

Conf. 10.9

Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II

RECALLING Resolution Conf. 7.9, adopted by the Conference of the Parties at its seventh meeting (Lausanne, 1989), which provided a special mechanism for considering proposals to transfer certain African elephant populations from Appendix I to Appendix II;

RECOGNIZING that the transfer of the African elephant to Appendix I was agreed by the Conference of the Parties in 1989 although populations in certain range States may not have met the criteria in Resolution Conf. 1.1, adopted at the first meeting of the Conference of the Parties (Bern, 1976);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) all proposals to transfer populations of the African elephant from Appendix I to Appendix II shall be subject to a review by a Panel of Experts, which shall consider:
 - i) the scientific evidence regarding the numbers and trends of the populations;
 - ii) the conservation and management of these populations, and threats to their status; and
 - iii) the adequacy of controls on trade in ivory and other parts and derivatives;
- b) the Panel of Experts shall include expertise in the following areas:
 - i) elephant ecology and population biology;
 - ii) field conservation and management;
 - iii) monitoring of trade in parts and derivatives of elephants;
 - iv) establishment and operation of trade regimes including establishment of quotas; and
 - v) security of stocks of elephant parts and derivatives and/or wildlife law enforcement;
- c) the Standing Committee, after consultation as appropriate with UNEP, IUCN, TRAFFIC International, the affected range State and the region concerned, shall nominate the members of the Panel of Experts, which should not exceed six in number;
- d) the selection should take into account the need for appropriate geographical representation;
- e) the proponent State should appoint a representative to facilitate the work of the Panel and to act as an adviser;
- f) the Standing Committee shall direct the CITES Secretariat to convene the Panel of Experts;
- g) the Panel of Experts shall:
 - i) meet at its earliest convenience but no later than two months following the receipt by the Secretariat of a proposal to be reviewed and as frequently thereafter as is necessary;
 - ii) evaluate, within 45 days after its first meeting if possible, each proposal to transfer a population to Appendix II;
 - iii) elect its Chairman from within its own membership;
 - iv) be provided with technical assistance and support as required;
 - v) assign particular tasks to individual members and may appoint consultants to carry out studies on its behalf; and

- vi) be financed from the regular budget of the CITES Secretariat or from funds assigned for this purpose by Parties;
- h) the proponent State should undertake to give the Panel or its accredited consultants free and unrestricted access to all data in its possession regarding elephant populations, elephant management, trade in parts and derivatives of elephants and, as appropriate, law enforcement procedures and actions;
- i) in evaluating the status and management of an elephant population the Panel of Experts shall take into account:
 - i) the viability and sustainability of the population, and potential risks;
 - ii) the affected range State's demonstrated ability to monitor the subject population; and
 - iii) the effectiveness of current anti-poaching measures;
- j) in evaluating the affected range State's ability to control trade in ivory from African elephants, the Panel of Experts shall take into account:
 - i) whether total levels of offtake from both legal and illegal killing are sustainable;
 - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
 - iii) whether law enforcement is effective; and
 - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State;
- k) when appropriate, the Panel of Experts shall also consider:
 - i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
 - ii) the controls on ivory trade in specified importing countries;
- l) the Panel of Experts shall also evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State; and
- m) for the purpose of deciding on the transfer of a population of the African elephant from Appendix I to Appendix II and the necessary conditions to be attached to such a transfer, the Parties shall take into account the report of the Panel of Experts and in particular:
 - i) the status of the elephant population in the affected range State;
 - ii) the affected range State's ability to manage and conserve its population effectively; and
 - iii) the affected range State's ability to control trade in elephant ivory; and

REPEALS Resolution Conf. 7.9 (Lausanne, 1989) – Terms of Reference for the Panel of Experts on the African Elephant and Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II.