



STOP STIMULATING DEMAND

Discussion of ivory trade mechanism may itself spur consumer-demand & poaching

THE determination by the Convention on International Trade in Endangered Species (CITES) to develop a decision-making mechanism (DMM) for a process of future trade in ivory was adopted in 2007 before the escalation of the current crisis facing elephant populations across most of their range. Having started a year later in 2008, this process (see Table I, *overleaf*) is now taking place against a backdrop of the highest levels of poaching and illegal ivory trade for decades and is set to continue unless urgent action is taken by the 16th Meeting of the Conference of the Parties to CITES (CoP16) in March 2013.

Agenda Item 36 at CoP16

In accordance with instructions from SC62 (July 2012), the CITES Secretariat has now submitted its current analysis of the DMM process, CoP16 Doc. 36 (Rev. 1). In summary, its conclusion is that Decision 14.77¹ needs to be implemented and it proposes that a working group be established at SC64 to include: Chair of SC, two parties from each of the four African sub-regions, two parties from Asia, and representatives from China, Japan, UK and USA. Additional "experts or stakeholders" may be consulted. Findings of the working group will be reported at SC65, with a final proposal agreed upon at SC66 to be tabled at CoP17 in 2016.

That the DMM process is set to continue beyond CoP16 (COP16 Doc. 36 Rev. 1) is of grave concern to many Parties and a large



POACHED: Hope, slaughtered for her tusks in Kenya in 2011 (c) EIA

proportion of specified stakeholders who were consulted during the process. The Environmental Investigation Agency (EIA) shares these concerns and we believe that any further discussion of a decision-making mechanism for a process of trade in ivory is com-

2007 CoP14	Decision 14.77 was adopted, directing the CITES Standing Committee (SC) to propose “a decision-making mechanism for a process of trade in ivory”
2008 SC57	Agreement made to commission an “independent study” on the DMM (SC57 Doc. 33.4)
2011 SC61	SC approves Secretariat’s proposal to implement 14.77
2011 August	First call for tenders for the independent study (three tenders submitted)
2011 October	Second call for tenders (one additional tender submitted); Contract awarded to RB Martin, DHM. Cumming, GC Craig, DStC Gibson, DA Peake
2012 March	Draft consultant report submitted (SC62 Inf. 2)
2012 May	Comments from “specified stakeholders” submitted (CoP16 Inf. 5)
2012 July SC62	Final consultant report submitted (SC62 Doc. 46.4 Annex); Parties and NGOs alike express concern that report does not meet the terms of reference
2013 March CoP16	Secretariat’s overview of stakeholders’ comments (CoP16 Doc. 36 Rev. 1); Proposal to amend the DMM and employ a Precautionary Approach submitted by Benin, Burkina Faso, Mali, Liberia, CAR, Nigeria, Cote d’Ivoire, Kenya (CoP16 Doc. 37 Rev. 1); Secretariat proposes an extension to the period of validity of Decision 14.77 until CoP17 and the establishment of an intersessional working group to develop DMM (CoP16 Doc. 36 Rev.1)

TABLE I: Timeline of the decision-making mechanism for a process of trade in ivory

pletely counter-intuitive. In the face of critical levels of poaching and illegal ivory trade (see *Figure 1*), most, if not all, range states are struggling to respond with sufficient enforce-

ment efforts to apprehend major criminals, disrupt the criminal networks perpetuating illegal trade or ensure compliance in domestic markets.

EIA Recommendations for CoP16

EIA believes it is imprudent to continue to develop a decision-making mechanism for future trade in ivory in the current landscape: it completely fails to take account of the current crisis and thus undermines the mandate of the Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS) programmes to inform decisions on trade using their respective datasets on poaching and seizures.

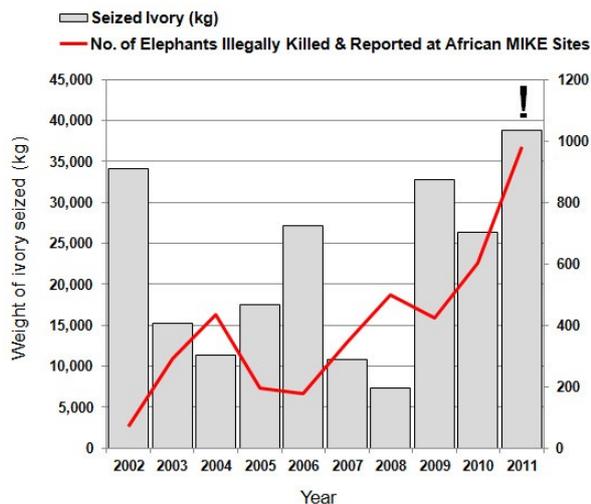
However, as it is likely that discussions of the DMM will go forward, EIA urges the Parties to CITES to commission an independent review of the current elephant crisis:

- conduct a review of the fundamental reasons for the failure of the current ivory trade regulation system;
- conduct audit and review of domestic non-compliance with CITES requirements;
- identify criminal justice gaps and needs at all points in the trade chain from field to market place;

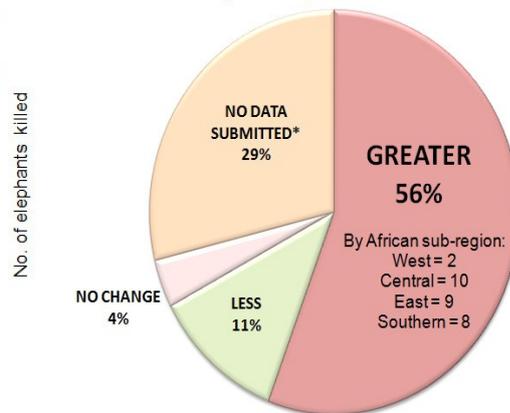
- identify corruption & criminality factors and rising demand impacting illegal ivory trade.

While seizures of illegal ivory have increased in the past few years, *“seizures alone are not sufficient to halt the illegal trade in ivory”*² and deter poaching. EIA has repeatedly highlighted the need for specific indicators – such as reporting on arrests and convictions – to demonstrate effective enforcement efforts beyond seizures. Parties must be able to demonstrate that national investment and commitment to professional law enforcement is adequate to combat transnational organised wildlife crime and corruption, and that meaningful political will exists to support these efforts.

EIA therefore urges that any further discussion on any decision-making mechanism for a process of future trade in ivory should be informed by such a review and that appropriate recommendations based on the findings of this review are adopted.



Were 2011 poaching levels across Africa greater than poaching levels since 2002?



*No data submitted from 15 of 52 African MIKE sites in 2011; 13/15 of these are West African sites.

FIGURE I a-b: The rise in ivory seizures and number of elephants poached (a) and escalation in poaching as measured by PIKE (b) - data sourced from the latest MIKE and ETIS reports

Upsurge in poaching and seizures precludes DMM

As demonstrated in Figure I, above, elephant poaching and ivory trafficking are now at crisis levels. During 2009-11, nearly 100 tonnes of ivory was seized globally; 2011 saw the highest quantities seized on record, at 38.8 tonnes. Initial information shows 2012 reaching similar levels, at least 22.5 tonnes.³

Elephants in Africa and Asia are being illegally killed in record numbers and their ivory trafficked by organised syndicates to markets in Asia. Already in 2013, at least 5.5 tonnes have reportedly been seized, including major seizures in Hong Kong, Singapore and Kenya.

There have been "record levels of illegal killing recorded in the Southern African Region in 2011. For the first time, PIKE levels (Proportion of Illegally Killed Elephants out of the carcasses found) for this region ... exceed 50 per cent, the level at which it is thought populations are no longer viable. Zimbabwe, Mozambique and Zambia recorded MIKE site values of between 64-89 per cent PIKE".⁴ Provisional 2012 carcass data reported to MIKE suggests elephant poaching in 2012 remained at comparable levels to 2011 in all African sub-regions.⁵

If the MIKE and ETIS programmes are to fulfill their mandates to provide CITES Parties with data to enable decision-making regarding ivory trade⁶, CITES must take cognizance of the available MIKE and ETIS data, which clearly signal a crisis.

Summary of stakeholders' concerns over DMM

Stakeholders recommended by the Standing Committee were approached for comments

on the DMM. Stakeholders' responses included concerns that any trade would threaten elephant populations further, given the current crisis; that the DMM appears to promote downlisting of elephants across Africa; and that there is inherent failure to recognise the incompatibility of a trading mechanism with the need to reduce demand (Figure II, overleaf).

Specified stakeholders additionally identified the need for a more expansive understanding of the illegal trade and the dynamics influencing it to determine "whether it is practically possible to control supply across the entire range of the African elephant".⁷

The view that long-term economic sustainability of trade can only be determined once trade is taking place would in the current climate be a potential catastrophe, given the unsustainable levels of poaching and illegal trade. Any trade-monitoring system developed should be able to "assess the market, responses in markets, the changes in prices, the changes in demand and supply".⁸

Discussion of DMM will stimulate demand for ivory

EIA also concurs with the views of some Parties that continuing discussions at this point could further stimulate demand in ivory markets, both legal and illegal, by encouraging the perception that international trade has indefinitely resumed, with the effect of increasing demand for ivory from any source. Discussions in CITES have been recognised as affecting perceptions of trade in countries which hope to resume trade: in 2002, China reported to CITES that: "Many Chinese people misunderstand the decision [to sell to Ja-

pan] and believe that the international trade in ivory has been resumed.”⁹

This is reflected by findings from EIA’s many investigations in primary ivory consumer China, where illegal traders show awareness of both CITES and legal ivory trade discussions under CITES. In 2000, illegal traders in China referred to the sale of ivory to Japan as an opportunity they had been “longing for” with the expectation that, in such an event, their businesses would “bloom vastly”. This was eight years before the sale to China and there was, in the interim, no new legal ivory to fuel that demand. Reflecting the most recent investigations, traders have consistently referred to the loopholes, patchy enforcement and the corruption that reinforces the illegal trade. Now it has been recognised there is a “significant deterioration in China’s domestic ivory trade control system,”¹⁰ yet none of these issues have been adequately tackled.

The international ban on ivory trade was implemented for a reason: “prior to the 1989 international ivory ban there was a legal trade in ivory, supposedly regulated by a quota system, which neither minimized the laundering of illegal ivory nor the illegal killing of elephants”.¹¹ Two one-off sales, both undermining the ban, have done nothing to reduce the levels of poaching or the illegal trade; if anything, they have encouraged it. China, as the largest ‘controlled’ legal market that has released its stocks based on a self-imposed quota of five tonnes per annum¹², is a case in point. It has called for a regular international trade “by supplying 200 tons [sic] raw ivory every year” sourced from both legally obtained ivory as well as “confiscated ivory”.¹³ The suggestion that 200 tonnes per

Were specified stakeholders satisfied with the DMM report?

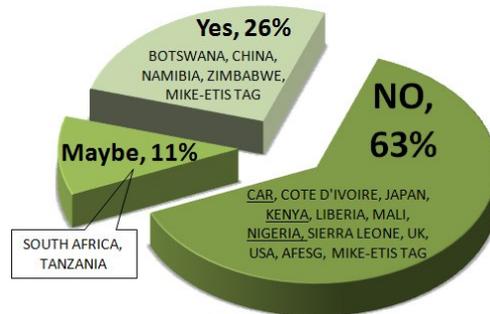


FIGURE II: Summary analysis of comments from 19 specified stakeholders (underscored Parties rejected the DMM outright)

annum would supply the current demand in Asia is scientifically unsound and baseless. This also does not address the catastrophic situation elephants are in – what happens when demand for ivory outstrips supply?

While many stakeholders agree that “The key to securing a future for elephants therefore lies in reducing demand for ivory overall”,¹⁴ government policies in many consuming countries are actually stimulating demand, thereby increasing the pressure on legal and illegal outlets to supply that demand. Parallel legal markets provide the means and mechanism by which illegal ivory can be laundered.

Legal sales of ivory have not reduced demand, nor are they ever likely to; any more legal sales can only contribute to the further destruction of elephant populations.

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ENVIRONMENTAL INVESTIGATION AGENCY (EIA)
62/63 Upper Street
London N1 0NY, UK
Tel: +44 (0) 20 7354 7960
email: ukinfo@eia-international.org
www.eia-international.org

EIA US
email: info@eia-global.org
www.eia-global.org



REFERENCES

- 1 SC62 Sum 10 (Rev. 1)
- 2 CoP16 Doc 53.2.1 Report of the Secretariat: Monitoring of illegal trade in ivory and other elephant specimens
- 3 Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory: A report to the 16th meeting of the Conference of the Parties to CITES. TRAFFIC International, (October 2012). 2012 figures from EIA
- 4 CoP16 Doc 53.1 Monitoring the Illegal Killing of Elephants (MIKE)
- 5 CoP16 Doc 53.1 MIKE - Addendum

- 6 Annex 1&2, Res. Conf. 10.10 (Rev. CoP15)
- 7 CoP16 Inf. 5, Comments from specified stakeholders on ‘Decision-making mechanisms and necessary conditions for a future trade in African elephant ivory’ (prepared by the Secretariat) (comments by Holly Dublin, African Elephant Specialist Group) <http://www.cites.org/common/cop/16/Inf/E-CoP16i-05.pdf>
- 8 CoP16 Inf. 5 (comments by South Africa)
- 9 CoP12 Inf. Doc 15, Santiago, Chile, 2002
- 10 SC62 Doc. 46.1 (Rev. 1); CoP16 Doc 53.2.1
- 11 CoP16 Inf. 5, *supra* n. 6 (comments by Nigeria)
- 12 SC63 Doc 18 p. 5 <http://www.cites.org/eng/com/sc/63/ESC63-18.pdf>
- 13 CoP16 Inf. 5, *supra* n. 6 (comments by China)