

The 50th Meeting of the CITES Standing Committee and the One-Off Sale of Ivory Agreed at CITES CoP12

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A number of African Elephant (*Loxodonta africana*) issues will be considered at the 50th meeting of the CITES Standing Committee to be held from 15th - 19th March 2004 in Geneva, Switzerland. Agenda items include an assessment report of domestic ivory markets in key countries, and consideration of a procedure to determine how the term "detrimental impact" of approved trade in ivory can be defined and measured. There is also likely to be discussion of one of Africa's oldest, largest and most controversial stocks of ivory. Current public attention, however, is erroneously focused on the prospect of imminent trade in raw ivory from southern Africa. In this briefing, TRAFFIC assesses the issues and outlines what the Standing Committee will - and will not - be doing at its upcoming meeting.

1. With regard to listings of the African Elephant on the CITES Appendices, what were the outcomes of the 12th Meeting of the Conference of the Parties to CITES (CoP12) in November 2002?

At CoP12, Botswana, Namibia and South Africa -- but *not* Zimbabwe -- succeeded in changing the annotation governing the inclusion of their elephant populations in Appendix II of the Convention to provide for a future conditional one-off sale of raw ivory. These conditions restrict the origin, size and volume of the ivory, the acceptability of potential trading partners, and the timing of the sale, including requirements for the prior occurrence of certain developments and events. Subsequent to the sale, the conditions also prescribe the manner in which the ivory can be dispatched and the future dispensation of any revenues that derive from the sale. Finally, the conditions also establish precise roles and responsibilities for the CITES Secretariat and the Standing Committee in the verification and approval process governing this arrangement. The CITES Parties, however, were not prepared to approve annual quotas for trade in raw ivory and such requests were withdrawn from consideration at the meeting.

With respect to other elephant products, Botswana and Namibia were also successful in expanding the scope of their annotation to allow for trade in leather goods for non-commercial purposes and trade in elephant hides. On the other hand, neither country was given the go-ahead to trade in worked ivory products for non-commercial purposes. For its part, Zimbabwe's elephant population remained on Appendix II with no change to the annotation that characterized the listing prior to CoP12. In other developments, Zambia was denied the transfer of its elephant population to Appendix II, while the proposal from Kenya and India to put all elephant populations back on Appendix I was withdrawn.

2. What role did MIKE (Monitoring Illegal Killing of Elephants) and ETIS (Elephant Trade Information System), the two monitoring systems for elephants under CITES, play in the deliberations? Were there any other significant developments or decisions relating to African Elephants at CoP12?

Both MIKE and ETIS were discussed as formal agenda items at CoP12. Because MIKE was not yet fully operationalised in some sites in Africa at that time, and progress in Asia was marginal, it was only possible to present a status report updating current developments and future intentions to implement the system. On the other hand, ETIS delivered a full analytical report which met all of the objectives and requirements specified in Resolution Conf. 10.10 for the monitoring systems. The statistical assessment of the seizure data in ETIS clearly demonstrated that illicit trade in ivory is most directly correlated to the presence of large-scale, unregulated domestic ivory markets and poor law enforcement effort in a number of Asian and African countries. The ETIS report identified key countries for focused attention in this regard. Finally, the ETIS analysis also revealed that there has been an increasing trend in ivory seizures since 1998 due to the influence of an emerging market in China. ETIS recommended the establishment of a formal mechanism under the direction of the Standing Committee to evaluate compliance of major domestic ivory markets with CITES requirements for internal trade in ivory.

The findings of the ETIS analysis stimulated the fifth meeting of the African Elephant Range State Dialogue, held just prior to the CITES conference, to submit two recommendations to CoP12, both of which were adopted. The first (which became Decision 12.36) was directed to the Parties, donors and organizations and called for the provision of financial resources to support public awareness, capacity building, law enforcement and internal trade controls for ivory in elephant range States. The second (which became Decision 12.39) mandated the CITES Secretariat to assess the implementation of CITES requirements in Resolution Conf. 10.10 (Rev. CoP12) for internal ivory markets in ten key nations. The Secretariat's assessment of progress on these Decisions is on the agenda at the upcoming meeting of the Standing Committee (see Question 6 below). A related measure (which became Decision 12.37) directed the Standing Committee to assess the Secretariat's report at its 50th meeting and, for instances of non-compliance, provided for the restriction of commercial trade in specimens of CITES-listed species to or from the Parties concerned.

Other decisions relating to elephants called upon the Standing Committee, by its 49th meeting, to agree a precise definition of the 'geographical scope' and the nature of the data that constitutes 'baseline information' as it relates to MIKE (Decision 12.33) and to recommend measures for improving law enforcement coordination between ivory producing and ivory importing States (Decision 12.35). The Standing Committee was also mandated to determine the method it would use for concluding whether or not a 'detrimental impact' on other elephant populations had occurred as a result of approved trade in ivory (Decision 12.34).

And finally, in another development, the Parties revised Resolution Conf. 10.10 (Rev. CoP12). The principal changes strengthened requirements for control of domestic ivory markets, and established the inter-sessional process under the direction of the Standing Committee for evaluating compliance of countries allowing internal trade in ivory. The Parties also agreed to strengthen the mandate for the two monitoring systems, ETIS and MIKE, and called for the establishment of a Technical Advisory Group (TAG) to support ETIS.

3. With respect to the one-off trade in raw ivory, will the 50th meeting of the Standing Committee certify that the conditions established at CoP12 have been met and allow the three southern African countries to proceed with a CITES-approved ivory trade transaction at this coming meeting?

No. There is no agenda item for this issue at the 50th meeting of the Standing Committee and a decision approving resumption of international ivory trade is not imminent.

Many of the conditions have not been met, and neither the CITES Secretariat, nor the proponent countries themselves, have made any request for such a deliberation at this Standing Committee meeting. Consideration of whether or not the conditions governing the one-off ivory sale have been met will transpire at a future Standing Committee meeting as a formal agenda item at the request of the CITES Secretariat.

4. What are those conditions and to what extent have they been met?

The following table describes each condition and assesses the current state of play in terms of process and implementation (see next page):



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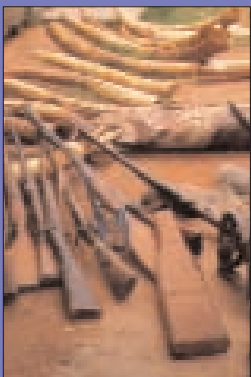
Description of Condition	Current Status
<p>(In the annotation preceding the list of conditions designated by Roman numerals). The raw ivory eligible for trade is restricted to registered whole tusks and cut pieces for Botswana and Namibia, and to whole tusks and cut pieces that are both 20 cm or more in length and one kilogramme or more in weight for South Africa.</p>	<p><u>Status:</u> Presumably fulfilled, awaiting final verification from a mission of the Secretariat.</p> <p><u>Background:</u> This condition establishes size and weight requirements for any ivory to be eligible for the one-off sale.</p> <p><u>Comment:</u> These conditions were included in the original proposals from each of the proponent countries at CoP12. Consequently, there is every reason to believe that they have been satisfied from the outset.</p>
<p>i). The ivory eligible for sale is restricted to only government-owned stocks, all of which must originate from within the country in question for Botswana and Namibia or, in the case of South Africa, originate from a specific, in-country location, Kruger National Park.</p>	<p><u>Status:</u> Presumably fulfilled, awaiting final verification from a mission of the Secretariat.</p> <p><u>Background:</u> This condition establishes eligibility requirements concerning the origin of any ivory to be traded in the one-off sale.</p> <p><u>Comment:</u> These conditions were included as precautionary measures in the original proposals at CoP12 by each of the proponent countries themselves. Thus, there is every reason to believe that they have been satisfied from the outset. Botswana and Namibia previously met these same requirements for the 1999 one-off ivory sale, and all three countries have robust ivory stock management systems that establish the source of each piece of ivory in the government store. These systems have all been tested and verified in the past.</p>
<p>ii). The trade is restricted to trading partners that have been verified by the CITES Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to prevent re-exportation and to ensure compliance with the requirements for internal trade in ivory specified in Resolution Conf. 10.10 (Rev. CoP12).</p>	<p><u>Status:</u> Unfulfilled, but in progress.</p> <p><u>Background:</u> This condition establishes eligibility requirements and a verification process concerning any country that wishes to engage in the one-off ivory sale as an importing country.</p> <p><u>Comment:</u> Japan has formally declared its intention to be a trading partner in the one-off sale. An initial assessment of Japan's compliance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) for internal trade in ivory has transpired in the context of the Decision 12.39 process (described in questions 2. and 6.) The Secretariat's report (SC50 Doc. 21.1) states: "The Secretariat believes that Japan's current internal ivory controls do not meet all of the required measures." Japan is now in the process of taking remedial actions which will need to be assessed by a future verification mission on the part of the Secretariat. Thus, Japan's eligibility as a trading partner remains in the balance and this condition remains unfulfilled.</p>



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...table continued...

<p>iii). No trade can transpire prior to May 2004, and in any event not until the Secretariat has verified the prospective importing countries (see ii. above), and not before the MIKE programme has reported to the Secretariat on baseline information.</p>	<p><u>Status:</u> Unfulfilled in all regards.</p> <p><u>Background:</u> This condition concerning the timing of the sale has three components: a calendar date, a prerequisite verification process involving any prospective trading partner, and a prerequisite development involving a specific milestone output in the CITES monitoring programme MIKE.</p> <p><u>Comment:</u> Firstly, May 2004 is still several weeks away. Secondly, at this time, the Secretariat has not commenced a formal process to verify any potential trading partner, and the most likely partner, Japan, has seemingly failed to meet the requisite requirements at this time (see ii. above). Thirdly, while the definition of what constitutes the MIKE baseline was approved at the 49th meeting of the Standing Committee, the MIKE Central Coordinating Unit (CCU) has indicated that this development is unlikely to occur anytime prior to CoP13 and possibly not in the current calendar year.</p>
<p>iv). The volume of ivory eligible for sale is restricted to not more than 20,000 kg for Botswana, 10,000 kg for Namibia; and not more than 30,000 kg for South Africa; and...</p>	<p><u>Status:</u> Presumably fulfilled, awaiting final verification from a mission of the Secretariat.</p> <p><u>Background:</u> This condition establishes limitations to the volume of ivory to be traded in the one-off sale.</p> <p><u>Comment:</u> The trade volumes established in this condition were declared by the proponent countries themselves in their original proposals to CoP12. Botswana and Namibia did not exceed the limitations on the volume of ivory allowed for export in 1999 and procedures to ensure compliance were adequate at that time. There is every reason to believe that this condition will once again be satisfied.</p>
<p>iv). ...[continued] the total volume of ivory sold is dispatched in a single shipment under the supervision of the Secretariat.</p>	<p><u>Status:</u> Undertaking to comply expressed, but can only be realised subsequent to the one-off sale.</p> <p><u>Background:</u> This condition establishes a requirement governing the shipping of the consignment to the importing country.</p> <p><u>Comment:</u> This condition was included as a precautionary measure in the original proposals from each of the proponent countries at CoP12. Botswana and Namibia previously satisfied this same requirement in the context of the 1999 one-off ivory sale.</p>
<p>v). The revenue derived from the ivory sale is used exclusively for elephant conservation and community development programmes within or adjacent to elephant range.</p>	<p><u>Status:</u> Undertaking to comply expressed, but can only be realised subsequent to the one-off sale.</p> <p><u>Background:</u> This condition prescribes the manner in which the revenues stemming from the one-off sale can be used.</p> <p><u>Comment:</u> This condition was included as an undertaking in the original proposals to CoP12 from each of the proponent countries. Botswana and Namibia previously satisfied this same requirement with respect to the 1999 one-off ivory sale.</p>



...table continued...

vi). The Standing Committee must agree that all of the conditions have been met.	<p><u>Status:</u> Unfulfilled.</p> <p><u>Background:</u> This condition establishes the Standing Committee as the final arbiter concerning whether or not the above listed conditions have been met.</p> <p><u>Comment:</u> As was the case in 1999, this process will be a formal agenda item at a future meeting of the Standing Committee. A consensus decision is likely, but if a vote is necessary a simple majority would prevail.</p>
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As a final comment, it needs to be appreciated that the one-off sale of raw ivory approved at CoP12 represents the second time over the last 15 years that the CITES Parties have allowed commercial trade in ivory. The arrangement agreed at CoP10 in 1997, which led to a legal ivory sale in 1999, had many of the same conditions that were agreed at CoP12. Thus, the procedures and safeguards that served to ensure that all conditions were satisfactorily met at the time of the 1999 one-off sale will no doubt serve as precedents to be followed during the present scenario.

5. What will the 50th meeting of the Standing Committee discuss with respect to elephants?

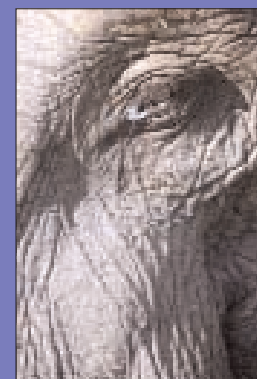
The agenda for the 50th meeting of the Standing Committee lists four issues related to elephants under item 21. They are: 21.1 Control of internal ivory trade; 21.2 Determination of detrimental impact; 21.3 Conditions for trade in raw ivory (Kenya); and 21.4 Ivory stocks in Burundi (Burundi). These agenda items will frame the elephant discussion at the meeting. The one-off sale of raw ivory from Botswana, Namibia and South Africa is not part of the agenda and no decision to allow such trade to commence will be taken at this meeting.

6. What will be discussed with respect to Item 21.1 Control of internal ivory trade?

As noted above in question 2 above, Decision 12.37 mandates the 50th meeting of the Standing Committee to review the Secretariat's report on internal trade in ivory in ten targeted countries (i.e. Cameroon, China, the Democratic Republic of the Congo, Djibouti, Ethiopia, Japan, Nigeria, Thailand, Uganda and the United States of America) as called for in Decision 12.39. The Secretariat's report in this regard is found in SC50 Doc. 21.1 and describes the situation in each of the countries identified in the Decision. In fact, most of the countries assessed fail to meet the requirements for internal trade in ivory outlined in Resolution Conf. 10.10 (Rev. CoP12). The Secretariat suggests a number of approaches to resolving outstanding issues and recommends verification and assessment missions, the preparation of action plans and possible trade restrictions for some countries. That said, the Secretariat's report, which is largely based on initial desk research, is regarded as a tentative document, and since then additional information has come to light. Thus, it is understood that the Secretariat will update the situation since the issuance of the initial document and will propose specific actions for the Standing Committee's consideration at the meeting. According to Decision 12.37, it is within the mandate of the Standing Committee to impose sanctions in the form of restrictions on commercial trade in specimens of CITES-listed species to or from those countries that fail to comply with CITES.

7. What will be discussed with respect to 21.2 Determination of detrimental impact?

The annotation to the Appendix II listing of the elephant populations of Botswana, Namibia and South Africa allows the Standing Committee, on a proposal from the Secretariat, to halt the one-off sale of ivory 'partially or completely...in the case of proven detrimental impacts of the trade on other elephant populations'. Decision 12.34 calls upon the Standing Committee to determine 'how it would conclude that a detrimental impact on other elephant populations had occurred as a result of approved trade in ivory'. This was also a consideration for a previous Standing Committee with respect to the experimental trade in ivory that was agreed at CoP10.



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In SC50 Doc. 21.2, the Secretariat proposes to use the reporting and monitoring procedures in place for MIKE and ETIS to assess rates and levels of illegal hunting and trade in elephant specimens and, in the event of reported increases by particular Parties, to establish the veracity of such reports and their linkage, if any, to the commercial trade in raw ivory. If the Secretariat believes there is reason for concern, it will report to the Chairman of the Standing Committee and formulate recommendations for remedial actions. If the Secretariat concludes that there has been an important increase in either the illegal killing of elephants or illegal trade in elephant products because of the allowance of commercial trade, it will recommend to the Standing Committee that such trade cease. The Secretariat would also request the Depository Government to propose at the next Conference of the Parties that all elephant populations be transferred back to Appendix I. This proposal from the Secretariat will be discussed and decided at the upcoming Standing Committee meeting.

8. What will be discussed with respect to 21.3 Conditions for trade in raw ivory (Kenya)?

The government of Kenya, an alternate Africa region representative on the Standing Committee has prepared SC50 Doc. 21.3 Annex. This document presents a wide-ranging opinion on interpretation of the annotation for the listing of the Botswana, Namibia, South African and Zimbabwe elephant populations in Appendix II, Resolution Conf. 10.10 (Rev. CoP12) and several of the decisions concerning elephant conservation under the Convention. The document is somewhat problematic for two reasons. Firstly, it addresses a range of issues that are not specifically on the agenda for discussion at the current meeting of the Standing Committee. For example, as noted in question 3 above, there will be no deliberations on whether or not the conditions have been satisfied for allowance of the one-off trade in raw ivory however, the Kenya document comments extensively on this matter and in a manner suggesting that such a decision is imminent. Secondly, the Kenya document seemingly introduces new conditionality that was not part of the decision governing the one-off sale of raw ivory approved at CoP12. It is beyond the mandate of the Standing Committee to impose new conditionality in this regard. It is difficult to predict how this meeting of the Standing Committee will react to the Kenya document. A similar document by Kenya was presented at the 49th Meeting of the Standing Committee but not discussed.

9. What will be discussed with respect to 21.4 Ivory stocks in Burundi (Burundi)?

The government of Burundi, an observer Party at the Standing Committee, has prepared SC50 Doc 21.4 which concerns a privately-owned stock of elephant ivory, believed to represent over 87 tonnes, that was imported into Burundi prior to 5 November 1987 when an import ban was imposed. Part of the problematic history of this stock is outlined in the document, including interventions by various CITES authorities and institutions. It is worth noting that Burundi is not a range State for African elephants, but was once a major trade entrepot, thus none of this ivory stock originated from within the country. Because the government of Burundi is apparently under pressure to compensate private owners of these ivory stocks, Burundi now seeks permission from the Standing Committee to sell this stock of ivory. This document is problematic for the simple reason that only a proposal presented to, and adopted by, a Conference of the Parties could result in the disposal of this stock of ivory for commercial purposes. While there may be some discussion of the Burundi situation, there is absolutely no scope for the Standing Committee to approve the dispensation of Burundi's ivory stocks. In the meantime, the Secretariat has sent a mission to Burundi, including representation from TRAFFIC, to assess the situation further, and a report in this regard is expected at the upcoming Standing Committee.



10. What happens after the 50th meeting of the Standing Committee in terms of elephant conservation under CITES?

Following on from the 50th meeting of the Standing Committee, elephant conservation issues are likely to remain in high focus. Depending on what specific actions or decisions are taken by the Standing Committee with respect to the issue of internal ivory trade controls (see question 6 above), a number of follow-up interventions could transpire. The Standing Committee could take a 'hard line' and impose sanctions on those countries that allow domestic ivory trade but do not adequately control manufacturing and sales. A period of focused attention on large-scale, unregulated domestic ivory markets would certainly address one of the key issues correlated to illicit trade in ivory identified in the ETIS reports to CoP12.

With the 13th meeting of the Conference of the Parties (Co13) scheduled for 2-14 October 2004, there will be a lot of activity under CITES concerning elephants after this Standing Committee concludes. By 5 May 2004, all amendment proposals to the CITES Appendices will be tabled and, judging by past experience, there are likely to be several proposals dealing with African Elephants. For the CoP13 agenda, comprehensive reports on the illegal killing of elephants (based on the MIKE data) and illegal trade in elephant specimens (based on the ETIS data) will be prepared by the MIKE Central Coordinating Unit and TRAFFIC respectively. The MIKE programme is currently pressing forward with implementation in Asia, as well as coordinating the flow of data from all sites in Africa. Some form of analytical assessment of the MIKE data is anticipated for CoP13. For its part, ETIS is presently engaged in a major data collection effort. Around June 2004, data entry into ETIS will cease and a statistical analysis of the seizure data, in collaboration with the University of Reading's Statistical Services Centre, will commence. As MIKE will also deliver an analysis of some standard for CoP13, the beginning of the process to integrate and interpret the findings of ETIS with those of MIKE will occur, marking a new level of achievement in the CITES monitoring process for elephants.

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