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Dear Elaine Kendall,

Elephant Ivory and Derivative Products Trade
CITES CoP18 , 23 May – 3 June 2019, Sri Lanka

As I am sure you are aware, the United Kingdom Government is now in the process of passing legislation^{[1],[2]} to curtail the vast majority of ivory trading within the UK's borders. This legislation is warmly welcomed by those that wish to see elephants protected in the wild from poaching and exploitation for modern ivory, where such illicit trade thrives upon the demand stimulated and the opportunity to infiltrate 'legal' trade channels. The same illicit potential applies to other elephant derivative products, such as raw ivory, hides and hair etc.

Therefore, it was alarming (though not surprising) to see two proposals submitted to the forthcoming Convention on International Trade in Endangered Species of Flora and Fauna (CITES), eighteenth Conference of Parties (CoP18).

1. Submissions to CITES CoP18

1.1. There are two submissions of major concern with regards to ivory/elephants. The fear is that the protection/conservation of elephants will be further undermined by these submissions – whereby the proposed amendments contained within the submissions could be used to mask/stimulate trade in ivory and elephant derivatives with negative repercussions for species' conservation:

1.1.1. ***"Amendment to Annotation 2 pertaining to the elephant populations of Botswana, Namibia, South Africa and Zimbabwe^[3]"***



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1.1.2. After the failure at CoP17 of CITES to remove the Appendix I exemptions for the elephant populations of Botswana, Namibia, Zimbabwe and South Africa (CoP17 Prop. 16), these elephant populations remain classified as Appendix II.

1.1.2.1. The main concern is that Annotation 2 facilitates trade in elephant hunting trophies, live animal specimens, hair, hides, jewellery and government registered, stockpiled raw ivory tusks and pieces.

1.1.2.2. This latter element being facilitated by this submission's proposal (removal of Annotation 2, Clause h)) by Botswana, Namibia, South Africa and Zimbabwe to seek trade in stockpiled raw ivory 9 years after CoP14 and the last CITES sanctioned sale of ivory in 2008. How does the proposal to increase the supply of elephant ivory not risk stimulating/legitimizing demand and thus potentially promoting more poaching of elephants to illicitly obtain and supply such products? Where is the independent science that says allowing raw ivory to be traded from registered stockpiles at this time will not be detrimental to the species?

1.1.2.3. Annotation 2, Clause vi) stipulates that *"the proceeds of the [registered raw ivory] trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range."* How exactly is that stipulation independently verified in reality and the proceeds so obtained not diverted into general, government-owned coffers? Past post-ban (1989) raw ivory trading from registered stockpiles (reference Paragraph 2.0) have not proven to help conserve the elephant species one bit, but has arguably stimulated demand and poaching attrition to today's appalling levels.

1.1.2.4. Does anyone truly believe that the Annotation 2, Clause f) *"trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe"* are really all about trading for non-commercial intent?;

1.1.2.5. How does seeking to export live specimens to 'appropriate and acceptable destinations' (Annotation 2, Clause b)) guarantee to help the



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conservation of the species in every case? Conf. 11.20 (Rev. CoP17) defines ‘appropriate and acceptable destinations’ for live animals should be those that ensure that the animals are *“humanely treated”* – how does endorsing the potential export of live elephants (or rhinoceros, lions, tigers etc. for that matter) to China for commercial gain (whether it is masked as scientific, or zoo exhibits) ensure such animals are and always will be, *“humanely treated?”* For example, China has inhumane tiger farms^[4] in contravention of CITES Decision 14.69 (2007)^[4], so what’s to stop the inhumane exploitation of any live specimens so exported to China?

1.1.2.6. Furthermore, CITES stipulates that for:

1.1.2.6.1. Appendix I Specimens - An import permit *“may be issued”* by the relevant *“Management Authority”* only *“if the specimen is not to be used for primarily commercial purposes and if the import will be for purposes that are not detrimental to the survival of the species.”*

1.1.2.6.2. Appendix I and II Specimens - *“An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is required. An export permit may be issued only if the specimen was legally obtained and if the export will not be detrimental to the survival of the species. A re-export certificate may be issued only if the specimen was imported in accordance with the Convention.”*

1.1.2.7. So, only an export permit is required for Appendix II specimens (as is the case for the continued Appendix I exemptions for the elephant populations of Botswana, Namibia, Zimbabwe and South Africa). But regardless, for either Appendix I or Appendix II specimens, where is the independent, scientific proof that such imports/exports so facilitated will not only be humane, but will not be detrimental to the survival of the species? What if the specimens so exported are really intended to become farmed commodity, which potentially stimulates and legitimizes demand for elephant ivory and elephant derivative products?

1.1.3. *“Zambia proposes that the population of African elephant (*Loxodonta africana*) of Zambia be downlisted from Appendix I to Appendix II^[5]”*



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- 1.1.3.1. The concern is that this submission seeks to open up trade by down-listing Zambia's elephants from Appendix I to Appendix II – thus allowing export permit only trade in registered raw ivory, trade in hunting trophies (supposedly) for "*non-commercial purposes*" and trade in hides and leather goods.
- 1.1.3.2. "*Trade in registered raw ivory (tusks and pieces) for commercial purposes only to CITES approved trading partners who will not re-export*^[5]" – How exactly will such restrictions on "*re-export*" be overseen and enforced, from say Vietnam to China when there is no enforcement evident^{[6],[7]} at present for porous cross border trade of illicit ivory and rhino horn etc.?
- 1.2. Both of these submissions raise the concern, that despite international efforts to curtail ivory trading (and the infiltration of poached/modern ivory into such trade), these submissions open up the dire prospect of stimulating the demand for ivory and derivative products in Asia.
- 1.3. It should also be noted, that CITES states^[8] that the term 'commercial purposes' should be defined by the country of import as broadly as possible, so that any transaction which is not wholly 'non-commercial' will be regarded as 'commercial' - Resolution Conf. 5.10 (Rev. CoP15), General Principles, 3.^[8]
 - 1.3.1. It should be noted, that there is little chance that any conclusive evidence can be provided as to when any such hunting trophy (with ivory content for example), specimen, jewellery (or similar) or derivative product is being traded supposedly for "*non-commercial purposes*."
 - 1.3.2. So, how will the burden of proof for exemptions for "*non-commercial purposes*" be fully transparent and beyond dispute to anyone in the proposed amendments^{[3],[5]}?
 - 1.3.3. I would suggest that any country of export that is permitted Appendix I exemptions, will be content to export to say Vietnam (or Laos) and pretend that such trade is not detrimental to the species. Similarly, the country of import (such



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as Vietnam, or Laos) will no doubt be keen to oblige and over-look any 'commercial' intent in order to obtain elephant derivative products, when it should be obvious that commercial intent is the real objective that matters to all the parties concerned.

2. CITES Record of Ivory Trading Post-ban

2.1. There is clear evidence (since CITES' 1989 global ban on the ivory trade) that CITES allowing ivory stockpiles to be released into the market post-ban, is a widely accepted reason (among no-trade advocates) that elephant poaching still persists because demand was stimulated^[9].

2.1.1. In 1989/1990 CITES introduced a ban on all ivory trade and 'uplisted' the elephant to CITES Appendix I. The ban seemed to work initially to reduce poaching/demand, up to 1997.

2.1.2. However, by 1997 CITES sought to 'find ways' (delisting relevant elephant populations by country to CITES Appendix II, where only an export license is required) to meet 'demand' for (and allow some to profit from) ivory from stockpiles. CITES permitted the export of 47 tonnes of 'stockpiled' ivory to Japan from Botswana, Namibia and Zimbabwe. It would appear that from this ill-judged CITES decision in 1997, "*Pandora's box*" was re-opened, with the tacit message to previous ivory trading and poaching syndicates that 'the game was back on.' Legal trade systems and poorly audited 'stockpiles' always allow illicit infiltration to launder poached ivory.

2.1.3. The initial 1997 CITES ill-judged thinking was further compounded in 2000, when South Africa's elephants were delisted to CITES Appendix II with CITES' blessing, with 6 tonnes of 'stockpiled' ivory permitted for export to Singapore in 2002. In addition, in 2002 some 60 tonnes of ivory from South Africa, Botswana and Namibia was 'released' with CITES' blessing to Japan.

2.1.4. In 2008, again to "*quell*" demand and "*reduce prices*," CITES once more (naively in retrospect) blessed 'stockpiles' of ivory to be exported. Since 2008, ivory demand and prices paid have risen exponentially (the price of ivory has skyrocketed from USD \$5/kg in 1989 to a wholesale price of USD \$2,100/kg in



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China in 2014^[9]), contrary to CITES' misguided belief that the opposite would be true.

2.2. It is duly noted that CITES is not a conservation body, but a convention for trade facilitation in endangered species:

“CITES deals with international trade, it is not there to deal with the conservation of species in situ – there is a great deal of misunderstanding about that,” John Sellar, formerly chief of enforcement for CITES^[10]

2.3. However, in the case of ivory, such CITES trade facilitation has clearly failed in the past (and no doubt will again if so permitted) to offer protection to ivory bearing species, such as elephants.

2.4. As I am sure you are aware, today the wild African elephant population is perhaps less than 400,000 (352,271 elephants were counted in the 18 countries surveyed^[11]) across the entire continent. This population is insufficient to reproduce and sustain that population level^[11] whilst subject to the scourge of poaching for ivory (an estimated 20,000 - 30,000 elephants a year are slaughtered^[11]), human-wildlife conflict, habitat loss and trophy hunting attrition. Therefore, without intervention, the African elephant population is doomed to carry on declining towards extinction in the wild.

2.5. The first submission^[3] states at “2. Overview” that *“Southern Africa in general and the four countries named in this proposal specifically are secure and expanding. In southern Africa, four countries, Botswana, South Africa, Zambia [which should read Namibia?] and Zimbabwe, have relatively large elephant populations and show either increasing trends or mild and non-significant declines recently (Chase et al, 2016)”* – At “4.2 Population Size^[3]” the submission states that *“the four Appendix II countries have a corresponding 2015 total of 255,851 and country totals as follows: Botswana 131,626, Namibia 22,754, South Africa 18,841, and Zimbabwe 82,630.”*

2.6. The Great Elephant Census^[11] (2016) concluded with regards to these countries that:

2.6.1. Botswana (131,626)^[3] - *“The population has decreased 15 percent since 2010^[11].”* Furthermore, President Masisi has made clear^[12], that he considers the potential re-introduction of the trophy hunting of Botswana's *“130,451^[11]”*



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migratory elephants as ‘feasible’ (despite the species having continent wide declines^[11]). Therefore, trophy hunting attrition is a gloomy prospect that does nothing to enhance stability and recovery in the continent wide, African elephant population^[11].

2.6.2. South Africa (18,841)^[3] - *“Stable population.....17,433^[11]”*

2.6.3. Namibia (22,754)^[3] - Not included in the Census^[11].

2.6.4. Zambia - Regardless of Zambia’s assertion that *“The wild population [in Zambia] is large (about 27,000 animals) and stable^[5]”* this does not take into account the African continent’s species’ wide decline of what is a migratory species (reference 3.0 Conclusions on this issue). Furthermore, there is no clear indication of how this *“27,000^[5]”* (supposedly up from an estimated 21,758^[11] in 2016) figure has been derived – is it based upon independent science, or extrapolated guess work? However, the Great Elephant Census concluded that *“There were substantial declines along the Zambezi River, but other areas were stable^[11].”*

2.6.5. Zimbabwe (82,630)^[3] - *“The Census showed mixed results. Overall, the population [82,304] was down 6 percent. Within the Sebungwe region, populations were down 74 percent^[11]”*

2.7. Perhaps Zambia (and South Africa) do have stable elephant populations in some areas, but is that reason enough to risk opening up the raw ivory trade (from stockpiles) and imperil any such ‘stability’ globally? None of the above declines (paragraph 2.6) in elephant sub-populations seem *“non-significant”* in the continent wide species’ population decline context^[11].

2.8. CITES released a media statement 24 October 2017^[13] stating that *“African elephant poaching down, ivory seizures up and hit record high.”* But this ‘relief’ is not universal and is not the light at the end of the tunnel:

“The overall trends in the poaching of African elephants show that the sharp increase in the levels of illegal killing of elephants witnessed since 2006, and peaking in 2011, was first halted, then stabilized, and is now in decline, but at



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levels that remain too high when viewed continent-wide, with overall elephant population likely to have declined in 2016” – CITES^[13]

“The ETIS [Elephant Trade Information System] analysis indicates that levels of illegal ivory transactions remained as high as in the previous six years, but also estimates that a record quantity of ivory may have been in illegal trade in 2016. This means that, even taking into account the impact of increased enforcement action, the overall quantity of ivory in illegal trade is likely now nearly three times greater than what was observed in 2007” – TRAFFIC^[14]

2.9. It is not just African elephants at peril. Asian elephants (population 44,281- 49,731^[15]) are also targeted and threatened by the risks of poaching, habitat loss and elephants taken into captivity to serve for human entertainment - elephant populations in Vietnam and elsewhere in the region are on the verge of extinction^[15]:

“Human elephant conflict (32%), habitat loss and fragmentation (25%), trans-boundary issues (17%), and protection and illegal trade in elephant products (13%) were identified as main threat to elephant conservation..... larger number of captive elephants exists in range countries and lack of standardized elephant registration system has further provided cover for illicit trade in elephants and their body parts, including ivory and this needs to be addressed through appropriate registration systems and monitoring protocols for these captive populations” – CITES^[15]

2.10. These CITES reports^{[13],[15]} also highlight the mixed messages CITES sends, condoning illicit poaching (with the reported seizure of over 40 tonnes of illicit ivory), but at the same time giving cover to the paid for, ‘legal’ trade/exploitation of elephants as hunting trophies (including tusks):

*“...trade in *Loxodonta africana* [African elephant] directly from African range states over the period 2014-2015 principally comprised wild-sourced hunting trophies (including tusks). Notable levels of direct trade in wild-sourced ivory carvings (7,889 kg of ivory carvings) were also recorded by countries of export, primarily as personal possessions (purpose code ‘P’). In total, for 2014 and 2015, African range states reported the direct export of 525 tusks (weight not*



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reported) as well as 15,805 kg (tusk number not reported [mainly exported from Zimbabwe]) of wild-sourced tusks” – CITES^[15]

3. Conclusions

- 3.1. Both of the submissions^{[3],[5]} seek to potentially increase trade in ‘legal’ ivory and elephant derivative products, thus potentially stimulating demand and potentially increasing poaching attrition to cash-in on such demand legitimization and stimulation.
- 3.2. Elephants are migratory – hence why *“The shared nature of Africa's elephants”* 2017 report^[16] concluded:
 - 3.2.1. *“76% of Africa's elephants are found in transboundary populations”* - So any CITES party that says they know that their country ‘owns’ a specific number of elephants for ‘sustainable utilisation’ is not entirely valid. In reality any given CITES party is only ever able to work within a margin of error – there is no certainty to the elephant population numbers within any given country at any given time.
 - 3.2.2. *“Split-listing elephants between two CITES Appendices belies ecological reality”* – hence why this is an inherent flaw in the referenced submissions^{[3],[5]} - where the migratory elephants populations of Botswana, Namibia, Zimbabwe and South Africa are currently Appendix I exempt, but if the same elephants cross into Zambia, they are currently Appendix I listed and protected. Any Appendix I exemption, or submission for such is a nonsense that *“....belies ecological reality.”*
 - 3.2.3. *“Unifying policies for elephant protection will help combat compounded threats”* – macro-management via ‘Sustainable Utilisation’ policies do not offer a unified species/continent wide approach.
- 3.3. But one thing is for certain, the overall elephant population numbers are dropping^{[11],[15]} and elephants need all the help they can get to stabilise and recover – more trade in not a panacea guaranteed to deliver that much needed species recovery potential.



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3.4. At CoP17 CITES issued a draft decision^[17] for all 183 Parties to the Convention (including the United Kingdom) which:

“RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency.”

3.5. On 11 September 2016, the International Union for Conservation of Nature (IUCN), Motion 007^[18] called for the *“Closure of domestic markets for elephant ivory:”*

The IUCN “URGES the governments of countries in which there is a legal domestic market for elephant ivory, or any domestic commerce in elephant ivory, to make all necessary legislative and regulatory efforts to close their domestic markets for commercial trade in raw or worked elephant ivory.”

Note: The IUCN Red List of Threatened Species lists the *Loxodonta Africana* (African Elephant) as *“Vulnerable”* and the *Elephas maximus* (Asian Elephant) as *“Endangered.”*

3.6. Therefore, without solid, independent science that shows any reopening of trade in registered stockpiled raw ivory will not be detrimental to the species (that could potentially be instrumental in *“contributing to poaching or illegal trade”*), no such trade should be permitted and the moratorium should stand indefinitely.

3.7. Similarly, permitting trade in elephant derivative products could also prove to be detrimental to the species via poaching and illegal trade – where is the independent science that proves otherwise?

3.8. The pro-trade advocates argue that:

“It is essential that free movement of elephants in and out of protected areas and wildlife habitat on neighbouring land and in neighbouring countries are enabled. For that to happen, the cooperation and goodwill of the people occupying that land are essential. Rural people can coexist with elephants; there is ample



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demonstration of that in Southern Africa, under the right conditions of benefitting from elephants and exercising their rights in making decisions over elephants and elephant habitat^[3].”

3.8.1. However, there is no guarantee that all the *“proceeds of the [registered raw ivory] trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range^[3]”* - could there be the possibility that proceeds from trading registered raw ivory and elephant derivative products are indeed used predominantly to supplement the general government exchequer with dubious elephant conservation credentials? Even where trading and trophy hunting proceeds of wildlife is evident and trickles down to rural communities, it is often too little^[19] and is not a 100% reliable conservation tool – for example, rural communities are not guaranteed to enshrine elephant protection regardless of any trickle down economic theory.

3.9. Therefore, in light of the elephants’ plight, I am I writing to implore you as Head of Policy of the United Kingdom’s CITES Management Authority (DEFRA Wildlife Division) not to support (at domestic and/or European Union level) either of the referenced^{[3],[5]} submissions to CoP18.

Yours sincerely,

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