

Elephant Workshop, Namutoni, Namibia, 26 - 29 February 1996

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# The African Elephant in CITES

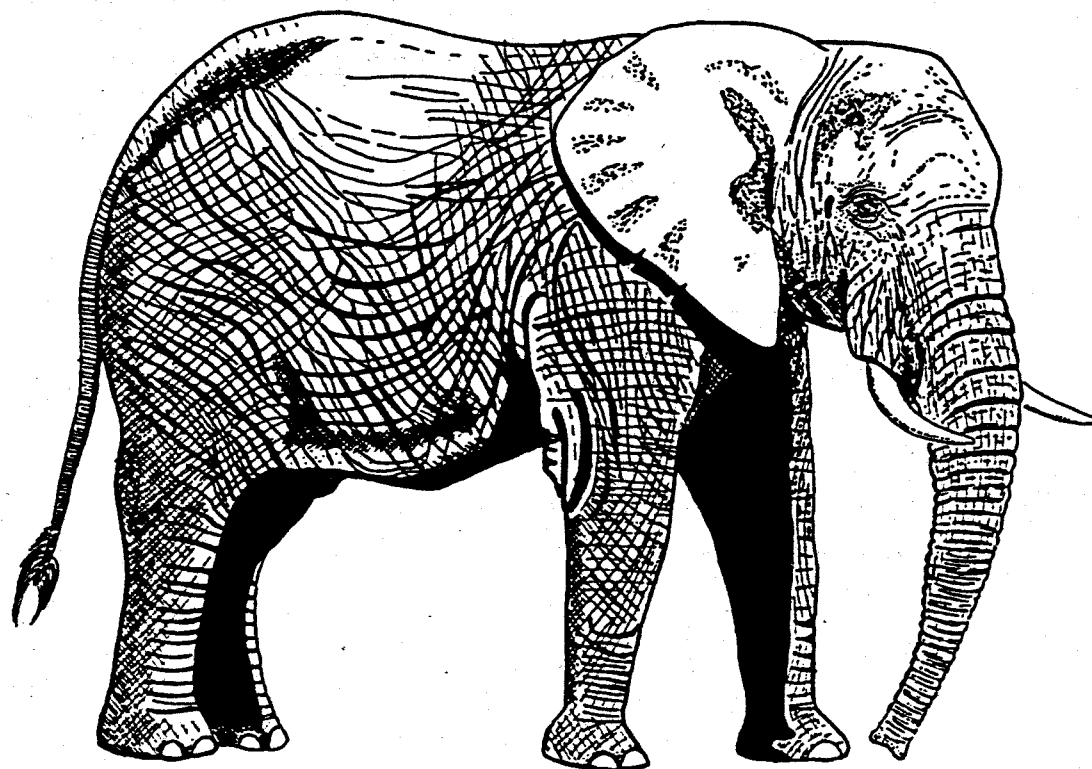
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## 1. The Early CITES History of the Elephant

Listed in Appendix III by Ghana as from 26.02.1976.

Proposed for Appendix I-listing by Canada at COP I; Canada withdrew its proposal after considerable discussion and with the understanding that the matter should be reconsidered at COP 2.

Included in Appendix II at COP I, following a proposal by Switzerland.

The Canadian supporting statement referred to the prohibition or strict regulation of hunting of the species in the majority of the range states, and to the existence of a look-alike problem between African and Asian elephant ivory.

### Swiss supporting statement:

"Though the African elephant is not threatened with extinction nowadays, the control of the trade (mostly illegal), however is absolutely essential. Identification problems between Indian elephant ivory and African elephant ivory will not be resolved but there is no necessity to list the African elephant in Appendix I."

## 2a. The Ivory Quota System

In Resolution Conf. 5.12, adopted in 1985,  
Now in Resolution Conf. 9.16 and Conf. 9.4:

1. export quotas for raw ivory, expressed as number of tusks
2. inform the Secretariat by 1 December for the next calendar year
3. confiscated ivory:
  - inform Secretariat
  - not included in export quota
4. Secretariat database of ivory trade statistics
5. Parties to follow procedures in Secretariat Manual of Ivory Trade Control Procedures
6. Zero quota applies until the Secretariat notifies the Parties otherwise
7. acceptance of raw ivory only from States with approved quotas and that have submitted annual reports
8. annual reports should include, as a minimum
  - number of substantially whole tusks
  - their weights
  - their serial numbers
9. no trade with or through States that do not control trade in accordance with the Convention and the Resolution
10. Parties inform the Secretariat of raw ivory stocks destined for international trade and avoid illegal stocks appearing to be legal

## 2 b. The Ivory Quota System

Region	1986	1987	1988	1989
Southern	32.560	52.140	45.673	30.207
Eastern	51.073	42.336	22.012	16.523
Western	0	0	0	124
Central	10.300	22.804	19.151	2.429
<b>Total</b>	<b>93.933</b>	<b>117.280</b>	<b>86.838</b>	<b>49.283</b>

## 3 a. The Lausanne Meeting - Proposals

- Seven proposals for Appendix I-listing by Austria, Gambia, Hungary, Kenya, Somalia, Tanzania, USA.
- Tanzania's proposal was made without consultation with the range states. USA had sent out a questionnaire. Only Botswana had explicitly opposed Appendix I-listing.
- Consultation re other proposals: 7 range states with a total of 14.150 elephants and 2 African States without elephants in favour, Botswana opposed, others did not react.
- Counter proposal for split-listing by Botswana referring first to the Austrian, then to the Somali proposal.
- Chairman ruled to postpone the vote. Objection by Israel. Chairman's decision was carried by 50 : 29 votes.
- Botswana's counter proposal replaced by a joint proposal presented by Zimbabwe on behalf of the Southern African countries: Populations of BW, MW, MZ, ZA, ZM, ZW, AO, NA should remain in Appendix II with a moratorium on commercial exports of raw and worked ivory.
- Similar proposal also for 3 Central African States.

## 3 b. The Lausanne Meeting - Votes

- Secret vote proposed by Zimbabwe: rejected.
- Zimbabwe proposal: rejected by 20 in favour and 70 against, one abstention.
- Central African proposal: rejected by 8 in favour and 83 against
- Package of 6 unchanged proposals: rejected by 53 in favour and 36 against
- Amended Somali proposal: adopted by 76 in favour and 11 against

## 3 c. The Lausanne Meeting - Conf. 7.9

- Recognizing intent of Somali amendment to provide special mechanism for retransfer of elephant populations;
- Aware that not all elephant populations may meet the criteria for Appendix I;
- Noting that Parties have agreed that transfers shall be considered on the basis of a report;

- The COP resolves
  - to establish a Panel of experts;
  - that, for the purpose of deciding on a transfer and the necessary conditions to be attached, the Parties should take into account the Panel's report.

#### 4. The Mandate of the Panel of Experts

to evaluate proposals under the following criteria

- viability of the population
- potential risks
- monitoring ability
- anti-poaching measures
  
- sustainability of total offtake
- ivory stock controls adequate
- law enforcement effective
- enforcement and controls sufficient to contain illegal transit

#### 5. Overview on the Missions

1994	South Africa II
1991	South Africa I
1991	Botswana Nambibia Zimbabwe
1991	Malawi Zambia

#### 6a. Composition of the Panel

##### Experts on

- ecology and population biology
- field conservation and management
- trade monitoring
- trade regimes
- security / law enforcement

##### Experts proposed by

- UNEP
  - IUCN
  - TRAFFIC International
- and nominated by the Standing Committee

##### Experts nominated by the Range State / Region

- to provide local expertise
- to ensure the liaison with Govt. agencies

#### 6b. Composition of the Panel

##### Experts nominated by the Standing Committee:

- Jonathan Barzdo
- Richard Bell
- Peter Dollinger
- Holly Dublin
- Richard Luxmoore

##### Expert contracted by the Panel:

- Hugo Jachman

##### Experts nominated by the Range States

- Anthony Hall-Martin (ZA)
- Robbie Robinson (ZA)
- Keith Lindsay (BW)
- Francis Mkanda (MW)
- Malan Lindeque (NA)
- Rowan Martin (ZW)

#### 7. Cooperation with the Range States

- Meetings with broad range of officials, including CITES MA, CITES Sca, Customs, Veterinary Services, Police, Army.
- Meetings with NGOs, traders (and political parties).
- Discussions on elephant population status and survey techniques.
- Information gathering on antipoaching and antismuggling measures.
- Collection and review of legislation.
- Review of administrative procedures.
- Review of CITES and veterinary permits issued.
- Visits to offices, ivory stores, traders, elephant habitats

#### 8 a. Results - South Africa - 1992

- population viable and sustainable
- Kruger population is one of the best-monitored on the African continent
- anti-poaching measures very effective
- total offtake is sustainable
- if ivory exported from Kruger under Government control, no significant danger of inclusion of illegal ivory; origin of other ivory less certain
- trading of ivory illegally from other countries - question not realistic

## 8 b. Results - South Africa - 1992

### Panel proposes safeguards:

- annotation - for trade in raw ivory of South African origin, held in South Africa under government control
- withdrawal of reservation
- adoption of controls on transit
- adoption of measures to ensure uniform implementation of CITES throughout the country
- establishment of sustainable export quota
- stockpiles to be included in first year's quota
- export permits only for ivory of proven South African origin
- export only to countries that control and monitor possession and sale of ivory and that do not permit re-export
- sale at one location in South Africa; export in one consignment a year
- no export of worked ivory
- all tusks marked; sample of each held by the Government of South Africa
- isotopic analysis of samples from populations whose ivory is exported
- stock records in bound register books; duplicate kept centrally;
- external audit

## 8 d. Results - South Africa - 1994

- The Panel considers that the biological criteria specified in paragraph h) of Resolution Conf. 7.9 are met.
- The proposal is not intended to permit commercial international trade in raw and worked ivory.
- Trade in non-ivory elephant commodities has potential for improving the conservation status of South Africa's elephant population. This trade is not perceived as a threat to the status of the South African or any other elephant population.
- As an additional safeguard, export permits should be issued only for raw elephant skin or for elephant leather that is tagged in the same way as crocodile skins.
- If the population in Appendix II were annotated "only for trade in commodities other than ivory", adoption of the proposal would not provide an opportunity for illegal ivory trade.
- The proposal would meet the criteria for the transfer of elephant populations to Appendix II as specified in Resolution Conf. 7.9, provided that the suggested annotation is adopted.

## 8 c. Results - SACIM Countries - 1992

	BOTSWANA	MALAWI	NAMIBIA	ZAMBIA	ZIMBABWE
Viability and sustainability	viable	not viable in long term	long-term uncertain	three potentially viable subpopulations, the rest at risk	viable
Ability to monitor population	extensive aerial survey programme	inadequate resources for long term	aircraft and staff available but funds limited	inadequate resources for long term	overall monitoring good
Effectiveness of anti-poaching	effective - poaching at low level	may not be sufficient in view of small population	effective - poaching at low level	not effective	effective - poaching at low level
Sustainability of total offtake	sustainable	poaching may exceed sustainable level	sustainable	illegal offtake not sustainable	population reduction is planned
Prevent mixing of legal and illegal ivory	system of control very poor	adequate system inadequately implemented	adequate system	inadequate system inadequately implemented	adequate system - good model for SACIM
Enforcement of trade controls	generally adequate but poor co-ordination	generally adequate but poor co-ordination	generally good but lack of trained Customs staff	inadequate resources and continuing illegal trade	generally effective
Prevent illegal trade within and through State	Some illegal trade continues. Controls reduced in SA Customs Area		Open borders difficult to control - Safeguards needed		See comments on South Africa

## 8 e. Results - The Sudan - 1994

- inadequate data to evaluate viability; risks from continued civil war
- no ability to monitor population
- no information on anti-poaching measures taken
- past offtake not sustainable
- no information on controls of stocks
- enforcement hampered by rebel activities
- no evidence about adequacy of controls

## 9. Problems encountered

- trade controls in countries of import
- trade in non-ivory products
- review of a second or subsequent proposal from one Party
- lack of appropriate documents from the proponent

## 10 a. Response of the COP

### COP 8 (Kyoto)

- Secretariat stated that biological criteria had been met by the populations of Botswana, Zimbabwe and South Africa
- Switzerland appealed to the delegates to be consistent in their decisions and to follow the process outlined in Resolution Conf. 7.9
- SACIM States offered additional guarantees (temporary suspension of trade, future export to certain countries only, accept retransfer at COP9 if necessary)
- A vast majority of the Parties did not take notice of the Panel's conclusions, but opposed the proposals in principle and on the basis of criteria not contained in Conf. 7.9 (premature, trade controls not yet in place, populations elsewhere in Africa had not yet recovered).

## 10 b. Response of the COP

### COP 8 (Kyoto)

#### The following Parties spoke against the proposals:

Algeria, Burundi Cameroon CAR, Congo, Gabon, Kenya, Nigeria, Tanzania, Togo, Zambia;

Austria, France, Portugal (on behalf of EC), United Kingdom

Israel, United States

#### The following Parties spoke in favour of the proposals

Switzerland, Japan

## 10 c. Response of the COP

### COP 9 (Fort Lauderdale)

- Parties acknowledged good job done by Panel and admitted that South Africa met the criteria.
- "Consensus among Range States" was invented as a new criterion for not supporting the proposal.

Switzerland, on behalf of the Panel, confirmed that the proposal met the criteria.

Australia, Canada and Japan spoke in favour of the proposal.

Germany, on behalf of EC, and USA indicated that they would abstain from a vote.

India, Kenya, Togo, Zambia opposed the proposal.

Several other Parties had no opportunity to formulate opposition, as South Africa withdrew the proposal after the statement made by Germany.

Range State cooperation was stressed by USA, Australia, Germany (on behalf of the EC) and Zambia.

## 11. Results of SC 36

### Proposals to be submitted at COP 10:

The Panel may

- review trade in products other than ivory
- review trade arrangements between exporting and importing countries
- review import and domestic controls in specific importing countries

### Procedure after COP 10:

Decision on how to proceed to be taken at SC 37, i.e. allowing the African Region to discuss the issue at the various meetings to be held in 1996.

## 12 a. Present controls (Conf. 9.16)

### Key points from Resolution Conf. 9.16

Trade only in ivory legally acquired in the country of origin.

#### Raw ivory (definition):

All whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'.

#### Worked ivory (definition):

All items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose.

Article VII, paragraph 3 (personal effects) - a practical approach should be taken in determining what quantity of items qualifies for the exemption

## 12 b. Present controls (Conf. 9.16)

### Country of origin on permits or certificates for raw ivory.

#### Marking

- whole tusks of any size
- cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight
- with punch-dies (or indelible ink) at the lip mark of whole tusks
- formula: Two-letter ISO code of country of origin, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. ZW 127/9814).

### Reject raw ivory that is not clearly marked.

Register merchants dealing in raw or worked ivory, either wholesale or retail.

Register people or enterprises who cut or carve ivory.

Recording and inspection procedures to monitor the internal flow of ivory.