

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



Sixteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 3-14 March 2013

**Committee II**

Draft revision of Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens*

DRAFT REVISION OF RESOLUTION CONF. 10.10 (REV. COP15)

*This document has been prepared by a drafting group, on the basis of the draft resolution presented in Annex 2 of document CoP16 Doc. 26 (Rev. 1), after discussion in the seventh session of Committee II. Proposed new text is underlined and proposed deleted text is ~~crossed out~~.*

TRADE IN ELEPHANT SPECIMENS

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them need to enhance their compliance monitoring, enforcement, and management capacity to ensure the security of their elephant populations;

RECOGNIZING that the illegal trade in elephant specimens is an international problem which requires all elephant range States, and transit and consumer States, to take urgent and concerted efforts to combat it;

AWARE that monitoring systems should encompass capacity building in elephant range States, ~~to~~ provide information to facilitate elephant management, and help to prioritize and guide enforcement initiatives and protection efforts;

CONSIDERING the serious threats facing elephants in many parts of their range, including through illegal killing and illegal trade in ivory, human-elephant conflict, habitat loss and fragmentation, and local overabundance;

RECOGNIZING the need to enhance the institutional and enforcement capacities in elephant range States to manage and conserve elephants in the long term;

RECOGNIZING also that the theft of ivory, including from inadequately secured government stocks, further adds to illegal trade and wildlife crime;

RECOGNIZING that African elephant range States adopted in 2010 an *African elephant action plan* with the goal of securing and, where possible, restoring, ~~where possible~~, sustainable elephant populations throughout their historic, present and potential range in Africa in recognition of their potential to provide ecological, social, cultural and economic benefits, and that an African Elephant Fund was established in 2011 to serve the implementation of the *African elephant action plan*;

CONSIDERING the resources required for the implementation of additional national measures to meet the requirements of the Convention with regard to illegal trade in elephant specimens;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the elephant range States, and countries involved in trade in elephant specimens;

COMMENDING the positive actions taken by some elephant range States, and transit and consumer States, to address the illegal killing of elephants and illegal trade in elephant specimens;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

### ***Regarding definitions***

AGREES that:

- a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) the term 'worked ivory' shall be interpreted to mean ivory that has been carved, shaped or processed, either fully or partially, but shall not include whole tusks in any form, except where the whole surface has been carved;

### ***Regarding marking***

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies, indelible ink, or other form of permanent marking, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year / and the weight in kilograms (e.g. KE 00/127/14). It is recognized that different Parties have different systems for marking and may apply different practices for specifying the serial number and the year (which may be the year of registration or recovery, for example), but that all systems must result in a unique number for each piece of marked ivory. This number should be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

### ***Regarding trade in elephant specimens***

URGES those Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an ~~active~~ unregulated market for or ~~significant~~ illegal trade in ivory, or where ~~large or not well-secured~~ ivory stockpiles exist, and Parties designated as ivory importing countries, to ensure that they have put in place comprehensive internal legislative, regulatory, enforcement and other measures to:

- a) regulate the domestic trade in raw and worked ivory;
- b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in raw or worked ivory;
- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State, particularly by means of:
  - i) compulsory trade controls over raw ivory; and
  - ii) ~~a~~ comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory;
- d) engage in public awareness campaigns, ~~effectively~~ including: drawing attention to existing or new regulations concerning the sale and purchase of ivory; providing information on elephant conservation challenges; and, particularly in retail outlets, informing tourists and other non-nationals that the export of ivory requires a permit and that the import of ivory into their state of residence may require a permit and might not be permitted; and

- e) maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory, and inform the Secretariat of the level of this stock each year before ~~31 January~~ 28 February, indicating: the number of pieces and their weight per type of ivory (raw or worked); for relevant pieces, and if marked, their markings in accordance with the provisions of this Resolution; the source of the ivory; and the reasons for any significant changes in the stockpile compared to the preceding year;

~~RECOMMENDS ENCOURAGES~~ that elephant range States and countries involved in trade in elephant specimens to seek the assistance of other governments and intergovernmental and non-governmental organizations in supporting the work to eliminate the illegal trade in ivory and the unregulated domestic markets that contribute to illegal trade;

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) to identify those Parties that have ~~active, unregulated~~ internal markets for ivory, where ~~significant quantities of ivory are~~ is found to be illegally traded, where ivory stockpiles are not well secured, or that have significant levels of illegal trade in ivory;
- b) to seek from each Party so identified information concerning its implementation of the provisions of this Resolution relating to ~~control of internal~~ ivory trade and, where appropriate and in consultation with the Party, undertake *in situ* verification missions; and
- c) to report its findings and recommendations to the Standing Committee, which may consider appropriate measures in accordance with Resolution Conf. 14.3 on *CITES compliance procedures*, ~~including recommendations to restrict or suspend commercial trade in specimens of CITES-listed species to or from such Parties in case of failure to achieve compliance;~~ and

DIRECTS the Secretariat, subject to available resources, to provide technical assistance to these Parties to:

- a) improve legislative, regulatory and enforcement measures concerning trade in ivory and in developing practical measures to control the trade in ivory; and
- b) support, where requested, the security and registration of government-held ivory stockpiles;

RECOMMENDS that all Parties and non-Parties prohibit the unregulated domestic sale of raw or worked ivory and enact, as appropriate, legislation that allows for the effective control of the possession of and trade in ivory, ensuring that ivory can only be possessed, acquired or traded in conformity with national legislation;

RECOMMENDS that Parties strengthen law enforcement and border controls to enforce legislation concerning the trade in elephant specimens;

RECOMMENDS that all elephant range States have in place legislative, regulatory, enforcement, or other measures to prevent illegal trade in live elephants;

RECOMMENDS that no export, re-export or import of raw ivory, including ivory that is, or is part of, a hunting trophy, be authorized unless it is marked in accordance with this Resolution;

RECOMMENDS that Parties develop measures and evaluate existing ones to ensure that they are sufficient to address the challenges posed by e-commerce of elephant specimens, as outlined in Resolution Conf. 11.3 (Rev. CoP15) on *Compliance and enforcement*;

DIRECTS the Standing Committee to review actions taken by the Parties to implement the provisions of this Resolution, particularly – but not limited to – the provisions concerning trade in elephant specimens, and to report the results at each meeting of the Conference of the Parties;

DIRECTS the Secretariat to report at each regular meeting of the Standing Committee on any apparent problems in the implementation of this Resolution or in the control of trade in elephant specimens, and to assist the Standing Committee in its reporting to the Conference of the Parties;

### ***Regarding trade in raw ivory for commercial purposes***

RECOMMENDS that trade in raw ivory for commercial purposes from elephant populations not included in Appendix I be authorized only in accordance with provisions, ~~mechanisms and processes~~ agreed by the Conference of the Parties;

### ***Regarding quotas for trade in raw ivory as part of elephant hunting trophies***

RECOMMENDS that:

- a) each elephant range State that wishes to authorize export of raw ivory as part of elephant hunting trophies, as defined in Resolution Conf. 12.3 (Rev. CoP15) on *Permits and certificates*, establish, as part of its management of the population, an annual export quota expressed as a maximum number of tusks, and implement the provisions and guidelines in Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*;
- b) each export quota be communicated to the CITES Secretariat in writing by 1 December for the following calendar year (1 January to 31 December);
- c) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant elephant range State; and, if the quota was received by the deadline and if there is no cause for concern, posting the quota on its website not later than 1 January of each year;
- d) each elephant range State that does not submit its export quota for raw ivory as part of elephant hunting trophies by the deadline ~~shall~~ will have a zero quota until such time as it communicates its quota in writing to the Secretariat, and the Secretariat in turn publishes the quota;
- e) ~~Parties authorize import of elephant hunting trophies only if the export permit was issued in a year for which a quota for the elephant range State in question was published by the Secretariat in accordance with this Resolution; and~~
- e) Parties authorise import of raw ivory as part of a hunting trophy if:
  - i) the ivory is marked in accordance with the marking requirements as contained in this Resolution;
  - ii) the year included in the formula for marking reflects the year the elephant was harvested for export;
  - iii) a quota for the elephant range State in question was published by the CITES Secretariat for that specific year, in accordance with this Resolution;
- f) Parties authorize import of raw ivory as part of elephant hunting trophies from an elephant range State that is not party to the Convention only if a quota for that State has been reviewed and published by the Secretariat, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted in Resolutions of the Conference of the Parties);

### ***Regarding the traceability of elephant specimens in trade***

RECOMMENDS that Parties cooperate in the development of techniques to enhance the traceability of elephant specimens in trade, for instance by supporting research to determine the age and origin of ivory and other elephant specimens, by supplying samples for forensic research, and collaborating with relevant forensic research institutions;

URGES Parties to collect samples from ~~all~~ large-scale ivory seizures (i.e. a seizure of 800kg or more) that take place in their territories, and provide these to relevant forensic and other research institutions in support of enforcement and prosecutions; and

DIRECTS the Secretariat, subject to available resources, to support activities that will enhance the traceability of elephant specimens in trade by: informing Parties about and evaluating relevant forensic facilities and research institutions; reviewing relevant developments and research activities, and advising the Parties and the Standing Committee accordingly; encouraging the sharing of forensic samples and data,

including through existing DNA databases; and facilitating linkages with MIKE, ETIS and national and international enforcement activities;

**Regarding monitoring the illegal killing of elephants and trade in elephant specimens**

AGREES that:

- a) the systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under this Resolution and supervised by the Standing Committee, shall continue and be expanded with the following objectives:
  - i) measuring and recording levels and trends, and changes in levels and trends, of illegal elephant killing and trade in ivory and other elephant specimens in elephant range States, ivory consumer States and ivory transit States;
  - ii) assessing whether and to what extent observed trends are related to: measures concerning elephants and trade in elephant specimens taken under the auspices of CITES; changes in the listing of elephant populations in the CITES Appendices; or the conduct of legal international trade in ivory;
  - iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
  - iv) building capacity in elephant range States and, as applicable, countries involved in trade in elephant specimens, to implement and make use of MIKE and ETIS in managing elephants and enhancing enforcement;
- b) these monitoring systems shall be in accordance with the framework outlined in Annex 1 for *Monitoring illegal trade in ivory and other elephant specimens* and in Annex 2 for *Monitoring the illegal killing in elephant range States*;
- c) information on elephant populations, illegal killing of elephants and trade in their parts and derivatives from national, regional and international enforcement organizations and networks, and professional resource management and scientific bodies (such as the International Union for Conservation of Nature (IUCN)/SSC African and Asian Elephant Specialist Groups and the UNEP World Conservation Monitoring Centre), should also be taken into consideration;
- d) data and information from these sources should be consolidated and integrated, with technical oversight provided to MIKE and ETIS through an independent technical advisory group established by the Standing Committee;
- e) elephant range States should help to ensure the sustainability of the monitoring systems by integrating the collection of data on the illegal killing of elephants into their routine biodiversity monitoring, and all Parties by integrating the collection of data on the illegal trade in ivory into their routine law enforcement operations; and
- f) the data and analysis from MIKE and ETIS should also be integrated into CITES decision-making processes relating to trade in elephant specimens;

**Regarding improving elephant conservation and management in range States**

URGES all Parties to assist elephant range States to improve their capacity to manage and conserve their elephant populations, including through community-based actions, improved law enforcement, surveys, habitat protection and monitoring of wild populations, and taking account of the *African elephant action plan* and relevant measures agreed by Asian elephant range States;

URGES all African elephant range States to strengthen their shared commitment to the conservation of African elephants through the continued implementation of the *African elephant action plan*, and Parties and other donors to contribute significantly to the African Elephant Fund for the implementation of the *African elephant action plan*;

URGES African and Asian elephant range States to coordinate their efforts to conserve and manage elephants and their habitats, and combat the illegal killing of elephants and illegal trade in ivory through

dialogue, exchange of information and best practices, joint conservation activities and multilateral enforcement operations in cooperation with relevant law enforcement organizations and networks;

***Regarding resources required for implementing this Resolution***

APPEALS to all governments, intergovernmental and non-governmental organizations, and other appropriate donors to provide funding for the resources required in the Secretariat, the elephant range States and the Parties to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – *Trade in African Elephant Ivory*.

## **Annex 1 Monitoring illegal trade in ivory and other elephant specimens**

### **1. Introduction**

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. At its 10th meeting, the Conference of the Parties recognized the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement, BIDS evolved into the Elephant Trade Information System (ETIS), which has been used to monitor the pattern and scale of illegal trade in ivory and other elephant specimens since 1998.

### **2. Scope**

ETIS is a comprehensive and global information system whose central feature is a database holding the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have been reported to occur since 1989. ETIS also maintains a series of subsidiary information on law enforcement effort and efficiency, rates of reporting, legal and illegal elephant product markets, governance issues, background economic data and other factors.

### **3. Methods**

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology has been developed for the collection of data, including, *inter alia* and to the extent known:

- source of information
- date of seizure
- agency responsible for seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- nationality of suspects

Standardized data are collected through a number of mechanisms and formats, including direct online data submission to the ETIS website, using the ETIS Data Collection Form for individual seizure cases or the ETIS Data Collection Spreadsheet for reporting multiple seizure cases at one time. Reporting on elephant product seizures or confiscations using other formats is also acceptable.

### **4. Data collection and compilation**

The MIKE and ETIS Technical Advisory Group (TAG) will support the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG and in collaboration with the CITES Secretariat.

All Parties, through their CITES Management Authorities, following liaison with appropriate law enforcement agencies, should provide information on seizures and confiscations of ivory or other elephant specimens in the prescribed formats either to the Secretariat or directly to TRAFFIC within 90 days of their occurrence. In addition, law enforcement agencies in States not-party to the Convention are requested to provide similar information.

TRAFFIC will assist the Parties in collecting data, ensuring data quality and consistency, and providing tools and training in data collection, data utilization and information management to designated officials around the world as appropriate.

**5. *Data analysis and interpretation***

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and MIKE (see Annex 2), and in consultation with the TAG.

**6. *Reporting***

TRAFFIC, in collaboration with the CITES Secretariat, will produce a comprehensive analytical report with full explanatory and interpretive notes ~~for~~ prior to each meeting of the Conference of the Parties, and provide other reports, updates or information on ETIS as required by the Conference of the Parties, the Standing Committee, the TAG or Parties.

The CITES Secretariat will report on information collected through ETIS and the ETIS analysis at relevant meetings of the Standing Committee and at each meeting of the Conference of the Parties.

**7. *Intersessional remedial action***

In the event that there is a need for urgent intersessional action, TRAFFIC will report as appropriate to the Standing Committee via the Secretariat.

**8. *Funding***

A funding mechanism will be established to ensure that ETIS is fully operational.

## Annex 2 Monitoring the illegal killing in elephant range States

### 1. Introduction

In order to address the concerns of many elephant range States, a system has been established to monitor trends in levels of illegal killing of elephants and to elucidate factors associated with such trends. The system, Monitoring the Illegal Killing of Elephants (MIKE), relies on a simple, standardized protocol for national and international reporting of incidents of illegal killing of elephants, from which levels and trends, and factors associated with these trends can be established, and changes in these levels, trends and factors can be detected.

Such measurement consists of two elements. The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing of elephants, the pattern and scale of illegal trade in ivory, as well as the effort and resources being applied to detection and/or prevention of such instances, and the monetary value of illegally traded ivory.

The second element is the establishment of correlations between relevant parameters, identified above, and the decisions of the Conference of the Parties with regard to elephants. Other factors at the site, country and global levels, such as socio-economic data, civil strife, the flow of illegal arms and ammunition, loss of habitat, and drought will also be examined.

The overall aim of MIKE is to provide information needed for elephant range States and the Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations by improving their ability to monitor elephant populations, detect changes in levels of illegal killing, use this information to provide more effective law enforcement and strengthen any regulatory measures required to support such enforcement.

### 2. Scope and methodology

MIKE is based on a standardized methodology for the reporting by designated authorities and for monitoring in specific sites or areas.

MIKE is implemented by African and Asian elephant range States in coordination and collaboration with the Secretariat and implementing partners. Elephant range States participating in MIKE ~~shall~~ will appoint national and site focal points, and inform the Secretariat through the MIKE programme or the relevant Management Authorities of their names and contact details, as well as of any changes in such focal points when they occur. Each elephant range State participating in MIKE will also nominate a member in the Subregional Steering Committee that oversees the implementation of MIKE in its subregion and, through the Secretariat, liaises with the Standing Committee.

Relevant databases and standard reporting protocols have been established by the CITES Secretariat and implementing partners in consultation with elephant range States and the MIKE and ETIS Technical Advisory Group (TAG).

### 3. Roles and responsibilities

Elephant range States are primarily responsible for the collection and regular submission of field data as part of their routine biodiversity monitoring activities following the standard formats provided by MIKE. Data collection includes the following topics:

- elephant population data/trends;
- incidence and patterns of illegal killing; and
- measures of the effort and resources employed in detection and prevention of illegal killing.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat is primarily responsible for the global data compilation, analysis and reporting, but may request or sub-contract technical support from appropriate experts or organizations, with the advice of the TAG, for the coordination of the following activities:

- a) obtaining and compiling the data and information indicated above, including through active communication with range States;
- b) selecting sites for monitoring and, as appropriate, expanding the number of sites to the maximum extent;
- c) developing and refining a standardized methodology for data collection and analysis;
- d) facilitating the provision of training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- e) establishing appropriate databases and developing linkages with existing databases containing relevant data for analysis; and
- f) collating and processing all data and information from all sources identified.

The CITES Secretariat or implementing partners may enter into specific agreements with range States regarding the implementation of MIKE.

#### **4. *Data access and release***

Summaries and the aggregates of data provided to MIKE, and the analyses of such data, will be considered to be in the public domain once they are published on the CITES website. Detailed data on individual elephant mortalities or law enforcement data submitted to MIKE are owned by the range States that provided them. Such data will be accessible to the TAG and the respective range State for review purposes, but will not be released to any third party without the consent of the range State concerned. Data may be released to contractors (e.g. statisticians) under appropriate non-disclosure agreements.

Data on elephant populations will be maintained in databases established by the IUCN/SSC African and Asian Elephant Specialist Groups, to which MIKE will have direct access. Access by and release to third parties will be subject to the relevant data access and release policies of IUCN.

#### **5. *Reporting***

The CITES Secretariat will report on information collected through MIKE and MIKE analyses at each meeting of the Conference of the Parties, and provide other reports, updates or information on MIKE as required by the Conference of the Parties, the Standing Committee, the TAG or Parties.

#### **6. *Funding and operational support***

Substantial funding is required for deploying and implementing MIKE. It is expected that most of the data collection functions will be absorbed by elephant range States into routine national-level biodiversity monitoring and law enforcement activities, but long-term support will be required to ensure: the continuity and sustainability of national; regional and global coordination; the provision of training and capacity building; and global data compilation, analysis and reporting. In this regard, the CITES Secretariat will maintain existing partnerships and establish new ones as appropriate, such as the existing collaboration with IUCN in support of activities in the field and the provision and compilation of elephant population data.