REVISION OF RESOLUTION CONF. 10.10 (REV. COP14)

TRADE IN ELEPHANT SPECIMENS

Background

1. About half of the text of Resolution Conf. 10.10 (Rev. CoP14), adopted at the 10th meeting of the Conference of the Parties (Harare, 1997), is based on the text of Resolution Conf. 9.16 (adopted at Fort Lauderdale, 1994), which was a consolidation of 10 Resolutions dating from 1981 to 1989. Since 1997, the Resolution has already been amended three times, adding, in particular, major sections on the control of internal ivory trade, and on the monitoring of illegal killing of elephants (MIKE – Monitoring the Illegal Killing of Elephants) and of illegal trade in elephant specimens (ETIS – Elephant Trade Information System) at the 11th meeting of the Conference of the Parties (Gigiri, 2000).

Need for review

2. The objectives and the general framework for ETIS and MIKE, as outlined in the Resolution and its Annexes 1 and 2, have changed very little since 2000, the main amendment being a new provision adopted at CoP12 (Santiago, 2002) that requests the Secretariat to establish an independent technical advisory group to provide technical oversight to both MIKE and ETIS.

3. The stable formal CITES context in which ETIS and MIKE have operated for nearly a decade suggests that the Parties have broadly remained in agreement with the purpose and overall design of the monitoring programmes. The sections on MIKE and ETIS in Resolution Conf. 10.10 (Rev. CoP14) could nevertheless benefit from certain revisions in the light of past experience. Such a revision could serve to, *inter alia*:

   a) technically correct and update Annexes 1 and 2 where necessary;

   b) better define the roles and responsibilities of those instructed to implement the monitoring programmes;

   c) clarify the use of MIKE and ETIS data, information and analyses;

   d) re-examine the scope and organizational set-up of MIKE and ETIS; and

   e) consider the resource implications for operating the two monitoring programmes.

MIKE and ETIS

4. In Resolution Conf. 10.10, in 1997, the Conference of the Parties called for the establishment of MIKE. This programme is administered by UNEP, and is run by the elephant range States and staff of the CITES Secretariat. It therefore remains under the authority of the Conference of the Parties. However, Annex 2 of the Resolution, describing the framework for MIKE, does not clearly articulate the responsibilities of all those involved and contains instructions to the Secretariat that would benefit from an update, as they stem from the period from the MIKE programme became established.

5. In the same Resolution, and for good reasons, the Conference recognized the Bad Ivory Database System, established by TRAFFIC in 1992, for the purpose of collecting and compiling law-enforcement data on seizures and confiscations of elephant specimens in international trade. This system was further developed and later renamed the Elephant Trade Information System. The Resolution states that both MIKE and ETIS are established under the supervision of the Standing Committee, which continues to oversee the continuation and expansion of both programmes.

6. The Trust Fund budget established by the Conference of the Parties does not provide funding for either MIKE or ETIS. In the case of ETIS, the Resolution indicates that "A funding mechanism will be established to ensure that ETIS is fully operational", and with regard to MIKE that "substantial funding will be required for the above activities". The funding mechanism has not been established, and both MIKE and ETIS remain entirely dependent upon external funding for their operation. Yet, the Resolution calls for a considerable amount of work to be done by TRAFFIC and the Secretariat, and both are instructed to

provide regular reports to the Conference of the Parties or the Standing Committee. There is nothing unusual in requesting a report from the Secretariat but the instruction to TRAFFIC, over which the Conference has no authority, and without funding, is more exceptional.

7.   Although ETIS is a CITES-recognized programme managed and coordinated by TRAFFIC, with funding that it obtains from its own efforts, there is no written agreement between TRAFFIC and a representative of the Parties (such as the Secretariat) on who owns the data that are submitted by the Parties, how the system should be maintained in the long-term (for example with regard to staffing and funding, backups of databases, data management, analysis and reporting, etc.) or what TRAFFIC may do with the data that are provided to them.

8.   The Terms of Reference of the MIKE-ETIS Subgroup of the Standing Committee, adopted as proposed by the Secretariat, state that the Subgroup "will examine Resolution Conf. 10.10 (Rev. CoP14) on *Trade in elephant specimens*, including the framework outlined in its Annex 1 for ETIS and in Annex 2 for MIKE, to ensure that it remains valid and pertinent" (see document SC58 Doc. 36.6). It would therefore be important to involve the Standing Committee (and its MIKE-ETIS Subgroup if it were to be re-established after CoP15) in a revision of the Resolution.

Recommendation

9.   In view of the above, the Secretariat proposes that the Conference of the Parties adopt the draft decision presented below, to provide for a review of Resolution Conf. 10.10 (Rev. CoP14) and further consideration at CoP16.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Directed to the Secretariat

15.xx   The Secretariat shall, in consultation with the Standing Committee and TRAFFIC, evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP14) and present its proposals in this regard at the 16th meeting of the Conference of the Parties.