.carroll@un.org](mailto:thea.carroll@un.org)

Dear Madam

**CLOSURE OF DOMESTIC IVORY MARKETS: SOUTH AFRICA**

I refer to Notification 2020/026 dated 23 March 2020 with regard to the above.

Please find attached feedback from South Africa on Decisions 18.117 – 18.119 on Closure of domestic ivory markets as requested.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frances Craigie', written over a white rectangular area.

**Mr Ishaam Abader**  
**Acting Director-General**  
**Department of Environment, Forestry and Fisheries**  
**Letter signed by: Frances Craigie**  
**Designation: Chief-Director: Sector Enforcement**  
**Date: 2020-06-17**

## **SOUTH AFRICA: FEEDBACK ON NOTIFICATION 2020/026 ON CLOSURE OF DOMESTIC IVORY MARKETS**

### Regarding trade in elephant specimens

The Department of Environment, Forestry and Fisheries (DEFF) believes that the limited, regulated domestic ivory market in South Africa does not contribute to poaching or illegal trade and we thus do not intend to close our domestic ivory trade market.

South Africa does not have a major ivory carving industry. We do have knife makers and a limited number of jewellers who use ivory in the jewellery they make.

We are continuing our awareness training on wildlife trafficking at all our border posts and also do awareness sessions at various South African Defence Force Training facilities as the Defence Force is responsible for protecting our borderline and are thus the first responders for illegal activities on the borderline. We collaborate with neighbouring countries through joint cross border operations. The National Biodiversity Investigators Forum, the forum where investigators from the conservation authorities as well as the South African Police Service involved in the illegal wildlife trade, meets bi-annually, and shares best practises and information and continues to review trends to ensure that measures are taken to immediately and effectively address illegal trade in wildlife.

### Legislative, regulatory and other measures to:

South Africa has comprehensive internal legislative, regulatory, enforcement and other measures as set out below:

*Loxodonta africana* (African elephant) is listed as a protected species in terms of National Environmental Management: Biodiversity Act (NEMBA) and restricted activities involving specimens of the species must be authorized through permits issued in terms of NEMBA and the Threatened or Protected Species (TOPS) Regulations.

The definition of “restricted activity” is as follows:

- (a) in relation to a specimen of a listed threatened or protected species, means-
  - (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
  - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) **exporting from the Republic, including re-exporting from the Republic, any specimen of a listed threatened or protected species;**
- (vi) **having in possession or exercising physical control over any specimen of a listed threatened or protected species;**
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) **conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;**
- (ix) **selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or**
- (x) **any other prescribed activity which involves a specimen of a listed threatened or protected species.**

The terms “specimen” is defined in NEMBA as follows:

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which-
  - (i) contain a derivative of an animal, plant or other organism; or
  - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism.

In addition to the aforementioned, permits are also required in terms of the National CITES Regulations, promulgated in terms of NEMBA, for the import, export and re-export of specimens of species listed in the CITES Appendices. The nine Provincial Conservation Authorities in South Africa also regulate elephant specimens in terms of provincial legislation. The management of African elephant is further regulated through the National Norms and Standards for the management of elephants in South Africa. These norms and standards were developed and published in terms of NEMBA.

Furthermore, the TOPS Regulations include a compulsory registration requirement for wildlife traders, which means that a person is not allowed to trade in any specimens of TOPS listed species (African elephant is a TOPS listed species) without being registered as a wildlife trader. All persons / companies that trade in ivory and ivory products within South Africa must be registered in terms of these provisions.

Non-compliance with a provision in NEMBA (carrying out a restricted activity without a permit, e.g. possess or sell ivory without a permit); the TOPS Regulations (e.g. ivory not marked as prescribed in the regulations or a trader is not registered as prescribed) and the CITES Regulations, constitutes an offence and the penalties upon conviction are specified below:

- Penalties specified in NEMBA: A person convicted of an offence is liable to a fine not exceeding R10 million, or an imprisonment for a period not exceeding ten years, or to both such a fine and such imprisonment. In addition, a person convicted of an offence involving a specimen of a listed threatened or protected species, a fine may be determined, either in terms of the aforementioned provision or equal to three times the commercial value of the specimen in respect of which the offence was committed, whichever is the greater.
- Penalties specified in TOPS Regulations: A person convicted of an offence in terms of the TOPS regulations is liable to-
  - (a) imprisonment for a period not exceeding five years;
  - (b) a fine not exceeding R5 million, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment; or
  - (c) both a fine and such imprisonment.
- Penalties specified in the CITES Regulations: A person convicted of an offence in terms of the CITES Regulations is liable to-

- (a) a fine not exceeding five million rand or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years;
- (b) both such fine and imprisonment; or
- (c) in case of repeated offenders, a fine or imprisonment or both a fine and imprisonment and being banned from ever applying for a permit to trade in CITES listed species again.

The Department of Environment, Forestry and Fisheries and the nine provincial conservation authorities implement the above-mentioned legislation. Compliance monitoring and enforcement are the responsibility of the Environmental Management Inspectors (EMIs) in these departments, but other enforcement departments and agencies, including among others, the South African Police Service (SAPS), the Directorate for Priority Crime Investigation (DPCI) (Hawks), the South African Revenue Services (SARS – Customs) and the National Prosecuting Authority are also actively involved in assisting to detect, investigate and prosecute non-compliance with the legal provisions.

With regard to stockpile management, the marking of ivory is prescribed in the TOPS Regulations and the National CITES Management Authority maintains an inventory of government-held stockpiles and the provincial CITES Management Authorities maintain an inventory of both provincial and privately owned stockpiles. South Africa informs the CITES Secretariat of the ivory stocks on an annual basis.

#### Illegal killing of elephants in South Africa does not contribute to a decline in our elephant population

It should be noted that 99% of elephants killed illegally in South Africa occur in the Kruger National Park (KNP). The loss of the animals in KNP has not contributed to a decline in South Africa's elephant population. The national elephant population in South Africa is increasing and estimated at approximately 30 000 individuals of which an estimated 24 000 individuals occur within national and provincial reserves in seven of the nine provinces of South Africa. The KNP elephant population is estimated at 20 000 individuals and is the largest elephant population in South Africa growing at approximately 3.5% per annum.

Since the launch of Project Ivory in the northern part of the KNP in January 2019 to ensure technical and ranger support for operations in the area, illegal killing of elephants in KNP declined from 71 animals in 2018 to 29 animals in 2019.

Seizures of raw and worked ivory

South Africa reported 29 ivory seizures in its CITES illegal trade report for 2018 consisting of raw and worked ivory. South Africa is willing to supply samples of seized ivory and have supplied samples from legally acquired ivory in South Africa to Germany for research purposes. We do have laboratories in South Africa where ivory can be identified for forensic purposes.



**environment, forestry  
& fisheries**

Department: Environment, Forestry  
and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

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**Ref:** CITES Notification 2021/05

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Attention: Ms Thea Carroll

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**CLOSURE OF DOMESTIC IVORY MARKETS: SOUTH AFRICA**

I refer to Notification 2021/05 dated 18 January 2021 with regard to the above.

Further to the response from South Africa to Notification 2020/026, we would like to inform the Secretariat that in 2020, 16 elephants were killed illegally in South Africa (Kruger National Park). This figure is almost half of the 30 animals killed in South Africa in 2019.

South Africa reported 24 ivory seizures in its CITES illegal trade report for 2019 consisting of raw and worked ivory.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frances Craigie'.

**Ms Frances Craigie**  
**Acting Director-General: Regulatory Compliance & Sector Monitoring**  
**Department of Environment, Forestry and Fisheries**  
**Date: 2021-01-29**



**URGENT**

No. 0902.3/ 2260

CITES Management Authority  
Department of National Parks,  
Wildlife and Plant Conservation  
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15 June B.E. 2563 (2020)

Dear CITES Secretariat,

**Subject : Closure of domestic ivory markets**

In reference to the notification to the parties no. 2020/026 dated 23 March 2020 requesting the report to the secretariat on what measures we are taking to ensure that our domestic ivory markets are not contributing to poaching or illegal trade. Please find the attachment for the relevant information. We hope that you would find the provided information useful.

Your continued cooperation is, as always, highly appreciated.

Yours sincerely,

(Mr. Somkiat Soontornpitakkool)

Director of CITES MA of Thailand

Department of National Parks, Wildlife and Plant Conservation

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## Thailand's Report on Closure of domestic ivory markets

At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.117 – 18.119 on Closure of domestic ivory markets, as follows:

### 18.117 Directed to Parties

Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

### 18.118 Directed to the Secretariat

The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.

### 18.119 Directed to the Standing Committee

The Standing Committee shall:

- a) consider the reports under Decision 18.118; and
- b) report on this matter and make recommendations, as appropriate and consistent with the scope and mandate of the Convention, to the 19th meeting of Conference of the Parties.

## 1. Status and legality of Thailand's domestic ivory markets

Asian elephants in Thailand are divided into 2 categories with different legal status. The wild elephant is under protection of the Wild Animal Reservation and Protection Act 2019 (WARPA 2019, revised from former WARPA 1992); and the domesticated elephant under the Beasts of Burden Act, B.E.2482 (1939). The WARPA 2019 protects wild elephant from poaching and possessing of their part and derivative. The commercial trade of wild elephant's ivory is consequently prohibited in accordance with this law. The law pertaining to domesticated elephants is the Beasts of Burden Act, B.E.2482 (1939) that classifies elephant as draught animals along with horses, donkey and oxen. This law allows domesticated elephants to be treated as private property. The ivory comes from these elephants can be worked and traded commercially in the domestic market.

## **2. Efforts to implement the provisions of the Decision 18.117**

To distinguish between the domestic elephant's ivory and wild elephant's ivory and to regulate the domestic market to ensure that the market does not contribute to illegal trade, Thailand has put in place comprehensive internal legislative, regulatory, enforcement and relevant measures as follows:

2.1 Enacting the Elephant Ivory Act B.E.2558 (2015), which was entered into force in January 2015, in order to control the domestic trade in and possession of domesticated elephants' ivory in Thailand. The Elephant Ivory Act B.E.2558 (2015) stipulates that any person, who possesses ivory, shall notify the possession in order to receive the document for the ivory possession. Any person who wishes to trade domesticated elephant ivory shall submit an application form to the Director General of DNP for permission. Ivory traders are obligated to keep accounts and submit those copies to the officials at the specified time. In case of ivory traders who wish to change the location of their ivory shops, to transform or change the shape of the elephant ivory, the ivory traders shall notify in writing to the officials both before and after doing so. The ivory traders are also obligated to issue the certificates for every single ivory product sold to customers. Any ivory trader that violates the Act shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding six million baht (about US\$ 190,000) or to both.

2.2 Controlling the raw elephant ivory acquisition. Raw elephant tusks entering into the manufacturing process or to ivory shops shall only be derived from domesticated elephants under the Beast of Burden Act. Such tusks also require the certificate of origin and/or movement permits from appointed agencies in order to prove the legal acquisition of those tusks. The DNP has received report from the Department of Provincial Administration regarding the number of elephant tusks' certificates of origin during January 2015 - May 2020 which was found that it is consistent with the number of raw ivory entering the ivory market in Thailand.

2.3 Preventing the laundering of wild-caught elephants into the domesticated elephant population. This measure was implemented in 2017. DNP collected blood sample of all domesticated elephants and developing the database of domesticated elephant population to prevent the laundering of wild-caught elephants into the domesticated one. This measure also includes enacting a regulation under the Beast and Burden Act 1939 as to have the better control for identifying the domesticated elephant and tracing the origin of suspect ivory. According to this regulation, the form of domesticated elephants' identification certificates is revised for the benefit of traceability. All necessary information of

domesticated elephants is recorded in the new identification certificates. This includes sex, DNA, mark, height, microchip number, size of tusks, etc. This would help in supporting monitoring and law enforcement.

2.4 Strengthening law enforcement efforts to regulate the ivory shops and prevent its contributing to poaching or illegal trade. The registered ivory shops have been inspected and their businesses have been monitored monthly by 22 ivory shop inspection patrol teams nationwide. The officials of Department of National Parks, Wildlife and Plant Conservation (DNP) in cooperation with the Police Force have inspected the ivory stock, records of ivory acquisition, manufacturing and trade in accordance with the provisions under relevant laws and regulations.

Before enacting the Elephant Ivory Act B.E.2558 (2015), there were 339 ivory shops (as of November 2014) regulated by the Commercial Registration Act B.E.2499 (1956) and the Accounting Act B.E. 2543 (2000). Since the Elephant Ivory Act B.E.2558 (2015) entered into force, the registered ivory shops in Thailand have been gradually declining from 215 in January 2016 to 117 in March 2018 and to 113 in May 2020, especially for small shops and shops that do not sell ivory as a main product such as Jewelry shops and antique shops. Those shops terminated their ivory shop permits issued by the DNP when the ivory products in their stock were sold out or had only a few items left, as there was too much burden for the ivory traders with regard to the implementation required by the relevant laws and regulations.

2.5 Monitoring the emerging trend and suppression of illegal trade of ivory. In December 2017, the Department of National Parks, Wildlife and Plant Conservation (DNP) established "Yiaw Dong" or the Wild Hawk Team, which is a specialized task force to combat and suppress illegal wildlife trade over the internet. In March 2018, the efforts to suppress illegal ivory trade over the internet found the investigation progressing towards the significant seizures of African ivory and arrests of smugglers. By following the online transaction records on Facebook and delivery thereafter through postage, the suspected sellers in southern Thailand and the suspected buyers in northern and north-eastern Thailand were apprehended. Upon seizure, the illegal ivory was found to have weighed for 171.6 kilograms in total.

2.6 Thailand has conducted the inventory of ivory stockpiles and the level of stockpiles has been reported to CITES Secretariat each year by 28 February.

2.7 Raising public awareness aiming to reinforce understanding on ivory legislation and impact of illegal ivory trade, as well as to inform foreign visitors not to buy and take ivory product out of Thailand. Public education campaigns at international airports, the border checkpoints, tourist attractions in Thailand have been done continually via signs and boards, and distributing leaflets regarding prohibition on import and export of ivory and ivory products.

2.8 Reducing Demands of ivory and wildlife consumption in the country.

The implement to change the consumption behaviour of the general public is ongoing by informing them of the Elephant Ivory Act. B.E. 2558 (2015) as well as promote substitute products and raise awareness to the conservation of elephants by not buying, selling, or using products made from ivory.

- Cooperate with NGOs and other private sectors such as USAID, TRAFFIC, WWF and WildAid in hosting various campaigns such as; “Travel Ivory Free”, “Ivory Free” and “Beautiful without Ivory”.

- Promote media that dissuade the buying and exporting of illegal ivory as well as raise awareness among foreign tourists at transportation hubs in Bangkok’s popular tourism sites and around the site of Suvarnabhumi Airport

2.8 Conducting a study on alternatives of policies for the regulation of ivory trade. In 2018, the Department of National Parks, Wildlife and Plant Conservation (DNP) collaborated with WWF Thailand in conducting a study project on alternative policies for the regulation of ivory trade within Thailand. The study recommended a total of 5 (five) alternatives which are: 1) Complete closure of domestic markets; 2) Zoning of tradable areas; 3) Limited Licensing; 4) Government monopoly; and 5) Inaction with traceability system. According to the present circumstance and national legislation, Thailand ultimately chose to implement the final alternative wherein they would continue using the current systems while also looking to further develop them.

2.9 Building capacity of Law Enforcement Officials for better knowledge and capability to suppress illegal trade of ivory. The following training and workshop were conducted:

- The hosting of the workshop on examining wildlife corpses and elephant ivory for officials related to the suppression of illegal ivory smuggling around airports, wildlife checkpoints, and immigration checkpoints such as Customs, Natural Resources and Environmental Crime Suppression Division (NRECD)

- The hosting of the workshop on “Wildlife Species and CITES Enforcement” in various regions throughout the country for the purposes of capacity building in combatting against illegal wildlife trade, especially the efforts in southern Thailand.

- The hosting of course trainings on initial investigative procedures in wildlife crimes between countries for related officials.

2.10 Building cooperation on combatting illegal wildlife trade, including ivory, under the ASEAN framework. Thailand has been assigned as the Lead Country of the ASEAN Working Group on CITES and Wildlife Enforcement (AWG-CITES and WE), and the Lead Shepherd of the ASEAN Working Group on Illicit Trafficking of Wildlife and Timber (AWG on ITWT) under decisions of the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC). This position allows Thailand to take the role as the main actor in propelling the issue to the forefront of the regional collaboration.

### **Conclusion**

Thailand remains firmly committed to combatting the illegal ivory trade. A comprehensive measure to regulate the domestic ivory trade within Thailand is already existing. In combination with Thailand’s Elephant Ivory Act, B.E. 2558 (2015), Thailand is regulating domestic ivory trade which allows for domestic elephant ivory trades acquired through legal means and follows the strict guidelines by the CITES convention closely. Past results by Thailand have proven that we have been adequately strict and effective in self-regulating the ivory market, as Thailand have been recently excluded from the National Ivory Action Plan Process (NIAP process), following the recent 71<sup>th</sup> Standing Committee meeting (SC71) in 2019. As seen in the ETIS report that was submitted for review in this CoP18, it can be clearly seen that Thailand is no longer listed as a risk country in either category A, B, or C, which ranks countries that would receive the most impact from illegal ivory trade from highest to lowest.

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Dear Secretariat

Further to Notification 2020/026 on the closure of domestic ivory markets, please see the UK response below which we hope you find helpful.

The UK adopted primary (framework) legislation in December 2018 to put in place a strict domestic ivory sales ban (the Ivory Act 2018). The ban has a limited number of exemptions, listed below. We consider that the ban will eliminate any scope for the legal UK market to contribute to poaching or the illegal trade. The UK is currently developing the detailed provisions, such as establishing the registration scheme for exempt items, before bringing the ban into force as soon as practicable.

The exemptions from the ban are narrowly drawn, as follows:

- "De minimis": items with less than 10% ivory content made before 1947
- Musical instruments: less than 20% ivory content made before 1975
- Portrait miniatures: less than 320cm<sup>2</sup> made before 1918
- Sales and exchanges to and between accredited museums. This applies to museums accredited by Arts Council England, the Welsh Government, the Scottish Government or the Northern Ireland Museums Council in the UK, or, for museums outside the UK, the International Council of Museums.
- Items of outstandingly high artistic, cultural or historical value: such items will be certified as such based on expert advice from a selection of institutions deemed to have the necessary knowledge and expertise to do so, and must be pre-1918.

Kind regards

Elizabeth Biott  
UK CITES Management Authority

# ZIMBABWE'S REPORT ON CLOSURE OF DOMESTIC IVORY MARKETS

## 1.1 BACKGROUND AND INTRODUCTION

This report is in response to Notification to the Parties No. 2020/026 as agreed at the 18<sup>th</sup> meeting (CoP18, Geneva, 2019), the Conference of the Parties Decisions 18.117 – 18.119 on Closure of domestic ivory markets, as follows:

### *18.117 Directed to Parties*

*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*

## 1.2 REGULATORY FRAMEWORK

Zimbabwe's wildlife trade is regulated by international laws such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). It is also regulated national laws and regulations which are classified under Category 1 by CITES. Some of the Zimbabwe's laws relevant to ivory trade include;

### **Parks and Wildlife Act Chapter 20:14 of 1996 as amended in 2001**

The Principal legislation which governs and regulates the purchasing, selling and exporting of parts and derivatives including live animals. It also protects gazette protected areas which form the major range and habitat for the elephant.

The Act prohibits the hunting of any animal and removal of parts of animals from any land without authority. The Act provides for the protection of animals in the Parks and Wild life Estates (national parks, sanctuaries, recreational parks, safari areas, botanic reserves and gardens).

The Act further provides for categorization of animals into specially protected animals and plants. These species are afforded the highest legal protection in the country. Examples of such animal species are black rhino and white rhino.

The Act has the following provisions which address issues related to Control of live animals, trophies and trade;

- Section 59 provides for the general protection of all wildlife which is not covered by the above categories.

This Act empowers the Minister responsible for the Parks and Wild Life to issue regulations governing certain activities such as:-

- Section 60 where the Minister may prohibit or restrict hunting and removal of animals in defined areas.
- Section 66 provides for the licensing of professional hunters who undertake legalized hunting safaris.
- Section 72 provides for the sale of animals born or hatched and held in captivity.
- Section 73 provides for the sale and manufacture of articles from trophies.

### **Statutory Instrument 362 of 1990**

Parks and Wild Life (General) Regulations, 1990; these are the principal regulations that supports conservation work in Zimbabwe, in the same legal instrument, that is where provisions for appointment of specified officers, registration of ivory and horn, retention of ivory and horn, disposal of retained ivory and horn, marking of manufactured ivory, sale or transfer of registered raw ivory, restriction on acquisition, possession, sale or transfer of unregistered or unmarked ivory, sale or manufacture of horn prohibited, acquisition, possession or transfer of horn and exemptions thereof.

This legislation provides in sections 66-75 for the Regulation of Manufacture, Processing and Dealing in trophies.

#### *Prohibition of unlicensed manufacture of or dealing in trophies and ivory*

Section 66(1) Subject to subsection (2) no person shall process, carve, embellish or otherwise manufacture any trophy, other than ivory, for sale or reward unless he is authorized to do so by a trophy dealer's license issued in terms of section 67. The same section further spells-out the other categories where no one is allowed to carry-on various activities without a relevant permit issued by the Authority.

Section 67(1) deals with issuance of various categories of licenses where the Director can issue out operating licenses to applicants upon meeting the requirements stipulated by the law. Take note that the Director may issue or deny granting of a license to anyone whom he feel does not meet the standard requirements sat down.

Section 68 gives the expiry date of each license, which is the thirty-first day of December in the year in which it was issued.

Section 69(1) spells-out the terms and conditions of dealer's license.

Section 70 compels every license holder to display his or her license at a prominent place within the premises to which the license relates.

Section 71 deals with cancellation of dealer's license, upon the failure of a holder of a dealer's license to comply with any provisions of the Act or these regulations or with the terms and conditions of his license. The Director is also empowered to amend any of the terms and conditions of; or suspend or cancel that or any other dealer's license held by such holder.

IMPORTANT to note; as part of the monitoring measures, section 72 provides for maintenance of registers, returns and accounts of dealers and in section 73, all dealers are required to account for dust that accrue from manufacturing/production processes of ivory.

Section 74 compels every holder of a license to notify the Director of any change of his or her business address. In section 75, any dealer is expected to notify the Director in writing within seven days after ceasing operations.

Section 76 provides for the registration of specified officers who shall carry-on the business of registering ivory and horn, and these are bona-fide employees of the Authority.

Section 77 provides for the registration of ivory and horn within fifteen days of such acquisition or coming into possession.

Section 80 deals with aspects of marking of manufactured ivory and the following particulars shall be endorsed at the surface of the ivory; the number of the register in which he has entered a description of the article concerned; and the identifying letters that have been registered in his name in terms of subsection (4).

Section 81 spells-out sale or transfer of registered raw ivory where certain steps are to be followed in order to ensure that the said ivory does not fall in wrong hands and its movement can be traced at any given time.

Section 82 provides for the restriction on acquisition, possession, sale or transfer of unregistered or unmarked ivory. Further take note that section 85 (3) states that section 82 shall not apply in respect of the acquisition or possession of any unregistered ivory by any person in accordance with an authority granted to him by the Director. It further states that any marked ivory that has been lawfully imported into Zimbabwe after being manufactured outside Zimbabwe or any marked ivory that was manufactured prior to the 19<sup>th</sup> of December, 1986.

### **Statutory Instrument 76 of 1998**

Statutory Instrument number 76 of 1998, Parks and Wild Life (Import and Export) (Wild Life) Regulations specifically deals with Import and Export of wildlife products. This legislation was

enacted to ensure compliance with CITES requirements for export and import of wild flora and fauna. These provide for the following-:

- Section 3 deals with the Control of Import and Export of wild life and trophies.

The above section lays down a general prohibition on the import into or export from Zimbabwe of any “wild life” or trophy of “wild life” except in accordance with either a certificate issued in terms of section 5 by the Director or Director of Customs, or an open general permit:

- Section 5 deals with Permits and Certificates and is consistent with CITES legislation.
- Section 15 deals with Offences and Penalties.

Any person who contravenes any of the provisions of subsection 1 shall be guilty of an offence, and liable to a fine or imprisonment.

**To effectively ensure compliance, the Zimbabwe Parks and Wildlife Management Authority deployed a permanent team of officers based at all ports of exit and entry to assist border control officials in monitoring and inspection of all wildlife exports.**

#### **Trapping of Animals (Control) Act Chapter 20:21**

The Act may be cited as the Trapping of Animals (Control) Act [Chapter 20:21] it is an ACT to provide for the control, restriction of making, possession and use of certain traps for the purpose of trapping animals; to control the sale and disposal of certain animals; and to provide for matters incidental to or connected with the foregoing.

#### **Statutory Instrument 56 Of 2012**

Parks and Wild Life (Payment for Hunting of Animals and Fish) Notice, 2012

This instrument provides for compensation values of various wildlife forms to include animals and fish. It acts as an additional deterrent measure in matters where poaching cases are being dealt with in accordance with the law. The compensation value for illegal hunting of an elephant is pegged at US\$50 000,00 and rhino at US\$120 000,00.

#### **Statutory Instrument 57 of 2012**

Parks and Wild Life (Payment for Trapping of Wild Animals) Notice, 2012

This instrument provides for the payment of compensation to the state or game owners in the event that one is convicted for illegally trapping wild animals on various land categories. The compensation value for illegal hunting of an elephant is pegged at US \$50 000,00 and rhino at US \$120 000,00.

These values form the basis for the value of the prejudice in Court proceedings and for restitution purposes by the wrong doer to the complainant in the form of compensation when convicted in Court.

### **Statutory Instrument 40 of 1994**

Parks and Wildlife (Appropriate Authorities for Communal Land) Notice, 1994, resulted in the according of Appropriate Authority status to various Rural District Councils. This legislation devolved authority to Rural District Councils and gave rights to local communities to sustainably utilize wildlife and other natural resources in their areas of jurisdiction.

### **Statutory Instrument number 85 and 86 of 2010**

Deals with aspects of amount of worked ivory that can be purchased by a foreign client as artifacts, a customer is allowed to purchase limited quantities of not more than five (5) of worked ivory not exceeding 10kgs and not exceeding US\$5 000,00 per person. The ivory should be carved to an extent that the customer will not be able to reproduce other artifacts out of the purchased ivory. The stringent measures are meant to ensure compliance in our local domestic trade.

General Laws Amendment number 5 of 2011 general notice number 48 amended section 128 of the Parks and Wild Life Act, Special penalties for certain offences, relating to specially protected species to include elephant ivory. The penalty provision gives a jail term of nine (9) years on a first conviction and eleven (11) years and above on a second and subsequent conviction. The same provides for compensation of the equivalent value of the animal involved upon conviction. The accused person pays this amount either to the State or owner of the animal.

### **Elephant Management Plan (2015-2020)**

An Elephant Management Plan is in place to conserve and manage the elephant population both on private and state land.

## **2.0 LICENCING AND LAW ENFORCEMENT**

### **2.1 Operators**

All players in the ivory industry are licensed by the Zimbabwe Parks and Wildlife Management Authority's CITES Management Authority. Every operator is issued with an Ivory manufacturer's license. In addition, the workers who handle ivory are also issued with an ivory carver's license. This means that you have to be licensed for you to handle ivory in Zimbabwe. This system effectively closes all backyard ivory carving activities in the country.

However, Zimbabwe stopped issuing new licenses to new ivory manufactures in 2019 in an attempt to maintain the number of operators to a manageable limit. Currently there are 7 registered ivory manufactures and 4 registered ivory carvers.

## 2.2 Enforcement

- Trade in wildlife products is enforced through a licensing system.
  - Licenses are only issued after vetting the applicant for any wildlife related criminal record.
  - Licenses are valid for a calendar year and renewable annually.
  - There are three types of licenses in force namely
    1. Ivory Manufacturers License,
    2. Trophy Dealers License and
    3. Trophy Retailers License
    4. Ivory carver's license
  - All traders are registered and licensed by Zimbabwe Parks and Wildlife Management Authority.
1. ***Ivory Manufacturers License***- authorizes the holder to manufacture and sell ivory products only
    - Employees of Ivory Manufactures responsible for ivory carving are also licensed by the Authority as Ivory Carvers.
    - No ivory is sold by the manufacturer in its raw state.
    - Limited quantities of not more than five (5) ivory products weighing not more than 10kgs in total shall be sold to a client at a time.
    - Ivory products sold to clients are treated as personal belongings and cannot be commercialized.
  2. ***Trophy Dealers License***- authorizes the holder to manufacture other game products except ivory and products from specially protected species.
  3. ***Trophy Retailers License***- authorizes the holder to sell ivory products purchased from licensed Ivory Manufactures and other game products purchased from licensed Trophy Dealers. Keep registers of what they would have purchased from Ivory Manufactures and Trophy Dealers.
  4. Ivory carver's license authorizes one to carve raw elephant ivory into finished products

## 3.1 Supply of raw Ivory by the State

- Zimbabwe Parks and Wildlife Management Authority is the sole supplier of raw ivory.
- Only registered Ivory Manufacturers are allowed to buy raw ivory from the Authority's Central stores.

### **3.2 Disposal of Ivory products by Ivory Manufactures**

- Ivory products are sold directly to Trophy Retailers and individual clients
- Manufactures are only allowed to sell ivory products from the premises to which the license relates.
- Street vending and buying of wildlife products is strictly prohibited.
- Clients can only buy from licensed dealers whose licenses are displayed in shops.
- Products sold to individual clients are solely for personal use and cannot be commercialized
- Each individual client is restricted to a maximum of five (5) ivory products and weighing up to 10kgs in total per transaction and on export.

### **3.3 Disposal of Ivory products by Trophy retailers**

- Retailers are only allowed to sell ivory products from the premises to which the license relates.
- Products are sold directly to individual clients.
- Street vending and buying of wildlife products is strictly prohibited.
- Clients can only buy from licensed dealers whose licenses are displayed in shops.
- Products sold to individual clients are solely for personal use and cannot be commercialized.
- Each individual client is restricted to a maximum of five (5) ivory products and weighing up to 10kgs in total per transaction and on export.

### **4.1 Export /import of ivory products**

- All export of ivory products are accompanied by a CITES export/import permits.
- Products meant for export are physically presented to the Authority for inspection and verification before an export permit is issued.
- Ivory products are carried in person to a specific destination indicated on export permit.
- At the port of exit, all products are checked against accompanying export documents

### **5.1 Recording, Traceability and Reporting Systems**

- The Authority keeps and maintains a database which can generate raw ivory sales report
- The Authority also keeps and maintains a database which generates exported products reports.
- Ivory Manufactures submit a return to the Authority at the end of each month.
- Ivory Manufactures use a standard form to record the following information;
  1. Raw ivory purchased during the month.
  2. Description and quantity of manufactured items.

3. Description and quantity of manufactured items and raw ivory in stock at the end of each month.
4. Description and quantity of items sold.
5. Dust- accumulated dust and dust from each manufactured tusk.
6. Offcuts- accumulated offcuts and offcuts from each manufactured tusk.

Trophy Dealers and Trophy Retailers use standard forms to report stocks on trade.

### **6.1 Monitoring and Awareness Campaigns**

- Periodic inspection of dealers' premises is conducted by the Authority and other state security agencies.
- Movement of products on trade is monitored through monthly returns, export permits other reports.
- Awareness campaigns to dealers and visiting clients is conducted concurrently with the inspection exercise.
- Border control personnel and other law enforcement agents also assist in monitoring the movement of goods across borders.
- Training of other law enforcement Agents such as the Zimbabwe Republic police, Prosecution Authorities and the Judiciary on Ivory related issues is done.
- Joint operation with other law enforcement Agent is also carried out.
- Carrying out conservation education and awareness campaigns with communities

### **7.1 Measures In Place To Ensure That Domestic Ivory Markets Are Not Contributing To Poaching Or Illegal Trade**

- Zimbabwe has adopted a zero tolerance initiative to poaching and wildlife trade and trafficking. The Parks and Wildlife General Laws Amendment number 5 of 2011 provides 9 years jail term for anyone found in possession of specially protected wildlife products and killing of the animals
- Training border officials including police, customs, and wildlife officers on basic skills for identifying and discovering concealment/ concealed wildlife specimens and knowledge on appropriate export/ import documents
- Foster cross-border collaboration and improved sharing and networking of intelligence among strategic ports and airports
- Deployment of trade and compliance inspectors at entry/ exit points
- Collaboration with reputable research institutions in managing and presenting evidence in courts of law through new technologies
- Formulating various enabling policies, legislation and strategies that promote wildlife conservation and protection. Zimbabwe has a National Policy for Wildlife and has species specific policies such as Rhino Policy and Management Framework and Elephant Policy and Management Plan.

- Involvement of all arms of Government responsible for tackling wildlife crime and private stakeholders in the fight against illegal wildlife trade and all forms of poaching Lobbying parliament for enactment of deterrent legislation
- Sharing of information between seizing authorities and the countries of origin/ export
- Political will to implement wildlife programmes
- Appropriate Authority Status (ref. Parks and Wildlife Act Chapter 20:14) gives responsibility for the management, protection and utilization of wildlife to legal occupiers of any land. This is the basis for devolving management of and benefits from wildlife to local levels and broad participation in wildlife industry; thus, creating an incentive to wildlife producers and in turn assisting in self-policing initiatives