

Consideration of Proposals for Amendment of Appendices I and II

PROPOSALS CONCERNING EXPORT QUOTAS FOR SPECIMENS OF SPECIES IN APPENDIX I OR II

Proposals submitted

1. In accordance with the provisions of Resolution Conf. 9.21, paragraph a), Venezuela has submitted a proposal regarding a quota for *Panthera onca* (Prop. 10.15).
2. In accordance with paragraph D. of Annex 4 to Resolution Conf. 9.24, the United Republic of Tanzania has

requested that its population of *Crocodylus niloticus* be maintained in Appendix II subject to an annual export quota (Prop. 10.16).

3. The comments from the Parties and comments and recommendations from the Secretariat are included in the Annex to this document.

Doc. 10.88 Annex

Comments from the Parties and Comments and Recommendations from the Secretariat

Prop. 10.15: Venezuela: establishment of annual export quotas for hunting trophies of zero in 1997, 1998 and 1999 and of 20-30 thereafter of *Panthera onca*

Comments from the Secretariat

The information in the supporting statement is sufficient to allow the conclusion that an export quota of 20-30 specimens in the year 2000 will not be detrimental to the survival of the species. It is in particular noteworthy that these specimens will be nuisance animals (preying on livestock) that would be killed for this reason. It is also encouraging to note that the proponent intends to maintain a zero quota for the years until 2000 in order to further improve its mechanisms for the management of the species and the enforcement of the quota. In addition, the Secretariat recommends that the trophies be marked and that the Parties also implement paragraphs b) to d) of Resolution Conf. 8.10 (Rev.) for trade in specimens of these species under the quota mechanism.

However, the supporting statement leads to some confusion. Under "Potential effects of trade" it refers to the export of a very small number of hunted specimens, around 5 to 10 a year, although the proponent is asking for an export quota of 20-30 specimens after 1999. This discrepancy should be explained. If the proposal is accepted, Venezuela should regularly inform the Secretariat of the implementation of its management plan during the years for which there is a zero quota. The Secretariat and the Animals Committee should review the management plan and the information about its implementation and submit a report for consideration at the 11th meeting of the Conference of the Parties.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: Switzerland and Liechtenstein are of the view that the proposed quota is sustainable and will have hardly any impact on the population. It is suggested however that, upon inception of the trophy hunting, improved population monitoring should be established.

Prop. 10.16: United Republic of Tanzania: establishment of an annual export quota of 1000 skins plus 100 hunting trophies from wild animals for the years 1998-2000 of *Crocodylus niloticus*

Comments from the Secretariat

At the eighth meeting of the Conference of the Parties, in 1992, the Nile crocodile population of the United Republic of Tanzania was included in Appendix II in

accordance with Resolution Conf. 3.15 on Ranching. However, an export quota was established in the Appendices at the same time for wild-taken animals ["no more than 100 hunting trophies a year, 400 nuisance animals in 1992, 200 a year in 1993 and 1994, and 100 in 1995 and each following year"]. At the ninth meeting, in 1994, the export quota was revised ["no more than 1100 wild specimens (including 100 hunting trophies) in 1995 and 1996, and a number to be approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group in 1997"]. At the time of writing (March 1997) no agreement on the quota for 1997 has been reached.

Resolution Conf. 8.22 (Additional Criteria for the Establishment of Captive-breeding Operations and for the Assessment of Ranching Proposals for Crocodilians) recommends that "any Party wishing to establish a long-term commercial harvest of wild adults satisfy the Berne Criteria (Resolution Conf. 1.2) for the transfer of its population to Appendix II". The Berne Criteria have since been replaced by the criteria in Resolution Conf. 9.24. Since the Tanzanian population of the Nile crocodile was transferred to Appendix II for ranching five years ago, a quota for the export of wild-taken crocodiles being set at that time, and the United Republic of Tanzania now wishes to have an export quota for a further three years, the Secretariat is concerned that the proposal reflects what is, or is becoming, a "long-term commercial harvest of wild adults" in the country.

The Secretariat suggests that, if the proposal is accepted in principle, the quotas for the years 1998 to 2000 should be agreed by the Tanzanian Government and the Secretariat, which should be advised by the IUCN/SSC Crocodile Specialist Group. However, it believes that if the United Republic of Tanzania wishes to allow the export of specimens from wild-taken adult crocodiles after the year 2000, it should make a proposal for consideration at the 11th meeting of the Conference of the Parties to retain the population in Appendix II in accordance with the criteria in Resolution Conf. 9.24 on Criteria for Amendment of Appendices I and II.

Secretariat's recommendation: **Accept** with the following annotation:

Apart from ranched specimens, the United Republic of Tanzania will authorize the export in 1998, 1999 and 2000 of a number of wild-taken crocodiles to be agreed by the United Republic of Tanzania and the CITES Secretariat, following consultation with the IUCN/SSC Crocodile Specialist Group.

Consideration of Proposals for Amendment of Appendices I and II

OTHER PROPOSALS

Proposals submitted

1. The 'other proposals' submitted in accordance with the provisions of Article XV, paragraph 1(a), of the Convention are listed in the Annex of document Doc. 10.85.
2. Annex 1 to the present document contains the comments received from the Parties, as well as the comments and recommendations of the Secretariat, with respect to the 'other proposals', these being communicated in accordance with Article XV, paragraphs 1(a), 2(b) and 2(c), of the Convention.

3. In accordance with the provisions of Article XV, paragraph 2(b), the Secretariat communicates the comments on 'other proposals' on marine species received from relevant inter-governmental bodies. These comments constitute Annex 2 to the present document.
4. The report of the Panel of Experts on the African Elephant regarding the proposals from Botswana, Namibia and Zimbabwe constitutes Annex 3 to the present document.

Doc. 10.89 (Rev.) Annex 1

Comments from the Parties and Comments and Recommendations from the Secretariat**F A U N A**

Prop. 10.17: Amendment to the relevant annotations of Appendix-II species annotated to limit the trade to certain types of specimens, to include the following wording: "All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly." [Switzerland]

Comments from the Secretariat

This proposal is fully supported by the Secretariat. At the ninth meeting of the Conference of the Parties, the Secretariat commented on this issue along the lines of the current proposal from Switzerland. The approach seems to be logical and appropriate.

Secretariat's recommendation: **Accept.**

Prop. 10.18: Inclusion in Appendix I of *Chaetopractus nationi* [Bolivia]

Comments from the Secretariat

A proposal to include this species in Appendix II at the eighth meeting of the Conference of the Parties was rejected.

The annual use of ca. 1,900 specimens is of some concern in view of the population data (3,212-13,250 specimens). If these estimates are correct, the species would become extinct two to seven years from now. For this reason it would qualify for inclusion in Appendix I under criterion D. Regarding population size, it might qualify under A.ii) or under C.i) and C.ii). In view of the estimated quantities traded and the population size, it might also qualify under B.iv).

However, from the information provided in the proposal, it seems that the main threat is local use, and very little information is provided regarding the international trade. Therefore, inclusion in Appendix I would not be of great help. Information provided in section 3.4 of the supporting statement is contradictory to that provided in section 4.1.1 regarding the regulation of national use. If national legislation were not adequately implemented (or if it were not adequate for CITES purposes) it would be appropriate to include the species in Appendix II, allowing for limited exports with a quota. The proposal does not provide information on the status of the species in other range States, as required by Resolution Conf. 9.24. For these reasons inclusion in Appendix I does not seem justified.

If there is a look-alike problem with *C. vellerosus*, the latter should have been proposed for Appendix II under the provisions of Article II, paragraph 2.b). The Nomenclature Committee should clarify the taxonomic status of the species.

Secretariat's recommendation: **Reject** (or include in Appendix II).

Comments from the Parties

Switzerland and Liechtenstein: This taxon is not generally recognized as a valid species. Honacki *et al.* (1982) say: "Distribution and status uncertain, may be a subspecies of *vellerosus*". Consequently, Switzerland and Liechtenstein would appreciate information as to the identification of the taxon, and a realistic assessment of whether or not Appendix-I listing could be enforced.

Proposals on Whales (Prop. 10.19 – Prop. 10.23)

Prop. 10.19: Transfer from Appendix I to Appendix II of *Eschrichtius robustus* (Eastern Pacific stock) [Japan]

Prop. 10.20: Transfer from Appendix I to Appendix II of *Balaenoptera acutorostrata* (Okhotsk Sea West Pacific stock) [Japan]

Prop. 10.21: Transfer from Appendix I to Appendix II of *Balaenoptera acutorostrata* (Southern Hemisphere stock) [Japan]

Prop. 10.22: Transfer from Appendix I to Appendix II of *Balaenoptera acutorostrata* (North-east Atlantic and North Atlantic Central stock) [Norway]

Prop. 10.23: Transfer from Appendix I to Appendix II of *Balaenoptera edeni* [Japan]

Comments from the Secretariat

Resolution Conf. 2.9 recommends that the Parties agree not to issue any CITES import or export permit, or certificate for introduction from the sea for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling. In its comments on the Norwegian proposal on *Balaenoptera acutorostrata*, considered at the ninth meeting of the Conference of the Parties, the Secretariat concluded that, for this reason, the species should remain in Appendix I. However, when the criteria for inclusion of species in Appendix I adopted at the same meeting (Resolution Conf. 9.24, Annex 1) are

applied, it is clear that the criteria are not met and that the stocks concerned should be transferred to Appendix II, with a quota, provided that effective enforcement is in place.

In accordance with the provisions of Resolution Conf. 9.24 Annex 4, paragraph B.3, Japan and Norway should commit themselves to withdraw their reservations with regard to the species concerned before the amendments enter into force.

If the proposals are adopted, in accordance with the provisions of Resolution Conf. 2.9, no trade in specimens from the stocks concerned should be permitted until they cease to be protected by the IWC. However, if Resolution Conf. 2.9 is repealed, as is proposed by Japan in its draft resolution on the relationship between CITES and the IWC (see document Doc. 10.40), the Parties should consider what measures should be implemented to control the trade, in relation to any newly adopted resolution and in relation to Resolution Conf. 9.24 Annex 4, paragraph B.2.d).

Although the proposal of Japan relating to *Eschrichtius robustus* (Prop. 10.19) does not provide comprehensive explanations and justifications, it appears that the stock under consideration does not meet the criteria for inclusion in Appendix I. The United States of America has recently transferred the stock in question from the "Endangered" to the "Threatened" category under the Endangered Species Act, which may be another argument in favour of the proposal.

The supporting statement for the proposal of Norway (Prop. 10.22) is much more comprehensive than the ones provided by Japan. It seems that the whole species *Balaenoptera acutorostrata* could be transferred to Appendix II because it does not qualify for inclusion in Appendix I with a total population of around one million animals.

Secretariat's recommendation: **Accept** all of these proposals with a zero quota unless Resolution Conf. 2.9 is repealed.

Comments from the Parties

New Zealand (Prop. 10.19 – Prop. 10.23): supports the continued maintenance of all whale species in Appendix I, in support of the IWC moratorium on all commercial whaling, and further believes that there should be no consideration of any downlisting proposals for any whale species in advance of an IWC decision on any proposal for the resumption of commercial whaling.

Switzerland and Liechtenstein (Prop. 10.19 and Prop. 10.22): The taxa meet the biological criteria for transfer to Appendix II, however the proposals suggest that there is a trade potential. In accordance with the precautionary principle, the proponent Party should agree to withdraw its reservations within 90 days after acceptance of the proposals, and quotas should be set, which may not exceed the quotas allocated by the IWC for commercial whaling. As there are no IWC quotas for the time being, the trade quotas set by CITES should be zero for the coming biennium.

Switzerland and Liechtenstein (Prop. 10.20 and Prop. 10.21): The taxa meet the biological criteria for transfer to Appendix II, however the proposals suggest that there is a trade potential. In accordance with the precautionary principle, the proponent Party should agree to withdraw its reservations within 90 days after acceptance of the proposals, and quotas should be set, which may not exceed the quotas allocated by the IWC for commercial whaling. As there are no IWC quotas for the time being, and as the southern hemisphere stocks may not be commercially exploited

because they occur in the Southern Hemisphere Sanctuary established by the IWC, the trade quotas set by CITES should be zero for the coming biennium.

Switzerland and Liechtenstein (Prop. 10.23): Although the stocks of the Bryde's whale are increasing, Switzerland and Liechtenstein are of the view that it does not yet meet the biological criteria for transfer to Appendix II, because the current stock size is only about 25 per cent of the pre-whaling stock.

The United States of America (Prop. 10.19 – Prop. 10.23) does not support these proposals. Referring to the resolution passed at the Special IWC Meeting in Tokyo (cf. Annex 2) and Resolution Conf. 2.9, the United States is of the opinion that all species/stocks of whales covered by the commercial moratorium of the IWC should also be in Appendix I. These species/stocks should not be considered for transfer to Appendix II until the IWC sets commercial quotas for these whales.

Prop. 10.24: Transfer from Appendix II to Appendix I of *Ursus arctos* [Bulgaria, Finland, Jordan]

Comments from the Secretariat

Although it is obvious that a number of national populations in western and central Europe and in Asia meet the criteria for inclusion in Appendix I, this is not the case for others. Some national populations have even increased considerably, for example in Romania (from 500 in 1950 to ca. 7,000 in 1996) and in Estonia (from less than 100 in the 1960s to 500-600 in 1996). The population in Romania does not meet the criteria for inclusion in Appendix I. In addition, Romania has a management plan for the species and has established an annual export quota.

The main argument put forward in the proposal is that the inclusion of the populations in question in Appendix II have not prevented the development of illegal trade (in other words the Appendix-II listing is not effective), and that this has been exacerbated by the fact that some populations are included in Appendix I and others in Appendix II. In addition, it is argued that the production of bile in captive-breeding operations is not considered as a way to produce medicines without detriment to the survival of the species in the wild but rather as a way to increase the consumption of bear products. Moreover, it seems that, again, eastern Asian traditional medicine is stigmatized as being responsible for all the problems.

The argument that the price of gall bladders, expressed in roubles, has increased is fallacious. In 1980, one rouble was more or less equivalent to one US dollar, in 1992 1000 roubles was more or less equivalent to one US dollar. Actually, in terms of US dollars, the price has decreased, not increased.

If the Appendix-II listing is not effective because there is an illegal trade, it may be asked whether Appendix-I listing would be more efficacious. Since traditional medicine, which is not only used in the Far East, uses bear parts and derivatives, such as bile or gall-bladders, illegal trade will not disappear merely because the Asian and European populations of bears are listed in Appendix I. Even if the proposal were accepted, the North American population of *Ursus arctos*, as well as *Ursus americanus*, will remain in Appendix II and the problem of split-listing will not be solved, unless these populations and species are also transferred to Appendix I.

However, the trade in brown bear specimens does not concern only gall-bladders but also live animals (for circuses and zoos) and hunting trophies. The following

should be taken into account when considering the trade data provided in the document.

- The data regarding trade in live bears do not give a good picture of the volume of trade because many records relate to the same groups of three or six circus bears that cross several borders each year. On the other hand, many of the brown bears in circuses that cross borders without documents (see document Doc. 9.22) are not included in the data.
- The trade data provided in table 3.2.1. are not correctly added up. Moreover, they refer to trade from the USSR taking place when this country no longer existed. With the political changes that have taken place, the possibilities for hunting in the Russian Federation have increased. However, the populations subject to trophy hunting are well managed and the number of trophies hunted (accounting for less than one per cent of the estimated size of the populations involved) do not form any threat to the survival of these populations.
- There is not a "dramatic increase in trade of meat". The meat in trade comes largely from the animals that supply the trade in hunting trophies. Furthermore the trade in meat was previously recorded as "carcasses". In addition trophies are also reported separately as "skin" or "skull".
- There is certainly some illegal trade in hunting trophies but this relates to specimens that are exported from Romania and the Russian Federation in accordance with the provisions of the Convention but are illegally imported into countries that have taken stricter domestic measures (notably France and Germany) or to avoid high Customs tax.

The captive-bred population mentioned in the proposal is greatly underestimated because it refers only to the European zoos captive-breeding programme (EEP). Few if any of the bears in circuses are included in the EEP, and many zoos have not included their brown bear stock in the EEP.

Other than comments from the Member States of the European Union, comments from range States are not included.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Russian Federation: Strongly objects to the inclusion of its population of *Ursus arctos* in Appendix I.

The total number of specimens of *Ursus arctos* in the Russian Federation is 100,000-125,000 specimens, with large populations in Yakutia (10,000), Kamchatka (7,500) and Khabarovsk (5,300). Hunting is only permitted under licence and only during a specific period. The annual capture quota is 6,000-7,000 specimens, but only 3,000-3,500 specimens are taken annually. Even taking into account possible poaching, the number taken is not detrimental to the survival of the species. In 1995, 265 specimens were exported as hunting trophies. The species is protected in 30 nature reserves where all hunting is prohibited. The population in the Russian Federation is stable, and there is no reason for concern.

Switzerland and Liechtenstein: While individual populations may fulfil the criteria for Appendix-I listing, the species as such has neither a small population nor a limited range. Both, range and population numbers are definitely larger than in the North American brown bear. It has to be noted that, in the total numbers indicated in Appendix A of the proposal, the sub-populations of countries for which no recent estimates are available have been counted as zero, i.e. the real population total is higher than the figures provided on page 1 of the appendix. Subpopulations counted as zero include Bosnia, Yugoslavia, Albania, Macedonia, Syria, Iraq, Iran, the western Siberian region, Pakistan, Japan. A comparison of the data provided in the proposal with those contained in the Identification Manual (1982) and those given (1989) by Denmark to support Appendix-II listing does not suggest an overall decline of the population:

Subpopulation	1982	1989	1997	Comments
Austria	0		20-25	
Bulgaria	530		700-800	
ex-Czechoslovakia	300		400-450*	* Slovakia only
Finland	400		700	
France	20		10	
Iraq		no data	no data	
Italy	85-115		80-100	
Iran		no data	no data	
Japan	3000-4000*	3000*	unknown	1970 data
Norway	50		42-57	
Poland	30		80-90	
Spain	70		50-70	
Sweden	400-600		670-990	
Syria		no data	no data	
Turkey	1000		2000-5000	
ex-USSR	70000	60,000-10,000	100,000-106,000	Russian Federation excluding W Siberia, "Russian" Caucasus, Ukraine, Estonia and Belarus
ex-Yugoslavia	700		550-800*	* excluding Bosnia, Herzegovina and the Former Yugoslav Republic of Macedonia

All bears included in table 3.2.1 exported from Switzerland were captive bred.

The documented trade is unlikely to have any impact on the development of the population.

The argument that transfer of the Eurasian brown bear to Appendix I will eliminate look-alike problems may not be used, as species may be listed for look-alike reasons only under Article II.2.b of the Convention (Appendix II).

Prop. 10.25: Transfer from Appendix I to Appendix II of population of Botswana of *Loxodonta africana*, to allow: a) the direct export of registered stocks of whole raw tusks of Botswana origin to one trading partner (Japan) subject to annual quotas of 12.68 tons in 1998 and 1999; b) international trade in hunting trophies; and c) international trade in live animals to appropriate and acceptable destinations

Prop. 10.26: Transfer from Appendix I to Appendix II of Namibian population of *Loxodonta africana*, to allow: a) the direct export of registered stocks of whole raw tusks of Namibian origin owned by the Government of Namibia to one trading partner (Japan) that will not re-export, subject to annual quotas that will not exceed 6900 kg between September 1997 and August 1998 and between September 1998 and October 1999; b) international trade in live animals to appropriate and acceptable destinations for non-commercial purposes; and c) international trade in hunting trophies for non-commercial purposes

Prop. 10.27: Transfer from Appendix I to Appendix II of Zimbabwean population of *Loxodonta africana*, to allow: a) the direct export of registered stocks of whole raw tusks to one trading partner (Japan) subject to annual quotas of 10 tons in 1998 and 1999; b) international trade in hunting trophies; c) international trade in live animals to appropriate and acceptable destinations; d) international trade in non-commercial shipments of leather Articles and ivory carvings; and e) export of hides [Botswana, Namibia, Zimbabwe]

Comments from the Secretariat

The three proposals are dealt with together here because they have similar objectives, to allow the disposal of a registered stock of raw ivory tusks and to allow international trade in trophy tusks and live animals for non-commercial purposes. However, Zimbabwe also proposes to allow trade in leather articles, ivory carvings and elephant hide. The three proponents wish to allow exports of the ivory stock only to Japan, which meets their conditions of having ivory trade controls in place and of having made a commitment not to allow re-export of ivory.

The proponents have proposed elaborate procedures and conditions for the export of the ivory stocks: limited quantities and a limited number of shipments; inspection of the shipment by any interested parties, including the Secretariat, during the whole transaction; return of the elephant populations to Appendix I in case of any abuse; etc.

In formulating its comments, the Secretariat has taken into account not only the supporting statements but also the report of the Panel of Experts established by the Standing Committee to evaluate the proposals, in accordance with Resolution Conf. 7.9, as well as the terms of reference of the Panel as revised in accordance with Decision No. 7 directed to the Standing Committee.

All the three countries have well managed and viable elephant populations, numbering about 79,000 in Botswana, about 7,700 in Namibia and about 66,000 in Zimbabwe. In Resolution Conf. 9.24, the guide to what

constitutes a small population, warranting inclusion in Appendix I, is 5,000 animals.

The ranges of the populations are about 73,000 km² in Botswana, about 100,000 km² in Namibia and about 75,000 km² in Zimbabwe. In Resolution Conf. 9.24, the guide to what constitutes a small area of distribution for a species, a criterion for inclusion in Appendix I, is 10,000 km².

An inferred or observed decline can also provide the basis for inclusion in Appendix I. The African elephant population in Namibia is stable and those in Botswana and Zimbabwe are increasing. Although there is concern about funding for anti-poaching activities in Zimbabwe, there is no basis for predicting a decline in the population.

The three populations therefore do not appear to meet the biological criteria for inclusion in Appendix I.

The precautionary measures in Annex 4 of Resolution Conf. 9.24 dictate that a species should not be transferred from Appendix I to II unless it meets certain criteria. The criterion most likely to be relevant in this case is the one in paragraph B.2.d) of Annex 4, which provides for transfer to Appendix II subject to an export quota, for a specified period, approved by the Conference of the Parties. In the present case, the quotas refer only to export in 1998 and 1999 of existing registered stocks of raw ivory tusks originating in the proponent States. Any further export of raw tusks (other than hunting trophies) in future would need to be subject to approval by the Conference of the Parties.

In this context it should be noted that the Panel of Experts concluded that controls over ivory stocks in Botswana were inadequate and that it may not be possible to determine the origin of much of the ivory. However the Panel also notes that Botswana has asked TRAFFIC to establish a computerized system for managing the ivory stock. In the circumstances, the Secretariat suggests that an external audit of the stock should be carried out at the same time as the management system is put in place, to ensure that the ivory originating in Botswana is clearly identified.

By the adoption of Resolution Conf. 7.9, the Conference of the Parties resolved that, when considering proposals to transfer African elephant populations from Appendix I to II, the Parties should take into account the report of the Panel of Experts and in particular: i) the status of the elephant population; ii) the State's ability to manage and conserve its population effectively; and iii) the State's ability to control trade in elephant ivory.

As indicated above, the status of the three elephant populations is good, in relation to the size and the trends.

Regarding the management of the populations, their status and the low level of poaching are indicative. However, the Panel of Experts has raised concerns about the decrease in funding in Zimbabwe, as well as about management there.

As for the ability of the States to control trade in ivory, the control of stocks appears to be adequate in all cases. There is no evidence of major problems with the control of trade in Botswana and Namibia. However, the Panel of Experts has concluded that the control of the ivory trade in Zimbabwe, and in particular of the ivory carving industry, has been "grossly inadequate". The Secretariat therefore suggests that no trade in carved ivory (even tourist souvenir specimens) should be permitted until it is satisfied that adequate controls have been put in place. (A precedent for this

approach exists in annotations -109 and -110 of the appendices.)

If the proposals were adopted, the Secretariat believes that, as the intention is only to allow export of ivory from the registered stocks direct from the proponent States to Japan in secure containers, under strictly controlled conditions, in one supervised shipment a year, there would be no significant risk of ivory being illegally added to the shipments and thus traded in contravention of CITES.

In this context, it is noteworthy that the Panel of Experts has concluded that the import and export controls in place in Japan are adequate, although there is a need to strengthen internal controls of the retail trade to prevent the laundering of illegally obtained ivory at this level.

The proposed trade in live animals and hunting trophies seems unobjectionable. The same applies to the proposed trade in hides and the non-commercial trade (personal effects) in leather Articles from Zimbabwe.

There is speculation that renewed trade in elephant ivory may lead to an escalation of poaching and an increase in illegal trade in elephant ivory. There is no way to assess these risks but the Secretariat believes that the proposed conditions would minimize them. In this connection, the Secretariat is concerned that those who spread stories to indicate that the proposals are designed to re-open 'free' trade in ivory are acting against the conservation of the African elephant. In fact they should make every endeavour to ensure that the public is well informed that this is not the case.

Namibia and Zimbabwe have proposed that, in the event that their proposals are accepted and subsequently a Party becomes aware of abuses or aware that the proponent State is not honouring its commitments, the Standing Committee should be informed. If it is satisfied that there has been an abuse, it would request the Depositary Government to propose the retransfer of the population concerned to Appendix I by the postal procedure. A similar procedure could apply if the Standing Committee was satisfied that there was a significant increase in illegal trade in African elephant ivory as a result of the transfer to Appendix II.

No trade in elephant products should be permitted from any of the proponent States until its reservation on the inclusion of the African elephant in Appendix I has been withdrawn.

Secretariat's recommendation: **Accept**, with the following annotation:

For the exclusive purpose of allowing:

- i) the direct export from Botswana to Japan of registered whole raw tusks originating in Botswana, as demonstrated to the satisfaction of the Secretariat, and owned by the Government of Botswana (no re-export from Japan being permitted), in no more than two shipments, subject to an annual quota of 12,680 kg in 1998 and 1999;
- ii) the direct export from Namibia to Japan of registered whole raw tusks originating in Namibia and owned by the Government of Namibia (no re-export from Japan being permitted), in no more than two shipments, subject to a quota of 6,900 kg from 1 September 1997 to 31 August 1998 and of 6,900 kg from 1 September 1998 to 31 August 1999;
- iii) the direct export from Zimbabwe to Japan of registered whole raw tusks originating in Zimbabwe and owned by the Government of Zimbabwe (no

re-export from Japan being permitted), in no more than two shipments, subject to an annual quota of 10,000 kg in 1998 and 1999;

- iv) international trade in live animals to appropriate and acceptable destinations for non-commercial purposes;
- v) international non-commercial trade in hunting trophies;
- vi) export of hides and non-commercial exports of leather Articles from Zimbabwe; and
- vii) non-commercial export from Zimbabwe of worked ivory as tourist souvenirs after the Secretariat has informed the Parties that it is satisfied that adequate controls are in place in Zimbabwe.

Comments from the Parties

New Zealand (Prop. 10.25 – Prop. 10.27): considers that any proposal to change the current status of the African elephant must demonstrate that acceptance of the proposal poses no risk whatsoever of promoting resumed poaching of the species anywhere on the continent, before such proposals can be supported. In the absence of evidence to the contrary, New Zealand considers that the proposals for a resumption of the international trade in raw tusks would carry a significant risk of encouraging a resumption of poaching and could not therefore be supported.

Switzerland and Liechtenstein (Prop. 10.25): The Panel of Experts concluded that the criteria laid down in resolution Conf. 7.9 are essentially met, except that controls over ivory stocks in Botswana are inadequate (and that some illegal transit cannot be ruled out). Consequently, Botswana should be invited to address the problem of ivory stock controls. If this problem cannot be solved, Switzerland and Liechtenstein are of the view that an annotated transfer to Appendix II with a zero quota for commercial exports of ivory and other goods should be considered.

Switzerland and Liechtenstein (Prop. 10.26): The Panel of Experts concluded that the criteria laid down in resolution Conf. 7.9 are met (except that some illegal transit cannot be ruled out). If the Conference of the Parties wants to be consistent with earlier decisions, this proposal should be adopted.

Switzerland and Liechtenstein (Prop. 10.27): The Panel of Experts concluded that the biological criteria laid down in resolution Conf. 7.9 are met. It noted, however, that enforcement with respect to ivory trade has been grossly inadequate, and that Zimbabwe has a poor control over trade in elephant products other than ivory. As long as the problems identified by the Panel have not been solved, an annotated transfer to Appendix II, with a zero quota for commercial exports of ivory and other products, should be considered.

Prop. 10.28: Amendment to annotation °503 to allow the trade in parts and derivatives, but with a zero export quota, of *Ceratotherium simum simum* [South Africa]

Comments from the Secretariat

The population of *Ceratotherium simum simum* of South Africa is already included in Appendix II but with certain conditions applying to the trade. The proposal is to lift the restrictions that prevent trade in horn and other parts and derivatives but to establish a zero quota on such trade. Support is sought for an investigation of the possibility of establishing a bilateral agreement on trade in rhinoceros parts and derivatives with appropriate controls to prevent the laundering of 'illegal products'.

The supporting statement and the annex to it provide convincing arguments and rationale for allowing the trade in white rhinoceros parts and derivatives of South African origin, including measures that South Africa would take if the proposal were accepted.

No conservation or enforcement problems appear to have been created by the transfer to Appendix II of the South African population of *Ceratotherium simum simum* with the current annotation. As the plan is to retain a zero quota on the export of rhinoceros parts and derivatives, there is no reason to believe that acceptance of the proposal would lead to any such problems either. South Africa has strict controls on trade in rhinoceros horn.

The rhinoceroses have been in Appendix I for 20 years. In this time, the poaching and the illegal trade in horn have not stopped. Poaching has been suppressed significantly only in range States that have enacted strong legislation and committed large sums of funds for law enforcement, as is evident in some of the range States of southern and eastern Africa, and in India and Nepal with respect to *Rhinoceros unicornis*. The need for innovative measures to achieve conservation of rhinoceroses has been raised a number of times. The Conference of the Parties has initiated such measures and has taken a cautious approach by accepting the transfer of the South African population of *Ceratotherium simum simum* to Appendix II at the ninth meeting of the Conference with strict conditions applied to the trade. It seems appropriate now to reduce the conditions a little and to investigate trade options for the future. This is all that South Africa is requesting.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: The effects of the annotated transfer to Appendix II decided at CoP9 were reviewed by the Standing Committee in December 1996, and no problems were identified. The current proposal (under A.) needs to be reworded. According to our understanding, the entry in the interpretation section of the Appendices could read as follows:

°503 Commercial trade in horns is subject to an export quota. For the years 1997 to 1999 the quota is zero.

Prop. 10.29: Deletion from Appendix II of *Tayassu tajacu* [Mexico]

Comments from the Secretariat

Tayassu tajacu and *T. pecari* were included in Appendix II at the sixth meeting of the Conference of the Parties (Ottawa, 1987), with the exception of the populations of the United States of America, because the latter country only allows the export of hunting trophies.

The exclusion from Appendix II of only the Mexican populations of *T. tajacu* could create enforcement problems, for look-alike reasons, in the control of the trade in specimens of *T. pecari*, a species that also occurs in Mexico. The proposal does not refer to this problem. Furthermore, Mexico has established 'Production Units' (production areas) for *T. tajacu* with the apparent aim of satisfying the demand for hunting trophies at the national level. However, if at some time in the future these Production Units start to produce skins for the international market, another enforcement problem could develop. Trade in skins from some populations would not be subject to CITES controls, as well as a much larger proportion of skins for which CITES documents are required. This could jeopardize

efforts made by other countries that intend to establish sustainable management programmes for the species for the purpose of trading in skins (e.g. Argentina and Peru).

Mexico should clarify whether it intends to develop a sustainable utilization programme for trade in skins of this species.

Secretariat's recommendation: **Reject.**

Prop. 10.30: Amendment to annotation °504 (*Vicugna vicugna*) to replace the words "VICUÑANDES-CHILE" and "VICUÑANDES-PERU" by the words "VICUÑA-COUNTRY OF ORIGIN" [Peru]

Comments from the Secretariat

At the ninth meeting of the Conference of the Parties, the proposal to transfer the vicuña populations of Chile and Peru to Appendix II was accepted. However, a misunderstanding arose regarding the name that should be used when marking vicuña cloth. At that time, Chile and Peru apparently requested to change the name as it is proposed now. The minutes of Committee I and those of the plenary sessions do not record this request and the solution recommended to both countries by the Secretariat was to seek to amend the annotation at the 10th meeting.

At the ordinary meeting of the member countries of the Vicuña Convention (held in Jujuy, Argentina, in 1995), the matter was discussed and, by Resolution No. 161/95, the members agreed to request an amendment to the annotation regarding the mark. The new name of the vicuña cloth will be used by all countries requesting the transfer of their populations to Appendix II.

Secretariat's recommendation: **Accept.**

Prop. 10.31: Amendment to annotation °504 to allow also the member countries of the Vicuña Convention to trade in luxury handicrafts and knitted Articles made of wool sheared from live vicuñas from Appendix-II populations of *Vicugna vicugna* [Peru]

Comments from the Secretariat

It should be made clear that this proposal relates only to the populations of vicuña that are already in Appendix II. The mark that will be used is "Vicuña-[name of country of origin]-Artesanía" (Handicraft).

The trade in luxury handicrafts provides an important income to the countries of origin, mainly to the local communities.

This proposal, presented by Peru on behalf of all member countries of the Vicuña Convention, includes the texts of Resolution No. 158/95 and Resolution No. 159/95, both adopted at the XVth ordinary meeting of the Vicuña Convention (held in Jujuy, Argentina, in November 1995). In Resolution No. 158/95, Argentina and Peru are asked to prepare a proposal to develop a handicraft programme using vicuña wool. Among other requirements, the proposal must include "utilization of vicuña wool from sheared live animals and/or wool from confiscations, authorized culling, natural deaths and deaths from management techniques". In Resolution No. 159/95 it is requested that member countries of the Vicuña Convention ask the 10th meeting of the Conference of the Parties to CITES to be allowed to trade "in knitted Articles made of wool sheared from live animals", which is in fact what Peru is asking for in this proposal. The proponent, as well as the other members of the Vicuña Convention attending the present meeting of the Conference of the Parties, should clarify the apparent contradiction between the two resolutions.

The proposal should be accepted on the condition that the handicrafts manufactured in Chile and Peru (and from other vicuña populations that may be transferred to Appendix II in the future) will be done only with wool sheared from live animals.

Secretariat's recommendation: **Accept.**

Prop. 10.32: Transfer from Appendix I to Appendix II of specified populations of *Vicugna vicugna* (the population of the Province of Jujuy and of the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan, Argentina; to allow only the international trade in wool sheared from live vicuñas, and in cloth and manufactured items made thereof, under the mark "VICUÑA-ARGENTINA") [Argentina]

Comments from the Secretariat

This proposal is very well documented. The population is restricted to the extreme north-west of Argentina and has been monitored continuously since 1973. Argentina is proposing a sound management plan for the entire population of the Province of Jujuy. It has developed two systems of shearing, which will be implemented in separate areas in this province. For comparison, animals will not be sheared at all in one area. Annually a census will be carried out combining two methodologies: direct census and census by sampling.

Argentina is organized as a Federal State. The Province of Jujuy has all the legislation needed to implement a programme of this type and hence has been chosen for the first experimental programme on the rational utilization of the species. The other provinces where the species occurs will only be integrated into the national programme when they have the necessary scientific and technical expertise and adequate legislation. The social component of the proposal is very important and is well described in the proposal.

This proposal is supported by the other members of the Vicuña Convention (through Resolution No.166/96).

However, the proponent should be cautious with the populations in "semi-captivity" in order to maintain them without augmentation from the wild, especially in the provinces where the wild populations are not covered by the proposal.

Secretariat's recommendation: **Accept.**

Prop. 10.33: Transfer from Appendix I to Appendix II of *Vicugna vicugna* (the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lípez-Chichas, Bolivia; to allow only the international trade in cloth made of wool sheared from live vicuñas, under the mark "VICUÑA-BOLIVIA") [Bolivia]

Comments from the Secretariat

The Management Authority of Bolivia is strongly committed to the conservation of this species. Population surveys were conducted in 1995 and 1996.

The number of vicuñas recorded during the 1996 census was about 51 per cent higher than in the census carried out in 1995. It is difficult to accept that there has been such an increase in one year when, in previous years, the annual population increase was not greater than 15 per cent. The discrepancy may reflect an underestimate in the previous census, an overestimate in the latest census or an important migration of animals into the areas where the census was done. Therefore the census should be repeated at least three times (yearly or every two years). Considering that Bolivia did not carry out any census for a long period, the 1996 census should be considered as a starting point. It should conduct a new census in 1997 in order

to confirm the data obtained in 1996. In the Secretariat's opinion it is necessary to have more accurate data on the number of specimens, population structure and quality of available habitat.

Meanwhile, Bolivia should develop training activities on capture and shearing, taking into account the experience of other countries that are already using the resource. Also, Bolivia should develop a management plan covering all aspects of the conservation of the species and its exploitation and should develop specific legislation for the species, containing penalties for illegal hunting, illegal trade, etc.

If the proposal is accepted, a zero quota should be established until the next meeting of the Conference of the Parties, provided that the Vicuña Convention has approved the management plan for the species.

Secretariat's recommendation: **Accept**, with a zero quota

Comments from the Parties

New Zealand (Prop. 10.30 – Prop. 10.33): considers that the annotations to the listing of *Vicugna vicugna* should be worded in such a way that the marketing of unmarked wool would be prevented.

Prop. 10.34: Inclusion in Appendix II of *Elaphurus davidianus* [Argentina, China]

Comments from the Secretariat

This proposal is not well documented. The only real change in the status of the species has been the discovery of a population in Argentina, where it is apparently not protected by law and is subject to hunting pressure. The proposal, however, does not provide much information on this population.

It appears from the supporting statement that the species still does not occur in the wild, even in China, the range State from where it disappeared about a hundred years ago. In addition, the species has been introduced in at least 20 countries, where it might have been bred with other species. The listing of such a species in the CITES appendices, which does not appear to be subject to commercial international trade, is not justified.

There is no evidence of international trade threatening the reintroduced populations. The only trade is apparently in hunted specimens from captive populations in Argentina. Regarding these, it would be appropriate for the proponents (Argentina and China) to discuss what action to take at the national level and whether the captive animals in Argentina can be used in the conservation programme for the species.

The species therefore does not qualify for inclusion in the Appendices under Article II.2.a). Moreover, the 'wild' populations are increasing rather than decreasing.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The survival of *Elaphurus davidianus* still depends on the maintenance of a captive population by zoological gardens and wildlife parks, essentially outside the jurisdiction of the proposing Parties. Experience with other species shows that CITES listing and the subsequent increase in paperwork related to the international exchange of animals not necessarily support of captive breeding programmes. A proposal to include the species in Appendix II was submitted by the United Kingdom at CoP3 (New Delhi, 1983) and was withdrawn after several delegations had expressed their disagreement, referring to the increase in administrative work or

commenting that the inclusion of the species "in Appendix II serves no useful function".

Prop. 10.35: Transfer from Appendix I to Appendix II, in accordance with precautionary measure B.2.b) of Resolution Conf. 9.24 Annex 4, of *Bison bison athabascae* [Canada]

Comments from the Secretariat

The quality of the management programme is such that the populations are steadily increasing, and the potential trade threat is small.

There is some hunting, including hunting by non-resident trophy hunters. It could therefore be considered that the transfer to Appendix II should be accompanied by an export quota for wild-taken trophies. This might not be necessary if the trophy hunting were restricted to the diseased herds only.

Secretariat's recommendation: **Accept.**

Prop. 10.36: Inclusion in Appendix I of *Bos javanicus* [Thailand]

Comments from the Secretariat

This species appears to meet the criteria for inclusion in Appendix I. Some international trade exists in this taxon. It appears to take place essentially between neighbouring countries, notably Thailand and Cambodia, Lao People's Democratic Republic and Myanmar (the last three are not party to CITES), through borders that are extremely difficult to control. However, this trade is not the major threat to the survival of the species.

It is notable that the species is domesticated in several countries or areas (e.g. Bali) and has been introduced to others (e.g. Australia) where it may cross-breed with domestic animals. This might complicate the implementation of the Convention if the species were included in the appendices.

Finally, it appears that the other range States have not been consulted.

Secretariat's recommendation: **Accept**, but more discussion is needed.

Comments from the Parties

Switzerland and Liechtenstein: From the document itself, it is not evident by which Party the proposal was submitted. As there are true wild populations and domestic breeds with various kinds of intermediate forms, such as hybrids and feral animals, the adoption of the proposals will unavoidably result in enforcement problems. The proposal does not document any threat to the species by international trade.

Prop. 10.37: Inclusion in Appendix I of *Bubalus arnee* [Thailand]

Comments from the Secretariat

This species appears to meet the criteria for inclusion in Appendix I. It is certainly more threatened in the wild than *Bos javanicus* but the domesticated form is widespread and subject to substantial international trade, particularly in leather. The listing of the species in Appendix I would lead to enormous problems of implementation, although it is improbable that any specimens of wild origin would be traded internationally as being from domestic animals.

One comment in the supporting statement raises questions about the appropriateness of Appendix-I listing: "The likely sources of these putative wild buffalo horns (found in Bangkok) are thought to be Myanmar, Lao PDR and Cambodia, and since it is uncertain

whether any truly wild Asian buffalo remain in these countries it is difficult to assess the seriousness of the threat posed by this trade."

Finally, the other range States have not been consulted.

Secretariat's recommendation: **Accept**, but more discussion is needed.

Comments from the Parties

Switzerland and Liechtenstein: See comments under Prop. 10.36.

Prop. 10.38: Transfer from Appendix II to Appendix I of *Ovis ammon nigrimontana* [Germany]

Comments from the Secretariat

This subspecies meets the biological criteria for inclusion in Appendix I but it is not the only subspecies of *Ovis ammon* threatened with extinction. The taxonomy of all *Ovis* species is the subject of controversy and serious problems of identification exist. Instead of considering one subspecies after another, it would be preferable to consider them all together. In addition, Annex 3 to Resolution Conf. 9.24 indicates that taxonomic names below the species level should not be used unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

Secretariat's recommendation: **Reject**, but more discussion is needed.

Comments from the Parties

Switzerland and Liechtenstein: No current data on population numbers and trends are provided in the proposal. Nevertheless, it appears that the biological criteria for including the subspecies in Appendix I are met. As the taxon is already included in Appendix II, trade data should be available. These are, however, not included in the proposal. Reference is made to the possibility of illegal trade, but no evidence is given. Information on protection afforded at the national level is inadequate. The proposal also does not contain any comments from the range State (Kazakhstan) or from the Management Authority of the Russian Federation. Swiss trade data on the import of hunting trophies of *Ovis ammon* (1975 to 1995) are: six from Mongolia (*darwini*), one from Iran via Germany, three *polii* and one *collum* from the former USSR. There is no evidence of legal or illegal imports of *nigrimontana* since the entry into force of CITES.

Prop. 10.39: Inclusion in Appendix II of *Pauxi pauxi* [Netherlands]

Comments from the Secretariat

The trade data provided, nine specimens in 12 years, do not suggest that international trade is a threat to the survival of the species. Even if it was already very rare 25 years ago, and it still remains so, there is no clear evidence of a strong decline in the recent years. The main threat seems to be habitat loss. If there is some exploitation, this seems to be national, not international. Animals outside the range States seem to be captive-bred. The species is already included in Appendix III, included by Colombia, and this seems to be the appropriate place. Venezuela, could also request the inclusion in Appendix III.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: National hunting bans are obviously not enforced. In this situation, CITES will not solve the problem of the detrimental effects upon

the species within the range States, that are due to hunting for human consumption and habitat destruction. The population status of the species and the supposed decrease are not satisfactorily documented. The trade statistics in the proposal, which should be accurate, because the species is already in Appendix III, do not indicate any existing or any potential threat by international trade. Obviously, the proponent did not find it necessary to contact the range States.

Prop. 10.40: Inclusion in Appendix II of *Pauxi unicornis* [Netherlands]

Comments from the Secretariat

See comments on *P. pauxi*.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: Inclusion in the CITES Appendices will not stop the hunting of this species for local human consumption nor the destruction of the habitat in the range States. The proposal contains no documentation on any existing or potential international trade. Why is it still so that CITES member States seem to think it necessary to submit proposals without consultation let alone co-operation with the range States of the species in question?

Prop. 10.41: Transfer from Appendix II to Appendix I of *Amazona agilis* [Germany]

Comments from the Secretariat

This species, endemic to Jamaica, is protected by the Jamaican Wild Life Protection Act. The main threat seems to be the loss of suitable habitat. Some organizations, together with Jamaica's Natural Resources Conservation Authority are currently running a project to study the breeding biology and habitat of the species.

The species appears to meet the criteria for inclusion in Appendix I but, as such inclusion might stimulate illegal trade, the Secretariat wonders whether such inclusion is wise and in the best interest of the conservation of the species (see Resolution Conf. 9.24 Annex 4, paragraph A).

In any case, before the species is included in Appendix I it would be appropriate to implement the procedures established by the Parties in Resolution Conf. 8.9, on trade in wild-caught animals specimens. Therefore, the Animals Committee, should consider this species in the context of its review of significant trade in Appendix-II species and should make whatever recommendations are appropriate.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: CITES is no remedy against wood cutting and hurricanes. It does not seem appropriate to use 20-year-old (!) data on illegal trade to support a transfer to Appendix I. Also the information on legal trade is inadequate, the most recent dating from 1989. In this context, Swiss imports from 1990 to 1994 were zero. Furthermore, it seems unlikely that the 150 amazons exported from Argentina in 1987 really were of the species *A. agilis*; most likely, these were *A. aestiva* (i.e. the alphabetical neighbour of *agilis*). The direct exports from Jamaica for the period for which data are given are definitely sustainable. The proposal does not contain any information from the country of origin. As the species is protected in Jamaica and as the proposal fails to demonstrate an inability of Jamaica to implement CITES or its national legislation, there appears no need for a transfer of the

species to Appendix I. An Appendix-I status would not comply with the definition of Appendix I set forth in Article II of the Convention.

Prop. 10.42: Transfer from Appendix II to Appendix I of *Amazona viridigenalis* [Germany, Mexico, United States of America]

Comments from the Secretariat

The species is naturally endemic to Mexico but some small populations exist in the United States of America as a consequence of the illegal trade in the species.

The trade flourished from 1968 until 1980. In 1982, trade in the species was totally banned, but the illegal trade increased. In response, several conservation and management centres for the species were created in Mexico and it is possible that, if the proposal is accepted, this country will register some of these in accordance with Resolution Conf. 8.15. Apparently the species is easy to produce in captivity.

Taking into account the habitat fragmentation and the estimated total size of the Mexican population, the species meets the biological criteria for inclusion in Appendix I, in Resolution Conf. 9.24.

However, as inclusion in Appendix I might stimulate illegal trade, the Secretariat wonders whether such inclusion is wise and in the best interest of the conservation of the species (see Resolution Conf. 9.24 Annex 4, paragraph A).

In any case, before the species is included in Appendix I it would be appropriate to implement the procedures established by the Parties in Resolution Conf. 8.9, on trade in wild-caught animals specimens. Therefore, the Animals Committee, should consider this species in the context of its review of significant trade in Appendix-II species and should make whatever recommendations are appropriate.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The most recent information on population trends quoted in the proposal dates from 1989. It is not clear whether the population is still declining or whether it has stabilized during the past seven years. It does not seem logical to state that "due to the high mobility of the species an exchange between the different parts of the population may be possible", and to simultaneously claim that a criterion B(i) is met. It appears from the proposal that the bulk of the exports took place prior to 1984. It does not seem appropriate to use these old data to justify a transfer of the species to Appendix I. From 1985 to 1992 only a total of 297 birds were internationally traded, including 134 exports from Mexico and Nicaragua (i.e. an average of 17 birds per year) which is definitely sustainable if the population is between 3000 and 6000 animals. The proposal does not contain information on all the range States. An Appendix-I status would not comply with the definition of Appendix I set forth in Article II of the Convention.

The United States of America provides the following additional information, indicating that the species qualifies for inclusion in Appendix I under criteria A (i, v), B (i, iii, iv) and C (i, ii) of Annex 1 to Resolution Conf. 9.24:

- The endemic red-crowned parrot of Mexico has a very limited distribution of 50,000 km², approximately 70 per cent of which is located in central and southern Tamaulipas in north-east Mexico (Forshaw, 1989). The estimated density of nesting red-crowned parrots in south-eastern Tamaulipas is

5.7 birds per 100 ha. Red-crowned parrots studied in the wild have a mean clutch size of 3.7 eggs (range 3-5 eggs) and a mean production of only 1.4 fledglings per nest.

- Enkerlin (1995) observed seasonal and annual fluctuations in both the total number of parrots and the relative proportion of the different species of *Amazona* parrots at a roosting site. He hypothesized that the red-crowned parrot was more dependent on coma (*Bumelia laetevirens*) fruit than other Mexican *Amazona* species and that its distribution shifted more than that of other species. The seasonal variation could be expected to reduce the precision of population estimates.
- Poaching, even without destruction of the nest cavity, might increase the degree of site desertion and expose parrots to a novel situation every year, probably leading to reduced productivity. During the Enkerlin study, poaching of red-crowned parrot chicks occurred in the study area and resulted in nesting failure.
- Nests of the red-crowned parrot are not difficult to find, because adult birds feeding young announce their arrival at the nest with a series of characteristic vocalizations. Enkerlin hypothesized that species differences in conspicuousness may affect the capture of nestlings. The conspicuousness of the red-crowned parrot could be the reason why it has been captured in such large numbers for so many years, despite a limited geographic distribution (Inigo-Elias and Ramos, 1991).
- Red-crowned parrots nest successfully in disturbed habitat mosaics, including cattle pastures where they are much more accessible to poachers.
- In Mexico, red-crowned parrots are still found in the market, as frequently as red-lored parrots (*A. autumnalis*), despite their protected status and much smaller range.

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- Forshaw, J.M. 1989. *Parrots of the World*. Third edition. Lansdowne Editions, Melbourne, Australia.
- Inigo-Elias, E.E. and M.A. Ramos. 1991. The psittacine trade in Mexico. In J.G. Robinson and K.H. Redford (eds.), *Neotropical wildlife use and conservation*. University of Chicago Press, Chicago.

Prop. 10.43: Transfer from Appendix II to Appendix I of *Cacatua sulphurea* [Germany]

Comments from the Secretariat

This species was subject to review by the Animals Committee pursuant to Resolution Conf. 8.9. The Committee formulated recommendations, which were implemented by Indonesia and the legal export in the species was stopped in 1991. The Committee did not recommend the transfer of the species to Appendix I.

Currently the trade criteria are not met and Indonesia should maintain the export prohibition. Birdlife International's Indonesia Programme is not convinced that Appendix-I listing of Indonesian psittacines is appropriate, since this could restrict the implementation of

management plans. Indonesia, the only range State, is opposed to the transfer.

The Animals Committee should consider the management programme that Indonesia and Birdlife International are developing and there should be a study of the illegal trade.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: It appears that the Management Authority of Indonesia does not concur with this proposal. More specifically, Indonesia fears that the adoption of the proposal would jeopardize the recovery plan for the species. Switzerland and Liechtenstein are of the view that, under these circumstances, Germany should have refrained from submitting this proposal.

Prop. 10.44: Transfer from Appendix II to Appendix I of *Eunymphicus cornutus uvaeensis* [Germany]

Prop. 10.45: Transfer from Appendix II to Appendix I of *Vini kuhlii* [Germany]

Prop. 10.46: Transfer from Appendix II to Appendix I of *Vini peruviana* [Germany]

Prop. 10.47: Transfer from Appendix II to Appendix I of *Vini ultramarina* [Germany]

Comments from the Secretariat

The supporting statements do not contain adequate trade data. They indicate that the major problem these species are facing is predation by introduced small mammals and habitat loss.

According to the available information, *Eunymphicus cornutus* does not meet the criteria for inclusion in Appendix I. *Vini kuhlii* might meet the biological criteria for inclusion in Appendix I but no trade has been recorded. For *Vini peruviana*, possibly a trade demand exists but the species does not meet the biological criteria for inclusion in Appendix I. *Vini ultramarina* probably meets the biological criteria for inclusion in Appendix I but trade is of marginal concern.

Secretariat's recommendation: These proposals should be **rejected**.

Comments from the Parties

Switzerland and Liechtenstein (Prop. 10.44): A transfer to Appendix I is no remedy for habitat loss and the detrimental effect of introduced rats. This is a taxon that is addressed by Resolution Conf. 1.6 (Rev.). It seems somewhat awkward to justify the proposal with the fact that the population is nowadays believed to be ten times as big as in 1992 when illegal trade seemed to be a problem, and by stating that controls at the national and international airports of New Caledonia have been intensified. The subspecies is fully protected in its range. Consequently the data on legal international trade are practically nil. The proposal contains no convincing arguments to suggest increased importance of trade in future. Is not clear why the present Appendix-II listing does not guarantee sufficient protection.

Switzerland and Liechtenstein (Prop. 10.45, Prop. 10.46 and Prop. 10.47): These species are among those addressed by Resolution Conf. 1.6 (Rev.). The proposals fail to demonstrate that there has been any substantial international legal or illegal trade in these species since the entry into force of CITES, nor do they document any increased trade threat. The main threats according to the proposals are destruction of habitat, rats and disease. An Appendix-I

listing will not change this. *V. kuhli* is well protected. In view of the distribution of this species on islands, it is not evident why an Appendix-II listing does not provide sufficient protection.

Prop. 10.48: Transfer from Appendix II to Appendix I of *Aceros waldeni* [Germany]

Comments from the Secretariat

The species appears to be very rare. The supporting statement does not provide any information regarding utilization and trade but there probably is none because of the natural rarity of the species. The genus *Aceros* is included in Appendix II (with two species in Appendix I) but it appears that the place of this species is more in Appendix I than in Appendix II because of its biological status. However, in accordance with the precautionary measure A, in Resolution Conf. 9.24 Annex 4, it may be more appropriate to maintain the species in Appendix II, so as not to draw the attention of potential collectors.

Secretariat's recommendation: Reject.

Comments from the Parties

Switzerland and Liechtenstein: Although, as suggested in the proposal, the species is on the brink of extinction, it is not protected through national legislation and so far it has been of no importance in trade. An Appendix-I listing might be counter-productive because it might raise the interest of unscrupulous dealers and speed up extinction through illegal exports. The proposal contains no comment from the range State. Complete national protection and intense surveillance of the habitat, instead of the 'alibi' of an Appendix-I listing, is strongly recommended.

Prop. 10.49: Inclusion in Appendix II of *Pycnonotus zeylanicus* [United States of America]

Comments from the Secretariat

This species is very heavily traded and, according to the information available, it meets the biological criteria for inclusion in Appendix I. The demand comes from within Indonesia. Therefore inclusion in the CITES Appendices is unlikely to help protect the remaining population in that country. However, as that population has diminished, illegal trapping has started in neighbouring countries, from which specimens are illegally traded. Some experts argue that the inclusion in Appendix I is currently the only adequate response to the situation.

The species is considered as 'vulnerable' by IUCN, on the basis of a rapid decline (over 50 per cent in 20 years) owing to over-exploitation. The two range States that commented on the proposal, Indonesia and Brunei Darussalam, support the proposal.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: The information provided on conservation and management is not sufficient, the information on national utilization not up-to-date. The data on international trade do not necessarily justify an inclusion in Appendix II. It is not clear whether the domestic trade situation in Indonesia still prevails today. CITES is no remedy against the destruction of habitats. The proposal does not contain any comments of range States. Such comments, by preference containing some substantial information which is lacking in the present supporting statement, would be appreciated.

Prop. 10.50: Inclusion in Appendix II of *Leiothrix argentauris* [Netherlands]

Comments from the Secretariat

The information provided in the supporting statement is very limited. In particular, nothing is said about illegal trade and actual or potential trade impacts. It is therefore very difficult to determine whether the species meets the criteria for inclusion in Appendix II.

Of the 12 range States, four have provided their opinions to the proponent. Three (Bangladesh, China and Viet Nam) support the proposal, Bangladesh indicating, however, that they do not have any record of trade. Indonesia does not support the proposal because it is not justified by the information presented and because many other species could be listed on the basis of similar information.

However, the available information indicates that the species is widely traded and that levels of exploitation may be unsustainable in the long term. Also the species experiences a high mortality rate prior to being re-exported from Hong Kong. The inclusion in Appendix II therefore seems appropriate.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: This is a widely distributed and rather common species. The proposal contains no indication of the population status. The data on international trade in the proposal document a volume that certainly is sustainable and not detrimental to the species. The species breeds easily in captivity. There are no comments from the range States. Indeed the proposal contains not one valid argument for inclusion of this species in Appendix II, as defined in Article II of the Convention.

Prop. 10.51: Inclusion in Appendix II of *Leiothrix lutea* [Netherlands]

Comments from the Secretariat

The information provided in the supporting statement is very limited and sections 2.3 and 2.4 are contradictory. It appears, however, that the international trade outside the range States might be significant but the information provided is not related to current population status. The two range States that commented on the proposal (China and Viet Nam) support it.

The species is fairly common in China, where it has a large area of distribution. However, it seems that a large trade exists, which, combined with the threat of habitat destruction, makes the species a good candidate for inclusion in Appendix II.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: The species is not considered by IUCN to be endangered in any way. It is widely distributed. The proposal contains no data on the population status. There is no scientific evidence, only an unpublished personal communication to suggest a decrease in the populations (which, by the way, might be due to habitat destruction and not to trade). There are no data on national trade and/or catches for human consumption. The species is easily bred in captivity and it can be supposed that a substantial amount of the international trade comprises captive-bred specimens. The range States were not even contacted. The proposal indeed gives no reason why this species should be included in Appendix II. Any conservation problems that might exist in the present situation should be addressed and efficiently solved nationally.

Prop. 10.52: Inclusion in Appendix II of *Liocichla omeiensis* [Netherlands]

Comments from the Secretariat

This species is endemic to China, which supports its inclusion in Appendix II. The only information on international trade provided in the supporting statement refers to the offer for sale in 1992 of 150 birds in Hong Kong. From 1 July 1997, the movement of CITES specimens from China to Hong Kong will constitute internal trade and will not be subject to the provisions of CITES.

However, trade through Hong Kong has expanded quickly since 1990. Apparently the main market for the species is Europe. According to some experts, the level of trade may be unsustainable. Inclusion of the species in Appendix II would provide a mechanism to implement trade controls and would allow better monitoring of trade levels.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: The proposal contains no scientific evidence documenting any population decline. The volume of legal international trade presented gives no indication of non-sustainable utilization. No illegal trade exists. There is no information on national protection. In short: an incomplete and very poorly documented proposal.

Prop. 10.53: Inclusion in Appendix II of *Tangara fastuosa* [Germany, Netherlands]

Comments from the Secretariat

Based on the population data provided, this species meets the criteria for inclusion in Appendix I [A.ii), B.i), Ci) and Ci)]], and also fulfils the trade criteria [i), ii) and iii)]. It is therefore strange that the species is proposed for inclusion in Appendix II rather than for inclusion in Appendix I.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Brazil (Prop. 10.53): Supports the proposal. The data available for the review are the same as those included in the proposal.

Switzerland and Liechtenstein: The proposal contains no data on the population status nor any indications as to the volume of international trade. The species is already and will also in future be fully protected in Brazil. Breeding in captivity is not difficult and probably a substantial number of captive-bred specimens are traded. The proposal contains no comment from the range State. Conservation would be accomplished by national legislation and effective enforcement.

Prop. 10.54: Inclusion in Appendix II of *Amandava formosa* [Netherlands]

Comments from the Secretariat

This species is endemic to India, being widely distributed in the centre of the country, but India did not provide comments on the proposal. (The breeding colony that exists in Pakistan resulted from escaped cage-birds.) The supporting statement suggests that this species meets the criteria for inclusion in Appendix II and that capture for the cage-bird trade is the main threat. However, there is no evidence of a decline in the population.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The proposal contains no information on legal status and species management. Trade information relating to years prior to 1972 (!) should not be used to justify a proposal. No quantitative information on national trade is provided. The proposal was obviously not made in consultation with the range State.

Prop. 10.55: Inclusion in Appendix II of *Padda oryzivora* [Netherlands]

Comments from the Secretariat

This species is endemic to Indonesia but it has been introduced in Australia and in some countries in South East Asia. Indonesia supports the proposal. It appears from the supporting statement that this species meets the criteria for inclusion in Appendix II and that capture for the cage-bird trade is significant, although the use of pesticides in the feeding area of this species might be the main threat. It is difficult to believe that the species is scarce, considering that there is a capture quota of 20,000 individuals. Yet it once was a very common bird and the population has evidently declined, suggesting that it meets the criteria for inclusion in Appendix II.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: The population data provided are inadequate. The observed decline of the population is not related to international trade. The countries of origin were not consulted. The species is frequently bred (mutants) and a substantive part of international trade very probably is in captive-bred specimens.

Prop. 10.56: Inclusion in Appendix II of *Gracula religiosa* [Netherlands]

Comments from the Secretariat

This species has been included in Appendix III at the request of Thailand.

Although the species occurs in many Asian countries, it meets the criteria for inclusion in Appendix II because the trade is significant and, together with the loss of habitat, is a cause of reduction of the populations.

Considering how the trade in Appendix-III species is controlled in many countries, the listing of this species in Appendix II should be accepted, to improve trade controls. All range States that commented on the proposal (Bangladesh, Brunei Darussalam, China, Indonesia, the Philippines and Viet Nam) support the proposal.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: Obviously, the status of this widely distributed species varies according to country of origin and subspecies. When discussing the proposal, Parties should be aware that CITES will have no impact on domestic trade. The proposal does not contain any comments from range States other than China and the Philippines.

Prop. 10.57: Inclusion in Appendix II of *Macroclemys temminckii* [United States of America]

Comments from the Secretariat

The species is endemic to the United States of America. One of the most important factors contributing to its decline has been habitat loss. However, the trade data suggest that the species has been exported in increasing numbers in recent years, for human con-

sumption as well as for the pet trade. In addition to the international trade, there is a significant domestic trade. The species qualifies for inclusion in Appendix II.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: The literature cited is partly without relevance to the biology and/or the management of the species. The statements under "Population Trends" are contradictory to the statements under "Legal State, National". A species that is not protected in its range, that is, in some parts of its range, even destroyed as "vermin", that is not considered threatened, that is not managed on a national level and for which any negative impacts of international trade cannot be documented has no place in Appendix II, as defined in Article II of the Convention. CITES should not be abused as a vehicle to solve a national conservation and management problem.

Prop. 10.58: Inclusion in Appendix II of *Callagur borneoensis* [Germany]

Comments from the Secretariat

There is no doubt that this species meets the criteria for inclusion in the CITES appendices. It is proposed for inclusion in Appendix II, although IUCN classifies it as 'endangered', a status that could justify its inclusion in Appendix I.

The destruction of habitat (mangroves and sand beaches) appears to be the main threat and the local consumption (of meat and eggs) is also significant. The level of the international trade is not known but such trade exists for food and pets, and specimens of this species appear to be mixed with those of other species. However, nothing in the supporting statement indicates that such trade has a detrimental effect.

Two (Brunei Darussalam and Indonesia) of the four range States support the proposal, while Hong Kong, which is believed to be one of the main importers, is against it.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: In addition to a possible Appendix II-listing, a complete national protection in all of the species' range (and not only in Malaysia [including Sarawak] and Thailand) seems a logical consequence of this proposal.

Prop. 10.59: Inclusion in Appendix II of *Graptemys* spp. [United States of America]

Comments from the Secretariat

This proposal covers the inclusion of nine species of the genus in Appendix II under Article II, paragraph 2(a), and three species under Article II, paragraph 2(b). Modifications to the habitat may destroy components of it that are essential to the survival of the species. The populations of some of the species are declining but no information is provided for others. However the genus is popular in the pet trade and this is contributing to the decline of the wild populations. The international trade has been increasing significantly since 1989 and, for some species, illegal collecting, presumably for the pet trade, is also of concern. From the proposal it is inferred that harvesting of specimens from the wild for international trade may have a detrimental impact on the species.

Secretariat's recommendation: Accept.

Comments from the Parties

Switzerland and Liechtenstein: The habitats of all 12 species suffer from environmental damage. Nevertheless, only two are considered "threatened", while for the remaining nine "no specific habitat conservation and/or no management measures are known". Locally they are shot on sight for fun or destroyed as "vermin". The problem has to be solved nationally. National legislation and enforcement could easily take care of any threat resulting from a demand for international trade.

Prop. 10.60: Transfer from Appendix I to Appendix II of the Cuban population of *Eretmochelys imbricata*, to allow: a) trade in current registered stocks of shell with one trading partner that will not re-export; and b) export in one shipment per year, to the same partner, of shell marked in compliance with Resolution Conf. 5.16, which allows definitive identification of origin, from a traditional harvest (maximum 500 individuals per year) or an experimental ranching programme (anticipated: 50 individuals in first year; 100 in second year; and 300 in third year) [Cuba]

Comments from the Secretariat

An important part of the proposal relates to ranching. It would therefore have been possible for the proponent to submit the proposal in accordance with Resolution Conf. 3.15, on ranching, and with the precautionary measures specified in Resolution Conf. 9.24 Annex 4. However, Resolution Conf. 3.15 recommends that any proposal to amend the Appendices in accordance with this Resolution be received by the Secretariat at least 330 days before the meeting at which it is to be discussed. As this proposal was not received by the Secretariat more than 330 days before the 10th meeting of the Conference of the Parties, the Secretariat can not consider it as a ranching proposal submitted in accordance with Resolution Conf. 3.15. Consequently, it is considered with the "other proposals".

The supporting statement appears to have been prepared on the assumption that the specimens of *E. imbricata* that are found in Cuban waters remain within the jurisdiction of Cuba. It seems that the management plan was conceived on the basis of this assumption. However, according to information recently received by the Secretariat, the proponent now recognizes that the population of *E. imbricata* of Cuba is not a closed population. Data from DNA analysis show that a large proportion (30-40 per cent) of animals caught in Cuban waters have genetic indicators associated with animals from the nesting beaches of several other Caribbean States. This means either that the specimens of *E. imbricata* in Cuba are part of a larger population or that they are from numerous populations in the Caribbean. For this reason, the sustainability of the proposed harvest is open to question.

According to the supporting statement, the populations of the species seems to be stable or increasing in the Caribbean. However, other sources indicate that populations are declining in the region. Furthermore, the lack of information on the current distribution and numbers of *E. imbricata* nesting in Cuba (with the exception of those in the nesting site of Doce Leguas) have caused concern for several experts. However, field work can be carried out in Cuba to clarify the situation.

The supporting statement recognizes the need to monitor the population but no methods are described.

Regarding harvest data, the supporting statement presents very detailed information. The information given on threats seems to be reliable and detailed although not all activities outside Cuban waters that may affect the population are taken into consideration.

The supporting statement explains in great detail the export control measures established by Cuba and, without doubt, these are adequate and very well designed. However, while the controls described for the proposed country of import seem to be appropriate, they would be improved if the "scale bag" and the identification numbers were maintained during a significant part of the processing into finished products.

The supporting statement also provides information about the benefits to conservation from the Cuban management plan and about the importance of continuing the project Cuba is currently developing.

In relation to ranching, it should be made clear that, before new ranching operations are added to the ranching programme, it should be demonstrated that any additional collection of eggs would not be detrimental to the survival of the species. It should be recalled, in any case, that, if the proposal were accepted and there were problems of implementation of the management measures, the Secretariat and the Parties have the possibility to intervene in accordance with Resolution Conf. 9.24 Annex 4, paragraph C.

The Secretariat recognizes that this proposal has generated a great deal of interest amongst experts and many other comments are expected after this document is written and before the proposal is discussed by the Conference of the Parties.

It is known that illegal trade in specimens of *E. imbricata* occurs in several countries of the Caribbean region and in other areas of the distribution of the species in other parts of the world. Other major threats to the species throughout their range include habitat destruction at nesting sites and feeding areas and uncontrolled harvesting. These problems will be seen increasingly in the coming years and more and more reports confirming this trend will become available. However, the Secretariat does not believe that this kind of confirmation is of any help to the species. It should be added that an illegal trade in the species exists in several countries, particularly in Asia, and special consideration should be given to this problem.

It is commonly believed that the inclusion of a species in Appendix I means that the species is out of danger. Very often this is not so. In most cases, species included in Appendix I are not subject to any management or monitoring programme. Although Cuba has established a management plan for *E. imbricata*, it should be the subject of a management plan at the regional level. If the future of the species can not be secured through CITES, it will be necessary to co-operate as a matter of urgency with other international agreements, such as the Convention on Biological Diversity and the Cartagena Convention, to ensure that we do not, in the near future, receive a 'final' report stating that nesting sites and feeding areas of the species have gone forever.

Without any doubt, the proposal of Cuba can be improved. Nevertheless it could represent a first step towards the establishment of a regional plan for the management of the species. If the proposed offtake of animals and eggs is considered too high, Cuba should accept a reduction, based on a regional consensus. If a consensus is reached to accept the proposal, the Secretariat would see no reason to object to trade from the stockpiles obtained legally by Cuba under its reservation. There is, however, a need for the proposed country of import to ensure that it is able to control the imports strictly.

Secretariat's recommendation: Accept.

Comments from the Parties

Brazil (Prop. 10.60): Recommends that the Government of Cuba resubmit the proposal with more consistent biological data and confirmed results. Brazil is in particular concerned about the ranching component of this proposal, which was not submitted 330 days prior to the meeting of the Conference of the Parties. Consequently, Brazil suggests that the Secretariat, the Standing Committee and interested Parties did not have enough time for an adequate review of the proposal. The Brazilian Government has been working on the protection of breeding sites of Brazilian coastal turtles for more than 15 years and is concerned about the implications of the adoption of the proposal.

The United States of America does not support the proposal for the following reasons.

- There are no data supporting the existence of a distinct Cuban population of hawksbill turtle. The data in the proposal actually suggest that the specimens harvested in Cuba represent a mixed stock originating from nesting sites in Cuba and throughout the Caribbean.
- Since the species still satisfies the relevant criteria in Annex 1 to Resolution Conf. 9.24, it should not be downlisted (cf. Annex to the same Resolution). The harvest data summarized in Annex 4 of the proposal indicate that the population subject to harvest has been decreasing since 1983.
- The proposal indicates that, under an annual harvest of almost 5,000 specimens between 1976 and 1990, the size structure of the population has been stable in some regions, unstable in others. The assumption that the Cuban 'population' is in equilibrium and that the proportion of turtles collected from each size class reflects the age distribution and survival rates is violated by the decline in size classes of turtles harvested in Cuban waters.
- The proposal indicates that population estimates suggest that there are sufficient hawksbill turtles in Cuban waters to sustain harvest at some level. However, an analysis of the Doi model, used by the bekko industry, and of the life history parameters applied in that model, suggests that errors in the latter (uncertain for hawksbills), greatly affect the resulting population estimates. (Heppel, S.S., L.B. Crowder, & J. Liddy. Evaluation of a fisheries model for the harvest of hawksbill sea turtles, *Eretmochelys imbricata*, in Cuba. NOAA Tech Memo NMFS-OPR-5, September 1995.)

Concern is also expressed about the reference in the proposal to experimental ranching. It is not clear whether it is a straightforward downlisting proposal or whether it is a downlisting for ranching. Cuba did not submit a proposal for a transfer to Appendix II pursuant to Resolution Conf. 3.15 on ranching by the deadline of 14 July 1996. In addition the proposal does not satisfy the ranching criteria included in Resolution Conf. 9.20

Prop. 10.61: Transfer from Appendix I to Appendix II of the population of Bangladesh of *Varanus bengalensis* subject to annual export quotas of 150,000 skins in 1997 and 225,000 skins in 1998 and 1999 [Bangladesh]

Comments from the Secretariat

The case of the monitor lizards from Bangladesh is not new within CITES. The Management Authority of that country has tried to solve the problems on various occasions and in various ways.

In 1988-89, a review of distribution, status, exploitation and trade in four Asian monitor lizards was conducted by WCMC, in the framework of a CITES project. The

four species in question occur in Bangladesh and this country was covered by the review. In the report of the review, in the summary and recommendations concluding the section on Bangladesh, the authors stated that Bangladesh appeared to hold substantial populations of *V. bengalensis* and *V. flavescens*, which were distributed over most of the country; numbers for *V. salvator* (included in CITES Appendix II) were lower. However, they recommended that no change be made to the current prohibition on export from Bangladesh, nor to the listing in the CITES Appendices until evidence of adequate border control and of adequate implementation of existing regulations in Bangladesh could be demonstrated.

Regarding the biological status of this species, a review conducted in 1996 (Annex III to the supporting statement) confirms that it is widespread and abundant (more than 1.6 million animals). Therefore the species does not meet the criteria for inclusion in Appendix I, where it was included when the Convention was adopted.

Regarding border controls, the supporting statement refers to reports that the species is smuggled out of India to Bangladesh and indicates that no documented evidence has ever been provided. Regarding CITES implementation, in the CITES review of national legislation the legislation of Bangladesh was declared as not meeting all the requirements for such implementation, and this is still the case (see document Doc. 10.31).

In conclusion, it appears that the proposal should be approved with a zero quota, until a management plan be established.

Secretariat's recommendation: **Accept**, but with a zero quota until a management plan is established.

Prop. 10.62: Transfer from Appendix I to Appendix II of *Varanus flavescens* subject to annual export quotas of 100,000 skins in 1997, 1998 and 1999 [Bangladesh]

Comments from the Secretariat

The same comments as for *V. bengalensis* are applicable. However, for this species, the requested quota seems to be high, taking into account the current estimations of the total population. (According to sources consulted, a cautious estimate of the total population puts it at around 200,000 – 600,000).

Secretariat's recommendation: **Accept**, but with a zero quota until a management plan be established.

Prop. 10.63: Inclusion in Appendix II of *Crotalus horridus* [United States of America]

Comments from the Secretariat

The proposal is well documented. Major threats to the survival of the species include habitat loss, and collecting for the commercial pet trade, skin trade and meat trade. Although some export exists it is not detrimental to the species. The main problem the species is facing seems to be internal in the range State.

Secretariat's recommendation: **Reject**.

Comments from the Parties

Switzerland and Liechtenstein: The decrease in the populations is well documented. However the data on international trade are far from documenting a non-sustainable volume. The species is indeed heavily exploited on a local level for "rattlesnake round-ups" and threatened by habitat destruction. The United States of America possess sufficient legal means to enact and enforce complete protection of this native

species. CITES is not to be used as a vehicle for the solution of national conservation problems.

Prop. 10.64: Inclusion in Appendix II of *Mantella bernhardi*, *Mantella cowani*, *Mantella haraldmeiri* and *Mantella viridis* [Netherlands]

Comments from the Secretariat

On the basis of the information provided in the supporting statement it seems that the species qualify for inclusion in Appendix II under criterion B.i). It would, however, be useful if population studies were continued for a few years to determine whether the fluctuations mentioned in the supporting statement occur naturally or whether they might be caused by over-collecting. The information on mortality between capture and export is too sketchy to enable determination of whether the quantity exported is sustainable, in particular since actual population sizes are not given.

Secretariat's recommendation: **Accept**.

Comments from the Parties

Switzerland and Liechtenstein: Seasonal and annual variations in population size make it difficult to interpret the indications of population status in the proposal. Trade is already regulated by individual quotas for exporters (however, the proposal contains no information on the size of these quotas) and by an official protection period. Madagascar, the range State, has not been consulted. The formal protection should be sufficient until the proponent (Netherlands) and Madagascar have reached an agreement on a common proposal – if at all – at a future CoP. It may be, however, that conservation problems, should they exist, can be solved at the national level. Switzerland wishes to remind the Parties that, because, at the ninth CoP, *Mantella aurantiaca* was included in Appendix II on the basis of an equally poorly documented proposal, it was necessary to carry out a CITES research project to gather the relevant data on population status, population density and population trends retroactively. Switzerland supported this project financially. In order to avoid the same series of events again, it would be advisable for the proponent to support and carry out comparable studies this time before entering any similar proposal.

Prop. 10.65: Inclusion in Appendix II of ACIPENSERIFORMES spp. [Germany, United States of America]

Comments from the Secretariat

The proposal concerns the inclusion of five species of sturgeons that are, or may be, threatened by trade and 18 species for look-alike reasons.

There is no doubt that the status of the populations of all sturgeon species gives cause for concern. The main reason is over-fishing, much of it illegally, which is aggravated, particularly in the Caspian sea, by pollution.

As indicated in the proposal, the main product in trade from sturgeons is caviar (although there is also a trade in sturgeon flesh). The collapse of the former USSR has had dramatic consequences for the species, particularly because the trade in caviar has become unsustainable.

The inclusion of the sturgeons in Appendix II would help the range States to regulate the caviar trade and to limit it to a sustainable level. Nevertheless, there is an important enforcement problem because it is very easy to smuggle small quantities of caviar that have a very high value.

The Russian Federation does not limit the commercial export of caviar but limits the export of caviar by private persons (with some exceptions for officials) and the Secretariat has verified that the staff of Chermetivo airport is well trained to detect the caviar in the luggage of passengers. If the proposal is accepted, the Secretariat suggests that the Russian Federation shares its special detection techniques with other countries.

A couple of practical problems should also be mentioned. One is that much of the caviar in trade is sold in duty-free shops in airports. In Resolution Conf. 9.7 the Parties noted that the Convention does not make special provision for airport lounges (including duty-free shops). In consequence, if the proposal was accepted, this could mean the end of trade in caviar from duty-free shops at ports because passengers are generally not in a position to obtain CITES permits or certificates. Of course, Article VII, paragraph 3, of CITES provides an exemption for personal effects but this will not apply in all cases and, besides, Parties have different national policies regarding the treatment of personal effects. These can create problems for passengers who are not aware of them.

Caviar is often imported from the country of origin under the Customs regime of "temporary admission for inward processing", is packed in small containers and then re-exported (particularly for use by airlines). It should be noted that trade under this Customs regime is not exempt from the provisions of CITES. Before re-export is permitted, export permits must be presented and re-export certificates must be issued.

Secretariat's recommendation: **Accept.**

Comments from the Parties

Switzerland and Liechtenstein: The products, namely caviar, meat and fins are on the market in a wide spectrum of fancy product-denominations. In this situation, species identification is impossible and enforcement problems are already to be expected. These can only be solved, if the specimens in trade will throughout the chain, from the catch to the consumer, be identified and identifiable at each step with the full and correct scientific name of the species from which they originate. The proposal does not however say how this can be accomplished. The Management Authorities of all Parties should discuss with their veterinary/public health authorities the problem of identification and denomination of sturgeon specimens.

Prop. 10.66: Inclusion in Appendix I of PRISTIFORMES spp. [United States of America]

Comments from the Secretariat

The supporting statement says that the proposal is submitted pursuant to several criteria of Annex 1 to Resolution Conf. 9.24. However, it is difficult to determine from the information provided how the criteria can be considered as met. Of course, this does not mean that they are not met. The comments from the range States that replied to the proponent vary considerably in their conclusions. No trade information supports the requested transfer.

Although these species are not exclusively marine species, the views of FAO, to which a copy of the proposal has been sent for comments, should be considered before a decision is made.

It appears that the marine species of sawfish are at lower risk than the strictly freshwater species and do not qualify for inclusion in Appendix I. Therefore, as suggested by Australia, it might be better to deal with

each species individually, in spite of the taxonomic problems.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The problem for this taxon lies basically in the fishing method. The fact that saw-fish are accidentally caught as by-catches in nets used for catching bottom-dwelling fishes and shrimps and are to a great extent consumed locally, will not be changed by any CITES listing but only by changing the fishing regulations, the fishing gear and the fishing methods. Of course also fishing with dynamite and cyanide would have to be banned. So far the taxon however is not protected at all through fishing regulations. Should an Appendix-II listing nevertheless be accepted at the CoP10, insurmountable identification and enforcement problems can be foreseen in the case of the liver oil which is used – and hidden – in cosmetic products.

FLORA

Prop. 10.67: Amendment to annotation #4 to indicate that the seeds from the Mexican cacti are included in Appendix II, except those obtained from artificial propagation in Production Units of CACTACEAE spp. [Mexico]

Comments from the Secretariat

In 1985, all seeds of Appendix-II species were exempted from CITES controls because of difficulties in enforcement and because they looked like seeds of many non-CITES species. One of the unfortunate consequences is that seeds of wild origin exported from countries that do not permit collecting and export can be used elsewhere for the artificial propagation of plants that can be traded legally. This is particularly noteworthy in the case of the rarer Mexican cacti and for species that have only recently been discovered, such as *Aztekium hintonii* and *Geohintonia mexicana*. These species are endemic to Mexico, which has never officially permitted the collecting and export of seeds, yet artificially propagated specimens are offered for sale in Europe, Japan and the United States of America.

It is for the purpose of stopping these illegal exports of seeds that Mexico is proposing that for the species on its territory the exemption for seeds no longer apply. The issue has been discussed by the Plants Committee, which suggested that the only solution to the problem of the illegal trade in seeds of Mexican cacti would be to no longer exempt them from the provisions of CITES.

The Secretariat is aware that this might create implementation problems. On the other hand it also known that Management Authorities in a number of countries would like to act against this illegal trade but do not do so because of the exemption. The annotation should, however, be straightforward and not include an exemption for artificially propagated seeds. In addition some species that occur in Mexico have a distribution extending beyond its borders. The annotation should refer only to seeds from populations of Mexican cacti originating in Mexico.

The issue of trade in artificially propagated seeds derived from plants that have been illegally exported from Mexico can be dealt with through the adoption of an amendment to the definition of "artificially propagated" as proposed in document Doc. 10.53.

Secretariat's recommendation: **Accept**, with the following annotation:

4. a) seeds and pollen; with the exception of seeds from Mexican cacti originating in Mexico.

Comments from the Parties

Switzerland and Liechtenstein: Since the collecting of plants, fruits and seeds of cacti has been prohibited by law since 1930, Switzerland and Liechtenstein are of the view that any problems might perhaps better be solved by intensifying the national controls. It is questionable whether this proposal, if adopted, could be enforced outside the country of origin, because seeds falling under the annotation #4 could not be differentiated from those obtained from artificial propagation in Production Units.

Prop. 10.68: Inclusion of an annotation in Appendix II to exclude the artificially propagated specimens of:

- the following hybrids: *Hatiora x graeseri*, *Schlumbergera*, *Gymnocalycum mihanovichii* and *Opuntia microdasys* (CACTACEAE);
- cultivars of *Euphorbia trigona* (EUPHORBIACEAE); and
- the hybrids and cultivars of *Cyclamen persicum* (PRIMULACEAE), except when traded as dormant tubers

[Denmark]

Comments from the Secretariat

One of the complicating factors of CITES implementation for plants is that a limited number of species is traded in very high volumes, but all specimens traded are artificially propagated. They are all hybrids or cultivars, developed during a long process of selecting and crossing. None of them has any relevance for the survival in the wild of the original species from which they were derived. The hybrids and varieties referred to in the proposal can all be easily recognized. The proponents have also prepared detailed sheets with colour illustrations of the specimens concerned. It would be interesting to find out whether the exclusion of a restricted number of easily recognizable taxa will facilitate CITES implementation for plants. If the proposal is adopted, the Secretariat will carefully monitor its implementation and will report its findings to the Plants Committee and at the 11th meeting of the Conference of the Parties.

At its fifth, sixth and seventh meetings, the Plants Committee debated the exclusion of particular artificially propagated hybrids and cultivars. It supports this proposal.

Secretariat's recommendation: **Accept.**

Prop. 10.69: Inclusion in Appendix II of all neotropical populations of *Swietenia macrophylla* with an annotation to cover logs, sawn wood, veneer sheets and plywood sheets only [Bolivia, United States of America]

Comments from the Secretariat

Similar proposals to include *S. macrophylla* in Appendix II were presented at the eighth and ninth meetings of the Conference of the Parties. The proposal was withdrawn at the eighth meeting and rejected at the ninth. The debate was most acrimonious at the ninth meeting, where the proposal failed by six votes to reach the required two-thirds majority, following a secret ballot. On both occasions, the proposals were supported by the Plants Committee.

Although *S. macrophylla* is not currently threatened with extinction, the species is in great demand in the international timber trade. In some parts of its range,

either populations are threatened or their genetic variability has been seriously depleted. In a number of range States the current levels of commercial harvesting are clearly unsustainable. Illegal international trade remains a major concern in countries such as Brazil, Bolivia, Guatemala and Peru, and this trade is seriously undermining the domestic management initiatives that aim to ensure that the harvesting regimes are sustainable. A significant proportion of the mahogany trade from Central America and Amazonia is considered to be from illegal sources. The argument that inclusion of the species in Appendix II would help to separate the quantities legally traded from those traded illegally is compelling, and this separation is essential for the establishment of sustainable management regimes for the species.

The parts to be controlled should be defined in accordance with the definitions proposed by the Timber Working Group (cf. document Doc. 10.52) if these are adopted. In this case, the reference to plywood sheets will not be necessary since these are covered by the use of the word 'veneer sheets' in the same definitions.

Secretariat's recommendation: **Accept**, with the annotation #5: "designates logs, sawn wood and veneer sheets".

Comments from the Parties

Honduras: supports the proposal. The management and trade control measures (including an internal quota) currently in place in Honduras for this species, are well implemented. The inclusion of the species in an Appendix that provides for stricter controls would support the national measures currently in place. It is also important that the proposal is sponsored by one of the major exporting and one of the major importing countries.

Switzerland and Liechtenstein: The proposal does not contain recent input from range States.

Prop. 10.70: Deletion from Appendix II of *Lewisia tweedyi* [United States of America]

Comments from the Secretariat

The Plants Committee initiated discussions of this species under its programme of review of the appendices, and requested the United States of America to provide information on its status. The United States of America conducted a study and the outcome is, as proposed, deletion of the species from Appendix II. The Plants Committee would prefer the whole genus *Lewisia* to be deleted.

Secretariat recommendation: **Accept.**

Prop. 10.71: Transfer from Appendix I to Appendix II in accordance with precautionary measure B.2.b) of Resolution Conf. 9.24 Annex 4 of *Orothamnus zeyheri* [South Africa]

Comments from the Secretariat

This monotypic species is endemic to the southwestern Cape Province, South Africa, where it is listed as 'Endangered Flora' under the Cape Nature and Environmental Conservation Ordinance. Strict domestic controls, imposed initially by the Department of Forestry and now maintained by the Western Cape Nature Conservation Department, ensure that no harvesting from the wild takes place.

Since there is strong domestic legislation in place to protect the species and access to the natural populations is strictly controlled, the proposal to transfer the species is consistent with the precautionary principles in the new criteria adopted at the ninth meeting of the

Conference of the Parties. The proposal is supported by the Plants Committee.

Secretariat's recommendation: **Accept.**

Prop. 10.72: Transfer from Appendix I to Appendix II in accordance with precautionary measure B.2.a) of Resolution Conf. 9.24 Annex 4 of *Protea odorata* [South Africa]

Comments from the Secretariat

This species is endemic to the Western Cape Province of, South Africa, where it is currently listed as 'Endangered Flora' under the Cape Nature and Environmental Conservation Ordinance. It is threatened with extinction by land clearance and by competition with exotic flora. Strict domestic controls, coupled with its poor commercial potential, ensure that no harvesting from the wild takes place for commercial purposes.

The proposal to transfer *Protea odorata* from Appendix I to Appendix II is in accordance with the precautionary measure B.2.b) as specified in Annex 4 of Resolution Conf. 9.24. Since there is no commercial interest in harvesting the species for commercial trade, the proposal to transfer the species is consistent with the precautionary principles in the new criteria adopted at the ninth meeting of the Conference of the Parties. The proposal is supported by the Plants Committee.

Secretariat's recommendation: **Accept.**

Prop. 10.73 – Prop. 10.75: General comments on the proposals

Comments from the Secretariat

These three proposals all share a number of common features: the species concerned are harvested and traded for the medicinal properties of their roots. It appears that the criteria for inclusion of the species in Appendix II are not met. In particular, for all three species, it seems that the largest component of the trade is internal and that the international trade, as far as is known, forms only a minor portion of the total trade.

The Secretariat is very much aware of the growing interest of international markets in particular species that have medicinal properties. A rather large number of species are currently traded internationally for this purpose. *Prunus africana* is an example of such a species, but many others are not included in the appendices. Currently there seems to be very little control of the trade in medicinal derivatives. (Document Doc. 10.56 contains some suggestions for improving the knowledge of the trade in these derivatives.) In addition, the legislation in many countries is not always adequate to allow proper control of this trade.

For the species covered by these proposals, there is a great potential for international trade in their derivatives to increase. The Parties should, however, carefully consider this potential in relation to the increasing national utilization, before deciding whether regulating international trade will effectively contribute to the survival of the natural populations.

Prop. 10.73: Inclusion in Appendix II of *Hydrastis canadensis* [United States of America]

Comments from the Secretariat

The control of the trade in this species is actually an internal problem of the United States of America. The quantity of roots exported is very small compared to

the quantity traded internally. It would probably be much more effective to improve internal measures to eradicate illegal trade than to regulate the international

trade. In addition, a proportion of the specimens exported are roots that are used for the production of medicinal products that are then imported. It seems very doubtful that inclusion in Appendix II would stimulate the artificial propagation of the species concerned. Only an effective ban on collecting (and exporting) of wild roots could have such an effect.

If the proposal is accepted, the specimens covered by the Convention should be roots only, since the inclusion of other specimens could create an enforcement problem of immense magnitude. Unfortunately, the supporting statement contains no information regarding the volume of trade in medicinal compounds – in particular the export of these – from the United States of America.

The Secretariat believes that the proposal should not be accepted and suggests that the United States of America consider inclusion of the species in Appendix III, restricting the controls to roots and specimens recognizable as being parts of roots.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein (Prop. 10.73): The species is not protected by all States of the United States of America, and there are no comprehensive management programmes. It seems that the intention is to deal with an internal problem of the United States, which should be addressed domestically and not at the international level.

Prop. 10.74: Inclusion in Appendix II of *Picrorhiza kurrooa* (to control trade in roots and readily recognizable parts thereof) [India]

Comments from the Secretariat

A proposal to include this species in Appendix II was presented by India at the ninth meeting of the Conference of the Parties. The lack of data prevented the Parties from making an adequate assessment of the status of the species and the proposal was withdrawn and referred to the Plants Committee. However, India provided a draft proposal for consideration only during the last meeting of the Plants Committee. Consequently the Plants Committee could not adequately consider it. The current supporting statement differs only slightly from that presented in 1994 and, regrettably, it does not present the detailed information sought in Annex 6 of Resolution Conf. 9.24.

In particular, the supporting statement does not: provide the essential trade statistics on which to base an assessment of the threat posed by international trade; indicate the impact of harvest for international trade relative to the harvest for domestic use; present any data suggesting that the parts to be regulated, namely the rootstocks/rhizomes, are the parts or derivatives actually traded internationally; suggest how Customs officers are to distinguish specimens of *P. kurrooa* from those of the several other *Picrorhiza* species that occur within its area of distribution; detail the domestic management measures in place to ensure that the wild harvesting is being managed in a sustainable manner; provide an assessment of the effectiveness of national legislation for the protection and/or management of the species; or indicate that sufficient consultation has been undertaken with the other range States (viz. China, Nepal and Pakistan). It would be important to have the opinions of these range States, and any

information regarding the status of their populations and the trade in the roots and derivatives therefrom, before a decision is made.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The botanical nomenclature used in this proposal should be reviewed. Some clarification as to what the effects of CITES would be on the "donkey loads being carried to (local Indian) markets" and the "habitat disturbance" would be appreciated. It is also not clear whether CITES would have any impact on the collecting of the plants, which is obviously already prohibited under national law.

Prop. 10.75: Inclusion in Appendix II of *Nardostachys grandiflora* (to control trade in roots and readily recognizable parts thereof) [India]

Comments from the Secretariat

A proposal to include this species in Appendix II was presented by India at the seventh meeting of the Conference of the Parties, in 1989. India withdrew the proposal because the lack of data prevented the Parties from making an adequate assessment of the status of the species. The proposal was submitted again by India at the ninth meeting of the Conference of the Parties and once again it was withdrawn; it was referred to the Plants Committee for consideration and advice. However, India provided a draft proposal for consideration only during the last meeting of the Plants Committee. Consequently the Committee could not

adequately consider it. The current supporting statement differs only slightly from that presented in 1994 and, regrettably, does not present the detailed information sought in Annex 6 of Resolution Conf. 9.24.

Since 1994, the collection of specimens of this species from the wild has been banned in India, following its listing in its Negative List of Export. India needs to explain therefore why "large quantities of rhizomes are collected from wild sources within India" and why large quantities continue to be exported from India to various countries. In addition, according to information provided to the Secretariat, it seems to be possible through another Regulation, to export medicinal products containing prohibited species.

No reference is made, in the supporting statement, to the population status of the species in the other range States. These have apparently not been adequately consulted (Nepal was not represented at the last meeting of the Plants Committee) but it would be important to have their opinions before a decision is made.

Secretariat's recommendation: **Reject.**

Comments from the Parties

Switzerland and Liechtenstein: The botanical nomenclature used in this proposal should be reviewed. Also it is not clear how a CITES listing could affect the collection from the wild, which is already banned by law.

Doc. 10.89 (Rev.) Annex 2

Complementary Information from IWC and NAMMCO

In accordance with Article XV, paragraph 2 (b), of the Convention, the Secretariat communicated copies of the amendment proposals that relate to marine species to inter-governmental bodies having a function in relation to those species.

A response was received from the International Whaling Commission and a copy is attached to this Annex.

A response was also received from the North Atlantic Marine Mammal Commission regarding the Norwegian proposal. A copy of it is also attached to this Annex.

DOCUMENT NOT AVAILABLE ELECTRONICALLY



Report of the Panel of Experts on the African Elephant on the Review of the
Proposals Submitted by Botswana, Namibia and Zimbabwe to Transfer their National Populations of
Loxodonta africana from Appendix I to Appendix II

1. Terms of Reference of the Panel

- 1.1 The task of the Panel of Experts, as laid out in Resolution Conf. 7.9, is to evaluate the proposals to transfer the populations of *Loxodonta africana* of Botswana, Namibia and Zimbabwe from CITES Appendix I to II, taking into account the following:
- 1.2 with respect to the status and management of the elephant populations concerned:
 - i) the viability and sustainability of the populations and potential risks;
 - ii) the affected range States' demonstrated ability to monitor those populations; and
 - iii) the effectiveness of current anti-poaching measures; and
- 1.3 with respect to the ability of the countries concerned to control trade in ivory from African elephants:
 - i) whether total levels of offtake from both legal and illegal killing are sustainable;
 - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
 - iii) whether law enforcement is effective; and
 - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State.
- 1.4 In addition the Standing Committee of CITES has requested the Panel of Experts to:
- 1.5 when appropriate, consider:
 - i) the trade in products from the African elephant other than ivory, and the controls on such trade; and
 - ii) the controls on ivory trade in specified importing countries; and
- 1.6 evaluate whether implementation of the proposal is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the range State.

2. Composition of the Panel

The Standing Committee appointed the following Panel members:

- Mr Tony Conway, Natal Parks Board;
- Mr Jean-Paul Luquet, *Direction Nationale du Renseignement et des Enquêtes Douanières*, France;
- Dr Richard Luxmoore, World Conservation Monitoring Centre, Cambridge, United Kingdom; and
- Dr Chris Thouless, working at the Botswana Department of Wildlife & National Parks, under contract to the Environment & Development Group, Oxford, United Kingdom, funded by the European Commission.

The governments of the countries appointed:

- Dr Richard Bell, Department of Wildlife and National Parks, Botswana;
- Dr Malan Lindeque, Ministry of Environment and Tourism, Namibia; and

- Mr Edson Chidziya, Department of National Parks and Wildlife, Zimbabwe.

The Panel was chaired by Dr Thouless, who took leave of absence for this purpose.

3. Summary Report on the Panel's Activities

The Panel convened in Gaborone, Botswana, on 2 October 1996, and met government officials and NGO representatives in Gaborone from 2 to 4 October. Mr Luquet visited the ivory store, wildlife office, and Customs post at Kasane in northern Botswana on 3 and 4 October. Telephone conferences were held with representatives of NGOs based outside Gaborone on 5 October. Dr Luxmoore did not come to Botswana, and joined the Panel on 8 October in Namibia. Mr Jonathan Barzdo, of the CITES Secretariat, assisted the Panel during their time in Botswana.

The Panel moved to Namibia on 6 October, and meetings were held there from 7 to 11 October. On 10 October, the Ministry of Environment and Tourism arranged a field trip to Etosha National Park, to investigate the procedures for dealing with ivory coming in to field stations, and to see other aspects of elephant management. While in Namibia, the Panel was given a presentation on Japan's internal ivory controls by Mr Kenichi Hosoda from the Japanese Ministry of International Trade and Industry.

The Panel arrived in Zimbabwe on 11 October, and held meetings with NGOs on 12 October. On 13 October, there was a short field trip to the Zambezi Valley, where the Panel investigated ivory registration procedures at a field station and interviewed members of a Department of National Parks and Wild Life Management (DNPWLM) anti-poaching foot patrol. The Panel left Zimbabwe on 16 October.

The Terms of Reference for the Panel of Experts on the African Elephant demand an assessment of the effectiveness of the control of the trade in ivory in importing countries to evaluate the positive or negative effects of resuming trade in elephant products. The proposals all designate Japan as the sole country authorized to import ivory and consequently the Panel of Experts assigned one of its members, Mr Luquet, to visit Japan from 2 to 15 December 1996. His schedule was the following: 3 December, meetings with the Scientific Authority (Environment Agency), and the Management Authority (Ministry of International Trade and Industry); 4 and 5 December, with the administration in charge of the registration procedures (Japan Wildlife Research Centre), MITI and the Customs; 6 December, with various non-governmental organizations. On 7 December, visit to retailers of ivory seals (hankos); 9 December, to wholesalers and manufacturers; 10 December to the Customs office at Tokyo-Narita airport. On 11 December, move to Osaka to meet wholesalers-carvers. On 12 December, meeting with various NGOs and visit to the Customs office of Tokyo port. On 13 December, visit to shops selling hankos and meeting at JWRC; 14 December, final meeting with MITI before leaving Japan on 15 December.

4. General Preamble

The supporting statements for the proposals presented by Botswana, Namibia and Zimbabwe for the transfer of their elephant populations from Appendix I to Appendix II of CITES contain some important condi-

tions, which affect the significance of some of the Panel's terms of reference:

- a) Direct export of raw ivory to a single trading partner (Japan) that will not re-export;
- b) Only export of ivory with documentation proving its origin in the exporting country;
- c) Only ivory registered by the government on 9 January 1997 (Namibia), 30 June 1996 (Zimbabwe);
- d) Trade only until the following meeting of the Conference of the Parties, and the Depositary Government (Switzerland) will immediately put forward a proposal for re-transfer to Appendix I by postal vote in the event of abuse;
- e) Independent inspection during process of sale, packing and export; and
- f) Export restricted to one shipment per year.

4.1 Definition of 'Viability and Sustainability'

In assessing the viability and sustainability of the affected populations, the Panel has decided to use the Criteria for Amendment of Appendices I and II that were adopted at the ninth meeting of the Conference of the Parties (Conf. 9.24). Thus, a national elephant population is considered viable and sustainable if it fails to meet the criteria for inclusion in Appendix I, which are as follows:

- the wild population is small (<5,000); or the wild population has a restricted area of distribution (<10,000 sq. km.); or a reduction in the number of individuals or the range is either observed or predicted; or the status of the species is such that it is likely to satisfy one or more of the above criteria within five years if not included in Appendix I.

4.2 Definition of 'Legal and Illegal Ivory'

The phrase 'legal ivory' is used to indicate ivory that has been properly registered by the proponent State. This means that poached and/or confiscated ivory is considered to be legal once it has been registered. Under the proposed marketing arrangement, preventing the mixing of legal and illegal ivory is a fairly trivial procedure, provided that independent observers can check tusks against the government ivory registers.

However, the proposals only relate to the elephant populations within Botswana, Namibia and Zimbabwe and, if these populations are successfully transferred to Appendix II, confiscated ivory originating in other countries will still fall under the provisions relating to Appendix I. Furthermore, all of the proponents have stated that they will only allow trade in ivory from their national populations of elephants.

Because of these considerations, the Panel has adopted an operational definition of 'illegal ivory' which includes ivory that has been properly registered, but may be of foreign origin. This includes confiscated ivory which may have originated in other countries, in addition to ivory of unknown provenance from the existing stockpiles.

4.3 Impact on Conservation Status

The Panel has, for the first time, been asked to evaluate the impact that the proposals may have on the conservation status of elephants and their habitats.

4.3.1 Possible benefits

Since the immediate benefit will be revenue from the sale of ivory, it is important to establish to what extent this money will be used towards elephant conserva-

tion. We have requested information from the proponent States on the following issues:

- how do they plan to use the revenues from the sale of ivory?
- what mechanisms are proposed to ensure transparency in the allocation of these revenues?

4.3.2 Possible negative impacts

The main negative impact that may result from the sale of ivory is an increase in the level of elephant poaching. While the Panel of Experts' Terms of Reference are concerned with negative and positive impacts within the country submitting the proposal, it seems appropriate also to consider possible increases in poaching in other countries.

Poaching might increase as a result of this proposal for the following reasons;

- a) Inclusion of poached ivory within existing stockpiles.
 - This can be avoided if the use of revenue from ivory sales is transparent, so that poachers are unable to benefit.
 - Restriction of sale to ivory registered before the submission of the proposal will also prevent the inclusion of newly poached ivory.
- b) Inclusion of poached ivory in the planned shipments.
 - This can be prevented by international supervision of the shipment.
- c) Reopening of legal trade may stimulate demand for ivory, because people feel that it is no longer morally wrong, and this will increase the incentive for illegal trade.
 - This argument is chiefly applicable to Europe and North America, where public perceptions were important in closing down the trade. However, if ivory is only exported to Japan, and no re-export of worked products is allowed, the European and North American markets will still be closed and free of ivory. It may, therefore, be possible to maintain public sentiment outside Japan in opposition to the trade.
 - There is no evidence that demand for ivory has substantially declined in Japan, where domestic ivory prices continue to be high in relation to world prices. It has been argued that in Japan there is a greater risk of illegal trade if demand is not satisfied by legal trade, once existing stockpiles are finished.
- d) Legalizing import of ivory to Japan will make it easier to trade illegally.
 - There is a possibility that reopening a legal trade in ivory will make it easier for illegal ivory to be traded. This may occur because Customs officers are more likely to accept forged or misused documents if they are aware that some trade is legal.
- e) Poachers and dealers may increase activities in anticipation of a future expansion in ivory trade.
 - Although the proposals are designed to limit the period for export of tusks to approximately two years, it will be widely believed that they are precursors to a planned expansion and liberalization of ivory trade. In this case, middle-men may start to pay more for poached ivory, in the

expectation that, at some time in the future, it may be possible to export it legally or illegally.

- f) There may be a decline in anti-poaching effort and morale amongst law enforcement staff because of confusion about why legal trade in ivory is acceptable.

While the Panel does not believe that points (a)-(c) are likely to present serious problems under the existing proposals, it is unable to rule out the points (d), (e) and (f). It is recommended that, if the proposals are accepted, mechanisms are put in place to suspend trade if levels of poaching increase substantially as a result of the transfer to Appendix I. If this recommendation is adopted, it is essential to determine in advance what measures of poaching should be used and what are the limits of acceptable change in levels of poaching before action should be taken.

5. Country Review – Botswana

5.1 Viability of the Population and Potential Risks

5.1.1 Viability

The Panel is confident of the viability of the elephant population of Botswana. Botswana has one of the largest elephant populations of any range state. Recent aerial survey data indicate a national population of $79,305 \pm 21\%$, covering a range of about 73,000 sq. km.

The Botswana elephant population is increasing both in numbers and range, especially in the Okavango Delta area. In the past, some of this increase may have been caused by immigration, especially through the Caprivi Strip from Angola. However, Namibian officials assured us that no major movements of elephants through the Caprivi Strip from Angola had occurred in the past ten years, and supporting evidence comes from a recent study of elephant movements in the Caprivi area (Rodwell, 1995). It is believed that the net movement of elephant between Botswana and Zimbabwe has been towards Zimbabwe.

5.1.2 Potential risks

No major potential risks to the elephant population of Botswana have been identified. The population is increasing, poaching levels are extremely low, and there is general confidence in anti-poaching capability. Some minor potential risks have been considered.

- The elephant population density is extremely high in some areas, especially along the Chobe river front, and significant changes in vegetation, including the loss of mature trees, have been observed. These are generally thought to be caused by elephant feeding (although fire may also be a contributory factor). If food availability for elephants is being reduced, there is a possibility of a population crash as a result of starvation, particularly during drought periods. Several research projects are being carried out by the Department of Wildlife and National Parks (DWNP) and independent workers to investigate these issues more fully. It is generally felt, however, that there is little chance of an imminent population crash, partly because of the recent creation of new artificial water sources, which are expected to draw elephants away from the most severely affected areas in the dry season. Unfortunately, there is no information on age structure and recruitment rate, which would provide an indication of whether there are density-dependent reductions in recruitment rate, which would tend to stabilize the population.

- There is some circumstantial evidence suggesting that anthrax may be present in the elephant population of Botswana, and it was thought that about 40 elephants may have died from anthrax in 1993. In Etosha National Park in Namibia, anthrax has been a significant cause of mortality in elephants, and it is possible that its incidence could increase with the increase in artificial water sources in the Botswana elephant range. Too little is known about its epidemiology in elephants to predict under what circumstances it might become a problem.

- Fencing and agricultural developments may reduce elephant range. At the present there are no plans to erect any elephant-proof veterinary quarantine fences, except around small quarantine areas. Development of arable farming and commercial ranching, especially in the area close to the Namibian border, to the east of the Okavango Panhandle may lead to an increase in conflict between elephants and people, and a loss of elephant range. There are differing opinions about the extent of movement between Botswana and Namibia in this area, but the fact that one satellite-collared elephant from the Caprivi Strip was shot as a problem animal in this area indicates that such movement does take place (Rodwell, 1995).

- Concern has been expressed about the possible loss of elephant habitat that may result from the extraction of water from the Okavango River by Namibia. Although the extraction is initially planned to involve a small proportion of the total flow (<1%), it is believed that this will have an exponential impact on the annual flooding of the Okavango Delta. These problems will be exacerbated by local irrigation schemes in Namibia, a planned pipeline to take water from the Okavango Panhandle to Maun, and Angolan plans to extract water further upstream.

- Increased human-elephant conflict is considered to be a major threat to elephant populations in the long term. In Botswana it appears that this is mostly caused by elephants moving into farming areas, rather than expansion of farming in areas already occupied by elephants. There have been an increasing number of cases of human death and crop damage caused by elephants, and the issue is becoming a major political concern, as affected constituents demand that their Members of Parliament take action. It is not inconceivable that culling operations may be implemented to reduce elephant densities in conflict areas. DWNP feels that its ability to manage the human-elephant conflict issue is adversely affected by a lack of finance.

5.2 Sustainability of Total Levels of Oftake

Total levels of current and projected oftake from the Botswana elephant population are sustainable. A relatively small number of elephants are being killed from a large and increasing population. Types of oftake are as follows.

- Problem animal control. Over the last five years, between 23 and 49 problem elephants have been killed annually.
- Illegal hunting. As a result of the recent increase in law enforcement effort, current poaching levels are negligible. Despite increasing patrol effort, the number of elephants found poached annually has declined from more than 100 in 1989 to less than 10 during the past three years. During a recent helicopter survey of concessions in the Okavango

area, only two elephant carcasses were seen, both of which still had their ivory in place (D. Lawson, pers. comm.). Numbers of carcasses observed during aerial surveys are low, with 72 new carcasses and 259 old carcasses estimated for the 1995 dry season.

- Culling (proposed). Although it is DWNP's policy to cull elephants to remove the annual increment, thus stabilizing the population, no culling has been carried out, owing to a lack of capability within DWNP, and a shortage of funds to employ outside contractors. Even if culling does take place, concern has been expressed about the ability to remove the annual increase, let alone to reduce the population to the desired levels for management purposes.
- Sport hunting. A quota of 80 sport-hunted elephant bulls has been approved for 1996. The season has just finished, and 34 elephants have been shot, of which one ran away. The main reason for the difference in these figures is that local communities in some areas have not negotiated concessions with hunting operators. The figure of 80 is still well below the standard conservative figure of 0.65 per cent offtake used in Zimbabwe.

5.3 Botswana's Ability to Monitor its Elephant Population

DWNP has an effective long-term programme of aerial surveys. There are two aircraft (Cessna 206), which are fully equipped for survey work, and a programme of developing aerial survey capacity within DWNP was funded by the EU between 1989 and 1995.

Aerial surveys of the elephant range have been carried out twice-yearly, in the wet and dry seasons, although a decision has been taken to only carry out annual dry-season surveys in the future, with wet-season surveys being conducted every third year, or when there is a special requirement. Initially the surveys consisted of unstratified systematic reconnaissance flights, using the techniques described by Norton-Griffiths (1978), carried out at an intensity of about four per cent. More recent surveys have been stratified, with a higher intensity (8 per cent) over most of the elephant range.

Previously, concern has been raised about the accuracy of aerial surveys, because of the possibility of double-counting elephants that may move between Botswana and adjoining countries. This possibility has been eliminated by conducting surveys simultaneously in Botswana and Zimbabwe, under the co-ordination of the EU-funded ELESMAP project, and by the inclusion of the Namibian Caprivi Strip in the Botswana censuses. It is believed that movements between the Caprivi Strip and Angola are now virtually impossible, and are very limited between the Caprivi Strip and Zambia (see Namibia section of this report).

5.4 Effectiveness of Current Anti-poaching Measures

Current anti-poaching measures appear to be very effective, with few recent reports of poaching. Elephants have recently moved back into areas from which they were previously eliminated by disturbance from poachers, including the west bank of the Kwando River. This satisfactory situation is confirmed by the low carcass ratios reported from aerial surveys and by information from NGOs.

A considerable improvement in anti-poaching capability has been noted in the past few years. This is widely attributed to the increased involvement of the Botswana Defence Force (BDF), and the strong personal commitment to wildlife conservation by its commander, Lt. Gen. Ian Khama. In addition, it has been

suggested that because of the concession system operating in the elephant range, the level of surveillance by private operators, on the ground and from aircraft, has greatly increased.

DWNP has a specialist anti-poaching unit (APU) of 85 men deployed in the elephant range (73,000 sq. km), with stations at Tuli, Maun and Kasane. There are an additional 223 wildlife officers who are responsible for law enforcement as well as other management duties. An intelligence network is in operation, consisting of 16 personnel in under-cover operations, which has apparently proved very effective, although the Panel has not received detailed information on its successes.

The complement of vehicles (24) for anti-poaching work and intelligence is considered adequate. The APU is adequately trained and well equipped, with modern night vision equipment and optical sights for rifles. There are no aircraft dedicated to anti-poaching operations, although BDF support compensates for this.

The BDF has been involved in anti-poaching operations since 1987, concentrating on parts of the elephant range close to the border with Namibia and Zimbabwe. Up to 600 troops are permanently deployed on these duties, with logistical support including five aircraft, two helicopters, vehicles and boats, and there are full-time anti-poaching officers appointed to co-ordinate their activities. Their presence is generally considered to constitute a major deterrent to illegal activities, including elephant poaching. BDF patrols are mainly conducted on foot, but also by horse, boat and aircraft.

The DWNP field staff in the elephant range equates to a patrolling density of one game scout per 237 km². When BDF personnel are included, the patrol densities are increased to one per 80 km².

The DWNP operational budget for law enforcement is approximately BWP 10.4 million (USD 3 million), which is equivalent to USD 41 per km² (see Appendix III for details of calculations). Making the extremely conservative assumption that BDF expenditure per member of staff is the same, then this suggests that overall operational budgets are equivalent to approximately USD 120 per km², which is substantially higher than for any of the African countries reviewed by Dublin *et al.* (1995). According to National Development Plan VIII, this figure will be increased, and there will be an additional development budget.

5.5 Control of Ivory Stocks

5.5.1 Marking of fresh ivory

Fresh ivory from the field is handed over to one of the four district DWNP offices authorized to hold ivory, Kasane, Francistown, Machaneng and Maun. The following description is based on a visit by one of the members of the Panel to the Kasane office. Different procedures may be used in other districts.

The tusks are marked with a felt-tip pen with the weight of the tusk, the district initial, K, F, MC or J, and a serial number. These details are also written on a COMBINED ISSUE AND RECEIPT VOUCHER (ALLOCATED STORES) FORM GEN 12, a copy of which is retained at the District Office. The serial numbers are issued consecutively by each district office. The same number can therefore be issued by each office, but the district code letter is unique.

Some tusks are also handed in and marked at Gaborone. In this case, the tusks are sometimes marked with the district code "G", but occasionally the code letter is omitted. It may not be possible to sepa-

rate these tusks from those from other district offices on which the code letter has either been omitted or erased.

5.5.2 Ivory sourcing

The central stockpile in Gaborone holds about 30 tonnes of ivory. Confiscated (and thus possibly non-Botswana) ivory, has not been separated from the rest of the stocks. With the information available, it should be possible to source a reasonable proportion of the ivory but cross-referencing this information will require a lot of work.

No information is currently available in the ivory register in Gaborone on the origin of tusks. This information is generally available from GEN 12 forms issued at the district offices. For example, the majority of GEN 12 forms issued at Kasane say 'Collected from Chobe National Park', and it is reasonable to presume that this is legal ivory of Botswana origin. Ivory collected by the BDF usually, but not always, includes an indication of the origin. Even if no location is given, it may be possible to deduce the origin of the ivory from the name of the person who handed it in. For example, in Kasane in 1995, 3 GEN12s were filled out under the name of the local chief of police and, in 1993, 13 GEN12s were made out to personnel from the Customs post at Kazungulu, at the border with Zambia. On some forms, the cause of death (e.g. problem animal control, natural, poached) is also given.

There is no obligation to retain GEN 12s for more than five years. Fortunately, the Kasane station, from where a large proportion of the ivory was dispatched, has kept its old GEN12 books, and it should be possible to source most of the Kasane ivory. This will, however, be a very laborious process for pre-1991 ivory, because the Gaborone ivory register does not include the voucher numbers for ivory entered prior to this time, and the ivory is not entered into the register in any logical sequence. Therefore the entire pre-1991 register will have to be searched to locate tusks with a particular serial number.

It may not be possible to source ivory from the other districts, because complete sets of GEN 12 books are not available. Police and Customs dockets will allow some confiscated ivory of possible non-Botswana origin to be identified but it appears that it will not be possible to find original documentation for a significant proportion of the stockpile.

5.5.3 Keeping of records by the Management Authority

When ivory arrives at the district office, a GEN 12 form is issued to the person delivering the ivory, and a blue copy is retained at the district office. These forms contain full details of the tusk serial numbers and weights. Because they are used for other store-keeping purposes, GEN 12s for ivory are not consecutively numbered.

In the Kasane district office, the entry and removal of tusks since 1975 have been recorded on a SUPPLIES LEDGER FOR IVORY, which is made of loose card-board sheets. On these sheets, which are not consecutively numbered for ivory, are recorded the quantity of tusk brought to and removed from the store on a daily basis, and the balance of tusks. No physical description of the tusks is given.

When enough stocks of ivory have accumulated in the district, they are transported to the ivory store in Gaborone. Another GEN12 form is used for this transaction, with the original signed by the storekeeper in Gaborone being returned to the district, and a copy

being kept with the registry. This document indicates the serial number and weight of each tusk but the total number of tusks and total weight are not calculated.

In Gaborone tusks are entered into the Ivory Register, which is a book of stapled, numbered sheets, with a line for each tusk. After ivory arrives from the district offices, the following information is recorded: arrival date, district of origin, serial number, weight, receiving officer's name and signature, and voucher (GEN 12) number. In addition, the ivory is marked with a new number, given in sequence at Gaborone, preceded by the letter X.

The original Ivory Registers prior to 1991 have been lost. Information on pre-1991 ivory comes from an inventory taken between 29 December 1990 and 5 January 1991. A further inventory was carried out in June 1996 when responsibility for the ivory store was being transferred from the Ministry of Supplies to DWNP. This indicated that 11 tusks appeared to be missing, 11 tusks had no identification marks, and 54 tusks/pieces of ivory had confusing or incomplete marks. The majority of these were small fragments weighing less than 1 kg. This level of discrepancy is not surprising, given the length of time over which ivory stocks have been accumulated, and the clumsy method of recording ivory.

While doubts have been raised about the security of Botswana's ivory stockpile prior to 1991, it appears that no significant amounts of ivory have gone missing since this time. One of the members of the Panel checked a sample of 30 tusks brought into the store between 1990 and 1995, and was able to trace all of them in incoming and outgoing GEN 12 forms and in the Gaborone ivory register. They were not physically located in the store, but it is considered that the 1996 audit was satisfactory.

However, the system used for recording ivory movements is far from ideal, and a new set of procedures, based on the Zimbabwean model, is being introduced. New regulations and prescribed forms are with the Attorney-General's office for ratification. In addition, Botswana has requested assistance from TRAFFIC to put in place a new computerized ivory management system.

Up to 1990, certain amounts of ivory (around 150 tusks) were transferred from the district offices to the Land Boards (local authorities), which were authorized to sell the ivory to local carvers. The Chobe Land Board currently holds a stock of 24 tusks, weighing 204 kg, and bearing a mark referring to 1989, while the Tawana Land Board has 24 tusks, weighing 144 kg.

5.5.4 Registration of private or commercial ivory

There is currently little control over ivory in private hands or owned by commercial enterprises. However, in view of the fact that no ivory has been sold from the stockpile since 1989, and domestic sales of worked ivory are extremely low, the lack of enforcement does not seem to be causing serious problems.

There are believed to be four companies in Botswana registered for carving ivory. Each has to keep records of the number of animal products purchased. Although at least one of the companies (Botswana Game Industries) keeps its own records of the weight of ivory carved and the amount of carvings produced, there is currently no requirement that these should be inspected by the DWNP. The Panel judged that DWNP can not currently assure itself that the carvers are using only legally acquired ivory and DWNP keeps no central record of the amount of ivory bought by the carvers, nor the amount carved.

Section 67 (2) of the Wildlife Conservation and National Parks Act 1992, specifies a certificate of ownership "in the prescribed form" for ivory in private hands. However, no regulations specifying the form of the certificate of ownership have been gazetted, so it would not be possible to issue such a certificate.

The Panel spoke to a representative from Botswana Game Industries (Engen), who informed us that no carving has been carried out since 1990, and no ivory is currently for sale. Current stocks are held in a strong room, and consist of 24 tusks, weighing 299 kg, all with Botswana marks. DWNP carries out an inspection of stocks on an annual basis. BGI Tanning holds 16 kg of raw ivory and 151 kg of carved ivory.

5.6 Legal Provisions Regulating International and Domestic Trade in Ivory

5.6.1 Reservation

Botswana holds a reservation on the inclusion of *Loxodonta africana* in Appendix I.

5.6.2 Moratorium

Botswana has no formal moratorium but, since the adoption of the Appendix I listing, no ivory from the government store has been auctioned, and no auctions by the Land Boards have been sanctioned by the DWNP.

5.6.3 Nature conservation legislation

The Wildlife Conservation and National Parks Act was brought into effect in 1992. The Fifth Schedule to the Act consists of the text of CITES, together with a version of the appendices. The African elephant is indicated as being in Appendix I, with the exception of the populations of Botswana, Malawi, South Africa, Zambia and Zimbabwe. These are not indicated as being in Appendix II. It is therefore uncertain whether trade in elephant products without CITES documentation would be illegal or not. This depends on the definition of CITES used by the Act. In the preliminary section of the Act, this is given as:

"the Convention on International Trade in Endangered Species of Wild Fauna and Flora to which Botswana is a Party as set out in the Fifth Schedule to this Act, and includes any Appendices thereto and any Resolutions of the Conferences of the Parties".

It is not clear from this whether Resolutions adopted after the Act was enacted take precedence over the Fifth Schedule. If so, elephant products should be treated as if they were in Appendix II but, if not, trade in elephant products would not be subject to CITES restrictions. However, DWNP has informed the Panel that in practice they would not issue export certification without following CITES procedures.

Penalties under the new Act are adequate and provide for a penalty of up to BWP 50,000 (equivalent to about USD 16,000) and imprisonment for 10 years for poaching an elephant or for illegal possession of ivory. The highest sentence actually imposed so far has been 2 years in prison and a fine of BWP 15,000.

5.6.4 Veterinary legislation

The import and transit of raw wildlife products, including ivory, requires a veterinary permit. The competence to issue such permits is delegated to the district veterinary officers. Upon request, health certificates are issued for the export of ivory products.

There is no legal provision stipulating a formal liaison between the import licensing procedures of the nature conservation authorities and the veterinary services. In

practice, such liaison exists to a certain extent, based on goodwill and on informal agreements between the officials concerned, but this procedure should be made routine, to improve enforcement.

5.6.5 Customs legislation

Botswana does not have its own consolidated list of restricted and prohibited goods, but Customs officers have access to copies of the 1992 Wildlife Conservation and National Parks Act, which includes a (slightly out-of-date) list of species in the CITES appendices.

5.6.6 Customs Union

Although Botswana is a member of the Southern Africa Common Customs Area, there are Customs offices on the common border with South Africa, e.g. for controlling all the by-laws and for purposes of the common revenue pool.

5.6.7 Transit

Depending on the interpretation of the Wildlife Conservation and National Parks Act, discussed in section 5.6.3, Botswana may or may not have complied with the recommendations of Resolution Conf. 9.7 on Control of Transit. The Act states that transit of animals listed in the CITES Appendices shall only be permitted in accordance with the provisions of CITES. Resolution Conf. 9.7 is not a provision of CITES, but if the definition of CITES used in the Act includes Resolutions of the Parties, as well as the provisions of the treaty, then transit would be controlled.

5.7 Effectiveness of Law Enforcement

5.7.1 External trade

5.7.1.1 Customs services

Customs officers inspect CITES and veterinary permits for import and export of wildlife products, and normally physically inspect the goods. The CITES forms are returned to DWNP for authentication.

Contrary to the suggestion in the report of the previous Panel of Experts, the Panel was informed that there is no value tolerance on export of restricted goods.

The Customs Department has an Investigations Unit, but there is little evidence of major activity involving ivory. The last recorded confiscation consisted of 13 tusks in 1993. The TRAFFIC Bad Ivory Database System has no records of seizures of Botswana-origin ivory since 1991, with the exception of two small seizures of worked ivory in the United States of America in 1993 and 1994 (BIDS, TRAFFIC East/Southern Africa, in litt.)

5.7.1.2 Nature conservation services

The import/export and transit permits are adequately catered for by the DWNP who liaise closely with the Department of Customs and Excise.

5.7.1.3 Veterinary services

Veterinary import/export and transit permits are only issued with the explicit approval of and a permit issued by the DWNP. It is therefore considered adequately controlled, even to the extent of personal jewellery of elephant/ivory origin. The enforcement of such requirements was however not tested given the time constraints on the Panel.

5.7.2 Internal trade

5.7.2.1 Police

The Diamond and Narcotics Squad of the CID play an important role in the DWNP law enforcement and investigate all cases related to the ivory trade due to:-

- the recognized importance and value of ivory;
- their potential international implications; and
- the extended duration of such cases.

Investigations of poaching incidents are carried out by other CID officers.

The police unit has formal relations with enforcement agencies in neighbouring countries, especially the Endangered Species Protection Unit in South Africa. There appears to be adequate liaison between DWNP and the Police on all internal trade issues, with appropriate training given, for example for road-block personnel to look for and identify ivory in its various forms and disguises.

Police have made 10-30 arrests a year on ivory-related cases over the last five years, down from 92 arrests in 1989. Approximately half of these are for poaching and half for illegal possession of ivory. Most of these appear to involve single tusks or pairs of tusks, and only one major confiscation of ivory (consisting of 13 tusks) has been made since 1990.

5.7.2.2 Botswana Defence Forces

BDF anti-poaching personnel are also involved in investigations of illegal ivory trade, and under some circumstances may take a lead role. They also maintain independent relations with the ESPU.

5.7.2.3 Directorate on Corruption and Economic Crime

The Directorate on Corruption and Economic Crime was formed in 1993 under the former head of the anti-corruption unit of the Hong Kong Police, who answers directly to the President. There are a number of expatriate staff, and local staff are being trained. The Directorate informed the Panel that in general they consider that there are few problems with the Police or with Customs and Excise, and they have not received any complaints regarding the anti-poaching wing of DWNP. They have expressed a willingness to assist in establishing transparent systems for accounting for ivory revenue, if requested to do so.

5.8 Evidence of Illegal Trade through Botswana

Enforcement staff believe that there is little illegal trade in ivory through Botswana. However, other sources (including the ESPU in South Africa, and Mr P. Carr-Hartley of the Chobe Wildlife Trust) believe that there is still a substantial trade in raw and semi-worked ivory through Botswana. This is mostly in transit between Zambia and South Africa, though not necessarily of Zambian origin, and passes through Botswana in sealed containers. ESPU has informed the Panel that 30 per cent of illegal ivory in South Africa has passed through Botswana (Lategan, in litt.).

5.9 Trade in Other Elephant Products

The Government of Botswana currently holds no stocks of elephant products other than ivory. Therefore this is not a consideration at present.

5.10 Impact of the Proposal on Conservation Status of Elephants and Environment

The Panel has been told much of the increasing levels of conflict between humans and elephants – in particular damage to crops, and injury and loss of life sustained by people. It is strongly felt by the Government of Botswana that allowing the sale of ivory stockpiles will be a major step towards alleviating this conflict. It has also been suggested to the Panel that the sale will assist in other aspects of implementing the country's elephant management plans.

There are no detailed plans for the use of revenue raised from the sale of ivory, beyond a general agreement between SADC Environment Ministers that it will be used for elephant conservation and community development within the elephant range. It is not specifically stated (and this should be clarified) that this will be additional funding for conservation, rather than being used to reduce the current government subvention to the wildlife sector.

In the 1991 policy paper "The Conservation and Management of Elephants in Botswana" DWNP stated that it was a policy to cull sufficient elephants to remove the annual increment and maintain elephant populations at the 1990 level. It has further been stated in the 1996 proposal for the transfer of Botswana's elephant population to Appendix II of CITES that the reason why this culling was not carried out was because elephants were on Appendix I. It would, therefore, be reasonable to suppose that a consequence of an Appendix II listing would be the start of a culling programme. However, DWNP has stated that there will not be an automatic resumption of culling if ivory is sold under this proposal. For this reason, the conservation benefits of a culling programme can not be considered in this report.

No mechanisms have been suggested for the transfer of the funds from the sale of ivory. Unless new regulations are put in place, the current procedures direct that funds should go in the first instance into Treasury. This does not guarantee transparency in its use. However, it should be possible for the Directorate on Corruption and Economic Crime to put in place satisfactory procedures to monitor the use of revenue generated from ivory sales.

6. Country Review – Namibia

6.1 Viability of the Population and Potential Risks

6.1.1 Viability

The current estimate for the Namibian elephant population, which is based on detailed aerial surveys carried out in 1995, is $7,684 \pm 18\%$, occupying a range of up to 100,000 sq. km during the wet season dispersal.

The Namibian elephant population occurs in four main areas: Etosha, Kunene ('desert elephants'), Kaudom/Tsumkwe, and Caprivi. It is believed that the Etosha and Kunene populations are closely related, with some interchange of elephants between them. The Kaudom/Tsumkwe population appears to have increased prior to 1990 and since then has remained stable. The Etosha/Kunene population increased until 1983, when a cull was carried out in Etosha, and has been more or less stable since then. The Caprivi population fluctuates in numbers as a result of movements between Namibia and adjoining countries, primarily Botswana. It

is therefore best considered as part of an increasing international population, which predominantly lives in Botswana and Zimbabwe.

In conclusion, there is no evidence of significant population declines in any part of the Namibian elephant population, although the populations confined to Namibia appear not to have increased significantly in the last five years, probably as a result of the drought conditions of the last few years.

6.1.2 Potential risks

There are no major immediate risks facing the Namibian elephant population, although the Etosha/Kunene population, which lives under extreme physical conditions, may be vulnerable to changing environmental conditions.

- Illegal killing does not appear to be a threat to elephant populations anywhere in Namibia.
- Anthrax kills elephants in Etosha NP but, even in peak years, the total mortality attributable to anthrax is low.
- A continued drought or longer-term climate change might lead to a decline in food availability for the Etosha/Kunene populations.
- Competition for water with humans is a major potential problem for the Kunene population. MET argues that the best way to reduce this conflict is to maximize financial benefits to local people from the presence of elephants.

6.2 Sustainability of Total Levels of Offtake

Levels of offtake from the Namibian elephant population appear to be very low. There is a sport-hunting quota of 28 bulls (<0.4 per cent of the population). There are no immediate plans to carry out culling operations. Levels of illegal killing and problem animal culling (PAC) are low (see Annex 2).

6.3 Namibia's Ability to Monitor its Elephant Population

Namibia's ability to monitor its elephant populations is now satisfactory. MET has sufficient aircraft and expertise to carry out aerial surveys, using more or less standard procedures. These are carried out at times of year when elephants are settled in one place, and are synchronized with Botswana's surveys under the ELESMAP programme, to ensure that double-counting does not occur.

Prior to 1995, Namibia's aerial surveys were carried out using non-standard techniques, and this makes it difficult to compare recent survey data with past information. However, the Panel does not believe that these uncertainties affect the major conclusions drawn from the aerial survey results: that elephant populations have probably been stable or increasing over the last five years.

6.4 Effectiveness of Current Anti-poaching Measures

Namibia's anti-poaching measures are considered adequate to deal with the current scale of illegal hunting.

Staffing levels and operational budgets vary considerably according to the area. In national parks manning levels vary between 131 and 1,261 km²/man, while in parts of the elephant range outside protected areas, manning levels are as low as 3 km²/man. Operational budgets vary from NAD 40.8 (USD 9) per km² in the north-west region to NAD 233.7 (USD 51) in Etosha National Park. Although these figures are rather low, they must be set in the context of a vigorous community-based natural resource protection and

management programme, and the arid, open nature of much of the country, which will make law-enforcement efforts easier.

In addition to general patrol scouts, MET has four specialized anti-poaching units with a total of 90 members. Four aircraft based at Etosha are available for aerial surveillance and follow-up operations, and additional aircraft/helicopters are available from the Namibian Defence Force (NDF) or by private charter.

The creation of a special police unit, the Protected Resources Unit (PRU), which is mandated to investigate all serious wildlife crime, has further improved the country's anti-poaching efforts. MET and PRU are represented on the Southern African Rhino Management Group Security Committee.

The Namibian Defence Force (NDF) does not play a significant role in enforcing the nature conservation regulations, but provides aircraft support when required. Their surveillance along the border with Angola may also act as a deterrent to poachers.

The Namibian Government has established joint permanent (bilateral) commissions with the governments of Angola, Botswana and Zambia, which serve as fora for high level discussions on border issues and law enforcement, including illegal hunting and trade in wildlife products.

An area of concern that will require intensive monitoring and surveillance is the northern border with Angola, where large numbers of UNITA troops are based. When food supplies from Luanda have been interrupted they have crossed the border into Namibia to poach for meat (and ivory).

6.5 Control of Ivory Stocks

6.5.1 Marking of fresh ivory

Tusks arriving at the MET headquarters in Windhoek are marked with felt-tip pen and accompanied by the original possession permit issued by the local district offices of MET. The marks correspond to the serial number of the permit (x) followed by the sequential count of tusks of each permit. There may be up to 27 tusks on each permit, numbered from x/1 to x/27. The permits also include spaces to fill in measurements such as weight, length of inside curve, length of outside curve, girth at base, girth at centre, length from lip mark to base, and weight. The weight is generally filled in, but the other details are not given in all cases.

Five district offices are authorized to collect ivory and issue possession permits: Etosha, Far North (Ondangwa), North West (Outjo), Kavango (Rundu) and Caprivi (Katima Mulilo). The Panel was able to inspect the process at Etosha and interview the Chief Warden. When tusks are brought to the office, usually by patrols, they are normally marked with felt-tip pen with the date and place at which they were found. They are disinfected and transferred to a store room, and are only marked with permit numbers immediately prior to shipment to Windhoek, which may be several months after they were found.

Tusks from other district offices were marked with a similar system, but appeared to have been marked in smaller batches, so that their origin could be recorded on the front of the possession permit.

On arrival in Windhoek, the tusks are engraved with a CITES serial number, of the form NA00001/W, where W is the weight. Both this number and the permit number are recorded on the database, the latter being necessary as all of the source documentation is on the

copies of the possession permits which are filed in numerical order.

6.5.2 Ivory sourcing

The four main sources of ivory in Namibia are: natural mortality, culling in Etosha in 1983 and 1985, problem animal control, and seizures by the police or Customs. At the time of the Panel visit to Namibia, stock was recorded on the database as "legal" (the first three categories of source) or 'confiscated' and these two categories of tusks are stored in separate rooms. The legal stock included 1,547 tusks (41 per cent of the legal stock) weighing 6,938 kg (37 per cent) for which no permit number was given, representing stock marked during a major inventory in 1991. In reality, this should therefore have been recorded as 'source unknown' unless additional information could have been provided. The verification programme conducted by MET after the Panel visit showed that all except 180 of the tusks in this group could be reclassified on the basis of source documentation found in Windhoek as well as at the regional offices. The majority of these tusks represented seizures prior to 1991 that had been declared forfeit to the State through court proceedings.

The 'confiscated' stock included 3,713 tusks (22,875 kg) at the time of the Panel visit to Namibia. This stock is technically composed of 'seized' and 'confiscated' specimens, and further verification of court records will be needed to distinguish between confiscations and seizures. MET renamed this category 'Seized' (defined as all ivory seized and/or confiscated) after the Panel visit, and reclassified stocks accordingly. On 22 November 1996, 'seized' stock included 4,656 whole tusks (28,037 kg).

'Legal' was renamed 'natural/management' defined as stock originating from natural mortality, culling, problem animal control and other management activities (excluding all seizures), and on 22 November 1996, the 'natural/management' stock included 2,403 whole tusks (11,640 kg).

A further category of 'unknown' was established for specimens with insufficient documentation, with 180 specimens (1,022 kg) in this category on 22 November 1996. All fragments and ivory chips (amounting to 751 kg) were furthermore excluded from the database of whole tusks.

Although the Panel has not been able to verify the reclassified stocks, a printout of the new database has been provided to the Panel, and MET has undertaken to have the reclassification audited independently.

6.5.3 Keeping of records by the Management Authority

MET began to computerize the management of the ivory stockpile in 1992 and has continued to do so ever since. Paper copies of permits relating to the tusks are stored at Windhoek and these have been used to fill in details on the databases of the tusks received prior to that date. All tusks were marked in an inventory carried out in 1989.

It is important to note that, although Namibia only joined CITES in 1991, the current ivory marking system was started in 1989, and records of at least some of the tusks date back to the early 1980s.

The primary record of each tusk is the 'Application to Possess Controlled Game Products' commonly and incorrectly known as the Possession Permit. This was introduced in 1992 and superseded Form 0/208, the 'Application to have Controlled Game Products in Possession'. Both are of the same general form and contain details of the date, source and holder on the front,

with details of the tusks on the rear (see section 6.5.1). Both forms should be filled out in duplicate, one copy being kept at the registering station (usually a district office) and the other at Windhoek. The need to fill out both sides of the form, with a duplicate copy made using carbon paper, has resulted in several omissions. In many cases the copies of the forms at Etosha had the reverse correctly completed but were blank on the front, which is where details of the date, source and owner should be filled in.

It was not possible for the Panel to examine the complete set of documentation at Etosha, as the officer responsible was not present, and the Warden in charge did not have access to either the strong room or the documentation.

There appeared to have been no independent or systematic audit of the whole ivory control system, other than the periodic inventories of the stockpile at Windhoek.

The Panel did not locate any irreconcilable errors in the documentation but highlighted a number of ways in which it could be improved, in particular to facilitate comprehensive auditing of the system from Windhoek. Improvements recommended by the Panel are now being implemented by MET and will be independently verified before the tenth meeting of the Conference of the Parties.

6.5.4 Registration of private or commercial ivory

6.5.4.1 Marking of privately held ivory

Privately held ivory must also be recorded in possession permits. It is marked with the permit number with felt-tip pen. The tusks are weighed and measured and the details are written on the permits, copies of which are kept at the MET in files relating to each owner. These are currently not computerized and it is therefore not possible to determine with any ease how much ivory is in private hands. Ivory may be sold privately only within Namibia. A permit to possess is issued to the new owner while the old permit is cancelled or endorsed accordingly.

6.5.4.2 Worked ivory

Curio shops dealing in game products are required to be licensed, which is not the case for retailers in worked ivory in small quantities. The curio shops are required (by Proclamation No. AG 42) to keep registers of their stocks of raw ivory. These may be inspected by MET staff. Legislation does not require permits to be issued for worked ivory, but they may be issued for large carved items if requested by the owner. Worked ivory is not strictly defined by law, but for practical purposes the Department uses a definition of 80 per cent carved. Trophy manufacturers have to mark any offcuts or carvings with their name or a mark approved for that purpose.

6.6 Legal Provisions Regulating International and Domestic Trade in Ivory

6.6.1 Reservation

Namibia holds a reservation with respect to the inclusion of *Loxodonta africana* in Appendix I.

6.6.2 Moratorium

Namibia has no formal moratorium, but since the inclusion of the African elephant in Appendix I, no export permits for commercial shipments of raw or worked ivory have been issued. Export permits have

been issued for hunting trophies. Small quantities of raw ivory (five tusks) were sold to local carvers in 1996.

6.6.3 Nature conservation legislation

The Nature Conservation Ordinance 4 of 1975 and Proclamation 42 of 1980 (Control of Game Products) provide adequate provisions for import, export and re-export, including the prescriptions for marking ivory and maintenance of registers. The penalties relating to possession of and trade in illegal ivory are considered adequate, with a recommended fine of up to NAD 200,000 or imprisonment for a period not exceeding 20 years or both for illegal hunting or possession of or trade in elephants or elephant products. The Nature Conservation Amendment Act 5 of 1996 provides for an economically based system of sustainable management and utilization of game in communal areas. The establishment of a game products trust fund for communal conservancies is currently being prepared for tabling in Parliament, after having been approved by the Namibian Cabinet.

6.6.4 Veterinary legislation

On the basis of the Animal Diseases and Parasites Act (1956), the import and transit of raw wildlife products, including ivory, are subject to permits issued by the Veterinary Department. There is a veterinary cordon fence running across northern Namibia at approximately 20 degrees of latitude south, as well as veterinary fences on the national borders. Veterinary permits are also required to transport raw wildlife products across these fences and, even with permits, they may only be transported to secure quarantine stores. Veterinary permits are issued on demand for the export of wildlife products. In the case of ivory, the Veterinary Department would first consult MET to ensure that CITES permits had been issued.

6.6.5 Customs legislation

Namibia does not yet have its own consolidated list of restricted and prohibited goods, and still uses the South African list. However, a draft list has been drawn up, and a list for imports is expected to be ready by the end of 1996.

6.6.6 Customs Union

Namibia is a member of the Southern Africa Common Customs Area. Nevertheless, all trade routes are covered by Customs.

6.6.7 Transit

Namibia has not complied with the recommendations of CITES Resolution 9.7 on the Control of Transit. There is no legal provision which explicitly requires that CITES goods in transit be accompanied by valid CITES documentation. However, the Customs Department informed the Panel that, in practice, permission is not granted for the transit of controlled game products. The Panel was informed by MET that ivory in transit through Namibia will remain subject to all permit requirements of the Nature Conservation Ordinance 4 of 1975, but no such transit shipments have occurred since 1990.

6.7 Effectiveness of Law Enforcement

6.7.1 External trade

6.7.1.1 Customs services

The situation with respect to enforcement of Customs regulations appears to have greatly improved since the previous Panel of Experts report. Namibia now has its own Customs service, with officers stationed on all the bor-

ders. There is a four week basic training course, which includes a session with the Protected Resources Unit of the Namibian Police (PRU), at which identification of wildlife products, including ivory, is described. PRU commanders have also visited all the Customs posts on the northern boundary.

Approximately 10% of trucks are searched at border posts, and dogs are being trained to detect ivory and rhino horn.

Controls on the northern boundary appear to have been tightened, although illegal traffic does still take place.

6.7.1.2 Nature conservation services

The issuance of permits for hunting and controlled game products (including ivory) is centralized (and computerized) at the MET headquarters.

MET is working to devolve responsibility for law enforcement activities to other agencies. The lead role in investigating the illegal trade in ivory is taken by the PRU.

6.7.1.3 Veterinary services

The Veterinary Services Directorate appears to have strict controls, with border patrols (126 men) deployed on the Angolan border to maintain the fence and react to infringements of veterinary controls.

There is a good working relationship between MET and the veterinary services, which only issues permits for wildlife products (including ivory) after consultation and approval from MET.

Border veterinary controls have been established between Namibia and South Africa, and appropriate enforcement is effected at Walvis Bay Port, points of road entry and airports under close liaison and co-operation from Customs services.

Great emphasis is placed on the control of movement of live animals and products from Angola and Zambia. All border crossings have veterinary staff, as do the crossing points on the cordon fence, and there are 126 veterinary staff patrolling the area in between the two. Permanent staff are also maintained at Walvis Bay, and arrangements are made on request to ensure that staff meet incoming or outgoing flights at Windhoek international airport.

6.7.1.4 Police

The Namibian police have formed a Protected Resources Unit (PRU), which is responsible for investigations of illegal transactions involving diamonds, precious metals, meteorites, protected game and game products (including ivory). They are based in Windhoek, with 9 sub-units posted at main centres throughout Namibia. They currently control and investigate all cases relating to protected game products under the Controlled Game Products Proclamation (42 of 1980) and Ordinance 4 of 1975 – Protected and Specially Protected Game.

A very good relationship has been developed between the PRU and MET at all levels, and there are formal contacts with neighbouring countries, including the ESPU in South Africa. They liaise closely with the Customs Depart-

ment, especially with respect to seizures at border control posts.

The police force has also deployed a special field force of 400 men on the northern border with Angola who concentrate on cattle rustling, car theft and cross-border incursions. They are armed with semi-automatic firearms and play a complementary role to the anti-poaching operations. The force will be increased by a further 300 men in January 1997 following a training phase, which is currently taking place.

6.7.2 Internal trade

The control of stocks and trading at local commercial outlets (curio shops) is minimal but adequate, and it was felt that any illegal trade to or from these outlets would be detected by the PRU's substantial informer network.

The PRU has been very active in the investigation of illegal trade in ivory. In 1995, 59 cases concerned with ivory were initiated, and 446 tusks, weighing over 2 tonnes, were confiscated. There was an increase in confiscations from 1990 to 1993, with a high level maintained since then. Over the past 2 3/4 years the conviction rate has been 25 per cent with 47 per cent of cases pending, 28 per cent found not guilty, withdrawn or unrecorded, and sentences for illegal possession of ivory have ranged from NAD 200 or 2 years to 5 years imprisonment without the option of a fine.

6.8 Evidence of Illegal Trade through Namibia

Of the ivory held on stock in the government stockpile in Namibia 64.3 per cent (4,656 tusks) has been seized by law enforcement agencies. This is considerably more than the quantity from natural mortality and recorded poaching within Namibia, and this and other information indicate that the seizures involve ivory originating outside Namibia. In addition, an NGO informed the Panel that ivory is readily available for purchase from Angola.

Given that relatively large amounts of ivory are moving into Namibia, and there are no known end-users in the country, it might be reasonable to suppose that at least some of this ivory is in transit through Namibia. However, MET and PRU maintain that law enforcement in Namibia is so effective that very little ivory slips through the net. If this is the case, then illegal traders must be unaware of the certainty of detection and arrest.

While the Panel is aware of the high standards of law enforcement within Namibia, the majority of its members believe that the above information provides circumstantial evidence that some ivory is passing through Namibia. This view is corroborated by the ESPU, which has informed the Panel that approximately 15 per cent of illegal ivory in South Africa has passed through Namibia (P. Lategan, in litt.).

Namibia Customs border controls have been re-established on the Angolan border, and combined with other improved border security force controls, it is envisaged that the likelihood of future illegal import from Angola will be considerably reduced.

6.9 Trade in Other Elephant Products

At the time of the Panel's visit, Namibia did not propose to trade in elephant products other than ivory.

6.10 Impact of the Proposal on Conservation Status of Elephants and Environment

Namibia is in the process of establishing what appears to be an exemplary procedure for ensuring that reve-

nue from ivory sales is used for elephant conservation and community development in the elephant range.

A Game Products Trust Fund will be used to disburse the revenue from sales of ivory. Cabinet has approved this proposal, and a bill is being prepared for presentation to Parliament. The purpose of the fund will be to distribute revenues to wildlife management bodies, including conservancies, wildlife councils and protected areas. It is expected that these revenues will be largely derived from the sale of ivory, but they may come from other controlled game products that are owned by the State. As far as possible, revenue will be returned to the areas from which the products originated. The main purposes for which money will be used will be to provide start-up capital for new conservancies and wildlife councils, to support improvements in the monitoring, management, protection and sustainable use of natural resources in rural areas and supporting measures to prevent and ameliorate conflicts between people and wildlife. The fund will be controlled by a Board of Trustees, comprising representatives of Government and from non-governmental community-based conservation organizations.

In conclusion, it is very probable that adoption of the proposal would have a beneficial impact on elephant conservation and community conservation and development programmes in Namibia.

7. Country Review – Zimbabwe

7.1 Viability of the Population and Potential Risks

The most recent estimate of Zimbabwe's elephant population, from surveys conducted in 1995, was $66,631 \pm 10\%$ (DNPWLM, 1996a) in an area of 74,750 sq. km (Price Waterhouse, 1996).

There has been a significant increase in the estimated national population from 46,426 to 63,780 (excluding some minor populations included in the figure above) between 1980 and 1995. This indicates an intrinsic average rate of increase of 2.1 per cent over this period (Price Waterhouse, 1996). The increase has not been consistent across all sub-populations; there has been no significant increase in the Sebungwe and Gonarezhou populations, which have been affected by increased human populations, and by drought combined with high levels of poaching and management offtakes in the late 1980s, respectively. Most of the increase has occurred in the Zambezi Valley and north-west Matabeleland. In the case of the Zambezi Valley, this may have partly been a result of immigration from Zambia and, in the case of north-west Matabeleland, from Botswana. However, the level of increase makes it inconceivable that this immigration could be concealing a decline in resident populations, and it appears that at present there is more movement from Zimbabwe to Zambia than vice versa (E. Chidziya, in litt.).

No major risks to the Zimbabwean elephant population have been identified. Levels of illegal offtake appear to be decreasing after a peak in the late 1980s and early 1990s. Even during this period, however, there was no indication that poaching was greater than the rate of increase, except locally in Gonarezhou in the late 1980s.

An improvement in the current poor state of finances and general organization of DNPWLM is essential to maintain the current low level of poaching. DNPWLM has assured the Panel that these have improved since the Panel's visit as a result of its change in status to a Fund (see section 7.10).

It has been suggested that a population crash may result from reduced food availability caused by the impact of elephants on their own habitat. However, there is no evidence to indicate how serious this threat may be.

7.2 Sustainability of Total Levels of Oftake

Current levels of oftake appear to be sustainable. Forms of oftake are as follows.

7.2.1 Illegal oftake

DNPWLM has presented records of 38 animals poached in 1995, down from 58 in 1993 and 66 in 1991 (although the figures for poaching in Gonarezhou from 1989-1991 are much lower in the final version of Zimbabwe's Proposal than in the draft dated 20 September 1996). The suggested decrease in poaching since 1991 is not confirmed by a decrease in carcass ratios from aerial surveys, but the generally low carcass ratios show that the number of animals killed illegally is low compared to the overall population.

7.2.2 Trophy hunting

Zimbabwe has an export quota of 300 elephants for 1996, and a total of 293 bulls have been allocated for hunting. In addition there are a total of 16 bull and 10 cow elephants on quota for citizen hunters. DNPWLM records indicate that 121 elephants were actually taken in 1995.

7.2.3 Problem animal control

DNPWLM records indicate that 25 elephants were killed in problem animal control in 1995.

7.2.4 Culling

No large-scale elephant culls have been carried out since 1988. Approximately 300 elephants were killed in 'disturbance culls' in Gonarezhou during the period 1991-2. Further 'disturbance culls' were carried out in Omay, Guruve and Binga Districts in 1993, 1994 and 1995. No figures are available for the first two years, but 182 elephants were killed in 1995. No 'disturbance culls' have been carried out in 1996 to date. DNPWLM figures indicate that 36 elephants were culled in 1995. It appears that 'disturbance culling' figures may not have been included in the mortality tables provided in the final proposal to the Conference of the Parties.

7.2.5 Other sources of mortality

Other sources of mortality include natural mortality, 'proficiency tests' and tsetse control. Proficiency tests apparently account for six bulls and up to nine cows per year. There was a reported natural mortality of 107 in 1995.

7.3 Zimbabwe's Ability to Monitor its Elephant Population

Zimbabwe has carried out a regular series of aerial surveys of its elephant population since 1980 using standard sample count techniques. Zimbabwe has one of the best sets of elephant population data in Africa. At the time of the Panel's visit there was adequate donor funding to ensure that the survey programme will continue for the next two years at least. However, the recent loss of DNPWLM's survey aircraft may have an adverse effect on the programme.

A number of doubts have been raised in the past about the results from the surveys, but the Panel feels that these have all been adequately addressed.

- The general techniques used have been questioned, especially by people who do not understand sampling theory. An independent count of the elephants around Gonarezhou carried out by Dr I. Douglas-Hamilton, gave similar estimates to the

DNPWLM count, and confirmed that Zimbabwe's survey techniques were satisfactory and similar to the sample counts used throughout Africa (Douglas-Hamilton, 1995).

- There have been differing estimates of the elephant populations, which have caused confusion in the past. It appears that the main reasons for this are that not all surveys covered the same areas and, with sampling error, some fluctuations in estimated numbers are to be expected. These issues have been addressed in a recent review of Zimbabwe's elephant population estimates (Price Waterhouse, 1996).
- Immigration of elephants from other countries, including Zambia, Mozambique and Botswana, may have contributed to the observed population increase, and seasonal movements may have led to double-counting of the same elephants in different countries. However, under the EU-funded ELESMAP project, aerial surveys have been co-ordinated across the region to ensure that they are synchronized in different countries. There is adequate co-ordination between Botswana, Namibia and Zimbabwe. It is felt that movements between these countries and Zambia, Mozambique and Angola is not a serious concern, because of the low elephant populations in the relevant border areas of these countries (Said *et al.*, 1995), and barriers to movement such as minefields. It appears that immigration from Botswana to the Hwange region has occurred, and may be continuing but, despite this, the Botswana elephant population is still increasing.

7.4 Effectiveness of Current Anti-poaching Measures

7.4.1 Current levels of poaching

Levels of poaching appear to have reduced since 1993-4. This is indicated by fewer reports of incursions, and fewer freshly-poached carcasses seen from the ground. However, some poaching is still taking place, especially in the parks estate in Zambezi Valley and Hwange. In 1996 20 bull elephants were killed near Sinamatella Intensive Protection Zone. Little poaching has occurred in the communal areas.

7.4.2 Changes in poaching

It is not entirely clear why the level of poaching is low at present, given the reduction in resources available for anti-poaching. However, DNPWLM believes that the benefits of "Operation Safeguard Heritage", which started in November 1993, in which large numbers of army personnel were deployed in the elephant and rhino range, with Air Force support, has taken some time to reach full effectiveness. In the early stages more troops were deployed than at present, but it is believed that this is more than compensated for by the improvement in lines of communication between different law enforcement agencies.

7.4.3 Other agencies

Elephant in the communal lands fall under the protection of the CAMPFIRE programme. No information has been provided on current manpower levels.

The Investigations Branch of the DNPWLM plays an important role in the anti-poaching effort and currently has nine officers and seven game scouts on its establishment based in Harare, Bulawayo, Mutare, Kariba, Hwange and Beitbridge.

The Zimbabwe Republic Police (ZRP) support unit assists anti-poaching programmes in the districts of

Makuti, Mashumbi Pools, Binga and Hwange, with a total contingent of 112 men.

7.4.4 Anti-poaching successes

No information has been provided by DNPWLM on the effectiveness of their anti-poaching efforts, but DNPWLM considers that it is adequate.

7.4.5 Manpower levels

Overall anti-poaching manpower densities in the protected areas stand at one game scout per 76 km². However, in a part of the Zambezi Valley, considered a high risk area, the figure is one game scout per 240 km², which the Panel considers to be too low, given the current threat in this area.

The Management Authority is severely underfunded, with the current expenditure at USD 49 per km² – significantly lower than the figure of USD 100-125 quoted by Dublin & Jachmann (1992).

The mean area covered per vehicle is currently 702 km², although in the Zambezi valley there are some large areas with no vehicle support.

7.4.6 Future projections

In January 1997 the Panel was informed by DNPWLM that the financial situation had considerably improved since the time of their visit, with an increase in revenues as a result of the new 'Fund' status.

The Panel was advised that 164 posts previously "frozen" through attrition had been "unfrozen", although in real terms it was unclear as to whether there were sufficient funds to effect immediate appointments. It was emphasized by DNPWLM, however, that the field-based posts would receive priority and, in January 1997, the Panel was informed by DNPWLM that 28 of these posts had been filled, and that filling the rest was being finalized by the Public Service Commission.

It was also noted that a delivery of 72 Land Rovers supplied by an ODA grant/donation was imminent. The effectiveness of this fleet of vehicles will be dependent on adequate operating budgets.

Field staff met by the Panel in the Zambezi Valley were well turned-out and appeared to be well trained and motivated. However, staff had not received overnight allowances for up to 12 months, and had not been issued with new kit for two-and-a-half years. This is an area of serious concern, and current levels of effectiveness will only be maintained if there is a significant improvement in the flow of funds to cover operational costs.

7.5 Control of Ivory Stocks

7.5.1 Marking of fresh ivory

All raw ivory is required by law to be stamped with the approved CITES marks within 14 days of acquisition. Marking is carried out at any one of ten DNPWLM offices. Where ivory is accumulated at one of the field offices prior to dispatch to Harare, the tusks are marked with felt tip pen with a temporary number. Twenty-six field stations are authorized to mark tusks. On arrival in Harare, the final tusk number is assigned and stamped on the tusk with punch dies.

7.5.2 Ivory sourcing

Ivory comes from three main sources:

- DNPWLM stations (from cull, natural mortality and problem animal control)
- District councils (mainly problem animal control, usually via DNPWLM field stations)

– Seizures by police and Customs officials.

By checking all of the paperwork available in Harare, it is possible to determine the source of all the ivory stored. However, this is currently a cumbersome process, it being necessary to refer to up to four documents to achieve this. The information is currently being computerized and, once completed, this will enable the source to be determined more readily.

Ivory identified as 'poached' in the register originates either has come from elephants that are found dead as a result of being poached or has been recovered from poachers after contacts with DNPWLM staff. Ivory recovered from Customs, police and the Investigations Branch of DNPWLM is usually identified as 'confiscated' since it did not originate from known illegal activity within the country.

7.5.3 Keeping of records by the Management Authority

The recording system for ivory appears to be both well designed and correctly implemented. The panel was satisfied that the system could be audited to ensure that all ivory owned by the State is correctly stored and accounted for. Privately held raw ivory is also fully documented and no significant errors were located. The records of ivory stocks are audited approximately annually by the internal auditors and biennially by external auditors.

On 14 October 1996, the store was said to contain 2,886 tusks with a total weight of 28,194 kg.

7.5.4 Ivory carving and the control of worked ivory

Zimbabwe has one of the largest domestic ivory carving industries in Africa and DNPWLM has, for several years, pursued a policy designed to encourage this but maintain strict control. Ivory is sold by DNPWLM to registered dealers on a sliding price scale, depending on tusk weight.

7.5.4.1 Ivory sales

Sales of raw ivory from DNPWLM have been averaging about 3-6 tonnes per year between 1992 and 1995, but increased to 8,668 kg in the first nine months of 1996. Some 4,257 kg was sold to a single dealer. This dealer, and another who is a Chinese citizen, have been using the ivory to carve products, including name seal blanks, designed for the oriental market.

7.5.4.2 Dealer's registers

Ivory carvers must be licensed and are required to keep registers of the amount of ivory carved and the weight of waste and dust produced. Monthly returns must be submitted to DNPWLM, specifying the products produced from each tusk. Failure to observe the regulations carries the risk of a fine or suspension of the licence.

The Panel visited one of the larger carvers and was informed that this system was impractical as, when dealing with a variety of products, from beads to large figures, sections of partially carved tusks are often stored for several months. It is not possible to record accurately which products are made from each tusk. As a result, the carver informed the Panel that he only submitted details of the tusks carved, making no attempt to record the products or the waste produced.

In order to simplify the process of issuing CITES export permits for personal possessions, a Certificate of Sale has been designed which may be issued by licensed dealers in wildlife products (NP/CITES FORM 1) to indicate that the goods were obtained from a legal source. This certificate is made out in triplicate, one copy remaining with the dealer, one being retained by the purchaser and the third being surrendered to Customs on export. The Certificate of Sale is not valid for export unless the Short Export Permit on the reverse side of the certificate has been completed by the Customs service. The export permit is eventually returned to DNPWLM for compilation of the CITES annual report.

The Certificates of Sale are not supposed to be used for commercial transactions and should not be accepted by Customs to support commercial exports. There is both a monetary and numerical limit on the total value (ZWD 500) and number (five) of items on each permit.

Since the transfer of *Loxodonta africana* to Appendix I, it is doubtful whether these short export permits would be accepted by importing countries. DNPWLM has distributed notices to warn customers that they may require import permits before taking ivory to their home countries.

7.6 Legal Provisions Regulating International and Domestic Trade in Ivory

7.6.1 Reservation

Zimbabwe holds a reservation against the inclusion of *Loxodonta africana* in Appendix I. Zimbabwe's CITES annual reports for exports of trophies record the species as being in Appendix I. However, certificates for personal possessions written out by ivory dealers show ivory products and elephant hide products as being in Appendix I or II. These have apparently not been included in the CITES annual reports.

7.6.2 Moratorium

Zimbabwe has no formal moratorium on ivory exports but has not permitted the export of any raw ivory since 1989, except for hunting trophies.

7.6.3 Nature conservation legislation

The Parks and Wild Life Act of 1975, as amended 1 August 1991, and the Control of Goods (Import and Export) (Wildlife) Regulations of 1982 make provision for control of international and domestic trade in wildlife products, including ivory.

The sale and purchase of any live animal or trophy are subject to a permit. Export permits for ivory are issued by the DNPWLM headquarters at Harare. Export permits for hunting trophies may be issued by the regional offices but, during 1996, all permits for ivory trophies were issued by headquarters.

No permits are issued for the commercial import of raw ivory. There is no legal permit requirement for the transit of ivory. Export provisions apply to re-exports.

Any person who is guilty of an offence involving the unlawful possession of, or trading in, ivory shall be liable, on the first conviction, to imprisonment for a period of five to fifteen years or, on a subsequent conviction, to imprisonment for a period of seven to fifteen years.

7.6.4 Veterinary controls

Under the control of Goods (Import and Export) (Wildlife) Regulations 1982, the import and export of raw and worked ivory is subject to a permit. On applications for import permits, reference to veterinary permit requirements is made, and wildlife and veterinary authorities issue common circular letters.

Veterinary import and transit permits are required for infectious material and portions of carcasses. Elephant meat, unprocessed ivory, bones and hide are therefore included.

Export certificates are issued if required by the import regulations. When issuing health certificates for raw ivory, the Department of Veterinary Services requests prior presentation of a CITES permit.

7.6.5 Customs Legislation

Zimbabwe Customs work with a consolidated list of restricted goods on which CITES species are shown as being controlled.

Customs indicated that they have a general policy of not strictly implementing trade controls on manufactured products as personal possessions even if they are made of ivory. The Panel was shown Instructions to Customs officers on the implementation of these regulations which state that "Permits will not be required for Articles of a strictly personal nature which are designed to be carried by or worn on a person ... irrespective of whether or not the species involved is listed on the regulations". This contravenes CITES regulations in respect of Appendix I species (but not for the African elephant, for which Zimbabwe holds a reservation).

7.6.6 Customs Union

Zimbabwe is not a member of the Southern African Customs Union.

7.6.7 Transit

Zimbabwe has not complied with the recommendations of Resolution Conf. 9.7 on Control of Transit. There is no legal provision that CITES goods in transit should be accompanied by a CITES permit, but the Panel was informed that this would be regarded as import and export, export permits would not be issued, and no permissions for transit of ivory have been given since 1989.

A permit is required for the introduction of goods into bonded warehouses, including duty free shops. This does not appear to have been implemented in the case of ivory entering the duty free shop at Harare Airport.

7.7 Effectiveness of Law Enforcement

7.7.1 External trade

The Panel was informed that Zimbabwe has maintained a moratorium on the export of ivory, but two types of evidence were found to demonstrate that considerable quantities of worked ivory have been exported.

a) Personal possessions exported by tourists. The Panel was informed by an ivory dealer that the domestic market for carvings is now very low, but that over 90 per cent of all ivory carvings are bought by foreign tourists. It must therefore be assumed that the majority of the products carved from ivory sold by DNPWLM is bought by foreign tourists and eventually imported into their home countries. While the export from Zimbabwe may be legal because the items could be regarded as fal-

- ling under Appendix II within Zimbabwe, the importing countries should treat them as Appendix I and demand import permits before allowing import.
- b) Commercial exports of worked ivory. Although ivory dealers are allowed to issue Certificates of Sale for personal possessions, they are not allowed to do so for commercial exports. There is evidence that two dealers, at least, have abused this privilege and issued Certificates for large commercial quantities of worked ivory destined for export to a variety of countries, including China, Hong Kong, Indonesia, Japan, the Philippines, South Africa, Thailand and the United States of America. Some of these shipments were very large, including a single sale of seals valued at ZWD 919,113 (approximately USD 90,000) to a Japanese customer, and one destined for Thailand valued at ZWD 600,006. The ivory registers of the dealer involved indicated that, during the month of April 1996 alone, he had sold ivory seals to Japanese customers carved from 182 tusks, totalling 1.6 tonnes. Between 28 June and 5 July 1996 stamps valued at ZWD 189,946 were purchased by customers from China, Hong Kong and Thailand. This is a matter of serious concern for the following reasons.

- Dealers issued NP/CITES FORM I, despite the fact that the forms may not be issued for commercial shipments, and despite exceeding the financial and numerical limit for the quantity of items on each form.
- Assuming that the exports suggested by the Certificates of Sale (NP/CITES FORM 1) took place, Customs officers failed to detect or prevent them. It is not clear whether Customs officers completed the Short Export Permit, whether they permitted the export without an export permit, or whether they simply failed to detect it altogether.
- DNPWLM officials failed to prevent the abuse of NP/CITES FORM 1 by ivory dealers despite the fact that they had ample documentary evidence of this since October 1995, in the form of the monthly returns from the dealers.
- Importing countries, notably China, Japan and Thailand, appear to have failed to intercept these illegal imports of worked ivory.

Following the visit of the Panel of Experts to Zimbabwe, and the production of its draft report, DNPWLM requested that the following statement should be inserted into the report.

DNPWLM acknowledges the inadequacies of domestic controls and has taken the following ivory control measures:

- Licences of the two dealers have been suspended (but they have contested the decision by appealing to the Courts) and the Department has recommended that their permits not be renewed when they expire on 31/12/96;
- A fully fledged investigation is being undertaken with the help of all relevant law enforcement agencies and Interpol;
- DNPWLM is seriously considering withdrawal of the abused forms (NP/CITES Form I);
- Customs are currently putting in place tight control measures to ensure that there is no recurrence of such events;

- DNPWLM officials are under instructions to report any suspicious circumstances as far as ivory sales and the local carving industry is concerned.

7.7.1.1 Customs services

Customs informed the Panel that their chief concern was the control of imports, and that there was a general policy to leave the control of exports up to the importing countries. The exception to this rule appears to be the control of postal packages; the Customs department claims to inspect 90 per cent of small packages.

Few cases of illegal export of ivory have been detected in recent years with the exception of a single case involving a substantial quantity of worked ivory crossing to South Africa at Beitbridge.

The Natural Economic Crime Inspectorate also supports Customs, particularly in respect of excise evasion. They informed the Panel that they had never detected a case involving ivory.

The fact that many NP/CITES FORM 1s have been issued for the export of commercial quantities of semi-worked ivory provides circumstantial evidence that Customs have failed to control the export of ivory.

DNPWLM informed the Panel in January 1997 that the Department of Customs is taking steps to improve this situation.

7.7.1.2 Nature conservation services

Permits for exporting wildlife products are issued principally by DNPWLM headquarters in Harare. In the case of ivory, details of tusk ownership (the tusk registration card) are checked before issuing the permit, and the card is cancelled and retained. Two of the DNPWLM field offices, Matesi and Marongora, are also authorized to issue export permits for sport trophies where they have also registered the ivory.

7.7.1.3 Veterinary services

There are no veterinary staff stationed at Harare international airport but staff are present at two of the land border points. The establishment of a Port Health Authority at the airport, which would include veterinary staff, has been proposed but is lacking funding. Responsibility for implementing veterinary controls on import is currently delegated to Customs.

7.7.2 Internal trade

7.7.2.1 Nature conservation services

DNPWLM runs its own Investigation Branch, whose primary role is to contain internal illegal trafficking in wildlife products. Under the Parks and Wildlife Act 1975, as amended 1 August 1991, every purchase or sale of wildlife products requires a permit. The Investigation Branch is also responsible for monitoring the operation of licensed ivory dealers or carvers. Between September 1995 and October 1996 DNPWLM's control over the carving industry appeared to have broken down (Section 7.7.1).

During their visit (11-16 October 1996) the Panel was informed that one ivory carver, in whose stock records of ivory dealings irregularities had been detected, had had his licence rescinded, though no further charges had been brought. DNPWLM subsequently informed the

Panel (in litt. 8 November 1996) that the licence was still valid but would expire at the end of 1996.

The Investigations Branch did not volunteer any information to the Panel on abuses by ivory dealers. This information was discovered by members of the Panel during the course of routine examination of ivory dealers' records. However, when the Panel presented evidence of these matters to DNPWLM on the final day of their visit to Zimbabwe, the Investigations Branch stated that:

- no infringements of the regulations had occurred;
- but the dealers concerned had had their licences suspended in the week preceding the arrival of the Panel.

The Panel was not provided with any additional information that would have allowed these statements to be reconciled, nor an explanation why it had taken so long to take action, given that evidence of these abuses had been available since October 1995.

Further information has been provided to the CITES Secretariat by the Investigations Branch, following the visit of the Panel of Experts, and the distribution of the first draft of this report to DNPWLM. It was stated that manufactured pieces of ivory were illegally shipped from Zimbabwe, concealed under tobacco bales. It was further stated that two ivory traders were charged and fined the maximum penalty and their trading licences were withdrawn (Ndhllovu in litt. 8 November 1996). Copies of charge sheets dated 4 November 1996, have been provided to the CITES Secretariat, indicating that two ivory traders were charged with failure to observe the conditions of their licences by omitting the names and addresses of ivory purchasers from their returns. The traders admitted guilt and were fined ZWD 500 (USD 50).

7.7.2.2 Police

In cases where illegal possession of raw ivory is detected by either Customs or DNPWLM staff, the police are called in. Many of the cases of poached ivory recorded in the ivory registers indicated that the ivory had been handed in by the police.

There is close co-operation between the ZRP and the DNPWLM Investigations Branch on matters relating to illegal trafficking of specially protected wildlife products, which includes ivory.

The ZRP handles, and prosecutes, all cases contravening the Parks and Wildlife Act of 1975, as amended 1 August 1991. Familiarity with aspects of the law and regulations relating to wildlife is to be addressed by convening training courses for Magistrates to ensure appropriate sentences are handed down for all wildlife contraventions, especially with respect to specially protected game such as rhinoceros and elephant.

7.7.2.3 Office of the President

Personnel from the Office of the President are based in the field, close to protected areas, carrying out undercover duties, including the collection of anti-poaching intelligence.

7.8 Evidence of Illegal Trade Involving Zimbabwe

Enforcement staff believe that there is little illegal traffic in ivory through Zimbabwe. However, the ESPU has informed the Panel that they believe that 45 per cent of illegal ivory in South Africa has passed through Zimbabwe (P. Lategan, in litt.).

7.9 Trade in Other Elephant Products

There appear to be few controls over elephant products other than ivory. During their visit to Zimbabwe, the Panel were informed by DNPWLM officials that trade in hides would not be included in the final proposal. The final version of the Zimbabwean proposal does in fact include a proposal to trade in hides, but in view of the position taken by DNPWLM at the time of their visit, the Panel did not investigate the controls in depth. There are a number of tanneries which process elephant hides and products are widely available in curio shops. The Panel was informed that the tanneries are not registered and their stock is not controlled by DNPWLM. A curio dealer indicated that there were no controls on the retail of elephant hide products and that he did not under normal circumstances issues Certificates of Sale (NP/CITES FORM 1) to customers who purchased them.

7.10 Impact of the Proposal on Conservation Status of Elephants and Environment

The majority of the ivory stockpile held by the DNPWLM belongs to the government, but 26 per cent by weight belongs to Rural District Councils (RDCs), which have been granted Appropriate Authority status under the CAMPFIRE programme. If ivory is sold, the revenue will be allocated to DNPWLM and the various RDCs on a tusk-by-tusk basis. It is believed that this will be fairly straight forward once the ivory database management system being designed by TRAFFIC is fully operational.

Revenue generated through the CAMPFIRE scheme is spent according to decisions taken by RDCs and their constituent communities, although DNPWLM lays down guidelines on the preferred division between general administrative costs, costs of wildlife management, and returns to communities in wildlife areas. Some of the funds may be used for activities that directly benefit elephant conservation, such as employment of game guards, provision of water supplies for wildlife, or erection of crop-protection fences (which will reduce levels of human-elephant conflict), although this is not a requirement.

The CAMPFIRE Association has indicated that they will recommend to their members that revenues from the proposed sale of ivory should be treated differently from general CAMPFIRE revenues, and used specifically for elephant conservation projects.

Distribution of CAMPFIRE revenue is meant to be done in a transparent and participatory manner. Although there have been some problems in the past, with excessive retention of funds by district councils, the situation is said to be improving. The CAMPFIRE Association presented evidence on revenue distribution for five districts from 1991 to 1995. In Chipengete and Hurungwe RDCs, revenue retention by the council remained at 20 per cent or less, in Binga it was reduced from 50 per cent to 20 per cent, in Bulilimamangwe it has remained at 50 per cent, and in

Gokwe North it was reduced from 80 per cent to 53 per cent.

Money derived from the sale of government-owned ivory will be paid to DNPWLM. The Department has not determined what these revenues will be used for. Various suggestions were put forward by the Directorate, including contributions to day-to-day operational costs, rhinoceros management, implementation of park management plans and provision of supplementary water supplies for wildlife in Hwange NP. The Zimbabwean proposal states that the reason why culling of elephants no longer occurs is that the Appendix I status of elephants prevents DNPWLM from recouping the costs of these operations. However, the Panel was informed that it is no longer Zimbabwe's policy to cull elephants because existing management policies have been abandoned. In January 1997, DNPWLM informed the Panel that culling is in fact a management option for Zimbabwe.

The status of DNPWLM changed on 1 July 1996 to become a statutory 'Fund', responsible for financing operations directly from wildlife revenue. The Panel was provided with a 'Systems Study' on the Fund from the Accountant General's Department, dated June 1996, which describes some of the implications of this change of status. The Fund is managed by the Director on behalf of the Accounting Officer for the Ministry of Environment and Tourism, who is in turn accountable to Parliament. It is recommended that decision making should be decentralized to regional cost centres. There will be a change from appropriation accounting systems to commercial accounting. There are some outstanding uncertainties about the operation of the Fund, and it is not clear how profits should be divided between DNPWLM and the Treasury. Concern was expressed that 'the entity has a weak financial base, poor managerial skills, inadequate and old equipment and poor infrastructure'. DNPWLM has informed the Panel that the situation has improved since this report was written.

There are problems with accounting and cost control. Although accounts will be audited by the Ministry and Auditor-General and presented to Parliament as before, there are currently no plans to make the use of ivory revenue more transparent by accounting for them separately from other departmental revenues.

Serious doubts have been raised about the current financial situation of DNPWLM and its management capabilities. These are confirmed by the decline in funding for anti-poaching operations, the recent high level of senior staff turnover, the confusion over the Panel of Experts' visit, the lack of clear policies and financial planning presented to the Panel, and that major illegal ivory dealing was allowed to proceed unchecked for a period of at least a year. This presents a dilemma—that while DNPWLM is clearly in need of every source of additional revenue available, including the sale of ivory, the majority of the Panel believes that its lack of management capability raises doubts as to whether the money will be used effectively.

In conclusion, while it appears that the revenue from RDC ivory will benefit conservation through CAMPFIRE, this cannot be guaranteed for government-owned ivory, unless the overall situation in DNPWLM improves, or an independent, transparent system of dealing with ivory revenues is put in place.

8. Country Review – Japan

8.1 Control of Ivory Stocks

8.1.1 Ivory sourcing

The ivory circulating in Japan has been classified in the following categories:

- whole tusks, raw, polished or carved;
- big and small cut pieces not yet in a finished state;
- finished products.

The implementation of CITES rules further requires differentiation between ivory which is :

- pre-Convention (acquired before February 1976);
- imported or acquired before 18 January 1990, date of the transfer of the species *Loxodonta africana* to Appendix I; or
- of unknown origin (either legal or not).

The entry into force, on 28 June 1995, of the amendment to the Law on Endangered Species leads to a need to differentiate:

- big and small cut pieces obtained before that date from those produced after that date through the cutting and manufacturing of whole tusks; and
- finished products obtained before and after that date, as previously.

8.1.2 Registration of private or commercial ivory

8.1.2.1 Raw ivory and carved ivory

a) Whole tusks

Following the amendment of the Law on the Conservation of Endangered Species that entered into force on 28 June 1995, all whole tusks, either raw, polished or carved, that retain their initial form of whole tusks, must be registered by the Environment Agency. Only those whole tusks acquired or imported before the inclusion of the African elephant in Appendix I to CITES, i.e. before 18 January 1990, were accepted for registration.

The Environment Agency (EA) designated for this task the Japan Wildlife Research Centre (JWRC), a body under the control of the EA.

The registration was compulsory for all companies and individuals who wanted to trade in or dispose of whole elephant tusks.

By 14 October 1996, JWRC had issued 5,969 registration cards for a total of 91,481 kg of ivory, i.e. an average weight of 15.32 kg per tusk. Each registration card is numbered and indicates the specifications of the whole tusk it covers: the length from the base to the tip; the weight; and the mark appearing on the tusk. Tusks without marks were marked at the time of registration (ISO code, year and weight) to indicate Japan as country of origin. All the data are recorded in the JWRC's database.

Registration cards were issued on presentation of a file comprising a photograph of the whole tusk on which the mark had to be easily readable, as well as a document certifying that the tusk was in Japan before 18 January 1990. The documents accepted for this purpose were import documents or invoices and delivery bills, as well as affidavits (sworn declarations) in cases where import or transfer documents could not be produced by the applicant. In spite of the fact that all tusks traded under CITES provisions since 1986 should have been individually marked, adequate documentation could not be found for about three-quarters of the tusks, and registration cards were granted for these on the basis of affidavits. The traders were required to register all of their tusks at once. The chairmen of the professional associations of importers and wholesalers of ivory were required to take responsibility for their members who applied for registration, on pain of cancellation of the registration cards. Each issue of a card was subject to the payment to JWRC of an administration fee of about USD 10. The traders were only allowed to register their tusks from 28 June 1995 to 27 December 1995, i.e. for a period of six months. Private individuals were not obliged to register their whole tusks but must register them before transferring ownership to someone else, either through sale or as a gift.

b) Cut pieces

Anyone engaged in trade in cut pieces of raw ivory (large parts of tusks and small cut pieces) must register with the EA and MITI, declaring the total quantity of ivory held in stock. EA and MITI provided their data on cut pieces to JWRC to allow them to check the weight of cut pieces owned by each trader. Cut pieces were declared by batch up to a maximum weight of 30 kg per batch. Each piece within the batch was attributed a serial number by the trader. Each declared batch was therefore entitled to the issuance of a management card indicating: the number and date of approval of the trader, the number of the batch of cut pieces, the date, the name and address of the holder and the total net weight of the pieces. Thus, 98,293 kg of cut pieces, of an unknown number, were owned by approved traders on 31 July 1996. Of this total amount, the authorities have determined that big pieces comprise 20 per cent and small ones 80 per cent.

c) Worked ivory

From October 1995 onwards, only worked ivory made from tusks or cut pieces with a registration card is eligible to be marked with a seal of approval when sold in retail trade. Because many traders had worked ivory already in stock at the time of registration, a transitional procedure was introduced whereby they could apply for seals of approval for worked products provided that they could prove they had been produced from legally acquired ivory. Up until the end of September 1995 (three months after the law came into force) traders were allowed to declare finished ivory products to JWRC in order to obtain approval seals to mark

products for retail sale. The declarations had to be accompanied by photographs of the items. JWRC then sent to the traders an approval seal for each declared item, specifying to which item each seal was attributed. Identical items were issued with groups of seals, from which any of the labels of a series could be fixed to any of the finished items of the same form and weight.

8.1.3 Keeping of records by JWRC

JWRC keeps a computer database for scientific use, which contains information on individual registered whole tusks, the number of the registration card, the number of the owner, date of issuance, length, weight of the tusk and the tusk marks. Thus, from the number of a registration card, it is possible to retrieve the specifications of each of the 5,969 registered whole tusks. Data on cut pieces are not held on the database

Information on the following is only accessible by physical consultation of the documents in archives at JWRC, the EA or MITI:

- total weight of the stockpile of registered tusks for the whole country or for each of the traders;
- returns of the registration cards after whole tusks have been cut;
- sales of whole tusks between traders;
- big and small cut pieces, as well as their management cards; and
- issuance of approval seals.

8.2 Legal Provisions Regulating International and Domestic Trade in Ivory

8.2.1 Reservation

Japan has not entered a reservation with regard to the inclusion of *Loxodonta africana* in Appendix I.

8.2.2 Moratorium

Japan prohibits any import and re-export of ivory for commercial purposes, except for pre-Convention specimens.

8.2.3 Nature conservation legislation

8.2.3.1 Compulsory provisions

- Trader approval: Everyone conducting commercial transactions in ivory was obliged to make a declaration of his activities to be approved by MITI and EA. During this procedure, the traders were also in a position to declare the stockpiles of tusk parts in their possession. Two hundred traders were approved.
- Record keeping: the ivory traders must keep a register including, for each movement of ivory, the name and address of the supplier or of the customer, the date and the numbers of the management cards and, if any, registration cards. The records of acquisitions (purchases) and disposals (sales or manufacturing) must indicate the weight of the ivory, and the balance (in weight) of the total stock held between each transaction must be calculated. This register must be completed for each transaction and must be kept for a period of five years. It may be checked through inspections conducted by MITI and the EA. The ivory held before 28 June 1995 as cut pieces must be

recorded. Concerning accounting, the traders must also keep a book of purchases and sales, which must be presented in case of inspection.

- Compulsory declarations: no trade in any whole tusk may be made conducted unless the tusk is accompanied by its registration card. The traders must notify the EA within 30 days of:
 - the change of ownership of a whole tusk (this being compulsory for the buyer also);
 - the cutting, destruction or disappearance of a whole tusk, which is notified by the return of the registration card to JWRC: so far, 532 registration cards have been returned, i.e. an equivalent number of cut tusks with a total weight of 11,250 kg (21.14 kg on average).

Non-compliance with these rules may be punished, depending of the seriousness of the case, by fines between USD 2,000 and USD 5,000 per category of infraction, and by suspension of trading for up to three months and a prison sentence of up to six months (in case of a lack of recording or false recording or of trade without the approval of the authorities).

8.2.3.2 Optional provisions

The traders may opt to implement the system of management cards, which allows them to sell finished products with the CITES seal of approval granted by the authorities. MITI and the Japan Federation of Ivory Arts and Crafts Association (JFIACA) strongly recommend the use of this procedure, which has its own rules. Because of the paperwork imposed by the system, the authority did not consider it possible to make it compulsory.

A management card may be filled out when:

- a tusk with a registration card is cut. The management card must in such cases refer to the registration card returned to JWRC;
- a registered tusk is cut into parts and this is declared to JWRC;
- tusk parts are cut by a trader who acquired them as pieces. The management card must in this case refer to the former management card and to the registration card of the original tusk.

The following information must appear on the management card:

- the number of the card and that of the initial registration card, the date of establishment of the management card, the name and address of the holder and those of the supplier, as well as the nature and the weight of the tusk parts concerned.

8.2.4 Customs legislation

The relevant texts (Customs and Tariff Law, Export-Import Foreign Exchange and Foreign Trade Control Law) provide for the compulsory passing of shipments of ivory through one of the 43 Customs offices competent to deal with CITES specimens.

When ivory is declared, the Japanese Customs service requires the presentation of CITES document granted by the exporting country and asks MITI to confirm its

validity before clearance. It then proceeds to the physical inspection of the goods and checks that the document actually refers to them in terms of nature, number and weight.

Irregularities and frauds detected may be punished with fines and, for the most serious cases, prison sentences. Customs requires the surrender of contested goods, and those subject to import quotas, including CITES Appendix-I specimens, can be confiscated.

8.2.5 Customs Union

Japan is not party to any Customs Union.

8.2.6 Transit

Japan does not have specific provisions for the implementation of Resolution Conf. 9.7 and does not require prior verification of CITES documents for CITES specimens in transit.

8.3 Effectiveness of Law Enforcement

8.3.1 External trade

8.3.1.1 Customs service

Japan, because of its island status, has about 200 Customs offices established in ports (118) and airports. More than 90 per cent of the clearance of goods is computerized. Only 43 offices are allowed to clear shipments subject to CITES regulations. Training has been provided to 57 officers in charge of handling shipments declared as containing CITES specimens.

At Tokyo port, six to seven per cent of the total commercial freight is inspected; this is comparable to usual practice in other countries with a comparable flow of goods. At Tokyo-Narita airport, where about ten million passengers pass through annually, the passenger control also corresponds to the norm implemented in large international airports. A not negligible percentage of inspections of the marine and aerial freight is conducted through X-ray detectors. The movement of people is subject to checks for about five per cent of them. At export, the commercial freight and travellers luggage are subject to more limited checking. Accompanied luggage and hand-carried luggage are systematically controlled by the security forces through X-rays.

In general, shipments from China and Hong Kong are subject to stricter controls than usual. The products classified in chapter 96 of the Customs Tariff (worked ivory and ivory items) are considered as sensitive and checks are made for these.

The commercial flows of raw or worked ivory have not been subject to specific surveys to allow the targeting of possible frauds. Monitoring measures are however in place when fraudulent activities are suspected. Between 1989 and 1995, 46 cases of illegal imports of ivory were detected. They concerned:

- 60 raw tusks from the Philippines;
- 36,000 inzais (hanko blanks) from Hong Kong and China (estimated to be about 1,200 kg);
- 1,400 carved items from Hong Kong and China.

Seven cases were brought to court and in four cases prison sentences of more than one year

were passed. The other cases were punished by administrative fines. The surrendered goods have been destroyed or will soon be destroyed by the authorities.

A recent case (17 January 1997) involved the import of 13,800 hankos (352 kg) imported to Kansai Airport.

8.3.1.2 Nature conservation services

Import and export permits and re-export certificates are issued by MITI after a documentary check has been undertaken by its import and export divisions. The officers responsible for this work remain in their position for two to four years and permits in archives are in general not kept beyond two to three years. For the period prior to 1994, the annual reports submitted to the Secretariat only are available, as well as some incomplete data. The issued permits do not indicate either the weight of ivory or the geographic origin of the specimens but only their nature and number. They may only be issued on the basis of vouchers for pre-Convention specimens except for whole tusks. Only specimens acquired before 1 July 1975 are considered as pre-Convention. The responsible officers have stated that no permit has been issued since 18 January 1990 under the exemption concerning personal and household effects, either for import or for export.

The Customs statistics record ivory imports as follows:

- raw: 99 kg in 1993 (from the United States of America) and 12 kg in 1994 (from the Russian Federation)
- worked: 4,691 kg from 1990 to 1994.

All of this ivory was considered to be pre-Convention.

The CITES annual reports record 87 tusks (in 1991) and 168 tusks and 11 sets of piano keys (in 1992) imported from the United States as "wild-taken Appendix-II specimens". MITI stated that they were not real tusks but various carved pre-Convention items, which were wrongly recorded as tusks in the annual report. The CITES documents concerning these items were not available for examination because they were imported too long ago. The countries of origin of the pre-Convention specimens remain unknown in most cases.

The Customs statistics do not record any export of raw or worked ivory since 1989.

8.3.1.3 Veterinary services

Raw ivory is not subject to inspection by the veterinary services.

8.3.1.4 Police

At airports, the police conduct security checks on departing passengers and all their luggage passes through X-rays. Hand checking is done in some cases. When a significant fraud is discovered, the police may be required to undertake investigations.

8.3.2 Internal trade

8.3.2.1 Nature conservation services

a) Whole tusks

The registration procedures appear reliable and would be applicable to tusks that might be imported if the ivory trade were to be resumed. The JWRC database tracks the exact status of each tusk (in stock, sold or cut). It does not readily track the movements of whole tusks between traders or their usage by each of them. It is not possible to follow the growth of the stockpiles of whole tusks from the database. To do so, it is necessary to consult the documents forwarded by the traders and to make the calculation manually.

b) Cut pieces

Statistical data on the cut pieces are not recorded in the database but are only maintained by JWRC as hand-written records. Their total weight represents more than half the total stock of declared ivory in Japan. About 80 per cent of them are small pieces of less than 1 kg. These therefore represent 40 per cent of the ivory stockpile, i.e. 80 tonnes. Their nature and number are not known, as only their weight, batch by batch, has been declared by the traders. They may consist of pieces of very different weights, sometimes very small, of scraps as well as semi-finished products ready for polishing. The actual control of this considerable volume of cut pieces depends on the management-card system, which is optional, and on the inspection of the traders. It appears from the sample reviews made that the vast majority of the traders have adopted the principle of the system but that not all of them, and not always, implement it fully, in particular for the small cut pieces. In such cases, the administration and paperwork is lengthy and tedious. The traders tend to reckon in terms of total weights entering and leaving their stocks, without distinguishing between the pieces. Thus, they neither connect the pieces used with the management cards, nor take into account the scraps generated by the manufacturing process. When carving work is sub-contracted (as is frequent with jewellery), reconciliation by weight is the rule as the carver is not an ivory trader and is therefore not subject to the regulations.

The waste generated by the manufacturing process is significant. Two to three millimetres of the outside and inside surfaces of the tusks cannot be used because the ivory is of poor quality. This represents about 20 per cent of the weight, and is lost when a whole tusk is polished. Many tusks show breaks, clefts, cracks and other defects, which render parts of them unusable for manufacturing finished products. Finally, the process of successive cutting, carving and final polishing also generates waste. The total volume of waste generated during manufacture of finished products from a whole tusk can be estimated to be between half and two-thirds of the initial weight. The quantity of waste is bigger if the finished products are smaller (hankos and jewels).

The majority of traders keep the scraps, even small ones, generated by the manufacturing. These can be used to make small finished items (beads, plectra, cuff-links, tooth-picks). The potential for using such scraps is limited and is at present not economically viable.

Although the use of the management cards is optional, non-compliance with the rules or fraudulent use may be punished by a fine of up to USD 5,000 and imprisonment of up to three months.

c) Worked ivory

When finished products are manufactured from parts of tusks accompanied by management cards, the manufacturer may apply for a seal of approval for each of them. JWRC considers the applications, which must be accompanied by documents showing that the finished products actually originate from legal ivory, i.e. registered as whole tusks or declared to be from pieces, in accordance with the amended law. When the application is accepted, and against payment of USD 0.5 per seal, JWRC issues the number of seals corresponding to the number of the finished products and indicates the seal number for each of the products. The seals are presented in sheets of 24 pre-cut adhesive units. The seal itself is a square of 4 cm by 4 cm of chequered paper on which is printed a round seal of 3 cm diameter, bearing in the centre the official CITES logo and a serial number. By 30 November 1996, JWRC had issued 963,969 approval seals. When the seal is photocopied, the indication "copy" in Japanese appears as an overprint on the photocopy. This means of detection of fraudulent copies has also been used for the development of the registration cards.

Surveys carried out by TRAFFIC show that retailers of finished products are generally unfamiliar with the functioning of the approval-seal system and that few of them implement it in compliance with the rules. There is a clear tendency for the traders to provide a seal for an item without ensuring that the seal number is actually that given for the relevant item. Correct implementation of this system would require significant work and organization, especially for the very small items. The approval seal cannot be affixed to small items, either because of their size or because they are destined to be worn (jewels) or frequently used (hankos). The seal can only be affixed to items destined for static use and with a smooth surface of at least 4 cm by 4 cm. A survey found that the majority of traders in finished products do not provide seals unless the customers ask for them. On the other hand, if the customer does request a seal, some traders are ready to affix an approval seal to a finished item that is not actually entitled to get one. The sale of finished ivory products without seals is legal. With the system as currently implemented by the traders, the presence of a seal on a product does not guarantee that it is of legal origin.

Although the use of the approval seal for the trade in finished products is optional, non-compliance with the implementation rules may be punished by a fine of up to USD 2,000.

d) Controls

When considering applications for seals, JWRC only has available to it information on the weights of ivory acquired and disposed of. The official services do not have information on:

- the approximate number (order of magnitude) of pieces constituting a batch of small cut pieces;
- a description (scraps, semi-finished products, hard or soft ivory) of the ivory, the weight of which appears on the management cards.

There are no established rules to deal with the significant volume of waste generated during manufacture.

When the declarations of ivory stocks and applications for registration cards were deposited, no inspections were made owing to lack of time. Since then, 60 inspections of traders have been conducted by a team consisting of a MITI officer and an EA officer. These inspections were based on a pre-determined scheme, designed to compare the purchase and sale books with the register of ivory acquisitions and disposals. Their limited duration, not more than one hour, did not allow sample comparisons of the stock with the stock declarations, the registers, the registration cards, the management cards and the approval seals.

The risk of fraud by laundering illegal ivory through the stocks of small cut pieces has been recognized by MITI and steps have been taken to strengthen the inspections and increase their number.

8.3.2.2 Police

When a fraud or serious irregularity is discovered, MITI and the EA may call upon the police to undertake in-depth investigations.

8.3.3 Evidence of illegal trade through Japan

There is evidence of illegal imports of whole ivory tusks in significant quantities in 1989, shortly before the ban on imports took effect. Some information suggests that inzais (hanko blanks) have been imported illegally and offered for sale to hanko retailers. No proof of such trade has been provided although a limited number of shipments apparently destined for Japan have been intercepted in other countries. There is no proof of illegal export of ivory.

9. Conclusions

In accordance with its terms of reference, the Panel has addressed the following questions with respect to each range State covered by the proposals:

- a) Is the population viable and sustainable, and are there potential risks to the population?
- b) Has the range State demonstrated its ability to monitor its populations of African elephant?
- c) Are the current anti-poaching measures effective?

- d) Is the total level of offtake from both legal and illegal killing sustainable?
- e) Is the control of ivory stocks adequate to prevent the mixing of legal and illegal ivory?
- f) Is enforcement of trade controls effective?
- g) Are enforcement and controls sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range States?
- h) Are the controls on trade in other products from the African elephant apart from ivory sufficient and effective?
- i) Is implementation of the proposal likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the range State?

For the remaining question,

- j) Are the controls on ivory trade in the specified importing country (Japan) effective?

the range States have been considered together, since all their proposals concern the same trading partner.

Botswana

- a) The elephant population is large, increasing, and viable and no major risks have been identified.
- b) Botswana has a capable, well-funded aerial survey team which covers the elephant range at least once per year.
- c) Current levels of poaching are low and anti-poaching forces are effective.
- d) Evidence from DWNP elephant mortality figures and carcass ratios determined during aerial surveys indicates that current offtake levels are sustainable.
- e) Controls over ivory stocks in Botswana are inadequate. It may not be possible to determine the origin of much of the ivory within the stockpile.
- f) Law enforcement appears to be adequate. There is now good co-ordination between DWNP and police and Customs.
- g) According to information from the South African ESPU and other sources, there continues to be some movement of ivory through Botswana.
- h) Botswana does not propose to trade in elephant parts and derivatives other than ivory.
- i) Implementation of the proposal is unlikely to have negative impacts on the conservation status of the elephant population and its environment, although the Panel is unable to predict what its psychological effect on poachers and illegal traders in ivory will be. It may have positive impacts if the revenue generated is used for purposes related to elephant conservation, or alleviation of the negative impacts of human-elephant conflict, but the Government of Botswana does not have a clear policy on how to use the money, or mechanisms for ensuring transparency in the way that it is used.

Namibia

- a) The elephant population is viable and no major risks have been identified.
- b) Namibia has the capability to carry out aerial surveys and the last one, which took place in 1995, is considered to have provided acceptably accurate results.

- c) Current levels of poaching are low and anti-poaching forces are effective.
- d) Evidence of elephant mortality reported by MET and carcass ratios determined during aerial surveys indicate that current levels of offtake are sustainable.
- e) Controls over ivory stocks in Namibia are adequate, although some improvements are needed to allow auditing, and to ensure that documentation procedures are rigorously adhered to. Ivory of known Namibian origin can be separated from ivory of non-Namibian or unknown origin at least since 1989 and, for a significant proportion of the stockpile, before that date.
- f) Law enforcement appears to be very effective, and there is good co-ordination between MET and police and Customs. The Protected Resources Unit of the Namibian Police has been very effective at intercepting illegal ivory.
- g) There is no evidence of major movement of ivory through Namibia, and Customs and police enforcement is good. However, the majority of Panel members believe that the large number of confiscations of ivory of Angolan origin provides circumstantial evidence that some ivory is moving through Namibia and this view is supported by the ESPU of South Africa.
- h) Namibia does not propose to trade in elephant parts and derivatives other than ivory.
- i) Implementation of the proposal is unlikely to have negative impacts on the conservation status of the elephant population and its environment, although the Panel is unable to predict what its psychological effect on poachers and illegal traders in ivory will be. The Namibian Government is establishing a trust fund for the dispersal of ivory revenue, which will ensure transparency, and that it is used for elephant conservation and community development in wildlife areas. It is very probable that the proposal will have a beneficial impact on elephant conservation and community conservation and development programmes in Namibia.

Zimbabwe

- a) The elephant population is large, increasing and viable and no serious risks have been identified.
- b) Zimbabwe has a competent, well-trained aerial survey team, which covers the elephant range at least once every three years. Donor funding should ensure that this commitment will continue for the next three years, although the programme may be affected by the recent loss of a survey aircraft.
- c) Current levels of poaching are low and anti-poaching forces are effective. However, the decrease in funding for DNPWLM is a matter for concern, and anti-poaching effectiveness can only be maintained if current financial and management problems are resolved.
- d) Evidence on elephant mortality and carcass ratios determined during aerial surveys indicates that current levels of offtake are sustainable.
- e) Controls over ivory stocks in Zimbabwe are good, with an efficient system for recording movements of ivory. A programme to provide a computerized data management system should further improve access to data on the source of the stockpile.
- f) Law enforcement with respect to the ivory trade has been grossly inadequate. DNPWLM has per-

mitted the establishment of large-scale ivory carving operations, which are selling commercial quantities of semi-worked ivory intended for export to Asian countries, including China, Japan and Thailand. Officials from the Customs Department declared that they had no interest in controlling ivory exports.

- g) Information from ESPU indicates that a large proportion of illegal ivory arriving in South Africa has passed through Zimbabwe.
- h) Zimbabwe has poor control over trade in elephant parts and derivatives other than ivory.
- i) Implementation of the proposal is unlikely to have negative impacts on the conservation status of the elephant population and its environment, although the Panel is unable to predict what its psychological effect on poachers and illegal traders in ivory will be. Revenue from the ivory belonging to the rural district councils is intended to go into the CAMPFIRE scheme, and will thus benefit conservation. The Zimbabwean Government does not have a clear policy on how to use the money from sale of government-owned ivory, or mechanisms for ensuring transparency in the way that it is used.

Trade Controls in Japan

The control of ivory stocks in Japan is good for whole tusks but needs improvements for parts of tusks. Rules must be established for the control of small cut pieces and of scraps. The software of the JWRC database must be improved to allow monitoring of the stocks.

The control of the external trade is good, both for commercial freight as well as for passengers. Customs could easily extend the targeting of problem shipments to ivory.

The control of the retail trade is not adequate to distinguish the products of legally acquired ivory from those of illegal sources. With the system as currently implemented, it is unlikely that the import of partially worked ivory (e.g. inzais) could be reliably detected. More

inspections are needed, including physical checking of the stockpiles. A method needs to be devised to allow the verification of scraps and wastes produced.

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Annex 1

Individuals Consulted

Botswana

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Mr Jonathon Gibson, Chobe Wildlife Trust

Namibia

Government Officials

Hon. G. J. Hanekom, Minister of Environment and Tourism

Hon. N. Ithete, Deputy Minister of Environment and Tourism

Ms Ulitala Hiveluah, Permanent Secretary, Ministry of Environment and Tourism

Mr Chris van Niekerk, Control Warden, Directorate of Resource Management, MET

Mr Ben Betrell, Chief Control Warden, Directorate of Resource Management, MET

Mr Leon van Rooyen, Deputy Director, Directorate of Resource Management, MET

Mr Danie Grobler, Acting Director, Directorate of Resource Management, MET

Ms Lusia Hamumokola, Deputy Director, Customs and Excise

Mr Nico Smith, Protected Resources Unit, Namibian Police

Mr Dieter Morsbach, Conservation Scientist, Specialist Support Services, MET

Dr Pauline Lindeque, Conservation Scientist, Specialist Support Services, MET
Mr N. Imasku, Warden, Specialist Support Services, MET
Mr K. Wenzke, Warden, Etosha National Park
Inspector C. Mackay, Protected Resources Unit, Namibian Police
Mr G. J. Jankowitz, Senior Customs Officer (Preventive Measures)
Mr Edwin van Rooi, Senior Customs Officer (Preventive Measures)

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Mr Peter W. Tyldesley, Chief Executive Officer, Namibian Nature Foundation
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Mr Don Heath, DNPWLM
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Mr T. Chimuti, DNPWLM
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Mrs M. Rigava, DNPWLM
Mr D. Dongo, DNPWLM
Mr Austin Ndhlovu, Investigations Branch, DNPWLM
Mr Glen Tatham, Chief Warden, DNPWLM
Mr R. Manzini, Principal Executive Officer, Dr M. Z. Mtsumbiwa, Senior Ecologist/Projects Manager, Mr M. Choto, Acting Deputy Director (Administration), Mr E. Kawadza, Acting Chief Ecologist, DNPWLM
Mr Raoul du Toit, DNPWLM
Supt. A. Chirinda, Zimbabwe Republic Police
Mr I. Mada, Central Intelligence Organization, President's Office
Mr Maliwa, Customs Officer
Mr Mukwena, NECI
Mr Mhiribidi, Assistant Director, Department of Customs
Mrs Kategat, DNPWLM
Dr Hargreaves, Director, Veterinary Services (telephone)

NGO representatives

Mr Jason Cambitzis, Zimbabwe Ivory Manufacturers Association
Mr B. Evans, Wildlife Society of Zimbabwe
Mr J. White, Wildlife Producers Association
Mr D. Pitman, Zambezi Society
Mr Kasire, CAMPFIRE Association
Dr R. Taylor, WWF
Dr D. Cumming, WWF
Mr C. Grobelaar, Zimbabwe Professional Hunters and Guides Association
Mr E. Nyakunu, Zimbabwe Association of Tours and Operators
Mr Bodasing, TRAFFIC
Mr Vipenyu Dzingirai, Centre for Applied Social Studies

Japan

Government Agencies

Mr T. Fukuda, Direction of Customs
Mr N. Hamazaki, Narita Customs
Mr Y. Hosaka, Deputy Director, Import Division, MITI
Mr K. Hoshino, Deputy Director, EA
Mr K. Hosoda, Deputy Director, MITI
Mr Y. Ibaragi, Chief Co-ordinator, JWRC
Mr M. Ikeda, Narita Customs
Mr I. Ikenoue, Deputy Director, Customs and Tariff Bureau, Tokyo Customs
Mr T. Ino-Oka, EA
Mr K. Ishikawa, Narita Customs
Mr I. Kamijo, Tokyo Customs
Mr F. Kasuya, Senior Investigator, Enforcement Division, Tokyo Customs
Mr H. Kobayashi, Director Protection Division, EA
Mr S. Maruya Ma, JWRC
Mr S. Mizukura, Narita Customs
Mr K. Nakanura, Supervisory Inspector, Tokyo Customs
Mr H. Nakanishi, Director for Import Administration, MITI
Mr T. Ono, Deputy Director, EA
Mr Y. Ooba, Supervisory Inspector, Narita Customs
Mr K. Tagi, EA
Mr T. Takashasi, MITI
Mr T. Takeuchi, Narita Customs
Mr K. Tanaka, MITI
Mr M. Tanaka, Supervisory Inspector, Tokyo Customs
Mr S. Toyoshima, MITI
Mr S. Urai, Deputy Director, Enforcement Division Tokyo Customs
Mr S. Urakawa, Senior Co-ordinator, Tokyo Customs
Mr M. Watanabe, Narita Customs
Mr F. Yoshida, Director of Customs Clearance Division, Tokyo Customs

Non-Governmental Organizations

Ms A. Ishihara, Programme Officer, TRAFFIC
Mr Y. Kaneko, Director, Global Guardian Trust
Mr I. Kanemaki, Vice-President, International Wildlife Management Consortium
Ms H. Kiyono, Programme Officer, TRAFFIC
Mr Y. Murata, Director, WWF
Mr M. Sakamoto, Chairman, JWCS

Commercial Traders

Mr T. Ikeushi, Wholesaler, Osaka
Mr T. Ishibashi, Wholesaler, Tokyo
Mr Y. Ishida, Wholesaler, Tokyo
Mr M. Marayama, Retailer, Tokyo
Mr I. Mita, Retailer, Tokyo
Mr H. Nakata, Freight Container Depot, Port of Tokyo
Mr T. Nishio, Wholesaler, Osaka
Mr Okada, Wholesaler, Tokyo

Interpreters

Mr S. Kobayashi, Tokyo
Mr M. Nohara, Tokyo

Annex 2

Elephant Mortality Figures

Table 1: Elephant mortality figures for Botswana. Data provided by DWNP. 'Per cent of total population' uses aerial survey population estimates for each year, except for 1996, where 1995 estimate is used

Year	Natural death	Problem animal control	Sport hunting	Poached	Total	% of total population
1989	81	8	0	116	205	0.4
1990	58	61	0	48	127	0.2
1991	54	12	0	38	104	0.2
1992	140	48	0	30	218	0.3
1993	102	23	0	20	145	0.2
1994	104	49	0	10	163	0.2
1995	69	27	0	10	106	0.1
1996	50	27	33	5	115	0.1

Table 2: Elephant mortality figures for Namibia. Data provided by MET. 'Per cent of total population' uses 1995 aerial survey results

Year	Natural death	Problem animal control	Sport hunting (of which X were problem animals)	Poached	Total	% of total population
1990	60	0	13	6	127	1.7
1991	24	5	13	1	104	1.3
1992	45	3	13	6	218	2.8
1993	76	4	14 (1)	10	145	1.9
1994	85	5	25 (7)	7	163	2.1
1995	48	2	28 (3)	6	106	1.3
1996	29	10	19 (10)	11	115	

Annex 3

Calculation of Operational Budgets for Botswana

	<u>BWP</u>
1. Vehicle running costs	2,880,000
BWP1/km x 30,000 km/yr x 96 vehicles	
2. Communications equipment	56,376
Capital cost BWP313,200 – maintenance/depreciation @ 18 per cent	
3. Boats	36,000
Capital cost BWP200,000 – maintenance/depreciation @ 18 per cent	
4. Salaries for 308 staff	3,962,328
5. Commuted allowances for APU staff	872,000
BWP855/month x 12 months x 85 staff	
6. Allowances for other staff.....	1,026,000
BWP57/day x 60 days/year x 300 officers	
7. Maintenance of offices and housing	800,000
Capital costs BWP10M – maintenance/depreciation @ 8 per cent	
8. Field equipment.....	720,000
Capital cost BWP4M – maintenance/depreciation @ 8 per cent	
9. Aircraft/helicopter use	24,000
BWP1,200 per hour for 20 hours/year	
Total	10,376,704

List of Acronyms

APU	Anti-Poaching Unit
BDF	Botswana Defence Force
CAMPFIRE	Communal Areas Management Programme for Indigenous Resources (Zimbabwe)
CID	Criminal Investigation Department
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DNPWLM	Department of National Parks and Wild Life Management (Zimbabwe)
DWNP	Department of Wildlife and National Parks (Botswana)
EA	Environment Agency (Japan)
ELESMAP	Southern African Elephant Survey and Monitoring Programme
ESPU	Endangered Species Protection Unit (South Africa)
EU	European Union
JFIACA	Japan Federation of Ivory Arts and Crafts Association
JWRC	Japan Wildlife Research Centre
MET	Ministry of Environment and Tourism (Namibia)
MITI	Ministry of International Trade and Industry
NDF	Namibia Defence Force
NGO	Non-Governmental Organization
NP	National Park
ODA	Overseas Development Agency (UK)
PAC	Problem Animal Control
PRU	Protected Resources Unit (Namibia)
RDC	Rural District Council
SADC	Southern African Development Community
ZRP	Zimbabwe Republic Police