

# EIA recommendations for the 77th meeting of the CITES Standing Committee

November 2023



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# Doc. 30 Demand reduction to combat illegal trade

EIA is concerned that pangolins have not been identified by the Secretariat as a priority species in need of demand reduction interventions to combat illegal trade pursuant to paragraph e) of Decision 19.55.

The priority species currently identified are Asian big cats, jaguar, rhinoceros, totoaba and the west African vulture. This is despite Resolution Conf. 17.10 (Rev. CoP19) emphasising the importance for Parties to develop strategies to reduce demand for pangolins as recommended in Resolution Conf. 17.4 (Rev. CoP19). In addition, paragraphs 9 and 11 of Resolution Conf. 17.10 (Rev. CoP19) respectively encourage in-depth research into pangolin consumption and recommend the removal of references to parts and derivatives of pangolins from the official pharmacopeia of consumer states of pangolin specimens.

From January 2019 to September 2023, approximately 190 tonnes of pangolin scales were seized globally.<sup>1</sup> A recent EIA report based on open-source research from 2023 has found the online display of at least 49 traditional Chinese medicine (TCM) products stated to contain pangolin and showing National Medical Products Administration of China (NMPA) permit numbers.<sup>2</sup>

EIA supports the ongoing demand reduction efforts mentioned in SC77 Doc. 30. EIA would also like to highlight resources such as the TCM Alternatives to Wild Animal Preparations,<sup>3</sup> the policy dialogue facilitated in Vietnam by USAID and TRAFFIC<sup>4</sup> and the work of TCM practitioners to stop the use of threatened wildlife.<sup>5</sup>

## EIA recommends that the SC:

- **recommends the inclusion of pangolins as priority species in need of demand reduction interventions to combat illegal trade to the Conference of Parties at CoP20 in line with Decisions 19.55 and 19.56**
- **in the course of reviewing the report of the Secretariat, identifies interested Parties and partners to engage with in relation to pangolins in line with Decision 19.56.**

# Doc. 33.2 Expedited Application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) for all range States

EIA is concerned by Sierra Leone's submission of a draft Non-Detriment Finding (SC77 Doc. 33.2.2) and request for approval to lift its zero export quota, and by the Plants Committee's approval of Mali's Non-Detriment Finding for *Pterocarpus erinaceus*.

Sierra Leone was one of the leading exporters of *P. erinaceus* prior to the application of Article XIII in 2022, which stopped all legal exports of *P. erinaceus* harvested after 2017 when it was listed on Appendix II.<sup>6</sup>

It appears that most *P. erinaceus* trees of commercially viable size for harvest in Sierra Leone have already been cut and exported. Sierra Leone's Updated Non-Detriment Finding noted that "[t]he majority of trees have a DBH (diameter at breast height) of less than 24cm."<sup>7</sup> Although Sierra Leone has submitted what it has titled the Updated Non-Detriment Finding and the Secretariat recommended in SC77 Doc. 33.2.3 that it be forwarded to the PC Chair for review, important information is missing, notably the "calculation of a proposed country-specific sustainable export quota."<sup>8</sup>

As Sierra Leone is under the Review of Significant Trade for *P. erinaceus*, the long-term recommendations apply and "[b]efore making any increase to export quotas," Sierra Leone needs to "communicate the scientific basis for such a change to the Plants Committee, through its Chair."<sup>9</sup>

Finally, as the Secretariat noted, range States with zero export quotas must also fulfill the requirements for LAFs and NDFs in Notification No. 2022/045 if they wish to resume trade.<sup>10</sup> As such, the Standing Committee cannot approve Sierra Leone's request to lift the zero export quota, even if it was inclined to do so.

Further, EIA's review of the NDF submitted by Mali finds that the determination of the annual quota is not explained and the opinion of the Scientific Authority – which should be the cornerstone of the document – is absent. Furthermore, the NDF fails to account for external factors such as demographic pressures, large-scale land use changes and demand for fuelwood, which have combined to reduce forest cover by approximately 100,000 ha/year,<sup>11</sup> reducing the range for the species.

Finally, the document fails to mention how the Government of Mali will manage the more than 160,000m<sup>3</sup> stockpile of *P. erinaceus*, which it requested to export in 2022, despite the lack of an NDF and LAF for this wood; and it provides no guarantee that this stockpile will not be mixed with timber harvested under the recently approved NDF and exported in future.

EIA's research indicates that the CITES trade suspension of *Pterocarpus erinaceus* in place since March 2022 has been effective in limiting international trafficking and improving the conservation of a threatened species. Trade data analysed by EIA indicates that the volume of exports of the species from West African range states to China has declined significantly since the trade suspension.<sup>12</sup>

While this represents significant progress, the trade of *P. erinaceus* from West Africa has not stopped altogether, as more than \$20 million worth of rosewood has already been exported from West Africa to China since the fourth quarter of 2022, when the suspension would have been fully implemented.<sup>13</sup> Media reports indicate that the ongoing demand for this species is met through illegal logging and that export is facilitated through international trafficking networks.<sup>14</sup> Many range States have stockpiles of *P. erinaceus* that must be inventoried and secured before NDF's and LAFs could be produced for any potential future exports.

EIA notes that any move to relax the current suspension for one or more countries within the species' range will lead to not only an increase in the potentially illegal and unsustainable trade in the respective countries, but also effectively undermine regional efforts to protect the species.

#### **EIA recommends that the SC:**

- **reminds Parties that all range States currently have a zero export quota or recommendation to suspend trade under Article XIII and that, consequently any imports from these Parties are in violation of the Convention**
- **recommends that Parties verify any re-exports have both NDFs and LAFs and confirms that re-exporting Parties are not subject to a recommendation to suspend trade**
- **reminds Parties that the SC cannot lift the zero export quota and that the conditions set out in Notification No. 2022/045 for NDFs and LAFs must first be fulfilled, as noted in paragraph 6 of SC77 Doc. 33.2.3**
- **recommends that Sierra Leone revise and submit to the 27th Meeting of the Plants Committee its NDF to include calculation of a sustainable export quota, if any**
- **commends the proposed workshop for range States outlined in paragraph 66 of SC77 Doc. 33.2.3 as an initial step towards meeting the NDF and LAF needs of range States and that additional support is still needed**
- **recommends that *P. erinaceus* range States undertaking NDFs follow the guidelines in Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings and Resolution Conf. 14.7 (Rev. CoP15) on Management of nationally established export quotas and develops country-specific sustainable export quotas that include detailed information on calculation of the quota**
- **recommends that *P. erinaceus* range States undertaking LAFs follow the guidelines in Resolution Conf. 18.7 (Rev. CoP19) on Legal acquisition findings**
- **requests range States to secure and inventory stockpiles of *P. erinaceus* in order to ensure that stockpiled timber without NDFs or LAFs is not mixed into future exports of newly harvested timber with NDFs and LAFs**
- **encourages range States to work with the Secretariat on development of NDFs and LAFs specifically for any future exports from stockpiles, which should not be exported within quotas developed under NDFs for management and new harvest of *Perinaceus* in the wild**
- **recommends development of guidance on management and controls of stockpiles of timber tree species outlined in SC77 Doc. 50.**

# Doc. 33.10 Application of Article XIII in the Lao People's Democratic Republic (Lao PDR)

The Secretariat highlights significant gaps and inconsistencies in Lao PDR national legislation in paragraph 17 of the document including the absence of a requirement for legal acquisition findings and incorrect implementation of the conditions for trade of CITES-listed species. EIA's review of Lao PDR legislation noted other basic issues, including the lack of provisions relating to introduction from the sea, no requirement to register facilities with the CITES Secretariat to commercially trade in Appendix I species and a failure to regulate or define "specimens" as required by CITES.

Regarding tiger farms, SC77 Doc 41.2 reveals that the Secretariat's mission to Lao PDR was denied access to one of the captive tiger facilities it was scheduled to visit as well as a significant area in another facility. The Secretariat remarks that this raises serious concerns about the Lao PDR authorities' power to conduct inspections of tiger facilities.

Despite an announcement at CoP17 in 2016 by Lao PDR that it would be closing the tiger farms and converting them into zoos, seven years later only two of the facilities have been opened to the public. EIA has documented the owner of one of these publicly accessible tiger facilities offering to supply dead tigers sourced from Thailand for trade as recently in November 2022. Criminal enterprises have been linked to the operation of the tiger farms in Lao PDR.<sup>15</sup> For this reason, we do not think it is appropriate for these facilities to be tasked with any conservation breeding of tigers.

There has been a history of non-compliance with the SC's recommendations by Lao PDR and the Secretariat has highlighted that very limited efforts are being taken to combat illegal wildlife trade, despite significant support being provided to the country. EIA recently documented a tiger bone wine brewery and shop in the capital Vientiane mainly exporting its products, including pangolin scales, to China and shared this information with Lao PDR and Chinese authorities, the CITES Secretariat, INTERPOL and UNDOC.

This is the fifth time EIA has provided actionable information on tiger and other illegal wildlife trade in Lao PDR directly and via inter-governmental organisations to Lao PDR since 2015. There is little evidence of effective enforcement action or co-operation with neighbouring countries to address transnational wildlife crime.<sup>16</sup>

## EIA recommends that the SC:

**Adopt the recommendation to suspend commercial trade in CITES-listed species with Lao PDR and the other recommendations in paragraph 38 of the document, with the following amendments:**

- **that paragraph 38.h) is amended as follows: "identify any pure specimens of the sub-species *Panthera tigris corbetti* and encourage facilities to engage in coordinated conservation breeding of such animals cooperate with the WAZA studbook keeper for the sub-species to arrange for the transfer of these specimens to appropriate ex-situ conservation breeding sites, if identified"**
- **that paragraph 38.i) i) is amended as follows: "restricting the breeding of tigers in captivity (sterilising, separating male and female specimens), except for specimens of *Panthera tigris corbetti* if identified and transferred to appropriate ex-situ conservation breeding sites in accordance with paragraph 38.h)."**

# Doc. 39.3 CITES Big Cats Task Force

The Annex to the document contains the outcomes of the CITES Big Cats Task Force meeting held in Entebbe from 24-28 April 2023. EIA participated in the meeting and found it a useful forum for range States and other affected Parties to come together to discuss issues relating to the big cat trade.

The outcome document contains a number of strategies, measures and activities agreed by the participants to combat the illegal big cat trade. EIA notes there was no consensus among the participants regarding a draft proposal to revise Resolution Conf. 12.5 (Rev CoP19) to be applicable to all Appendix 1 big cats. The task force thus invited the CITES Secretariat to consider the merits of a common resolution on illegal trade in all big cats and include this in its report to the SC, but the document does not discuss the merits of such a resolution.

It remains unclear what the benefits would be of a single resolution for all big cats and whether the specifics of trade in different big cats justifies specific provisions. Another concern is that Resolution Conf. 12.5 (Rev. CoP19) currently applies only to Appendix I species and contains recommendations on subjects such as domestic markets, stockpiles

and eliminating use of parts and derivatives in traditional medicine. It is not clear how these recommendations will apply to an Appendix II species such as lions and whether a common resolution will result in dilution of these recommendations.

A common resolution for big cats would necessarily first involve agreement on what recommendations are appropriate for jaguars, cheetahs and lions, given that none of these species have specific resolutions applicable to them. Discussion of a common resolution for all big cats therefore seems premature at this stage.

In relation to the outcome at paragraph 1.2d) of the Annex, EIA is of the view that, beyond information on seizures, collation and reporting on data relating to prosecutions is also vital to evaluate the impact of enforcement actions. In relation to the outcome at paragraph 1.2e) of the document, EIA notes that it may not be feasible for Parties to analyse data in the CITES Illegal Trade Database as the overall data may not be accessible to them and that some other appropriate body would be best tasked with this.

#### **EIA recommends that the SC:**

- **rejects the proposal of a common resolution on illegal trade in all big cats at this stage but recommends to CoP20, subject to external funding, that the CITES Big Cats Task Force continues to meet to discuss the implementation of the agreed outcomes in the Annex and consider the merits of a resolution on illegal trade in big cats**
- **adopt the recommendation in paragraph 10.b) of the document.**

## **Doc. 39.4 Wildlife crime enforcement support in West and Central Africa**

*EIA will be publishing a report providing detailed analysis and guidance on the implementation of the Decisions under Doc 39.4 prior to SC77.*

Wildlife trafficking in West and Central Africa continues to affect the fauna and flora in the sub-regions and undermines CITES implementation and rule of law. West and Central Africa is often cited as the most significant region implicated in illegal wildlife trade (IWT), involving several highly threatened species including, but not limited to, African elephants, pangolins, rhinoceros and birds.<sup>17,18</sup>

The set of Decisions<sup>19</sup> in this document was adopted at CITES CoP19 following discussions regarding wildlife crime enforcement support in West and Central Africa, in particular CoP19. Doc. 36.1 on "Wildlife crime enforcement support in West and Central Africa", a report of the Standing Committee and Doc. 36.2 on "Wildlife Crime and CITES Enforcement Support in West and Central Africa", submitted by Côte d'Ivoire, the Gambia, Liberia, Niger, Nigeria and Senegal.

EIA reminds Parties that the necessary funding to implement these Decisions has yet to be secured, as per the funding update published in Notification 2023/122. EIA calls on Parties to urgently contribute funding to support Parties in West and Central Africa in addressing illegal trade in wildlife through activities outlined in Annex 3 of CoP19 Doc 36.1 EIA notes that some of the Decisions under this document, such as Decision 18.90 (Rev. CoP19) and Decision 19.84, apply to *all Parties* that import, illicitly or otherwise, any CITES specimens from West and Central Africa. Parties should be aware that CITES trade data<sup>20</sup> indicates some 180 countries import CITES specimens from West and Central Africa, highlighting that most CITES Parties are implicated by this decision.

CITES specimens exported from West and Central Africa to major importing countries<sup>21</sup> include a myriad of species of fauna and flora under all three Appendices for purposes including breeding in captivity, hunting trophy, educational, scientific, forensic, commercial, etc.

Furthermore, EIA supports the interim conclusion of the Working Group that funding for enforcement is required but opportunities for such funding exist, including statutory funding from Parties, and a separate fund is not necessary. EIA is concerned that the need for funding could be interpreted as the need for a new fund, which will result in additional burdens in terms of implementation and administration.

EIA also strongly encourages 26 Parties in West<sup>22</sup> and Central<sup>23</sup> Africa, and those importing CITES specimens from the two sub-regions, to use existing mechanisms for communication and exchange of information, specifically INTERPOL and the World Customs Organization (WCO), and follow guidance provided in the UN Convention Against Transnational Organized Crime (UNTOC) to strengthen counter-wildlife trafficking responses.

#### **EIA recommends that the SC:**

- **clarifies scope and Parties affected by Decision 18.90 (Rev. CoP19) and Decision 19.84**
- **urges Parties in West and Central Africa, and those importing CITES specimens from the two sub-regions, to use existing mechanisms provided by INTERPOL and WCO and follow guidance under UNTOC to strengthen international law enforcement cooperation to tackle wildlife crime**
- **encourages Parties that import from West and Central Africa to voluntarily feed back to the Standing Committee on their efforts to implement this Decision, in particular on efforts to undertake due diligence**
- **notes the existence of many significant funds to support both compliance under CITES and enforcement against IWT and works with the Secretariat to ensure Parties are aware of opportunities to secure such funding.**

## **Doc. 41.1 Asian big cats - Report of the Secretariat**

This document reports on the implementation of Resolution Conf. 12.5 and Decisions 18.100, 18.101, 18.103, 18.105, 18.106, 18.107, 18.109 (all revised at CoP19) and 19.109. Only nine Parties, including five Asian big cat range States, responded to the Secretariat's notification seeking information on implementation of these decisions.

EIA is of the opinion that the responses provided do not offer sufficient information for SC to review the implementation of Decisions 18.100, 18.101, 18.105 and 18.106, which were adopted to address specific issues, particularly relating to illegal trade and enforcement, highlighted in CoP18 Doc. 71.1.

The document also does not include other readily available information which appears to contradict some of the responses submitted by Parties. For example:

- South Africa's stated requirement for facilities to be registered with the CITES Secretariat to internationally trade Appendix I species for commercial purposes is contradicted by records in the CITES Trade Database (2010-20) showing the export of tiger specimens (live animals, skulls, bodies, trophies and skins) from South Africa for commercial purposes (purpose code "T") from non-registered facilities
- China's stated prohibition on the use of tiger bone for medicine is contradicted by a 2018 State Council Order which permits authorisation of tiger bone from captive-bred sources for medical research and clinical treatment of critical, acute or complex illnesses<sup>24</sup> and EIA has documented the online display of at least three medicinal products stated to contain tiger bone showing National Medical Products Administration of China (NMPA) permit numbers.<sup>25</sup>

EIA has also documented the online display of at least 38 medicinal products stated to contain leopard which show NMPA permit numbers.<sup>26</sup> Given that leopards are not known to be bred in captivity at scale, the small population of leopards within China and the CITES ban on international commercial trade in leopards since 1975, it is unclear how continued procurement for these products is being met. China remains one of the major destinations for the illegal leopard trade and Resolution Conf. 12.5 (Rev CoP19) recommends the closure of domestic markets for ABCs which are contributing towards poaching or illegal trade.

The lack of reporting and accurate information has been a consistent problem for many years for Asian big cats and EIA is of the view that there is a need to explore constructive solutions to this.

#### **EIA recommends that the SC:**

##### **Adopts the recommendations in paragraph 91 of the document and:**

- **directs the Secretariat to seek further information on the implementation of Decisions 18.100, 18.101, 18.105 and 18.106 and report to SC78**
- **in order to improve the information on ABCs available to Parties, considers recommending to CoP20 a process similar to that in place for rhinos whereby, subject to external funding, prior to each CoP the IUCN/SSC Cat Specialist Group and TRAFFIC or other appropriate body submits a report to the Secretariat on the implementation of Resolution Conf. 12.5 and associated decisions.**



# Doc. 41.2 Asian big cats in captivity

This document reports on the implementation of Decisions 14.69, 18.102, 18.108, and 18.109 and the results of the Secretariat's missions to the Czech Republic, Lao PDR, Thailand, Vietnam and South Africa which had been identified as having captive tiger facilities which may be of concern.

The Secretariat also reports that a mission to the USA will be conducted in the last quarter of 2023, but that no invitation has been issued as yet to the Secretariat from China. A few key points mentioned in this document are that:

- there is serious concern about the ability of Lao PDR authorities to conduct inspections of facilities
- there is a risk of specimens entering illegal trade from facilities with large numbers of tigers and no sustainable income
- most of the tigers kept in facilities in Lao PDR, Vietnam and Thailand do not seem to have any intrinsic conservation value.

According to TRAFFIC, 81 per cent and 67 per cent of the tiger seizures in Thailand and Vietnam respectively from January 2000 to June 2022 involved captive-sourced tigers.<sup>27</sup>

Over the past two years, EIA has continued to observe a large number of Asian big cat specimens in illegal trade in South-East Asia, including dead tigers and tiger cubs. Other Asian big cats observed in trade include leopards and golden cats.

Specimens are often advertised online on social media platforms, with a significant number of traders appearing to have access to Asian big cat specimens and offering them for sale. Many of the tiger specimens in trade appear to be captive-sourced, although traders also offer specimens claimed to be wild-sourced. Thailand still appears to be a source of the captive tigers in trade, with Lao PDR also playing a significant role as a transit and source country for captive specimens. African lions, which are not offered the same level of protection, are also extensively observed in trade and are also being bred in South-East Asia. Their parts are often marketed as tiger parts.

In some cases, confiscations have been made from licensed facilities by enforcement authorities.<sup>28</sup> The Wildlife Friends Foundation Thailand has also documented a product advertised as tiger bone glue being sold primarily to Vietnamese tourist groups from the premises of a licensed captive tiger facility in Thailand. This product, as well as two others advertised as containing tiger, are displayed online on a Vietnamese website<sup>29</sup> and stated to be manufactured in Thailand and only sold to tourists through tours. The products also appear to have registration numbers issued by the Food and Drug Administration in Thailand. EIA has documented one of these products being sold in Thailand as far back as 2001.<sup>30</sup> Information about these products has been provided to the Thai authorities as well as to the CITES Secretariat. EIA notes that although the Secretariat visited licensed facilities in Vietnam, there is a serious concern with illegal facilities keeping and breeding tigers in Nghe An province.<sup>31</sup>

EIA also notes that according to the CITES Trade database from 2015-2022, South Africa's gross exports totaled 325 live tigers including significant exports to Vietnam and Thailand, countries in respect of which the CITES Secretariat has remarked that most of the captive tigers do not seem to have any intrinsic conservation value. From 2010-20, tiger specimens (live animals, skulls, bodies, trophies and skins) were also exported from South Africa for commercial purposes (purpose code 'T') from facilities not registered with the Secretariat.

## EIA recommends that the SC:

- **adopts the recommendations in paragraph 92 of the document with the following amendment to the text in paragraph 92.b.i): “identification of facilities-specimens keeping tigers of genetic and conservation value and engagement of these facilities-specimens in coordinated conservation breeding for such animals an through established, science-based population management programs, such as those following IUCN Guidelines on the Use of Ex-Situ Management for Species Conservation”**
- **regarding South Africa, requests the Secretariat to inquire about the commercial or non-commercial nature of the exports of live tigers, as well as the export of tiger specimens for commercial purposes (purpose code ‘T’) from facilities not registered with the CITES Secretariat**
- **encourages China to welcome a mission from the Secretariat in implementation of Decision 18.102 (Rev. CoP19)**
- **instructs the Secretariat to report to SC78 on the implementation of the recommendations in paragraphs 92.e) to 92.g) of the document.**

# Doc. 45 Rhinoceroses

EIA welcomes the report of the Secretariat and recommends Parties adopt the Secretariat's recommendations contained in paragraph 70, especially recommendation e) encouraging Angola and Namibia to review trends regarding rhino poaching and trafficking, and the measures being implemented to address these crimes, along with modifications that will strengthen the decisions as well as additional recommendations described below.

## Decision 19.117 Directed to Botswana and South Africa

EIA appreciates the information provided by Botswana and South Africa on their implementation of Decision 19.117, and eagerly awaits an update at SC77 on the meeting between enforcement authorities of South Africa and Botswana, as reported by South Africa.

With respect to Botswana, while the reduction in rhino poaching is welcome, it is important to take into consideration the drastic measures the government took in response to the catastrophic poaching of rhinos in the Okavango Delta. Law enforcement interventions focused primarily on aggressive policing of Botswana's northern border which resulted in dozens of alleged poachers killed, along with casualties to the Botswana Defence Force. When this failed to stop the rhino poaching, the government initiated a massive dehorning operation and subsequent removal of nearly all rhinos remaining in the Delta. Today the Okavango remains unsafe for wild rhinos due to the continued threat of poaching.

EIA welcomes the development of a new Rhino Management Strategy and a new National Anti-Poaching Strategy for 2023-2028, and encourages Botswana to make these strategies public and to share these strategies with wildlife and enforcement officials in neighbouring countries. The development of a special division within the Department of Public Prosecutions to prosecute wildlife crimes is also a positive development, and EIA encourages Botswana provide details to the Secretariat on the prosecution of rhino poaching and trafficking cases, as well as details sharing intelligence with countries linked to the poaching and trafficking of Botswana's rhinos.

EIA applauds the application of the Prevention of Organized Crime Act and the successes of the South African Anti-Money Laundering Integrated Task Force (SAMLIT), including its Wildlife Crime Working Group, to prosecute high-level rhino horn traffickers and to detect and disrupt illicit financial flows related to rhino horn trafficking and other wildlife crimes, respectively. EIA encourages SAMLIT representatives to participate in the eventual meeting of the CITES Rhinoceros Enforcement Task Force.

## Decision 19.118 directed to China, Mozambique, South Africa, and Vietnam

As the Secretariat notes in Doc. 45, the information provided by China (including Hong Kong SAR) does not contain information relevant to its implementation of Decision 19.118. EIA recommends the Standing Committee specifically request that China (including Hong Kong SAR) provide information relevant to its implementation of Decision 19.118 to the Secretariat for consideration by SC78.

EIA is also concerned by China's claim that since 2018 it has "completely banned the sale, purchase, delivery, carrying, transportation, import and export of rhinoceroses and their products." A 2018 State Council Order in China permits authorization of rhino horn from captive-bred sources for medical research and clinical treatment of critical, acute or complex illnesses<sup>32</sup> and EIA has documented the online display of at least 3 medicinal products stated to contain rhino horn showing National Medical Products Administration of China (NMPA) permit numbers.<sup>33</sup> EIA urges China to reinstate a comprehensive and unambiguous ban on the trade and use of rhino horn and tiger bone from any source.

South Africa reports that it has received samples of rhino horn seized abroad, and other Parties have likewise reported that they have sent samples of seized horn to South Africa, however it is unclear if or how South Africa utilizes this information to support intelligence-led investigations. EIA recommends the Standing Committee request South Africa to share information on how it uses samples of seized horns to support investigations, and share any challenges South Africa faces in this regard.

Vietnam did not respond to the Secretariat's request for information on implementation of Decision 19.118. EIA disagrees with the Secretariat's recommendation that an oral report to SC77 would be sufficient to provide information on activities conducted in this regard. If Vietnam does not provide a written submission in the form of an Inf Doc to SC77 with details on its implementation of Decision 19.118, EIA recommends the Standing Committee direct Vietnam to do so by a specified deadline, and if no response is received then SC78 should consider the application of compliance measures pursuant to Resolution Conf. 14.3 (Rev. CoP19).

## Decision 19.119 directed to Malaysia, Qatar, and the UAE

EIA is concerned and disappointed that Malaysia did not respond to the Secretariat's request for information on implementation of Decision 19.119, particularly given its significant role as a transit country for rhino horn that is trafficked from Africa to Asia. As with Vietnam, EIA disagrees with the Secretariat's recommendation that an oral report to SC77 would be sufficient to provide information on activities conducted in this regard. If Malaysia does not



provide a written submission in the form of an Inf Doc to SC77 with details on its implementation of Decision 19.119, EIA recommends the Standing Committee direct Malaysia to do so by a specified deadline, and if no response is received then SC78 should consider the application of compliance measures pursuant to Resolution Conf. 14.3 (Rev. CoP19).

EIA appreciates the information provided by Qatar, including on seizures made in its territory. However, Qatar did not supply any information on "collaboration with Parties known to be associated with illegal rhinoceros specimens transiting their territories" as specified in Decision 19.119, including the sharing of intelligence or collaboration on joint investigations. Moreover, while information on the amount of horn seized is useful, Qatar did not supply information on prosecutions related to rhino horn seizures.

Similarly, while EIA appreciates the information supplied by the UAE, it also did not provide details on how it collaborates with other Parties to address rhino horn trafficking. In addition, the UAE's CITES implementing legislation fails to treat wildlife crime as a serious crime as defined by UNTOC, i.e., punishable by four years or more in prison, and instead authorizes a maximum sentence of six months imprisonment for trafficking CITES-listed specimens. The UAE should amend and strengthen its CITES implementing legislation so that it appropriately addresses transnational organized wildlife trafficking.

EIA recommends the Standing Committee adopt a recommendation specifically directing Qatar and UAE to supply relevant information on a) collaboration with Parties to address rhino horn trafficking, and b) information on prosecutions associated with seizures of rhino horn, to the Secretariat for consideration by SC78.

#### Decision 19.120: Convening a meeting of the CITES Rhinoceros Enforcement Task Force

At CoP19, Parties adopted Decision 19.120, subject to external funding, directing the Secretariat to convene a follow up CITES Rhinoceros Enforcement Task Force meeting to further strengthen responses to address rhinoceros poaching and rhinoceros specimen trafficking and any other relevant matters.

The Secretariat estimates the cost to implement Decision 19.120 to be USD 120,000. According to SC77 Doc. 45, approximately half of the funding has been secured. At time of writing, no Party has announced a willingness to host the meeting.

Poaching and the illegal trade in rhino horn remain major threats to Africa's white and black rhinos, as well as to the greater one-horned rhino found in India and Nepal. The current torrent of rhino poaching has been ongoing since the mid-2000s, though after more than 15 years of anti-poaching and anti-trafficking interventions by countries affected by rhino poaching and the illegal rhino horn trade the rhino conservation landscape has evolved significantly compared to when the CITES Rhinoceros Enforcement Task Force last met in October 2013.

For the first time after more than a decade of population decline, white rhino numbers have finally started to increase.<sup>34</sup> The Critically Endangered black rhino is also slowly, but steadily, increasing in number, with at least one range state – Kenya – avoiding any rhino losses to poaching in 2020.<sup>35</sup>

However, the rhino poaching crisis is far from over. Poaching pressure is now concentrating in rhino range states located in southern Africa. South Africa is the epicenter of the poaching, with poaching syndicates increasingly targeting rhinos in Hluhluwe-iMoflozi Park (HiP) after emptying Kruger National Park of more than 70 percent of its once 10,000+ strong white rhino population.<sup>36</sup> In 2022 HiP experienced its worst year of poaching on record with the loss of 244 rhinos.<sup>37</sup> As Doc. 45 highlights, rhino poaching is on the rise again in Namibia, and Angola is emerging as a key export hub for rhino horn being trafficked to Asia. From 2018-2020, Botswana lost approximately half of all of its rhinos to poaching.

It is imperative that Parties urgently provide the necessary funding to convene a meeting of the CITES Rhino Enforcement Task Force, which will go a long way toward ensuring that the gains made over the past 17 years to address rhino poaching and rhino horn trafficking will not be lost, and that important lessons learned with respect to intelligence gathering, information sharing, and successful prosecutions are shared with and improved upon by the law enforcement professionals at the front lines of the rhino poaching crisis.

#### **EIA recommends that the SC adopt the recommendations of the Secretariat and:**

- **request Malaysia and Vietnam to provide written responses to the Secretariat's request for information on their implementation of Decisions 19.119 and 19.118, respectively, by an agreed upon deadline and, if no response is received, consider compliance measures pursuant to Resolution Conf. 14.3;**
- **call on Parties to provide the outstanding funding (USD 60,000) necessary to implement Decision 19.120 to convene a meeting of the CITES Rhinoceros Enforcement Task Force;**
- **request Botswana share details on rhino-related cases prosecuted by the specialized wildlife crime division within the Department of Public Prosecutions with the Secretariat for consideration by SC78;**

- request China (including Hong Kong SAR) to provide information on collaboration with other Parties affected by the illegal rhino horn trade pursuant to Decision 18.118 to the Secretariat for consideration by SC78;
- request Qatar and the UAE to provide details on activities related to collaboration with Parties known to be associated with illegal rhino specimens transiting their territories pursuant to Decision 19.119, including intelligence sharing and joint investigations, with the secretariat for consideration by SC78;
- encourage the UAE to amend its CITES implementing legislation so that the trafficking of CITES listed-species and other protected wildlife is treated as a serious crime;
- request South Africa to share information and, where possible, case studies on how DNA samples from rhino horn seizures made by other Parties that have been shared with South Africa are used to support intelligence-led investigations with the Secretariat for consideration by SC78; and
- remind Parties that an absence of seizures for rhino horn (or any other illegal wildlife product) does not necessarily indicate an absence of demand or illegal trade.

## Doc. 50 Stocks and stockpiles

In paragraph 16, the Secretariat provides a suggested shared definition for “stocks” and “stockpiles” to be used interchangeably for the two terms. EIA urges Parties to reject the use of a shared definition and instead only define stockpiles and further recommends Parties amend the Secretariat’s proposed wording to clarify and strengthen the definition.

Doc. 50 acknowledges that the term “stocks” is typically used to refer to live specimens of plants and animals, such as stocks of trees and fish stocks. The term “stocks” can also be found in Resolution Conf. 12.10 (Rev. CoP15), which refers to live animals with respect to “breeding stock”, “parental stock” and “current stock” for specimens produced in registered captive-breeding operations. To avoid confusion, Parties should only define the term “stockpiles” for non-living specimens of CITES-listed species. All instances of the term “stocks” in the CITES resolutions for the species identified in the first column of the table in paragraph 14 of Doc. 50 should be changed to “stockpiles”.

EIA recommends Parties amend the Secretariat’s proposed definition of “stockpiles”, so it reads:

~~“In the context of CITES, the words stocks and stockpiles are used interchangeably to refer to any volume or number of accumulated dead specimens of CITES-listed species held temporarily or long-term by public or private entities.”~~

The addition of “or long-term” after “temporarily” ensures that the CITES definition for stockpiles cannot be misinterpreted or misapplied due to the intended or actual amount of time a stockpile is held by a public or private entity.

### EIA recommends that the SC:

- agrees to only define the term “stockpiles”
- agrees on the following definition for the term “stockpiles”: *“In the context of CITES, the word ‘stockpiles’ refers to any volume or number of accumulated dead specimens of CITES-listed species held temporarily or long-term by public or private entities.”*
- recommends that all instances of the term “stocks” in the CITES resolutions for the species identified in the first column of the table in paragraph 14 of Doc. 50 should be changed to “stockpiles”
- recommends the development of additional guidance on management and controls of stockpiles of timber tree species.

## Doc. 51 Stocks and stockpiles (elephant ivory)

This document notes the increased level of ivory stockpiles worldwide since 2020. According to corresponding data on the CITES website, there was an increase from 1,379.8 tonnes in 2020 to 1,474.2 tonnes in 2022.<sup>38</sup> It is worth noting that the actual level of global ivory stockpiles is likely much higher due to the low reporting rate by Parties.

According to paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP19), Parties are urged to maintain an inventory of government-held ivory stockpiles and, where possible, private stockpiles and to submit regular annual reports to the CITES Secretariat.

EIA is concerned that fewer than 25 Parties (13 per cent) have made ivory stockpile submissions each year since 2014. In particular, several Parties undergoing the NIAP process failed to submit reports on their ivory stockpiles. The following NIAP Parties have never submitted annual ivory stockpile figures: Democratic Republic of the Congo (DR Congo) and Togo as Category A and Cameroon as Category C. In its NIAP progress report to SC75,<sup>39</sup> Togo reported that none of its ivory stockpile management system/audit/inventory activities had begun, highlighting a major gap in the Party's NIAP implementation and resilience to stockpile leakage. Togo failed to submit a NIAP progress report to the present meeting and EIA calls on the SC to request Togo to submit a progress report within 60 days of the conclusion of SC77 to provide clarity and updates regarding these key activities.

Furthermore, Vietnam, a Category A Party, continues to play a significant role in transitional ivory trafficking, but does not have an adequate system for the inventory and management of confiscated ivory. As of September 2023, according to EIA's records of ivory seizures, it is estimated that Vietnam's stockpile of confiscated ivory comprises at least 80 tonnes (excluding 2.2 tonnes of ivory destroyed in 2016).<sup>40</sup>

Further, EIA remains concerned by Burundi's ivory stockpile security and its failure to respond to the Secretariat's repeated requests for information and an invitation to conduct a technical mission. Analyses of illegal ivory seized in African and Asian countries have determined that the ivory was sourced from the Government of Burundi's stockpile.<sup>41</sup> EIA urges the Standing Committee to call on Burundi to respond to the Secretariat's request for a technical mission by SC78 and, if no response is received it should proceed with compliance measures pursuant to Resolution Conf. 14.3.

This document also notes various challenges facing the Secretariat in identifying Parties with existing ivory stockpiles and seeking agreement on the definition of the term "stockpile". It is vital for Parties to clarify and agree on the definition as currently the two terms "stock" and "stockpile" are typically given the same meaning in the context of CITES, despite the term "stock" generally referring to live specimens (e.g., fish stocks). See comments on Doc. 50 for EIA's complete recommendations regarding the definitions of "stock" and "stockpile". See comments for Doc 63.1 for EIA's complete recommendations regarding definitions of "legal domestic ivory market".

#### **EIA recommends that the SC:**

- **strengthens recommendation a) in paragraph 19 to urge Parties with existing ivory stockpiles, in particular Parties participating in the NIAP process; Parties in which confiscations were reported to ETIS and Parties reporting MIKE data, to submit their stockpile reports for consideration at SC78**
- **urges Parties in the NIAP process to submit ivory stockpile reports before SC78 in accordance with Resolution Conf. 14.3 and Decision 18.185 (Rev. CoP19) and to consider appropriate compliance proceedings in the absence of these reports**
- **urges Parties to publicise ivory destruction events and ensure that stockpiles are only destroyed following a comprehensive and transparent audit in which the specimens are no longer needed for investigations and prosecutions**
- **calls on Burundi to urgently respond to the Secretariat's request for an invitation to conduct a technical mission before SC78 and, should Burundi fail to respond by SC78, instigates compliance proceedings in accordance with Resolution Conf. 14.3**
- **seeks clarification from the Secretariat regarding which sources it has consulted regarding ivory stockpile thefts and leakage and how information regarding thefts and leakage can be submitted for consideration**
- **instruct ICCWC partners to work to identify other ivory stockpiles that are not well-secured to bring to the attention of the SC by SC78**
- **provides guidance on identifying Parties that should submit reports on their ivory stockpiles.**

## **Doc. 55 (Rev 1). Dialogue meeting for African elephant range States (*Loxodonta africana*)**

This document has been prepared and submitted by Botswana. At CoP19, Decisions 19.167 – 19.168 were adopted regarding the Trade in Live African Elephants. The Standing Committee was directed to call a CITES dialogue meeting

as per Resolution Conf. 14.5 on *Dialogue meetings for African elephant range States* to consider a harmonisation of the conditions to trade in live African elephants and propose relevant changes to Resolutions to CoP20 as well as relevant changes to annotation 2 (after CoP19, footnote annotation A10), including changes to streamline and simplify the annotation.

EIA is supportive of greater cooperation and coordination between African elephant range States, although does not support the proposed Dialogue Meeting and its agenda as proposed by Botswana. Botswana indicates willingness to host the Dialogue Meeting in early 2024 to ensure it takes place in advance of CoP20. Partial funding for the meeting has been secured from the European Union and Great Britain and Northern Ireland.

EIA does not support the proposed expanded agenda annexed to SC77 Doc.55 as it exceeds the scope of the mandate of the Dialogue Meeting required under Decision 19.167, which is limited to considering a harmonisation of the conditions to trade in live African elephants and propose relevant changes to Resolutions to CoP20 as well as relevant changes to annotation 2 (after CoP19, footnote annotation A10), including changes to streamline and simplify the annotation.

EIA notes that several of the proposed agenda items, namely the 'disposal of ivory stockpiles', the 'separation of African elephant to forest and savanna elephant for CITES purposes' and the 'National Ivory Action Plans' are already addressed under existing CITES processes.

Importantly, these issues are not limited to African elephant range States. EIA recommends that these proposed agenda items be deleted to avoid duplication of processes and to ensure maximum participation by all affected CITES Parties and stakeholders in existing processes.

Further, the proposed agenda items 'Sustainable financing for Africa elephant conservation and management', 'African Elephant Action Plan implementation modalities' and 'IUCN African elephant status report 2024' potentially require a different set of scientific and technical experts than the issue on live trade in elephants. It is therefore more appropriate that these key topics be discussed in the appropriate fora and not the Dialogue Meeting. EIA recommends that these agenda items be deleted. In sum, EIA recommends that the agenda for the proposed Dialogue Meeting be restricted to the mandate of the Dialogue Meeting as set out in Decision 19.167.

In addition, the development of the agenda of the Dialogue Meeting is the responsibility of the Chairman of the Standing Committee supported by the Secretariat, following consultation with the range States. It is not clear whether all African elephant range States, beyond those who reportedly assisted with developing the draft Terms of Reference, were consulted and provided with the opportunity to make input into the draft Terms of Reference and expanded agenda topics. Thus, there is a lack of clarity that the draft Terms of Reference as presented are an accurate representation of the views of all African elephant range States.

EIA appreciates the rationale to convene the Dialogue Meeting as early as possible before CoP20 to facilitate discussions. However, given that the full amount of required funding has not been secured to date (late October 2023), as well as the concerns outlined above, the Dialogue Meeting should be postponed until, firstly, all funding has been secured and, secondly, all relevant Parties, experts and other organisations have confirmed their availability to ensure transparency and inclusivity.

Furthermore, no clarity has been provided in the Terms of Reference as to the criteria against which the proposed participation of other Parties, technical experts and observers will be approved by consensus of the representatives of the range States.

To this end, EIA recommends that the Dialogue Meeting be convened in the margins of SC78, where the majority of African elephant range State Parties will be in attendance. This will provide sufficient time to secure the additional funding for the Dialogue Meeting, particularly as two representatives from each range State are required to participate in accordance with Resolution-Conf. 14.5. This will also give the Secretariat the time it will need to develop the agenda of the Dialogue Meeting in full consultation with the range States and to conclude the necessary logistics. It will also provide sufficient time for the Dialogue Meeting participants to agree on the criteria for participation for other Parties, technical experts and observers.

#### **EIA recommends that the SC:**

- **rejects SC77 Doc.55 and the Annexed Terms of Reference in their current form**
- **ensures the Dialogue Meeting is convened in accordance with both Decision 19.167 and Resolution. Conf 14.5 with the support of the Secretariat and in consultation with range States**
- **convene the Dialogue Meeting to take place in the margins of SC78**
- **restricts the agenda of the Dialogue Meeting to the topic mandated by Decision 19.167**
- **develops in consultation with range States the criteria for the participation of other Parties, technical experts and observers.**

# Doc. 63.1 (Rev. 1) Report of the Secretariat on the implementation of Resolution Conf. 10.10 (Rev. CoP19)

Decisions 19.99 to 19.101 direct the Secretariat to consult with the MIKE-ETIS Technical Advisory Group (TAG) and TRAFFIC on the feasibility of an analysis of ETIS data connected to each Party with a legal domestic ivory market for commercial trade, report to SC77 on the progress and for the SC to consider the Secretariat's report and request the Secretariat to take any measures needed. SC77 Doc. 63.1 Part 3, on Decisions 19.99-101, conveys two main concerns raised by the MIKE-ETIS TAG and TRAFFIC regarding the analysis, including: (1) criteria for selecting Parties for the analysis and (2) the specific research questions and related purpose of the analysis. Given this need for clarity, the TAG and TRAFFIC welcome further guidance from SC77 in order to complete the analysis for SC78.

TRAFFIC conducted a survey of CITES CoP and SC documents to assess which Parties are reported to have legal domestic ivory markets and provided details on 50 Parties. TRAFFIC identified 12 that self-reported having a legal domestic market for ivory: Australia, Cameroon, Comoros, Equatorial Guinea, Greece, New Zealand, Senegal, Singapore, Somalia, South Africa, Togo, and Zimbabwe. After identifying 38 countries that do not have legal markets, either from self-reporting or through the Secretariat-commissioned study, TRAFFIC found that 17 of these countries have some form of exemption that makes it difficult to discern which of these markets to include in the analysis. The Secretariat states there is a "large variability noted in the understanding of what constitutes legal domestic ivory markets."<sup>42</sup>

EIA considers a closed market to be one characterised by a general prohibition on commercial ivory trade with any potential exemptions to the prohibition being very limited and clearly defined, allowing only for low volumes of trade. The principal policy goal of a closed market is to reduce the domestic commercial trade in elephant ivory to the smallest amount practicable by means of comprehensive restrictions on the majority of commercial trade in elephant ivory.

EIA is concerned that Japan, in its self-reporting, claims to not have a legal domestic ivory market. This claim is simply inaccurate and may wrongly lead to Japan's exclusion from the analysis. In fact, Japan's policies regarding commercial ivory trade serve to facilitate large-scale trade, rather than to limit it. Japan states that its market is "prohibited in principle" but "commercial trade is allowed as an exception ... when cut pieces and ivory products are to be obtained from a registered business, or when whole tusks registered in the past is to be exchanged [sic] together with its original registration documents."<sup>43</sup> In practice, this means all ivory considered pre-Convention ivory and all ivory imported during the two CITES-approved one-off sales can be legally traded.

The Government of Japan reports that the country's ivory stockpile includes 174.3 tonnes of registered whole tusks (16,656 tusks),<sup>44</sup> all available for sale. Additionally, there are nearly 80 tonnes of cut pieces and there are millions of individual items available for commercial trade available in the inventories of the 5,500+ government-approved ivory traders who operate more than 8,500 facilities throughout the country. The trade potential is large-scale and, rather than narrow and limited exemptions, Japan's trade controls are riddled with loopholes and enable the trade in illegal ivory.<sup>45</sup> Japan's market cannot therefore be considered closed.

It is important to recall that Parties initially appealed for a study to review Japan's role in the international ivory trade<sup>46</sup> and it was ultimately agreed that an analysis of ivory seizures connected to each Party with a legal domestic market could be included<sup>47</sup> EIA documented a steady flow of ivory leaving Japan illegally<sup>48</sup> Relevant data after 2020 is not publicly available but should be made available to assist Parties in analysing Japan's current role in the international illegal ivory trade.

The purpose of the analysis is to support the implementation of Resolution Conf. 10.10 (Rev. CoP19), which calls for the closure of domestic ivory markets that contribute to poaching or illegal trade. A deeper, focused analysis of data related to each Party identified by the MIKE-ETIS TAG and TRAFFIC will help Parties to understand the role that each of these markets potentially plays in the international illegal trade. Therefore, ETIS data related to import, export, re-export and transit will be essential as well as details and trends on documented seizures both domestically and at import/export locations. Information on enforcement, prosecution and conviction rates is also relevant. Additionally, information on the Party's stockpile and stockpile management and details regarding the extent of the trade permitted (especially regarding exemptions) would assist Parties in gaining a better understanding of a market's contribution to the illegal ivory trade.

SC77 Doc 63.1 Part 4, on Decisions 18.117-18.119 on reports pertaining to the closure of ivory markets, contains the Secretariat's summary of reports submitted by seven Parties (available in Annex 3) including the European Union (EU coordinated reply), Japan, South Africa, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe. All these Parties have previously submitted reports. The European Union



and its Member States, the UK, and the USA all reported updates on their efforts on “banning most forms of ivory trade”, “a strict domestic ivory sales ban” and “a near-total ban on domestic trade in elephant ivory”.

In contrast, “Japan provided information on legal, enforcement and awareness raising measures, as well as information relating to international cooperation and privately held stocks”. The fact remains that while most of the world’s historically large commercial domestic ivory markets have been effectively closed through strict domestic policy measures, Japan’s market remains open for business.

#### **EIA recommends that the SC:**

- **on Decisions 19.99-101, supports criteria that would be inclusive of markets which facilitate legal commercial trade in ivory even if the regulatory framework includes some provisions in place to restrict commercial trade, aside from very narrow and well-defined exemptions. If there is a question about including a particular market, then we recommend deference should be given to including more Parties rather than to excluding them**
- **directs TRAFFIC and the MIKE-ETIS TAG to include Japan in the analysis of seizure data related to legal domestic ivory markets**
- **directs TRAFFIC and the MIKE-ETIS TAG to analyse relevant ETIS data for each Party, including data related to the role of the Party (e.g. import, export, re-export and transit), details and trends on documented seizures, both domestically and at import/export locations and information on enforcement, prosecution and conviction rates as well as supplemental information on stockpiles/stockpile management and prohibition details to achieve the research goals.**

## **Doc. 65 Saiga antelopes**

The illegal trade in saiga horns to meet consumer demand for traditional medicine products continues to threaten saiga populations in Central Asia. According to EIA seizure data, at least 16,533 saiga horns have been seized in China, Kazakhstan, Kyrgyzstan and Russia from January 2022 through 5 October 2023. Several saiga horn seizures in recent years have involved thousands of horns, suggesting the involvement of organized criminal networks.<sup>49</sup> Doc. 65 reports that Kazakhstan and the Russian Federation have not submitted their annual illegal trade reports for 2021, which has resulted in a significant gap in seizure data available to the Secretariat. EIA calls on Kazakhstan and the Russian Federation to submit their annual illegal trade reports as a matter of urgency.

EIA is concerned that Kazakhstan is considering submitting an amendment to the annotation setting a zero export quota for saiga specimens of wild source at CoP20 given the repeated failure by China, including Hong Kong SAR, and other important trading and consumer countries to provide details on the sourcing and amount of saiga horns held in government and significant private stockpiles and to improve the transparency and traceability of saiga horn stockpiles. Commercial trade in saiga horns and horn products without a secure, transparent and traceable stockpile management system, especially considering the significant level of illegal trade in saiga horn, would threaten wild saiga populations that have only just recovered from mass die-offs due to the outbreak of disease.

EIA is further concerned by the widespread use of source codes U and O for trade in saiga specimens. It is difficult to conceive how pre-Convention stocks of saiga horn still exist, considering saiga have been listed on Appendix II of CITES for nearly 30 years and the high rate of consumption in consumer countries such as China, which has been estimated to consume between 6-10 tonnes of saiga horn annually.<sup>50</sup>

#### **EIA recommends that the SC:**

- **calls on Kazakhstan and the Russian Federation to submit their outstanding annual illegal trade reports as a matter of urgency**
- **requests that all saiga range States and important consumer and trading countries of saiga parts and derivatives report on the amount of saiga horns and other specimens held in government and private stockpiles, categorised by source code, to the Secretariat for consideration by SC78; those Parties that are unable to do so should request the support of the Secretariat with the management of their stockpiles.**



# Doc. 74 Taxonomy and nomenclature of African elephants (*Loxodonta spp.*)

This document has been prepared by the Secretariat in response to Decision 19.275 adopted at CoP19. EIA supports the Secretariat's finding that listing the genus (*Loxodonta spp.*) could be done as a taxonomic change with minimal implications.

The evidence is clear that there are two distinct species of African elephant<sup>51</sup> and EIA supports a taxonomic change to recognise *L. cyclotis* as a separate species for CITES purposes. The current listing of *Loxodonta africana* includes all elephants on the African continent. All populations of the species (*L. africana*) are included in Appendix I (except for the four populations of *L. africana* in Appendix II). Recognising *L. cyclotis* as a separate species in Appendix I would therefore not alter the scope of any of the populations currently in Appendix I, including hybrid populations. Nor will it alter the provisions or scope in CITES protection status for African elephants. It is most unlikely that a new species of African elephant will be identified.

In light of the unambiguous science, EIA supports the proposed taxonomic change to list the genus (*Loxodonta spp.*). As indicated above, a genus listing will avoid the need to amend the Appendices as all identified species are already listed under the Appendices. By listing at a genus level, there will be no need to review and amend the majority of the Resolutions, Decisions and CITES processes relating to elephants. This will ensure continuity and ensure that all African elephant range States continue to be collectively consulted. All elephant populations will continue to enjoy the existing levels of protection afforded by the current listing. A genus listing is also much simpler from a permitting and reporting perspective, particularly for Parties with hybrid populations. A genus listing will simplify enforcement and ensure that there is continuity in the MIKE, ETIS and NIAP reporting and associated trend analyses.

EIA opposes a species-level listing as this would incur substantial negative implications for the Secretariat and for Parties. There will be a significant increase in the administrative, time and cost burden on Parties if they are required to identify specimens to the species level, particularly for enforcement matters, permitting (including imports and export permits for forensics and enforcement), ETIS, NIAP and MIKE reporting. Permitting issues would not be limited to range State Parties, as non-range State Parties will face similar barriers. The ETIS, MIKE and PIKE trend analyses would be altered significantly, resulting in the loss of years of continuous data collection and trend analysis.

Regarding the issue of identifying an appropriate reference for the proposed nomenclature change, EIA supports the continued usage of the existing standard nomenclature reference, Wilson and Reeder (2005),<sup>52</sup> provided the reference is supplemented with updated location information and range maps provided by the International Union for the Conservation of Nature (IUCN) in line with its Memorandum of Understanding with the CITES Secretariat. At present, the reference does not contain updated location information and range maps for both African elephant species (as well as hybrid populations). Updated range maps have been produced for the IUCN Red List Assessments of both species, as well as the IUCN's African Elephant Status Reports.<sup>55</sup>

EIA does not support the Secretariat's recommendation that nomenclature be added to the agenda for the African elephant range State dialogue meeting (SC77 Doc.55) for the reasons provided above regarding the proposed dialogue meeting.

## **EIA recommends that the SC:**

- **supports the Secretariat's recommendation, save for recommendation (d)**
- **deletes recommendation (d)**
- **supports the Secretariat's conclusion that listing the genus (*Loxodonta spp.*) could be done as a taxonomic change**
- **supports the continued usage of Wilson & Reeder (2005) as the standard nomenclature reference for *Loxodonta spp.* subject to the supplementation and periodic updating of appropriate location and range maps provided by the IUCN in terms of its Memorandum of Understanding with the CITES Secretariat.**

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