



CITES & Elephants

What is the “global ban” on ivory trade?



The elephant-shaped CITES logo was first used at CoP3 in 1981. The original version, a simple black and white design, has since evolved to include species protected by CITES.

A brief history of elephants and CITES

CITES regulates the international commercial and noncommercial movement of both African and Asian elephants, including their ivory and ivory products. The African elephant was first listed by Ghana in CITES Appendix III in 1976. The following year, at the first meeting of the Conference of the Parties (CoP1), African elephants were moved to Appendix II. In 1990, after a decade during which African elephant populations dropped by almost 50%, the species was moved to Appendix I of CITES. In 1997, the recovering populations of Botswana, Namibia, and Zimbabwe were moved back to Appendix II with strict limitations on trade in ivory. In 2000, the population of South Africa was also moved to Appendix II.

Compared to African elephants, the Asian elephant has had a simple history in CITES. Asian elephants have been listed in CITES Appendix I since the treaty went into effect on July 1, 1975.

CITES “ban” on ivory trade

Many news articles and other sources make reference to a “global ban” or “international moratorium” on ivory trade that was instituted by CITES in 1989. While there is some truth to these statements, they can also be misleading. In 1989, at the seventh meeting of the Conference of the Parties (CoP7), African elephants were moved to Appendix I, joining Asian elephants, listed in Appendix I since 1975. This Appendix-I listing, which became effective on January 18, 1990, is the “ban” that is so often referred to. In fact, any species listed in Appendix I of CITES is effectively banned from international commercial trade.

After the Appendix-I listing was instituted, and largely as a result of the listing, some populations began to recover and were subsequently transferred to Appendix II, beginning in

1997. The populations were transferred to Appendix II with strict limitations on trade in ivory, but allowed certain other activities. As such, the CITES “ban” on ivory trade has several limitations:

- 1. It only applies to international trade.** CITES provisions apply to the import, export, and re-export of listed species. Domestic markets for ivory are governed by national or local laws. In the United States, commercial and non-commercial movement of ivory is additionally regulated by the African Elephant Conservation Act (AfECA) and the Endangered Species Act (ESA).
- 2. Hunting trophies are allowed.** Elephant range countries issue an annual export quota for hunting trophies taken for non-commercial purposes. With proper CITES documentation, hunting trophies, including trophy ivory, can be imported, exported, and re-exported.
- 3. It only applies to ivory acquired after elephants were listed under CITES.** Ivory acquired prior to the species being listed under CITES (July 1, 1975, for Asian elephants and February 26, 1976, for African elephants) is considered pre-Convention. With proper CITES documentation, pre-Convention ivory can be imported, exported, or re-exported, unless stricter domestic laws prohibit such actions. (In the United States, the ESA and AfECA provide for stricter regulation on import, export, and re-export.)
- 4. Exceptions can be granted for non-commercial purposes, such as science or education.** With proper CITES documentation, trade can be allowed as long as its purpose is not primarily commercial.

What is CITES?

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force in 1975, and is the only treaty to ensure that international trade in plants and animals does not threaten their survival in the wild. Currently 179 countries (called Parties), including the United States, implement CITES, with new countries joining regularly.

How are species protected by CITES?

Species protected by CITES are included in one of three appendices.

- Appendix I includes species threatened with extinction and provides the greatest level of protection, including restrictions on commercial trade. Examples of species currently listed in Appendix I include gorillas, sea turtles, most lady slipper orchids, and giant pandas.
- Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls. Most CITES species are included in this appendix, including American ginseng, paddlefish, African lions, and many corals.
- Appendix III includes species protected by at least one country, which needs assistance from other Parties to regulate trade. Examples of species currently listed in Appendix III include map turtles, walrus, and Cape stag beetles.

One-off ivory sales

In 1999 and again in 2008, raw ivory from government-owned stockpiles in several elephant range countries with Appendix-II elephant populations was auctioned off to designated trading partners. These auctions are commonly referred to as the “one-off ivory sales”. Though approved by the CITES Parties several years earlier (1997 and 2002/2004, respectively), strict limitations had been placed on the sales and a number of conditions had to be met before the auctions could be held. All proceeds from the sales were to be used exclusively for elephant conservation.

The 1999 auction involved the sale of raw ivory from Botswana, Namibia, and Zimbabwe to one designated trading partner, Japan. The total amount of funds received from the auctions was approximately \$5 million.

In 2008, South Africa joined Botswana, Namibia, and Zimbabwe in the sale of their raw ivory stockpiles to two designated trading partners—China and Japan. The total amount of funds received from the auctions was approximately \$15.5 million.

Before the auctioned ivory was exported, the CITES Secretariat verified the legal origin, weight, and number of tusks; inspected shipments; and checked CITES permits. The Secretariat again inspected the shipments upon import to both China and Japan.

The United States supported some of the previous proposals for ivory sales and actively participated in the process and CITES dialogue, including that surrounding implementation of the sales that were approved. More recently, the United States has opposed proposals seeking additional ivory stockpile sales. Today, given the current poaching crisis and the scale of illegal trade, it's unlikely that the United States would be able to support a one-off sale.

Monitoring the Illegal Killing of Elephants (MIKE)

Monitoring the Illegal Killing of Elephants, or MIKE, is a system created through CITES with the purpose of helping elephant range countries around the world better manage their elephant populations and enforce the laws created to protect them. The MIKE program does this by collecting data on the number of elephants killed illegally each year, analyzing trends in illegal killing over time, and investigating the factors



Joe Miimoe/USFWS

African elephant

that can lead to changes in these trends such as elephant-human conflict or government corruption.

The latest CITES MIKE figures, unveiled in March 2015, show that overall killing rates exceed natural birth rates, and that poaching continues to cause the decline of elephant populations across Africa. The report showed that poaching levels were highest in West and Central Africa. Generally, MIKE has found that incidents of poaching are highly correlated with poverty and a lack of food security. Areas with better law enforcement tend to experience lower levels of poaching. The United States has provided funding for the MIKE program under both the African Elephant and the Asian Elephant Conservation Funds.

Elephant Trade Information System (ETIS)

The Elephant Trade Information System (ETIS), developed by CITES and managed by TRAFFIC, serves as a complement to MIKE. ETIS is a system for collecting and compiling law enforcement data on seizures and confiscations from around the world. These data are used to monitor the pattern and scale of illegal trade in elephant specimens, including ivory, and are analyzed against a range of factors.

The most recent ETIS report showed that following a steady rise in recent years in the frequency and scale of ivory seizures, the overall pattern of illegal trade remained stable at a high level. The illegal trade continues to be driven by a major increase in large-scale shipments of ivory (over 100 kg), which points to the increasing involvement of international criminal syndicates in the illegal trade of ivory. Additionally, the ETIS analyses showed China and Thailand continue to represent the largest markets driving the illegal trade today.

CITES and the Poaching Crisis

The Parties to CITES have long been concerned with the illegal trade of elephant ivory and have taken measures almost since the treaty was adopted in 1975 to reduce this trade. Today, the focus on combating poaching and illegal trade is more intense than ever before.

In March 2013, at CoP16, eight countries – China, Kenya, Malaysia, the Philippines, Tanzania, Thailand, Uganda, and Vietnam— identified as significant source, transit, or destination points for illegal ivory trade agreed to develop time-bound action plans to actively address this trade. The CITES Standing Committee, which is a body of experts that provides recommendations on the implementation of CITES, identified eleven more countries – Angola, Cambodia, Cameroon, the Congo, Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Lao People's Democratic Republic (PDR), Mozambique, and Nigeria - as being “of secondary concern” or of “importance to watch” in the poaching of elephants and the illegal trade in ivory. In total, these 19 countries were called on to develop and implement “national ivory action plans” (NIAPs).

For the most part, countries have met their submission and reporting obligations and continue to make progress toward implementing their NIAPs. Lao PDR and Nigeria failed to submit a NIAP by the established October 2014 deadline and CITES Parties have been asked to suspend trade in CITES-listed species with these two countries. All 19 countries are to report on their progress in September 2015. At the next meeting of the Standing Committee in January 2016, experts will evaluate progress on implementation of the NIAPs and take action as appropriate.

The United States will continue to work through CITES, engaging with foreign governments and driving meaningful action along all points of the supply chain.

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