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On CITES and conservation related issues

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What is CITES? CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) is a treaty designed to regulate trade in wild species across international borders so that it does not threaten their survival. Currently 145 countries are members in CITES (see list at end). In simple terminology, species listed in Appendix I of CITES are those which are threatened with extinction and are or may be affected by trade, whereas those listed in Appendix II need not be threatened, but either require regulation so that they do not become so, or must be listed to help control trade in other species (so-called "look-alike species"). There is also an Appendix III for species listed unilaterally by individual CITES Parties; the African elephant was first listed under CITES on Appendix III, by Ghana. It is forbidden to import wild-caught or collected animal and plant species and/or their products that are listed in Appendix I for primarily commercial purposes. The key word is commercial. It is possible to conduct research or other legal programs using species listed in Appendix I, provided proper import and export permits are granted. Fewer restrictions apply to animal and plant species and/or their products that are listed in Appendix II, and special exceptions apply to certain captive-bred specimens, specimens acquired before the Convention came into force, personal effects and others. Criteria for listing animals and plants under either Appendix, established by the Parties in 1994, include a number of biological parameters. The estimated number of the African elephants (*Loxodonta africana*) has decreased drastically over the last 10 years — from 1,300,000 to 650,000. In the same time period, the number of elephants in Kenya dropped from 65,000 to 16,000. These figures exemplify how large numbers by themselves are no longer insurance against drastic declines — long-term conservation efforts must be implemented. SOURCES: BBC Wildlife (1987), 5(10):511; Swara, 20(3):7-8, 10-11.

Export and import of elephants

- A question from an Elephant Listserver recipient: Can an elephant owner export or import elephants that are either captive born or wild born? My reply follows.

CITES has strict rules, set out in Article VII and a number of resolutions, dealing with trade in captive-bred specimens of Appendix I listed species. The relevant portions of Article VII (paragraphs. 4 and 5) read:

"4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II. 5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V."

This wording has been added to by a number of resolutions, some of which are likely to be revised in the near future. If the elephant truly fits

into the captive-bred definition, therefore, no import permit should be necessary as the specimen will be treated as either on Appendix II (if bred for commercial purposes) or not subject to the articles requiring import permits. To fit under the exemption in Article IV, the specimen must come from a captive breeding facility registered with the CITES Secretariat. However, e.g., Germany would certainly be required to issue an import permit for wild-caught animals. The issues are:

- 1). Is the animal captive-bred within CITES definitions? If so, Germany is not required to issue an import permit.
- 2). Is the country of export requiring an import permit from Germany before it issues an export permit — a requirement if the specimen is NOT covered by the Article VII exemptions? If so it would appear that either it does not accept the animal as captive bred, or that it has stricter domestic laws requiring import permits even if it is captive bred (something CITES allows under Article XIV).

The problem MAY be that the country of export does not consider the animal captive-bred but Germany does, in which case you would have to get the Management Authorities in the exporting and importing countries talking to see what is going on.

African elephant (*Loxodonta africana*) populations transferred from Appendix I to Appendix II and sales of ivory — Following hot and long debate during the tenth Conference of the Parties (COP10) in 1997 in Harare, Zimbabwe, CITES voted to transfer the elephant populations of Zimbabwe, Namibia, and Botswana to Appendix II, subject to certain restrictions and conditions, in part to allow Botswana, Namibia, and Zimbabwe to sell limited stocks of ivory from government warehouses to Japan. This resolution which follows a nine-year ban on ivory sales designed to end poaching, includes tight control to avoid or reduce laundering of ivory from other countries and to avoid increased poaching. Below is a summary quote:

“Transfer from Appendix I to II: Only the populations of Botswana, Namibia, and Zimbabwe, to allow: 1) export of hunting trophies for non-commercial purposes; 2) export of live animals to appropriate and acceptable destinations (Namibia: for non-commercial purposes only); 3) export of hides (Zimbabwe only); 4) export of leather goods and ivory carvings for non-commercial purposes (Zimbabwe only). No international trade in ivory is permitted before 18 months after transfer to Appendix II comes into effect (i.e., March 18, 1999). Thereafter, under experimental quotas for raw ivory not exceeding 25.3 tons (Botswana), 13.8 tons (Namibia) and 20 tons (Zimbabwe), raw ivory may be exported only to Japan, subject to the conditions established in Decision of the Conference of the Parties regarding ivory No. 10.1. Specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly”. SOURCES: United States Department of The Interior, Fish and Wildlife Service, Washington, D.C., CITES Update #57, November 1997, “Amendments to the CITES Appendices effective September 18, 1997”, page i.

In February 1999 the 41st Standing Committee of CITES approved the sale of elephant ivory from Zimbabwe, Namibia and Botswana. The decision was taken over the objection of Kenya, Mali, Liberia, The United States, and numerous non-governmental organizations worldwide. SOURCE: AWIQ [abbreviations are defined on p. 87], Spring 1999, p. 4. On April 13, 1999 the government of Zimbabwe auctioned 20 tons of existing ivory stock to 18 Japanese buyers. Botswana was planning to auction 25 tons shortly after. The auctions in all three countries have taken place, and the ivory has already been shipped to Japan, where it was unloaded under the supervision of the

CITES Secretariat. The prices at the auctions have been kept a secret, but are rumored to be lower than expected; they will probably be made public at the Standing Committee meeting this September. SOURCE: AKF (June 1999), 26(6):226. The Wildlife Protection Society of India (see section “Organizations” in ENN, this issue) held a protest march in New Delhi, India against Japan’s decision to reopen trade in ivory; 400 people and two elephants attended. Television coverage reached Japan on worldwide media programs. SOURCE: Press release “Protest March Against Japan’s Trade in Ivory & Tiger Parts” May 3, 1999. On July 16, 1999, it was reported that 50 tons of ivory were unloaded in Japan earlier that week, under the sale sanctioned by CITES. A condition of the ivory sales by the governments of Zimbabwe, Namibia and Botswana is that proceeds go to elephant conservation in those countries. SOURCE: BBC World Service News.

COP11 — The eleventh Conference of the Parties (COP11) will be hosted by UNEP and the CITES Secretariat, and will be held April 10-20, 2000 in Nairobi, Kenya (at the United Nations Environment Programme Headquarters). Proposals for this meeting include: South Africa submitted to downlist its own population; Botswana, Namibia, and Zimbabwe have asked for further ivory sales. Kenya and India proposed to reverse the 1997 decision and return all Africa elephant populations that are currently on Appendix II to Appendix I. Support for the Kenya/India proposal has been expressed by some African countries, voicing concerns that the 1997 downlisting and subsequent sale may have contributed to new poaching.

Endangered Species Act of 1973 (ESA) — states that it is unlawful to import, export or sell in interstate or international commerce any endangered species or any product of an endangered species in the USA. As the ESA of 1973 was set to expire in 1995, President William Clinton extended the act while Congress continues to consider legislation. In 1995, 1996, 1997 and 1998, many bills relating to the ESA in various ways were introduced; all have expired. In early March 1999 Representative G. Miller introduced a bill to re-authorize the ESA under the title “Endangered Species Recovery Act of 1999.” The bill is similar to HR 2351 introduced in 1998 which was considered the most environmentally-oriented and pro-conservation of those bills under discussion. SOURCES: AKF, 24(5):205-106 (May 1997); 25(4):149-150 (April 1997); 26(4):139 (April 1999).

African Elephant Conservation Act (H.R. 10083, updated H.R. 4685), authored by Congressman Anthony C. Beilenson (Democrat from California) — was given final approval by Congress September 26, 1988, and was signed into law on June 4, 1989. The law imposes a moratorium on ivory imports into the U.S. from African countries not having effective elephant conservation programs. Imports are also prohibited from “intermediary countries” if they import ivory from countries subject to the U.S. moratorium. Legislation re-authorizing the African Elephant Conservation Act of 1988 was signed into law in October 1992 and again early in 1998 (Public Law 100 - 478), extending the program to the year 2002. SOURCES: News/Congressman Anthony C. Beilenson September 26, 1988; News/Congressman Anthony C. Beilenson, December 2, 1992; JEMA, 7(2):43; FOCUS, 20(6):3.

African Elephant Conservation Fund — established to provide grants for conservation of the African elephant throughout its range, under the African Elephant Conservation Act. It was signed into law by President Ronald Reagan, October 7, 1988, approved by the House of Representatives and the Senate of the United States of America. SOURCES: News/Congressman Anthony C. Beilenson, October 30, 1990; Oryx, 33(1):80 (1999).

Asian Elephant Conservation Fund — introduced, passed and signed into law by President William Clinton in the second half of 1997. Act is designed to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants. SOURCE: *JEMA*, 10(1):51.

The African elephant (*Loxodonta africana*) and its subspecies are, as of May 1978, classified under Appendix I of CITES, except for

populations of Botswana, Namibia, and Zimbabwe (effective September 18, 1997). There are 37 African countries where wild elephants occur; cf. article on "African elephant population: 1999 update" (Contents).

The Asian elephant (*Elephas maximus*) and its subspecies are, as of March 1973, classified under Appendix I of CITES. There are 13 Asian countries where wild elephants occur; cf. article on "Asian elephant population: 1999 update" (Contents).

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), list of parties (date of entry), as of 16 July 1999; total number of parties: 145

SOURCE: CITES homepage address is: <<http://www.wcmc.org.uk/CITES/english/parties2.htm>>.

Afghanistan (28 January 1986)	France (9 August 1978)	Panama (15 November 1978)
Algeria (21 February 1984)	Gabon (14 May 1989)	Papua New Guinea (11 March 1976)
Antigua and Barbuda (6 October 1997)	Gambia (24 November 1977)	Paraguay (13 February 1977)
Argentina (8 April 1981)	Georgia (12 December 1996)	Peru (25 September 1975)
Australia (27 October 1976)	Germany (20 June 1976)	Philippines (16 November 1981)
Austria (27 April 1982)	Ghana (12 February 1976)	Poland (12 March 1990)
Azerbaijan (21 February 1999)	Greece (6 January 1993)	Portugal (11 March 1981)
Bahamas (18 September 1979)	Guatemala (5 February 1980)	Romania (16 November 1994)
Bangladesh (18 February 1982)	Guinea (20 December 1981)	Russian Federation (1 January 1992)
Barbados (9 March 1993)	Guinea-Bissau (14 August 1990)	Rwanda (18 January 1981)
Belarus (8 November 1995)	Guyana (25 August 1977)	Saint Kitts and Nevis (15 May 1994)
Belgium (1 January 1984)	Honduras (13 June 1985)	Saint Lucia (15 March 1983)
Belize (21 September 1981)	Hungary (27 August 1985)	St Vincent and the Grenadines (28 February 1989)
Benin (28 May 1984)	India (18 October 1976)	Saudi Arabia (10 June 1996)
Bolivia (4 October 1979)	Indonesia (28 March 1979)	Senegal (3 November 1977)
Botswana (12 February 1978)	Iran (1 November 1976)	Seychelles (9 May 1977)
Brazil (14 November 1975)	Israel (17 March 1980)	Sierra Leone (26 January 1995)
Brunei Darussalam (2 August 1990)	Italy (31 December 1979)	Singapore (28 February 1987)
Bulgaria (16 April 1991)	Jamaica (22 June 1997)	Slovakia (1 January 1993)
Burkina Faso (11 January 1990)	Japan (4 November 1980)	Somalia (2 March 1986)
Burundi (6 November 1988)	Jordan (14 March 1979)	South Africa (13 October 1975)
Cambodia (2 October 1997)	Kenya (13 March 1979)	Spain (28 August 1986)
Cameroon (3 September 1981)	Korea, Republic of (7 October 1993)	Sri Lanka (2 August 1979)
Canada (9 July 1975)	Latvia (12 May 1997)	Sudan (24 January 1983)
Central African Republic (25 November 1980)	Liberia (9 June 1981)	Suriname (15 February 1981)
Chad (3 May 1989)	Liechtenstein (28 February 1980)	Swaziland (27 May 1997)
Chile (1 July 1975)	Luxembourg (12 March 1984)	Sweden (1 July 1975)
China, People's Republic of (8 April 1981)	Madagascar (18 November 1975)	Switzerland (1 July 1975)
Colombia (29 November 1981)	Malawi (6 May 1982)	Tanzania (27 February 1980)
Comoros (21 February 1995)	Malaysia (18 January 1978)	Thailand (21 April 1983)
Congo (1 May 1983)	Mali (16 October 1994)	Togo (21 January 1979)
Costa Rica (28 September 1975)	Malta (16 July 1989)	Trinidad and Tobago (19 April 1984)
Cote d'Ivoire (19 February 1995)	Mauritania (11 June 1998)	Tunisia (1 July 1975)
Cuba (19 July 1990)	Mauritius (27 July 1975)	Turkey (22 December 1996)
Cyprus (1 July 1975)	Mexico (30 September 1991)	Uganda (16 October 1991)
Czech Republic (1 January 1993)	Monaco (18 July 1978)	United Arab Emirates (9 May 1990)
Denmark (24 October 1977)	Mongolia (4 April 1996)	United Kingdom (31 October 1976)
Djibouti (7 May 1992)	Morocco (14 January 1976)	United States (1 July 1975)
Dominica (2 November 1995)	Mozambique (23 June 1981)	Uruguay (1 July 1975)
Dominican Republic (17 March 1987)	Myanmar (11 September 1997)	Uzbekistan (8 October 1997)
Ecuador (1 July 1975)	Namibia (18 March 1991)	Vanuatu (15 October 1989)
Egypt (4 April 1978)	Nepal (16 September 1975)	Venezuela (22 January 1978)
El Salvador (29 July 1987)	Netherlands (18 July 1984)	Viet Nam (20 April 1994)
Equatorial Guinea (8 June 1992)	New Zealand (8 August 1989)	Yemen (3 August 1997)
Eritrea (22 January 1995)	Nicaragua (4 November 1977)	Zaire (18 October 1976) [now Democratic Republic of the Congo]
Estonia (20 October 1992)	Niger (7 December 1975)	Zambia (22 February 1981)
Ethiopia (4 July 1989)	Nigeria (1 July 1975)	Zimbabwe (17 August 1981) ■
Fiji (29 December 1997)	Norway (25 October 1976)	
Finland (8 August 1976)	Pakistan (19 July 1976)	