

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and implementation of the Convention

Species trade and conservation

Elephants

DECISION-MAKING MECHANISM FOR AUTHORIZING IVORY TRADE

1. This document has been prepared by the Secretariat.
2. At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.77 on a decision-making mechanism for authorizing ivory trade, as follows:

Directed to the Standing Committee

The Standing Committee, assisted by the Secretariat, shall propose for approval at the latest at the 16th meeting of the Conference of the Parties a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties.

3. At its 57th meeting (SC57, Geneva, July 2008), the Standing Committee discussed the best approach to implement Decision 14.77, and agreed to the following:

In order to initiate the implementation of this Decision, the Secretariat proposes that an independent study be undertaken on the development of a decision-making mechanism and process for future trade in elephant ivory for review by the Standing Committee. This study, which could be coordinated by the Secretariat in consultation with stakeholders including African and Asian elephant range States and which would be subject to the availability of external funding, is proposed to cover the following issues:

- a) *examination of the various processes and decision-making mechanisms related to ivory trade that are or have been operating under the provisions of the Convention, including compliance and enforcement provisions;*
- b) *evaluation of the strengths and weaknesses of international trade regimes and associated controls, safeguards and monitoring methods for other high-value commodities in the context of future trade in ivory;*
- c) *basic principles and factors that could guide future trade in ivory, and proposals on how an effective, objective and independent decision-making mechanism could operate, taking into account the provisions of the African elephant action plan and experiences from Asia, and*
- d) *exploration of the conditions under which international trade in elephant ivory could take place, taking into account: ecological and economic sustainability of ivory trade; the impact of trade on the illegal killing of elephants; the initial impact of the one-off sale of ivory that was agreed at CoP14; levels of illegal trade; enforcement challenges and capacities; information on linkages between legal and illegal trade, and methods to elucidate these linkages; methods to track the chain of custody; etc.*

4. At its 61st meeting (SC61, Geneva, August 2011), the Committee agreed to the proposal for work towards the implementation of Decision 14.77 outlined in document SC61 Doc. 44.4. This required the Secretariat to contract by October 2011 and in accordance with UN rules, a professional, independent, technical consulting firm or expert(s) to prepare the study, in line with the terms of reference agreed at SC57. It was clear that the purpose of the consultancy was not to determine whether there should or should not be international trade in ivory. The purpose was to provide a technically-focused study on a “decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties” that could be used by the Parties, should they decide in the future to authorize commercial international trade in ivory under the Convention.
5. The Committee also agreed that the following stakeholders should be consulted in the conduct of the study: China and Japan as trading partners; African and Asian elephant range States; the United Kingdom of Great Britain and Northern Ireland and the United States of America as donors; and the MIKE-ETIS TAG, the IUCN/SSC African and Asian Elephant Specialist Groups and TRAFFIC as technical experts. The Committee requested that consultations with the African elephant range States be conducted in English and French, as appropriate, and that the draft report thereof be shared with Committee members as early as possible. The Secretariat agreed to these requests, explaining that translations would have to be subject to available resources.
6. The Secretariat received a total of USD 50,000 from Botswana and the European Commission for implementing Decision 14.77, for which it is very grateful. The selection of the consultant was initiated after SC61 through an open tender process in accordance with UN rules. A first call for tenders was made through Notification to the Parties No. 2011/031 of 29 August 2011, and the Secretariat received three tenders in response. In view of this limited number of offers, the Secretariat issued a second call for tenders with Notification to the Parties No. 2011/046 of 12 October 2011. This generated a fourth tender and the resubmission of the three previous tenders, one of which with amendments. All bids were evaluated by a panel of six CITES Secretariat staff led by the Secretary-General. Selection was guided by: the quality of the written tender; technical competencies; the proposed approach to meeting the Terms of Reference; independence; and experience with relevant CITES procedures and processes. The panel's decision was unanimous.
7. Through Notification to the Parties No. 2012/013 of 20 February 2012, the Secretariat informed the Parties that a consortium of Africa-based experts led by Mr R. Martin (Zimbabwe) had been selected to conduct the study. The other members of the consortium were Mr D. Cumming (South Africa), Mr C. Craig (Namibia), Ms D. Gibson (Namibia) and Ms D. Peake (Botswana). The consultancy was initiated in December 2011. As a result of the delay caused by having to issue a second call for tenders, the draft report of the consultants could only be submitted to the Secretariat at the end of March 2012 instead of February 2012. The Secretariat then sought comments on the draft report from the identified stakeholders and formulated its own comments. The Secretariat also shared the draft report with the members of the Standing Committee. By mid-May 2012, comments had been received from Botswana, China, India, Japan, Kenya, South Africa, the United Kingdom, the United States and IUCN. These were provided to the consultants to be taken into account, as appropriate, in finalizing their study before 24 May 2012.
8. The comprehensive draft report was submitted to the Secretariat in English. The Secretariat translated the Executive Summary of the draft report into French and circulated it to Francophone African elephant range States. In response to requests to provide a French version of the full draft report and in the absence of funds to translate large documents, the Secretariat asked the stakeholders, particularly the francophone countries concerned, whether they would be able to provide the necessary funding for the Secretariat to proceed with the translation. As no resources were forthcoming, it has not been possible to translate the draft report in full. However, the final report submitted to the Standing Committee and presented in the Annex to this document is being translated into French and Spanish.
9. The study, which is entitled *Decision-making mechanisms and necessary conditions for a future trade in African elephant ivory*, is contained in the Annex to the present document. The Secretariat hopes that the consultants will be able to participate in the present meeting to present their findings and recommendations.

Recommendation

10. The Standing Committee is invited to review and consider the study contained in the Annex to this document. The Committee is also invited to consider recommendations in the study when formulating a proposal on a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties, for submission at the 16th meeting of the Conference of the Parties. Furthermore, the Committee may wish to agree on a timeframe and process for the further implementation of Decision 14.77 if necessary.