

Introduction to the African Elephant *Loxodonta africana* proposals

The conservation and management of African Elephants has been a matter of considerable debate and controversy both within the arena of CITES and beyond it. Disagreement may be based as much on differences in philosophy and outlook as on differing interpretations of data. This, along with the extraordinarily high public profile of the species concerned, has ensured that discussions concerning elephants and CITES are often polarised and highly politicised. This places independent reviewers in a very difficult position and seriously compromises their ability to contribute constructively. In view of this, we provide a short account of the procedures that have been followed under CITES since African Elephants were first transferred to Appendix I in 1989, and summary analyses of proposals CoP 14 Prop. 4, 5 and 6. The analyses are confined as far as possible to brief statements of fact on these proposals, strictly within the terms of resolution Conf. 9.24 (Rev. CoP13) and other relevant resolutions and decisions of the CoP. Trade in elephants will also be discussed under Agenda Item 54.

The African Elephant was included in Appendix II in 1977 and was transferred to Appendix I in 1989. At that time, the Parties recognised that populations of the species from certain range States might not have met the Berne Criteria for inclusion in Appendix I, these being the criteria then used by Parties (now replaced by Resolution Conf. 9.24 (Rev. CoP13)). The Parties therefore approved (in Resolution Conf. 7.9, now replaced by resolution Conf. 10.9) a special mechanism, a review by a Panel of Experts, to serve as the basis for approving the transfer of certain populations of the species from Appendix I to Appendix II (but not to review amendment proposals for Appendix-II listed populations). They have also mandated a dialogue process for African Elephant range States.

Tenth meeting of the Conference of the Parties Harare (Zimbabwe), 9–20 June 1997 (CoP 10)

Botswana, Namibia and Zimbabwe all submitted proposals for consideration at CoP 10. Following review by the Panel of Experts, modified versions of the proposals were accepted by the Parties, who also adopted two Decisions (10.1 and 10.2) and two Resolutions on trade in elephants or elephant products. Acceptance of the proposals resulted in the African Elephant populations of Botswana, Namibia and Zimbabwe being transferred from Appendix I to Appendix II subject to annotations that allowed for trade in, depending on the country, hunting trophies, live animals, hides, leather goods and ivory carvings, and an experimental one-off export of raw ivory to Japan under conditions set out in Decision 10.1. All other specimens were deemed to be specimens of species included in Appendix I and the trade in them regulated accordingly.

Included in Decision 10.1 was the condition that trade in ivory could not resume until the relevant range States, the CITES Secretariat, TRAFFIC International and any other approved party agreed international systems for reporting and monitoring legal and illegal international trade and illegal hunting within elephant range States. Resolution Conf. 10.10, regarding trade in ivory specimens (one of a succession of resolutions that dealt with these issues), made a series of recommendations regarding marking of ivory, control of ivory trade, assistance to elephant range States and quotas for and trade in raw ivory. It also agreed that, regarding monitoring of illegal hunting of and trade in elephant specimens, a comprehensive, international monitoring system would be established under the supervision and direction of the Standing Committee. The Elephant Trade Information System (ETIS) and Monitoring Illegal Killing of Elephants (MIKE) have subsequently become the two designated monitoring systems for elephants under the Convention.

Decision 10.1 also determined that the Standing Committee should set in motion a mechanism for the transfer of elephant populations from Appendix II to Appendix I in the event of non-compliance with the conditions of Decision 10.1 or of the escalation of illegal hunting of elephants and/or trade in elephant products owing to the resumption of legal trade. The Decision also stated that the Standing Committee would identify, in co-operation with range States, any negative impacts of this conditional resumption of trade and determine and propose corrective measures.

Decision 10.2 set out conditions for the disposal of ivory stocks and the generation of resources for conservation in African Elephant range States. The Decision allowed for a one-off purchase for non-commercial purposes of government stocks declared by African Elephant range States to the CITES Secretariat within the 90-day period before the transfer to Appendix II of any African Elephant populations. The mechanism only applied to those range States wishing to dispose of ivory stocks and agreeing to and participating in the systems for monitoring trade and illegal killing of elephants outlined in Decision 10.1. Range States participating in this scheme were to agree that all revenues from any purchase of stockpiles by donor countries and organisations would be deposited in and managed through conservation trust funds.

With all conditions having been met, auctions of the experimental quotas of ivory detailed in the annotation were held in Botswana, Namibia and Zimbabwe between 7 and 18 April 1999. The ivory arrived in Japan in July 1999 and was delivered to its buyers.

Resolution Conf. 10.9 set out revised terms of reference for a Panel of Experts to review any future proposals to transfer populations of the African Elephant from Appendix I to Appendix II.

Eleventh meeting of the Conference of the Parties Gigiri (Kenya), 10–20 April 2000 (CoP 11)

Botswana, Namibia and Zimbabwe submitted proposals to CoP 11 to amend the annotations for their elephant populations, all entailing, amongst other things, a specified annual export quota of raw ivory, subject to various provisions. South Africa submitted a proposal to transfer its population of African Elephant from Appendix I to Appendix II with an annotation that included provision for an experimental export quota of raw ivory. Kenya jointly with India submitted a proposal to transfer all the current Appendix-II populations to Appendix I. Switzerland submitted a proposal to amend the existing annotation with respect to trade in live animals. Following discussions at the fourth dialogue meeting of African Elephant range States held immediately before CoP 11, and the African regional meeting during CoP 11, Botswana, Kenya and India, Namibia and Zimbabwe all agreed to withdraw their proposals. The South African proposal, which had been reviewed by a Panel of Experts under the terms of Resolution Conf. 10.9, was accepted in revised form, with a zero export quota for ivory. The Swiss proposal was also accepted.

Twelfth meeting of the Conference of the Parties Santiago (Chile), 3–15 November 2002 (CoP 12)

At CoP 12, Botswana, Namibia, South Africa and Zimbabwe again submitted proposals that included specified annual export quotas of raw ivory, along with other amendments to the existing annotation. Zambia submitted a proposal to transfer its elephant population from Appendix I to Appendix II, and Kenya together with India again submitted a joint proposal to transfer all the current Appendix-II populations to Appendix I. The proposals from Botswana, Namibia and South Africa were accepted in amended form, most notably without any provision for annual export quotas of raw ivory but with an allowance for another conditional one-off sale of raw ivory for each country (20 t for Botswana, 10 t for Namibia and 30 t for South Africa). The proposals from Zambia and Zimbabwe were rejected and that from Kenya and India withdrawn. The Parties also revised Resolution Conf. 10.10 at this meeting and agreed a series of decisions (nos 12.36–12.39) regarding control of internal ivory trade particularly in the ten countries known to have active internal ivory markets. The Secretariat was asked to determine for each country whether there were adequate controls over the domestic ivory market in place and, if not, to seek an action plan from that country to develop and implement such controls.

Thirteenth meeting of the Conference of the Parties Bangkok (Thailand), 2–14 October 2004 (CoP 13)

At CoP 13, South Africa and Namibia submitted proposals concerning elephants. The former, a minor amendment to the annotation for the South African population (to allow trade in leather goods for commercial purposes), was accepted. Namibia submitted a proposal to amend the annotation for its population which included provision for an annual export quota for raw ivory. This was rejected by the CoP, but an amendment to allow trade in specific, individually-marked and certified worked ivory products – known as *ekipas* - for non-commercial purposes was adopted. During the same meeting, in response to the outcomes from implementation of Decisions 12.36–12.39, the Parties adopted an *Action plan for the control of trade in African elephant ivory* (Decision 13.26). This decision addressed one of the key findings of the ETIS analysis of ivory seizure data which demonstrated that illegal trade in ivory was most directly correlated to the presence of large-scale, unregulated domestic ivory markets in Africa and Asia.

The current listings for African Elephant in the CITES Appendices are as follows:

Populations of Botswana, Namibia and South Africa (listed in Appendix II):

For the exclusive purpose of allowing:

- 1) trade in hunting trophies for non-commercial purposes;
- 2) trade in live animals for *in situ* conservation programmes;
- 3) trade in hides;
- 4) trade in leather goods for non-commercial purposes for Botswana; for commercial or non-commercial purposes for Namibia and South Africa;
- 5) trade in hair for commercial or non-commercial purposes for Namibia;
- 6) trade in individually marked and certified *ekipas* incorporated in finished jewellery for non-commercial purposes for Namibia; and
- 7) trade in registered raw ivory (for Botswana and Namibia, whole tusks and pieces; for South Africa, whole tusks and cut pieces of ivory that are both 20 cm or more in length and 1 kg or more in weight) subject to the following:

- i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin) and, in the case of South Africa, only ivory originating from the Kruger National Park);
- ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP 12) concerning domestic manufacturing and trade;
- iii) not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing);
- iv) a maximum of 20 000 kg (Botswana), 10 000 kg (Namibia) and 30 000 kg (South Africa) of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat;
- v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and
- vi) only after the Standing Committee has agreed that the above conditions have been met.

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

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

Population of Zimbabwe (listed in Appendix II):

For the exclusive purpose of allowing:

- 1) export of hunting trophies for non-commercial purposes;
- 2) export of live animals to appropriate and acceptable destinations;
- 3) export of hides; and
- 4) export of leather goods and ivory carvings for non-commercial purposes.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly. To ensure that where a) destinations for live animals are to be appropriate and acceptable and/or b) the purpose of the import is to be non-commercial, export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3 (b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3 (c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes.

The elements of these annotations are set out in Table 1. Regarding the export of registered raw ivory from Botswana, Namibia and South Africa, both China and Japan have asked to be assessed as prospective trading partners under the terms of the existing annotations. Assessment missions have taken place and, at its 54th meeting, held in October 2006, the Standing Committee designated Japan as a trading partner for raw ivory under the terms of the existing annotation but also asked the Secretariat to present an update on the situation at the Committee's 55th meeting (to be held immediately before CoP 14). No decision has yet been made regarding China as a trading partner.

According to condition iii) in the current annotation, the export of raw ivory cannot take place until the MIKE programme has reported to the Secretariat on the baseline information (e.g. specific site-based data on elephant population numbers, incidences of illegal killing, law enforcement efforts and other factors against which future trends will be modelled). At its 53rd meeting, the Standing Committee established some criteria for determining when the baseline data could be judged complete under the terms of this condition. At its 54th meeting the Committee agreed that the data were not yet complete, and asked the Secretariat to submit the complete information at the 55th meeting. Because of this the export of raw ivory allowed under the one-off sale agreed at CoP 12 in 2002 has not taken place.

Table 1: Summary of trade allowed under current annotations for Appendix II African Elephant populations in Botswana, Namibia, South Africa and Zimbabwe

Elements of annotations	Botswana	Namibia	South Africa	Zimbabwe
export/trade in hunting trophies for non-commercial purposes	✓	✓	✓	✓
trade in live animals for <i>in situ</i> conservation programmes	✓	✓	✓	
export of live animals to appropriate and acceptable destinations				✓
export/trade in hides	✓	✓	✓	✓
export/trade in leather goods	non-commercial purposes	commercial or non-commercial purposes	commercial or non-commercial purposes	non-commercial purposes
export of ivory carvings				non commercial purposes
trade in hair		commercial or non-commercial purposes		
trade in individually marked and certified <i>ekipas</i> incorporated in finished jewellery for non-commercial purposes		✓		
trade in registered raw ivory subject to the following:	whole tusks and pieces	whole tusks and pieces	whole tusks and cut pieces of ivory that are both 20 cm or more in length and 1 kg or more in weight	
i) only registered government-owned stocks	originating in the State (excluding seized ivory and ivory of unknown origin)	originating in the State (excluding seized ivory and ivory of unknown origin)	only ivory originating from the Kruger National Park	
ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP 12) concerning domestic manufacturing and trade	✓	✓	✓	
iii) not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing)	✓	✓	✓	
iv) maximum amount of ivory that may be traded, and despatched in a single shipment under strict supervision of the Secretariat	20 000 kg	10 000 kg	30 000 kg	
v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range	✓	✓	✓	
vi) only after the Standing Committee has agreed that the above conditions have been met.	✓	✓	✓	