

Elephant Topics Discussed at the 19th Meeting of the CITES Conference of the Parties (CoP19)

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Introduction

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between governments which aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It originated from a resolution adopted at the 1963 IUCN Members' Assembly and entered into force on 1 July 1975. The 19th meeting of the Conference of the Parties (CoP19) to the CITES was held in Panama City from 14th to 25th November 2022. Delegates adopted 46 of the 52 proposals put forward to increase or decrease controls on international trade in wildlife and wildlife products, bringing many species of sharks, lizards, turtles, fish, birds, frogs, and more than a hundred tree species under CITES control to ensure the sustainability of these species in the wild while allowing their international trade. The discussions on both Asian and African elephants are briefly summarised in this report (CITES Summary Record 2022 and IISD Reporting Services 2022).

CoP19 Proposal 4: Amend the existing annotation for the populations of African elephant (*Loxodonta africana*) in Botswana, Namibia, South Africa, and Zimbabwe

Zimbabwe introduced CoP19 Prop.4 to amend annotation 2 pertaining to the populations of *L. africana* in Botswana, Namibia, South Africa and Zimbabwe, highlighting the relatively large elephant populations in these countries and the need to raise funds for anti-poaching and for communities living near elephants.

Botswana, the Democratic Republic of the Congo, Lesotho, Namibia, the United Republic

of Tanzania and Zambia supported the proposal, emphasising the need to deliver conservation benefits to local communities.

Benin, Burkina Faso, Burundi, the Central African Republic, Eritrea, Ethiopia, the European Union and its Member States, Gabon, Kenya, Liberia, Niger, Panama, Senegal, Togo and the United Kingdom of Great Britain and Northern Ireland opposed the proposal; while several of these recognised the successful elephant conservation efforts in the four countries, many considered that the proposed amendment would undermine previous efforts to close international ivory markets and could incentivise poaching. The European Union and its member states noted that it could not support changes to the existing annotation that would impact current trade rules.

The Chair called for a vote on proposal CoP19 Prop. 4. With 15 in favour, 83 against and 17 abstentions, the proposal CoP19 Prop. 4 to amend annotation 2 pertaining to the African elephant populations of Botswana, Namibia, South Africa and Zimbabwe was rejected.

The proposal was reopened in the plenary by Zimbabwe to amend the annotation for the Appendix II listing of elephant populations (*L. africana*) to change Annotation 2.e to be allowed to trade in leather goods for commercial and non-commercial purposes along with Botswana, Namibia, South Africa and Zimbabwe. Benin, Liberia, Burkina Faso, Panama, Kenya, EU, Gabon, UK, Ethiopia Israel, Senegal, Togo, Gabon, Mali, Panama, Congo and many other Parties opposed the amended proposal on the grounds that it would reopen international trade in ivory. Eswatini, Tanzania, Botswana, Lesotho, Democratic Republic of Congo, Botswana,

Zambia, Namibia, China and South Africa supported it highlighting the relative stability of southern African elephant populations. IUCN stressed the endangered status of the African savannah elephant. Zimbabwe called for a vote on the amended proposal.

Outcome

With 53 votes in favour, 48 against and 32 abstaining, the proposal to amend paragraph 2e) of the annotation to include Zimbabwe in the list of Parties allowed to trade in leather products for commercial purposes was rejected.

CoP19 Proposal 5: Transfer elephant populations of Botswana, Namibia, South Africa and Zimbabwe from Appendix II to Appendix I

Burkina Faso introduced CoP19 Prop.5 to include all populations of African elephants (*L. africana*) in Appendix I through the transfer from Appendix II to Appendix I of the populations of Botswana, Namibia, South Africa, and Zimbabwe. Benin, Togo, Kenya, Niger, Senegal, Panama, Nigeria and Burundi supported the proposal, calling for the single listing of all African elephants in Appendix I. Congo, Botswana, EU, Tanzania, Eswatini, Zimbabwe, Japan, Rwanda, Zambia, Namibia, Indonesia, Eritrea, Uganda, USA and Malawi opposed the proposal arguing that it lacked robust scientific data and that the biological criteria for listing the southern African populations of the species in Appendix I were not met. Burkina Faso asked for the proposal to be put to a vote.

Outcome

With 44 Parties in favour, 59 against, and 13 abstentions, CoP19 Prop.5 to transfer the populations of Botswana, Namibia, South Africa and Zimbabwe of *L. africana* from Appendix II to Appendix I was rejected.

Doc.66.1: Implementation of Resolution Conf.10.10 (Rev. CoP18) on trade in elephant specimens

The Secretariat introduced the document. India, Indonesia, Malaysia, Sri Lanka, Thailand, the

United Kingdom of Great Britain and Northern Ireland, the United States of America did not support the Secretariat's proposed amendment to direct Asian elephant range states to report on trade as it was not just Asian elephant range states being involved in such trade. Indonesia and Thailand added that non-Asian elephant range states should also be expected to report.

The European Union and its member states and the USA supported the Secretariat to ensure that no additional resources were used to undertake work on mammoth ivory. India stated that they supported measures to close legal markets in Asian elephant products and explained that they had been taking measures to better manage captive elephants. Thailand offered to share details of the system they have in place for captive elephants and tigers.

Outcome

The CoP directs the Secretariat, in collaboration with range states and other relevant stakeholders to develop requirements for registering, marking, and tracing system for live Asian elephants; and the SC to consider at SC78, findings and make recommendations to the Secretariat and to Parties and report to CoP20.

Doc.66.2.1 Ivory stockpiles: Implementation of Resolution Conf.10.10 (Rev. CoP18) on trade in elephant specimens

Burkina Faso introduced CoP19 Doc.66.2.1 on enhancing reporting and security of ivory stockpiles stating that stockpiles stimulated demand for ivory and therefore posed a serious threat to African elephants.

Benin, Equatorial Guinea, Ethiopia, Gabon, India, Liberia, Kenya, Mali, Mauritania, Senegal,



Figure 1. IUCN delegation at CoP19.

Togo and USA supported the draft decisions in document CoP19 Doc.66.2.1. However, Botswana, China, the European Union and its member states, Japan, the Lao People's Democratic Republic, Namibia, South Africa, Thailand and the United Republic of Tanzania did not support the proposed updated declaration on ivory stocks and model inventory form. These Parties variously expressed concerns that the new model inventory form would increase the burden on Parties with ivory stockpiles and believed that existing reporting requirements were sufficient. Some of the Parties also expressed concerns about the decisions directed at Parties to destroy stockpiles, indicating that this is a domestic matter. The matter was put to a vote. Committee II rejected the amendment, with 34 in favour, 54 against, and 13 abstaining. Committee II agreed to the document without the amendment.

Outcome

The CoP directs Parties to comply with the provisions of paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP18) on trade in elephant specimens concerning reporting on stockpile inventories to ensure the required information is submitted to the Secretariat every year.

Doc.66.2.2: Establishing a fund accessible to range states upon non-commercial disposal of ivory stockpiles

Kenya introduced CoP19 Doc.66.2.2. Ethiopia, Gabon, Guinea, Guinea-Bissau, Mali, Niger, Switzerland, Togo and the United States of



Figure 2. IUCN delegation at CoP19.

America supported the document to establish an intersessional working group on sustainable financing for elephant and other wildlife conservation. Botswana, Japan, South Africa, Eswatini, Namibia, Zambia, USA and Tanzania rejected the document with several elephant range states arguing that they had not been consulted in its creation. The US and Switzerland supported establishing a fund for elephant range states but opposed the Secretariat's recommendation that the SC be directed to consider various issues and options relating to sustainable financing for conservation in the upcoming intersessional period. The UK, EU, Botswana, China, India opposed Kenya's proposal but supported the Secretariat's recommendation, being of the opinion that further discussions should take place for the development of alternative and innovative sustainable funding mechanisms that could support conservation initiatives in African elephant range states.

Outcome

The issue went to a vote. A motion to accept Kenya's proposal was rejected, with 50 against, 24 for and 33 abstaining. Committee II invited Kenya to further discuss this matter with relevant Parties and present an in-session document containing revised draft decisions to the Committee.

Doc.66.3: Implementing aspects of Resolution Conf. 10.10 (Rev. CoP18) on the closure of domestic ivory markets

Burkina Faso introduced CoP19 Doc.66.3, whereby countries with a domestic ivory market would report measures taken to close them. It also requests an analysis of ivory seizures connected to Parties with legal domestic ivory markets.

On the former, Benin, Burkina Faso, Gabon, Kenya, Senegal supported the adoption of the draft decisions in document emphasising the role of domestic ivory markets in contributing to poaching and illegal trade. Botswana, Thailand, the United Arab Emirates, Zimbabwe, Japan, South Africa rejected the proposal and were of the view that domestic ivory markets

were not within the mandate of CITES. Botswana and Japan stated that consensus on measures to be implemented by Parties relating to legal domestic ivory markets had been reached at CoP18 and that the provisions in Resolution Conf.10.10 (Rev. CoP18) are adequate to address this matter. Saudi Arabia and the United Arab Emirates emphasised the importance of addressing illegal trade in ivory. The European Union and its Member States, Thailand and Zimbabwe supported draft decision with the amendments proposed by the Secretariat.

The Chair invited delegates to indicate whether the agreement could be reached on the draft decision as amended by the Secretariat. With a vote of 39 Parties in favour, 58 opposed and 5 abstentions the amendment proposed by Secretariat was rejected. Committee II agreed to the document without the first provision, keeping the Secretariat's proposed text on commissioning an analysis.

Outcome

The CoP directs the Secretariat to engage the MIKE and ETIS Technical Advisory Group and TRAFFIC to advise whether an analysis of ivory seizures connected to each party with a legal domestic market for commercial trade in ivory could be undertaken and, if feasible, carry out the analysis and include the results in the ETIS report to the SC at its 77th and 78th meetings, and to CoP20.

Doc.66.4.1: International trade in live African elephant specimens: Proposed revision to Resolution Conf.10.10 (Rev. CoP18) on trade in elephant specimens and Doc. 66.4.2: Clarifying the framework: Proposal of the European Union

CoP19 Doc.66.4.1 introduced by Burkina Faso and CoP19 Doc.66.4.2, introduced by the EU, were considered together. Views strongly diverged on approaches. Benin, Guinea, Kenya, Liberia, Niger, Senegal Zimbabwe, Mali, and others supported the proposal of Burkina Faso.

Senegal, Eswatini, Namibia, Japan, United Republic of Tanzania, Zambia, Zimbabwe, Bot-

swana, US, China and the UK supported the proposal by the EU and but raised concerns of the existing language in the document and suggested for further dialogue on the matter.

Burkina Faso, supported by Senegal, Togo, Mali, Guinea Bissau, Uganda, Niger, Cote D'Ivoire, Ethiopia, and Guinea proposed an intersessional working group to discuss the matter. They further proposed a moratorium on live elephant trade until a consensus is reached, which was opposed by Botswana and Zimbabwe.

The Chair noted the various aspects to be considered by the Committee and proposed to consider these in a systematic manner and directed the Standing Committee to call a CITES dialogue meeting for African elephant range states to consider a harmonisation of the conditions to trade in live African elephants. It also directed the Parties on any export of live wild caught African elephant will be limited to in situ conservation programmes or secure areas in the wild, within the species' natural and historical range in Africa, except in exceptional circumstances where, in consultation with the Animals committee, through its Chair with the support of the Secretariat, and in consultation with the IUCN African elephant specialist group, it is considered that a transfer to ex situ locations will provide demonstrable in situ conservation benefits for African elephants, or in the case of temporary transfers in emergency situations.

Outcome

The CoP directs:

- The SC to call a CITES dialogue meeting, as per Resolution Conf.14.5, for African elephant range states to consider a harmonisation of the conditions for trade in live African elephants and propose relevant changes to resolutions to CoP20 as well as relevant changes to annotation 2, including changes to streamline and simplify the annotation; and recommend other Parties, the CITES Secretariat, and technical experts to participate in the meeting in accordance with the annex to Resolution Conf.14.5 on dialogue meetings.

- The Parties to agree that while the process for the dialogue meeting is under way, any export of live wild-caught African elephants will be limited to in situ conservation programmes or secure areas in the wild, within the species' natural and historical range in Africa, except in exceptional circumstances where, in consultation with the AC, through its Chair with the support of the Secretariat, and in consultation with the IUCN African elephant specialist group, it is considered that a transfer to ex situ locations will provide demonstrable in situ conservation benefits for African elephants, or in the case of temporary transfers in emergency situations.

Doc.66.5: Report on monitoring the illegal killing of elephants

The Secretariat introduced CoP19 Doc.66.5. Parties broadly supported the report. Uganda noted that the report does not analyse the impacts of COVID-19 on illegal elephant killings. Committee II noted the report.

Doc.66.6: Report on the Elephant Trade Information System (ETIS)

The Secretariat introduced CoP19 Doc.66.6 which contained a report on the comprehensive analysis of the ETIS data carried out by TRAFFIC. The Democratic Republic of Congo opposed the report, arguing that the data was not objective. DRC supported by Malaysia and Singapore emphasised the importance of forensic analysis to determine the source of ivory seized by Parties. Uganda expressed concern that there are a number of Parties that are not submitting data. Vietnam reported it had made great efforts to tackle the illegal ivory trade and asked the Secretariat to reassess its



Figure 3. AsESG side event at CoP19.

analysis of their enforcement efforts. Togo noted difficulties in gathering the necessary data and asked for capacity building assistance from the Secretariat. Malaysia raised concerns with the methodologies that have led to Malaysia being clustered with other source countries. USA and Kenya did not support changing the final deadline for submission of seizure data by Parties. Committee II and CoP noted the report.

Doc.66.7: Review of the National Ivory Action Plan (NIAP) process

Malawi introduced CoP19 Doc.66.7 noting discrepancies in reporting requirements and the need for better alignment between reporting in NIAP and other processes under CITES. The USA called for a review of the effectiveness of NIAP. The EU did not support review of the entire process. Committee II established a working group chaired by the EU (Belgium) to consider drafting terms of reference for the review of the NIAP. The Working Group included International Union of Conservation of Nature (IUCN) amongst 18 Parties and five other international agencies. Representatives from IUCN SSC AsESG and IUCN SSC AfESG participated in the discussions of the Working Group.

Belgium reported to the Committee II on the discussions of the Working Group, noting that the timing for the SC to consider recommendations could be left more flexible. The USA, supported by Senegal and the UK and opposed by Singapore and China, proposed an additional instruction in the terms of reference to consider consultations with experts to strengthen the resolution. Committee II agreed to the document as proposed, while striking out a reference to a specific meeting of the SC.

Outcome

The CoP directs the Secretariat to contract a consultant to conduct a review of the NIAP; and the SC77 to review the consultant's report and determine if further evaluation of the NIAP is needed and if so, outline any elements requiring further evaluation and direct the Secretariat to undertake the additional tasks as necessary and provide a report to SC78.

AsESG side event

The third Asian elephant range states meeting in collaboration with IUCN SSC Asian Elephant Specialist Group (AsESG) in April 2022 concluded with the drafting of the “Kathmandu Declaration for Asian elephant conservation” charting out 9 key priority actions underlined and agreed upon by all range states to attempt to fulfil by 2025. Taking the way forward, IUCN SSC AsESG organised a side event at the CoP 19 of CITES on “Kathmandu Declaration and its implication for conservation of Asian elephants” on 16th November 2022 at Panama Convention Centre, Panama City. About 100 people participated at the side event.

- Mr. Vivek Menon, Chair IUCN SSC AsESG introduced the Kathmandu Declaration and the role of IUCN SSC AsESG in assisting the range countries in meeting the priorities outlined in the declaration.
- Dr. Jon Paul Rodriguez, Chair IUCN SSC highlighted the role of IUCN SSC in providing support and leadership in working with Asian elephant range states to address the conservation issues of Asian elephants and taking appropriate steps in meeting targets of the Kathmandu Declaration.
- Mr. Azzedine Downes, President IFAW called out for collaboration and synergistic efforts needed to take forward the priorities outlined in Kathmandu Declaration, role of IFAW in working in tandem with countries to conserve both Asian and African elephants and IFAW’s commitment in supporting the IUCN AsESG.
- Dr. Maheshwar Dhakal, DG, Govt. of Nepal shared the plans of Govt. of Nepal in taking forward the targets outlined in the Declaration.
- Dr. S. P. Yadav, ADG, Govt. of India committed to the involvement of Indian Govt. in working with the Asian elephant range countries for conservation of elephants and on fulfilling the targets outlined in the declaration.
- Ms. Rahmah Illias, Principal Assistant Director, Govt. of Malaysia agreed with the views of India and Nepal in conserving

Asian elephants and agreed to work forward to meet the targets of the declaration.

- Ms. Tanya McGregor, MIKE Coordinator, CITES shared the role of MIKE in working in tandem with Asian elephant range countries and how MIKE can synergise its efforts with AsESG to ensure effective conservation measures to protect Asian elephants.
- Dr. Benson Okita-Ouma, Chair AfESG and Ms. Rose Mayienda, AfESG reflected on the challenges and advantages that AfESG faced in creation of African elephant database and the African Elephant Conservation Fund.

This event brought together the Asian range countries as well as other stakeholders to an agreement to establish transboundary collaboration, create pan India Asian elephant database, complete national elephant conservation plans and establish an Asian Elephant Conservation Fund.

Source

IISD Reporting Services (2022) Summary of the 19th Meeting of the CITES Conference of the Parties: 14–25 November 2022. *Earth Negotiations Bulletin: A Reporting Service for Environment and Development Negotiations* **Vol. 21 No. 112**. <<https://enb.iisd.org/sites/default/files/2023-01/enb21112e.pdf>>

CITES (2022) *Nineteenth Meeting of the Conference of the Parties, Panama City, Panama, 14 - 25 November 2022. Summary Records*. <<https://cites.org/eng/cop/19/summary-records>>



Figure 4. AsESG side event at CoP19.