



POSITIONS AND RECOMMENDATIONS TO PROPOSALS AND WORKING DOCUMENTS FOR CITES COP18 IN COLOMBO 2019 REFERRING TO ELEPHANTS

| Proposal/ Document No. | Subject | Recommendation by FFE |
|-------------------------------|---|------------------------------|
| CoP18 Prop. 10 | Transfer of Zambia’s elephants from Appendix I to Appendix II, with certain annotations (Proposal handed in by Zambia) | Oppose |
| CoP18 Prop. 11 | Amendment of „Annotations“ of Appendix II elephants of Botswana, Namibia, South Africa and Zimbabwe (Proposal handed in by Botswana, Namibia, Zimbabwe) | Oppose |
| CoP18 Prop. 12 | Transfer of the elephants of Botswana, Namibia, South Africa, and Zimbabwe from Appendix II to Appendix I (Proposal handed in by Burkina Faso, Gabon, Ivory Coast, Kenya, Liberia, Nigeria, Sudan, Syria, Togo) | Support |
| CoP18 Prop. 13 | Inclusion of the Woolly Mammoth (<i>Mammuthus primigenius</i>) in Appendix II (Proposal handed in by Israel) | Support |
| CoP18 Doc. 44.2 | Definition of appropriate and acceptable destinations for the trade in live elephants (Document handed in by Burkina Faso, Jordan, Libanon, Liberia, Niger, Nigeria, Sudan, Syria) | Support |
| CoP18 Doc. 69.4 | Ivory stockpiles - Amendment of Resolution Conf. 10.10 (Rev. CoP17) (Document handed in by Burkina Faso, Chad, Gabon, Ivory Coast, Jordan, Kenya, Liberia, Niger, Nigeria, Sudan, Syria) | Support |
| CoP18 Doc. 69.5 | Closure of all domestic ivory markets - Amendment of Resolution Conf. 10.10 (Rev. CoP17) (Document handed in by Burkina Faso, Ethiopia, Gabon, Ivory Coast, Kenya, Liberia, Niger, Nigeria, Syria) | Support |

The number of elephants at present has reached a new alltime low – and rampant poaching continues to decimate these gentle giants day by day. Especially the latest information from the CITES-MIKE program shows that levels of poaching in Africa remained high in 2017 and gave cause for concern. Furthermore, the ETIS report for CoP18 shows that the amount of ivory seizures in 2017 was almost the same as in 2016. To ensure the survival of the last elephants, all nations must act together to make decisions at the forthcoming CITES Conference of the Parties CoP18 which result in strict and definite laws and also promote their consistent enforcement.



Proposal CoP18 Prop. 10 Transfer of Zambia's elephants from Appendix I to Appendix II, with certain annotations

We welcome Zambia's efforts to protect the elephants. However, according to the precautionary principle, the elephants of Zambia should remain on Appendix I. A transfer to Appendix II would give rise to speculation on future trade, further fueling poaching. The sale of ivory should be banned, as every legal trade stimulates demand and thus poaching.

The most recent Zambian elephant census (Great Elephant Census, GEC, 2015) found that elephant numbers have not increased significantly since they dropped from 200,000 elephants in the 1970s to an estimated 18,000 in 1989, when the population of Zambia was included in Appendix I. The 2015 GEC estimated the population at around 17,000 to 26,000 [1]. A similar proposal from Zambia for Appendix II was rejected by the CITES Conference of Parties last in 2010, when the population was about the same size.

Zambia claims on page 2 of this proposal that about 27,000 elephants lived within national borders. On page 4 it is said that 70% of them are found in the Luangwa Valley. The GEC counted 13,989 elephants in Luangwa. If 13,989 elephants make up 70% of the Zambian population, then the total number of elephants is about 20,000 (not 27,000), which means that the population is actually in the lower end of the range estimated by the GEC.

Overall, Zambia's elephant numbers may seem relatively consistent, but elephant populations are very fragmented within the country and their tendencies vary widely, depending on the area. In one of the largest areas, the Kafue National Park, numbers are stable, but they go down in Lower Zambezi National Park, for example. In the Sioma Ngwezi National Park, populations even shrank alarmingly, so that the elephants in the southwest of the country are now close to local extinction. In the Lukusuzi National Park, the census could not find a single elephant [2].

The transfer of the elephants of Zambia to Annex II would therefore not be in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP17).

Therefore we urge all parties to REJECT this proposal.



Proposal CoP18 Prop. 11 Amendment of the „Annotations“ referring to the elephants of Botswana, Namibia, South Africa, and Zimbabwe, listed in Appendix II

The amendment of points g) and h) of the Annotations suggested in this proposal regarding the elephants listed in Annex II, includes issues that refer to a past situation and are therefore no longer relevant. Other suggested modifications clearly prepare future trade in ivory. However, there is now a growing international consensus that any legal international trade is a convenient cover for illegal items, thus contributing to trafficking and perpetuating demand [3]. This in turn is a constant incentive for poaching. All local ivory markets should be shut down immediately and the sale of raw ivory should be banned as a matter of urgency [4].

Questions also arise as to whether the stocks which are apparently to be sold out, have been officially registered and if the quantities have been controlled by an independent institute. How would it be ensured that the revenue actually flows into the protection of elephants and, last but not least, who would be the buyer for the ivory?

More and more countries are implementing the Resolution Conf. 10.10 (Rev. CoP17) on the closure of all national ivory markets by prohibiting or limiting the ivory trade in their region. The European Union (EU), too, has pledged to play a major role in the global fight against ivory trafficking through its Action Plan against Wildlife Trafficking and is already taking first steps. Supporting further trade or weakening CITES elephant protection would undermine all steps and progress that have been made to date against poaching, trafficking, and demand-reduction campaigns.

Although most elephants are living in southern Africa, population trends do not allow for trade. For right there, especially in Namibia, Botswana and South Africa, poaching is currently increasing significantly, according to many reports [5].

Furthermore, there are considerable doubts about the correctness of the population numbers of elephants in Namibia. Namibia had not participated in the GEC. Also, especially in this area, the border crossings of elephants in their migration routes contribute to an inaccuracy of the numbers.

Therefore we urge all parties to REJECT this proposal.



Proposal CoP18 Prop. 12 **Transfer of all elephant populations listed in Appendix II (Botswana, Namibia, South Africa, and Zimbabwe) to Appendix I, i.e. listing of all elephants in Appendix I**

The elephants of Botswana, Namibia, South Africa, and Zimbabwe are the only ones that are still on CITES Appendix II; the elephants of all other countries are listed in Appendix I. Dividing a species into different appendices, the so-called „split-listing“, is not recommended by CITES itself, as described in Resolution Conf. 9.24 (Rev. CoP17), Annex 3, because of implementation problems associated with it [6]. Split-listing leads to confusing political signals that provoke misinterpretations within the existing market.

If, however, all elephants are listed in Appendix I, this will result in a shutdown of all international trade and simplify the enforcement of the trade ban considerably. The listing in Appendix I will also send a clear message to buyers, sellers, poachers and smugglers. This proposal, CoP18 Prop. 12, is a global approach to the fight against poaching and trafficking which no nation can win on its own.

The biological criteria for Appendix I are more than fulfilled if one recognizes the African Elephant as a migratory species. Looking at the populations of the countries individually makes no sense, as elephants migrate and do not keep to national borders during their migration. 76% of all African Elephants live in cross-border populations.

Even if one of the Appendix II countries made a reservation, which is not very likely judging from similar cases in the past – it would still have to find a trading partner for the ivory and other body parts of elephants, which would prove difficult in the present climate in which more and more ivory markets are being closed.

Poaching in southern Africa, i.e. precisely in those countries whose elephants are listed in Appendix II, has soared steeply in recent years, as described above. The continued listing of the elephants of these four countries on Appendix II implies constant speculation on future potential trade, which continues to perpetuate poaching and smuggling. Studies have shown that even the expectation of future ivory trade fuels poaching.

The experience of many past years has shown that effective protection against poaching on the ground is not fully possible. Therefore it is important to tackle the illegal killing of elephants in other ways. Legislation to end all ivory trade is one of the most effective means to achieve this.

The listing of all elephants on Appendix I sends the much-needed global message about the

general and permanent ban on ivory trade, a clear signal to stop any trade in ivory. Finally there are no exceptions and no legal limbos, and the enforcement of the ban is greatly simplified. Experts believe that the prospect of no legal trade in the foreseeable future would severely reduce poaching and trafficking.

Therefore we urge all parties to SUPPORT this proposal.



**Proposal CoP18 Prop. 13
Inclusion of the woolly mammoth (*Mammuthus primigenius*) in CITES
Appendix II due to the likelihood of confusion of its ivory with the ivory of
elephants**

The significance of this application is not to protect the extinct woolly mammoth, but the last surviving elephants. Because of the visual similarity of mammoth and elephant ivory, this application is made in accordance with CITES Article II, paragraph 2 (b), the so-called „look-alike provision“.

Illegal trade in poached elephant ivory is immensely facilitated by the hitherto completely unregulated and undocumented trade in mammoth ivory by mixing illegal elephant ivory in mammoth ivory or labelling it as such. The trade in mammoth ivory also offers loopholes for the black market and connotes the legality of ivory trade to the customer.

For example in Cambodia earlier this year, a shipment was found containing both mammoth ivory and illegal elephant ivory in one and the same consignment [7].

Mammoth ivory can easily be confused with that of elephants by buyers, who are mostly laymen and have no experience in distinguishing the two types of tusks - especially as carved pieces are often fashioned in the same style. A recent study of mammoth and elephant ivory has shown that the tusks of both species have virtually identical mechanical properties and that their composition is also nearly equal [8].

The steep rise in price from US-Dollar 350/kg in 2010 to US-Dollar 1,900/kg in 2014 shows just how much the demand for mammoth ivory has increased [9].

Placing the woolly mammoth on Appendix II would mean that international trade in mammoth ivory will be tracked and monitored, ensuring that it cannot easily serve as a cover for illegal ivory trafficking.

Therefore we urge all parties to SUPPORT this proposal.



Working Document CoP18 Doc. 44.2 Definition of appropriate and acceptable destinations for the trade in live elephants in CITES guidance

This working document aims to limit the trade in live elephants to in situ conservation programmes or within secure areas in the wild within the species' natural range (except in the cases of temporary transfers in emergency situations).

The guideline in CoP18 Doc. 44.1 Annex 1 and the amendments to Resolution Conf. 11.20 (Rev. CoP17) should therefore be adopted and considered as a first step in creating a binding, species-specific guidance.

Capturing young calves from wild elephant families for a life in captivity is very problematic. As early as 2008, biologists Joyce Poole and Petter Granli warned that zoos and other places for elephant captivity are „woefully inadequate“ facilities to house elephants. Elephant scientists have documented comprehensively the negative effects associated with the capture of elephants from the wild. This affects not only the individual that is taken captive but also their families and wider social groups, and even their surrounding ecosystems [10].

Since 1990, nearly 2,000 calves have been torn from their herds and exported to zoos and circuses worldwide. Just recently, the Times reported that another 35 young elephants are held captive in Zimbabwean pens awaiting their future in Chinese zoos. Since 2012, about 100 baby elephants have been shipped from Zimbabwe to China. Many of these elephant calves have reportedly died in the meantime [11].

The trade in live African Elephants caught in the wild for the purpose of captivity must be stopped altogether. Only in situ conservation programs or secure areas in the wild and in their natural habitat should be „suitable and acceptable“ destinations for wild elephants (except for cases of temporary transfers in emergency situations).

Therefore we urge all parties to SUPPORT the proposals in this Working Document.



Working Document CoP18 Doc. 69.4 Ivory Stockpiles - Amendment to Resolution Conf. 10.10 (Rev. CoP17)

Ivory stockpiles carry a number of risks: lack of transparency, leakage into the black market, and speculation. Since there is no internationally uniform management of stockpiles, the global amount of ivory stocks cannot be determined exactly.

According to the report of the CITES MIKE program, almost the same quantity of ivory was confiscated in 2017 as it was in 2016. This means that stock levels are constantly increasing. Due to the high financial value of ivory, these must be kept in secure facilities and be constantly guarded, which is a significant cost factor for each country. Despite security measures, again and again part of the stockpiles disappears. Reports of thefts from government stockpiles are piling up [12]. The leaking of stockpiles into trade perpetuates ivory trafficking and thus the demand for ivory.

Even the mere existence of ivory stockpiles also fuels speculation that the global ivory trade may be restored in the future. Some countries have enormous stockpiles that trigger the appetite of thieves, potential sellers and buyers, and keep on fueling demand.

Basically there are stocks from different sources: Confiscated ivory from trafficking and poaching, and tusks from naturally deceased elephants. The quantities from the seizures are much larger. However, as trade in confiscated ivory is not allowed under CITES regulations, its expensive and time-consuming storage is pointless. Moreover, it gives rise to the suspicion that there is speculation in a sale when the species is extinct. Speculation on extinction of a highly endangered species, however, cannot be the objective of a country.

Countries around the world are therefore destroying their ivory stockpiles, such as Angola and India in 2017, the Democratic Republic of the Congo in 2018; Myanmar in 2018 and 2019, and New York in 2017.

The CITES Conference of Parties CoP17 in Johannesburg decided that ivory stockpiles should be better registered and monitored in future, and a guidance for the management of such stockpiles, including its „disposal“, should be prepared by the CITES Secretariat. A „practical guidance for the management of stockpiles incl. disposal“ should be developed. This guideline has not been completed until today, and it must be done urgently now.

Therefore we urge all parties to SUPPORT the proposals in this Working Document.



Working Document CoP18 Doc. 69.5 Closure of All Domestic Markets

CITES CoP17 decided in Resolution Conf. 10.10 (Rev. CoP17) that all national markets that contribute to poaching or illegal trade should be closed as a matter of urgency.

Some countries, such as China, Hong Kong, the United States and the UK have already responded to this call and have either already closed their markets or are in the process of doing so. Other countries, such as Japan and the EU, claim that their markets do not contribute to poaching and illegal trade and therefore do not close their markets. The clause in Resolution Conf. 10.10 (Rev. CoP17), that only markets that contribute to poaching and illegal trade should be closed, leaves a large loophole for countries whose markets are large, like those of Japan and the EU.

The fact that all legal markets contribute to the decimation of elephants through poaching and smuggling is increasingly becoming an international consensus. The continued existence of legal markets encourages demand and provides a cover for illegal ivory. Furthermore, the existing local markets undermine the efforts of those countries that have already banned ivory trade and have already made efforts to reduce demand and combat poaching. As far as Japan is concerned, there are enough studies to confirm that Japan's ivory market is contributing to illegal trade, most recently verified in a report by TRAFFIC.

The fact that the European Union market is also being used to trade illegal ivory comes to light through various investigations and repeated seizures of illegal ivory. There are significant loopholes in the EU's regulations that provide opportunities to launder illegal goods. Research clearly indicates that illegal ivory is traded in the legal EU ivory market [13]. Conversely, there is no study that the EU clearly does not contribute to poaching. The EU could serve as a model for other remaining markets by ending its trade.

Closing only individual markets will result in the shift of illicit trade to other, neighboring, markets – as has been observed since the closure of the Chinese market in China's surrounding countries, such as Myanmar [14]. The gist in the fight against poaching and trafficking is the closure of the remaining local markets. As long as there are legal national ivory markets, elephants are threatened in their survival. Every open market, no matter how big or small, supports poaching and illegal trade.

When voting at the CITES Conference of Parties, global thinking should be the focus, not the will to support individual markets. We therefore consider it necessary to adopt the textual amendments proposed in Working Document No 69.5 and to urgently close all remaining domestic ivory markets.

Therefore we urge all parties to SUPPORT the proposals in this Working Document.



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