
CITES CoP17 – Elephants

Dear Editor,

Three proposals have been submitted to CITES CoP17 affecting the listing of African elephants *Loxodonta africana* on the Appendices of CITES. The first, submitted by Kenya and supported by twelve other Parties (seven from West Africa, two from Central Africa, two from Eastern Africa and one Asian country), seeks to list all elephant populations in Africa on Appendix I, i.e. the populations of Botswana, Namibia, South Africa and Zimbabwe would be transferred from Appendix II to Appendix I.

The other two proposals (from Namibia and Zimbabwe) seek to remove the annotation on the Appendix II listing of African elephants that is currently preventing all trade in ivory. Philosophically, the proposals from these southern African range states are diametrically opposed to the Kenya proposal. Both Namibia and Zimbabwe have demonstrated that conservation of elephants is possible provided perverse incentives such as trade bans are removed, a high value is promoted for ivory and the primary stakeholders (those with elephants on their land) are able to benefit from the commodity. Leakey, speaking of hunting bans in the Kenya context, has this to say: “The current system has been an utter failure, and wildlife through Kenya is being relentlessly eliminated. We need an entirely different way of thinking.” (Quote from Leakey is in *Game Changer* by Glen Martin. Berkeley, 2012, p152).

The Kenya proposal seeks to “offer maximum protection” to elephants and to “send a clear message to the world” that there will be no future trade in ivory. Both are highly flawed objectives. Listing on Appendix I of CITES does not per se provide protection for elephants ... only elephant range states can do that. And without the funding from a legal trade in ivory it will be difficult, if not impossible, for most southern African range states to meet the costs. By seeking to make ivory valueless, this proposal (a) ignores the reality that the CITES trade ban on ivory is not working despite having been in place since 1989; (b) ignores the high-valued land uses that can result from managing elephants on marginal land and will cause such land to be taken over by cattle and subsistence agriculture and (c) sends exactly the opposite message to the world or, more particularly, to the illegal hunters and traders—ivory is likely to become scarce and it is worth acquiring it now in order to earn a high income when elephants become extinct—a self-fulfilling prophecy.

The basis for the global population of African elephants to be listed on Appendix I is not underpinned by any scientific rigour. There were more elephants in Africa in 2013 than there were in 1995 (African Elephant Database Status Reports). The population of the Central Region has decreased by one-third since 1995 but the deficit has been made up by the doubling of the Southern Africa population. This calls into question the fundamental functioning of CITES. If the global population of a species is not threatened with extinction, it should not be listed on Appendix I. The present trend is that if the status of any national population gives rise to concern then the global population is listed on Appendix I. Logically, the nation concerned should use its own legislation and law enforcement to prohibit trade and protect the species without requiring the populations of other countries to be listed on Appendix I.

Among the defects in the Kenya proposal, the greatest is the lack of science in a document purporting to come from the scientific community. The proposed universal ban on international trade in ivory betrays its anti-experimental, non-comparative stance and leaves one wondering where these “scientists” received their training. CITES has used the phrase “Experimental Trade in Ivory” as the title for many of its documents since CoP10 in 1997. An experimental trade would be one that recognizes a diversity of approaches to the trade and provides the opportunity for evaluating the relative success of different trading systems.

In the view of many southern African countries CITES is failing to perform its role of promoting sustainable use of wild species. CITES appears unconcerned about the economic value of wildlife, fails to appreciate the development potential of wildlife as a high-valued land use and disregards the effect of trade bans on human livelihoods. In general, southern Africa does not support species being listed on Appendix I and would prefer to see quotas being used to achieve sustainability.

The regulations that are available to CITES and its decision-making mechanisms and processes do not readily lend themselves to developing, or providing, incentives to conserve elephants. In part this is because bans, and intermittent sales of stockpiled ivory, cannot, by their very nature, include the potential benefits from sustainable use.

CITES adopted Resolution Conf.8.3 in 1992 recognizing the Benefits of Trade in wildlife. The resolution is silent on the subject of Appendix I and therefore must be interpreted as applying regardless of the Appendix on which a species is listed). A principle of sustainable use is that it is possible from very small populations (even those ‘threatened with extinction’) and, where trade is deemed beneficial, such use can reverse declines in populations. The criteria for listing species on the Appendices of CITES need amending to be able to accommodate the concept of beneficial trade for Appendix I species. However, amongst the CITES Parties there appears still to be a stigma attached to trade.

Dissatisfaction with CITES is mounting. Wildlife is being regarded as a “global commons” and the sovereign rights of individual countries over their wildlife are being severely eroded. When Parties that are not range states vote in favour of trade bans they are not accountable for their actions as they would be in any conventional democracy.

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