

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

Interpretation and implementation of the Convention

Conservation of elephants and trade in elephant specimens

CONDITIONS FOR THE EXPORT OF REGISTERED STOCKS OF IVORY IN THE ANNOTATION TO THE APPENDIX II LISTING OF POPULATIONS OF *Loxodonta africana* IN BOTSWANA, NAMIBIA AND SOUTH AFRICA

1. This document has been prepared by Kenya.

Introduction

Regarding baseline information from MIKE

2. At the 12th meeting of the Conference of the Parties (CoP12), following approval of a one-off sale subject to conditions of registered ivory from Botswana, Namibia and South Africa, Decision 12.33 was agreed. It instructed the Standing Committee by its 49th meeting (SC49) to define, in consultation with the MIKE Central Coordinating Unit and IUCN, *“the geographical scope and the nature of the data that constitute the baseline information from MIKE that must be provided before any exports can be approved.”*

3. At SC49 the Standing Committee decided that the geographical scope should constitute 45 sites in Africa selected under the programme for Monitoring Illegal Killing of Elephants, MIKE (i.e. 82% of the total 55 African sites), and at least 15 in Asia (i.e. 54% of the total 28 Asian sites). From each site it was decided that the following information would be required:

1. *at least one population survey*
2. *levels of illegal killing derived from a minimum of:*
 - *12 months data from African sites and*
 - *6 months data from Asian sites*
3. *a descriptive report of the patterns of influencing factors*
4. *an assessment of the effort made in providing the illegal killing information*
5. *a preliminary baseline analysis of the above information*

4. In SC49 Doc. 11.4 Kenya proposed that the geographical scope should include all MIKE sites in Africa and Asia, and that population trends should be required as well as population estimates. In the course of the Committee's discussion, an observer Party representative expressed concern that six months is not long enough to collect data on illegal killing in Asia due to seasonal influences. Meanwhile another observer considered a “descriptive report of patterns of influencing factors” to be vague. In response to the comments, the MIKE Director clarified that they had not been asked for a trend analysis. He agreed that the timeframe for collecting data on illegal killing in Asia might be too short for southern India, though not for other Asian sites. With respect to influencing factors, the IUCN representative noted that the analytical system (GIS spatial analysis) will not be up and running for the baseline data.

5. Kenya remains concerned that the scope and nature of the baseline data defined by the Standing Committee are inadequate to provide a full picture of the status of elephant populations and trends in illegal killing, particularly in sites where baseline information did not exist prior to introduction of the MIKE programme. We therefore propose that the Conference of the Parties re-examines the Standing Committee definitions and considers the alternative draft Decision attached in the Annex.

Regarding determination of detrimental impacts on other elephant populations

6. Decision 12.34 was also agreed at CoP12. It instructed the Standing Committee to “determine how it would conclude that a detrimental impact on other elephant populations had occurred as a result of approved trade in ivory.”

7. The mechanism proposed by the Secretariat to the 50th meeting of the Standing Committee (SC50) was essentially the same as the one agreed at the 41st meeting to trigger action to stop the one-off sale of ivory agreed at the 10th meeting of the Conference of the Parties [see document Doc. SC.41.6.4 (Rev.2), Annex]. It relied on reporting from Parties and on the Secretariat to determine if there had been an “important increase” in illegal hunting or illegal trade. Kenya proposed an alternative mechanism for assessing detrimental impacts [SC50 Doc. 21.3] and, along with Germany, expressed concerns about the Secretariat’s proposal. As a result of amendments proposed by Germany the following mechanism was agreed by the Standing Committee for determination of detrimental impact [SC50 Sum. 4 (17/03/2004) (Rev. 1)]:

a) The reporting and monitoring procedures already in place in MIKE and ETIS will provide the Secretariat with information on rates and levels of illegal hunting and trade in elephant specimens.

b) The Secretariat will work with the Parties that report an increase in illegal hunting of elephants or illegal trade in elephant specimens to establish the veracity of such reports and the linkage, if any, to the commercial trade in raw ivory.

c) The Secretariat will report to the Chairman of the Standing Committee and to the Parties concerned and will formulate recommendations, taking a precautionary approach acting in the best interests of conservation.

*d) If the Standing Committee concludes that there has been an increase in either illegal hunting of elephants or illegal trade in elephant specimens owing to the commercial trade, it will recommend that international trade in all specimens referred to in the annotation in the Appendices regarding the *Loxodonta africana* populations of Botswana, Namibia and South Africa be halted. Furthermore, the Standing Committee will request the Depositary Government to propose, at the following meeting of the Conference of the Parties, that all Appendix-II populations of this species be transferred to Appendix I.*

e) The Secretariat should, to ensure transparency and assist decision-making, make available on its website information relating to paragraph b) above.

8. While Kenya considers this mechanism an improvement on the initial proposal by the Secretariat we still have concerns. First, we consider that it would be more appropriate for independent experts to establish the veracity of reports on illegal hunting or illegal trade and to formulate recommendations. This issue is contentious. Independent experts selected by the Standing Committee would ensure neutrality and provide a firmer basis for consensus on the findings. There are precedents for such an approach in the rhino and tiger missions under CITES and in other Conventions such as the independent, on-site review of reporting conducted by experts under the UN Framework Convention on Climate Change. Secondly, there is no guidance in the Standing Committee’s mechanism on how and when information will be requested from Parties, or on how long they are to be given to respond. Furthermore, recognising that it is impossible to prove or disprove that trade in ivory has had a detrimental impact on other elephant populations, there is no guidance on how a link between a reported increase and the one-off sale will be established. Taking these concerns into consideration, Kenya therefore proposes that the Conference of the Parties adopts the alternative mechanism for determination of detrimental impacts on other elephant populations proposed in the second draft Decision in the Annex.

Annex

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Dec. xx directed to the Secretariat regarding baseline information from MIKE

- a) The geographical scope of the data that constitute the baseline information from MIKE shall include all 55 MIKE sites in Africa and 28 sites in Asia.
- b) Concerning the nature of the baseline data, from each site the following information is required:
 - i) at least one population survey not older than three years from sites where reliable population estimates existed before introduction of the MIKE programme and two population surveys from sites where no such data existed;
 - ii) trends in illegal killing derived from a minimum of two years data;
 - iii) statistical analysis of the patterns of influencing factors and their relationship to trends in illegal killing;
 - iv) an assessment of the effort made in providing the illegal killing information; and
 - v) a baseline analysis of the above information

Dec. xx directed to the Standing Committee regarding detrimental impacts on other elephant populations

To conclude that a detrimental impact on other elephant populations has occurred as a result of decisions to approve trade in ivory, the following procedure will be followed:

- a) The reporting and monitoring procedures already in place in MIKE and ETIS will provide the Secretariat and Standing Committee with information on rates and levels of illegal hunting and trade in elephant specimens.
- b) As soon as possible after the 13th meeting of the Conference of the Parties, and following the determination by the Standing Committee that the conditions have been met for the trade in registered raw ivory from Botswana, Namibia and South Africa¹, the Secretariat will issue Notifications to the Parties requesting information on any increase in illegal hunting of elephants or illegal trade in elephant specimens since the 12th Conference of the Parties, and on possible non-compliance with the conditions for the trade in registered raw ivory by the exporting or importing countries. Parties will be given 60 days to respond to the second Notification.
- c) The Standing Committee will appoint independent experts to work with all Parties concerned to establish the veracity of such reports. The independent experts will consider whether any increase in illegal killing or illegal trade could be correlated with the decisions made by the Conference of the Parties and the Standing Committee to allow commercial trade in raw ivory and formulate recommendations to the Standing Committee, taking a precautionary approach acting in the best interests of conservation.
- d) If the Standing Committee concludes that there has been an increase in either illegal hunting of elephants or illegal trade in elephant specimens which may be correlated with the commercial trade, or non-compliance by an importing or exporting country with any of the conditions for trade, it will recommend that international trade in all specimens referred to in the annotation in the Appendices regarding the *Loxodonta africana* populations of Botswana, Namibia and South Africa be halted. Furthermore, the Standing Committee will request the Depositary Government to propose, at the following meeting of the Conference of the Parties, that all Appendix-II populations of this species be transferred to Appendix I.

¹ The conditions are contained in the annotation to the Appendix II listing of the populations of *Loxodonta africana* from Botswana, Namibia and South Africa.

e) The Secretariat should, to ensure transparency and assist decision-making, make available on its website information relating to paragraph c) above.