



## The Decision-making Mechanism for Process of Trade in Elephant Ivory under the Auspices of the Conference of the Parties

### PROPOSAL: CoP16 Doc. 36 (Rev. 1)

Decision-making Mechanism for a Process of Trade in Ivory

### PROPONENTS:

Secretariat on behalf of the Chair of the Standing Committee

### IFAW RECOMMENDATION: SUPPORT, WITH AMENDMENTS

#### Analysis

- The document prepared by the Secretariat at the request of the Standing Committee, first and foremost, would delay the final decision on the Decision-making Mechanism (DMM) for a process of trade in ivory until CoP17. Given the setback in the process caused by a DMM study report that was roundly rejected by the Parties at SC62 and that failed to adequately fulfill the terms of reference provided by the Standing Committee in SC61 Doc. 44.4, a delay in the final development of the DMM until CoP17 is warranted, and should be supported by the Parties.
- IFAW notes that the Chair of the Standing Committee states in the document that questions as to whether the DMM study report submitted to SC62 fulfilled the terms of reference provided by the Standing Committee are not discussed in the analysis.<sup>1</sup> It is IFAW's view that the very fact that the study was used only as a basis for continued outreach for further comment by identified stakeholders and not as the basis for the creation of a DMM as it was envisioned

is testament to the fact that the Study Report did not fulfill the terms of reference.

- The document also attempts to summarize the key points and ideas for a way forward submitted by Parties and identified stakeholders on the DMM, most importantly on the conditions and prerequisites that should be met before any DMM would become operational at a future date. IFAW generally supports many of the provisions of the document as offered by identified stakeholders, and urges Parties to ensure that these conditions are maintained throughout the process. However, IFAW also urges Parties to include an over-arching condition that the current poaching crisis being experienced throughout the African continent and in some parts of Asia is brought to an end before any resumption of trade in ivory is considered by the Conference of the Parties.
- At SC62, it became clear that a common understanding of the mandate of the DMM remained elusive, as noted in Paragraph 13 of the document. IFAW supports the approach taken by the United Kingdom as paraphrased in Paragraph 15 of the document, which states that the DMM should “a) clarify the basis for the Conference of the Parties to make a decision on whether to authorize commercial international trade in ivory from Appendix-II elephant populations; and b) specify conditions and criteria that would need to be met for such trade to take place.” In other words, a decision whether or not to allow ivory trade should be based on whether specific goals or criteria related to African elephant protection, conservation, and management have been met or satisfied.



- IFAW asserts, however, that many of the specific goals and criteria that should be met or satisfied before any discussion of ivory trade can resume have in fact already been identified by the African range states and approved by the CoP through Dec. 14.78.

- Decision 14.77 on the DMM was part of the broad series of compromises reached at the 14th Convention of the Parties (CoP14) in 2007 that resulted in the one-off sale of stockpiled ivory by South Africa, Zimbabwe, Botswana, and Namibia in 2008, as well as a 9-year moratorium on further one-off sales by those four Parties. Other Decisions reached at CoP14 included Dec. 14.75 calling for the creation of the African Elephant Action Plan (AEAP), Dec. 14.76 calling for creation of the African Elephant Fund (AEF) to resource the AEAP, and Dec. 14.78 calling for the Monitoring of the Illegal Killing of Elephants (MIKE), Elephant Trade Information System (ETIS), elephant range states, and others to report on their data collection relating to poaching and illegal ivory trade to the CITES Standing Committee.

- Thus, from these decisions, it is possible to develop a chronology of events expected by the Parties in the lead up to CoP16, the time when the decision-making mechanism would be considered, and beyond. The chronology set forth by the decisions is:

1. Create African Elephant Action Plan (AEAP)
2. Create African Elephant Fund (AEF)
3. Secure funding for AEF and implement AEAP

4. MIKE, ETIS, range states, and others report on data collection and elephant status to determine whether objectives of AEAP are being met
5. Decide whether to allow ivory trade (using decision-making mechanism)

- IFAW supports the process laid out by various Decisions at CoP14 for engaging African elephant range States and CITES Parties in a constructive dialogue that will yield a positive way forward in the conservation of elephants throughout their range, including the decision to create the AEAP and the AEF. However, IFAW believes that any attempt to return to a regulated global trade in ivory must be preceded by the successful mitigation of elephant poaching and illegal ivory trade in accordance with the AEAP, mitigation that should be independently assessed. In other words, the successful accomplishment of priority objective 1 of the African Elephant Action Plan should be the clear precursor to any decision to resume ivory trade, as this is the one and only AEAP objective that relates directly to the implementation of the CITES treaty, and thus the objective that should be considered a priority in relation to the future DMM and CITES.

- IFAW urges Parties to support the process proposed in CoP16 Doc. 36 to further develop the DMM for consideration and approval at CoP17, and supports the inclusion of the word “authorize” in the part (a) of the Secretariat’s draft decision, as it would clarify that the mandate of the DMM should be to, first and foremost, establish the basis for the CoP to make a decision on whether or not to authorize commercial international trade in ivory from Appendix-II elephant populations. Further, IFAW encourages Parties to amend the Secretariat’s proposed Decision language, part (b), so that it allows interested stakeholders from civil society to participate on the working group to develop the DMM for consideration by CoP17. Finally, IFAW urges Parties to agree that the fundamental basis upon which decisions whether to allow ivory trade should be based should be the successful accomplishment of priority objective 1 of the AEAP, which should be independently assessed. ■

1. CoP16 Doc. 36, p. 3.