

**Position paper of IWMC World Conservation Trust
concerning issues for CoP17
relating to the African elephant**

At the 17th meeting of the Conference of Parties to CITES (CoP17, Johannesburg 2016), issues relating to the African elephant (*Loxodonta africana*) will again take a significant place, more than it was the case at CoP15 and CoP16. This is a consequence of the so-called compromise reached at CoP14 (The Hague, 2007) between the African range States. For consideration at CoP17, three proposals of amendment of Appendices I and II, and not less than nine working documents have been submitted by Parties. While IWMC is making specific recommendations with respect to the three amendment proposals, the purpose of this paper is not to do the same for the working documents, but to express IWMC general views about the treatment of this species under CITES.

Without going into details, the compromise had two main clauses. On one side, the range States opposed to the trade in elephant ivory agreed that a *decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties* had to be prepared, adopted and submitted by the Standing Committee at the latest at CoP16. On the other side, the range States whose populations of elephants are included in Appendix II (Botswana, Namibia, South Africa and Zimbabwe) agreed that *no proposal to allow trade in ivory from their populations shall be submitted until the end of a period of nine years from the date of a unique agreed sale*. This was covered in a revised annotation to the listing in Appendix II of four African elephant populations and in Decisions of the Conference.

As it could have been expected, the compromise was a failure, especially to the detriment of the range States favouring a well-managed and controlled trade in ivory. In effect, due to the total objection of the other range States to adopt any decision-making mechanism for a process of trade in ivory – actually a total objection to any trade in elephant specimens – the Standing Committee was unable to accomplish its mandate and to submit a draft mechanism at either CoP15 or CoP16, and even at CoP17 after the extension of the mandate decided at CoP16. Therefore the compromise must be considered as not implemented at all, i.e. as *null and void*. In addition, several of these States have submitted for consideration at CoP17 document CoP17 Doc. 84.2, which is recommending that the mandate on a decision-making mechanism not be extended. This is in addition to proposal CoP17 Prop. 16 requesting the transfer to Appendix I of the populations currently listed in Appendix II.

As this failure was known from the date of conclusion of the last meeting of the Standing Committee prior CoP17, it provided the opportunity, for the range States with Appendix II Elephant population, to submit proposals to allow trade in their ivory, at CoP17. (even if the nine-years deadline will expire in early November 2017, the unique sales of ivory referred having taken place between 28 October and 6 November 2008.) They did not submit such proposals but two of them, Namibia and Zimbabwe, proposed to amend the annotation to the listing of the African elephant in Appendix II in such a way that they would be entitled to trade in ivory in accordance with the provisions of the Convention relating to the trade in Appendix-II specimens, in other terms without any annotation to the listing in Appendix II of their populations.

The proposals from Namibia and Zimbabwe are strongly supported by IWMC, although it is regrettable that they are not referring to the other two populations listed in Appendix II.

The status of the African elephant has continued to degrade after the adoption of the compromise and the illegal trade in ivory has increased. The main cause of the increase in poaching and illegal trade being the moratorium itself. As long as there were possibilities of legal ivories on the market, the illegal activities remain under control or, at least, at an acceptable level. This demonstrates that the policy followed by CITES - the prohibition of ivory trade - has failed its conservation objectives of the African elephant and restricted the development of human populations in the range States advocating a well-managed and controlled trade, as a tool to conserve their elephant populations.

In reality, the only beneficiaries of this prohibition are the poachers, the traders in illegal ivory, the corrupt officials and, of course, those promoting bans and inefficient measures for fundraising purposes. The outcome of the moratorium could easily be predicted by anyone with a reasonable knowledge of the effectiveness of prohibition on conservation of wildlife resources. Unfortunately, IWMC did. (See Annex, IWMC Press release of 14 June 2007, entitled *Ivory Deal Poacher's Charter*). **It was even easier to predict that the opponents to ivory trade would blame the consequential increase in poaching and related illegal activities, on the possible reopening of a legitimate trade...**

It is stated in CoP17 documents and various publications that the illegal trade appears as declining to some extent. This is possibly true but the reasons of this decline are not analysed. This is probably because they are not actually linked to the implementation and enforcement of CITES but rather to the fact that populations of elephants insufficiently protected, due to lack of means, have been reduced, and because traffickers have now less interest to speculate on the resource.

IWMC has always considered the sustainable use of wildlife and a well-managed and controlled trade in wildlife resources has conservation tools, in particular when their benefits are used in favour of the livelihood of local populations. IWMC considers that this is indeed also the case for the African elephant. Parties should not forget that the main successes of CITES usually referred to relate to species that were transferred from Appendix I to Appendix II, or maintained in the latter, to allow trade in their specimens, i.e. crocodilians, the vicuña and the queen conch. Why not apply the same philosophy the African elephant as well, which is producing ivory, a very valuable resource when used properly instead of being destroyed?

Therefore, in addition to recommend to the Parties to CITES to adopt the amendment proposals submitted by Namibia and Zimbabwe, IWMC recommends them also to adopt any proposal submitted to CoP17 favourable to such measures and to reject any proposal and/or document submitted to prevent legitimate activities and trade.

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Press Release

Ivory Deal Poacher's Charter

The Hague, Netherlands, 14 June 2007 The agreement made at the CITES COP14 meeting today to suspend trade in ivory for nine years following another one-off sale from stockpiles threatens to undermine elephant conservation, warned IWMC World Conservation Trust, the world's leading supporter of the sustainable use of wildlife.

Eugene Lapointe, President of IWMC, said: "The people most happy with this outcome will be those engaged in the illegal ivory trade. It is a Poacher's Charter. Illegal traders have at least nine years to look forward to when they can monopolize the ivory market."

After southern African and central African countries submitted starkly contrasting proposals at the outset of the CITES meeting, nearly two weeks of negotiations produced a document today that the meeting adopted by consensus. The new proposal allows for a sale of ivory by Botswana, Namibia, South Africa and Zimbabwe, followed by a nine-year "resting period" on further sales.

Mr. Lapointe, who was Secretary General of CITES from 1982-1990, said: "The carefully regulated trade in ivory in southern Africa has been successfully producing a thriving elephant population. All this is now going to come to crashing halt.

"There is no elephant conservation benefit from a resting period on legal trade. Rather than dealing in suspensions, CITES should be finding more ways to support regulated trade than this one-off sale."

Through an African Elephant Action Plan, today's agreement also seeks to establish a smoother process for dealing with future ivory sales. This is reminiscent of the review set up by the International Whaling Commission (IWC) in the 1980s to establish new catch quotas. It was due to be completed "by 1990 at the latest" but still has not been completed. As a result, the IWC is now on the cusp of breaking up.

Mr. Lapointe said: "The resting period and the Action Plan are both vehicles for inertia. Animal rights campaigners and trade opponents will make every effort to drag them out for as long as they can in order to block future sales of ivory."

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