

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

The proposal is to list the Woolly mammoth, *Mammuthus primigenius*, in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention (the so-called "look-alike provision").

B. Proponent

Israel^{*}:

C. Supporting statement

1. Taxonomy

1.1 Class: Mammalia

1.2 Order: Proboscidea

1.3 Family: Elephantidae

1.4 Genus, species or subspecies, including author and year: *Mammuthus primigenius* (Blumenbach, 1799)

1.5 Scientific synonyms: None

1.6 Common names: English: Woolly mammoth
French: Mammouth laineux
Spanish: Mamut lanudo

1.7 Code numbers:

2. Overview

The proposal is to list the Woolly mammoth, *Mammuthus primigenius*, in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention (the so-called "look-alike provision"), despite the fact that this species has been extinct for thousands of years.

The purpose of this listing proposal is to prevent illegal trade in living elephants by preventing "laundering" or mislabeling of elephant ivory. The impact of elephant poaching and the illegal international trade

^{*} The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

(trafficking) in their ivory on elephant populations is well known, and we will not elaborate further on the obvious need to fight against these activities.

Since mammoth ivory trade is almost totally unregulated and undocumented, and because mammoth ivory is not easily distinguished from elephant ivory, there is a tangible risk of illegal international trade in elephant ivory being facilitated by deliberately mislabeling specimens of elephant ivory as mammoth ivory in order to avoid the requirements of this Convention (and relevant domestic legislation). This rationale is explained in Section 6.5 (below).

Listing the Woolly mammoth in Appendix II is not intended to stop trade in mammoth ivory but rather to facilitate documentation of the international trade in mammoth ivory in order to better understand it and its implications for living elephant populations.

The “look-alike provision”

Paragraph 2 of Article II of the Convention on “Fundamental Principles” explains the reasons why a species should be listed in Appendix II, as follows:

2. Appendix II shall include:

- (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
- (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Sub-paragraph (a) clearly explains that the goal of Appendix II is to prevent extinction of species that are or may be threatened due to trade, while sub-paragraph (b) provides for the listing of “look alike” species in Appendix II even if not they are not threatened. Sub-paragraph (b) adds the notion that “other species” shall be listed in Appendix II when it will assist with the “effective control” of trade in those species threatened with extinction. It is important to note that no biological criteria are attached to sub-paragraph (b) and as such, the requirement that a species be “threatened with extinction” does not apply here. The criteria for inclusion of species under sub-paragraph (b), are listed in Annex 2b to Resolution Conf. 9.24 (Rev CoP17), as follows:

“Species may be included in Appendix II in accordance with Article II, paragraph 2 (b), if **either one** of the following criteria is met:

- A. The specimens of the species in the form in which they are traded resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2 (a), or in Appendix I, so that enforcement officers who encounter specimens of CITES-listed species are unlikely to be able to distinguish between them; or
- B. There are compelling reasons other than those given in criterion A above to ensure that effective control of trade in currently listed species is achieved.”

These criteria have led to the nick-naming of Article II, sub-paragraph (b) of the Convention as “the look-alike provision”, and they have been used in the past for listing quite a number of species. For example, the entire genus of thresher sharks (*Alopias*) was recently included in Appendix II even though only one species *A. superciliosus* met the biological criteria. Two other thresher shark species, *A. vulpinus* and *A. pelagicus*, which did not meet the biological criteria were included in Appendix II as “look-alikes” because their fins cannot be readily distinguished from other thresher shark fins in trade.¹

Listing an Extinct Species

As far as we are aware, our proposal is the first time that a proposal has been submitted to list an extinct species in the Appendices. We have consulted CITES legal experts who have determined that there is nothing in the Convention or Resolutions against listing an extinct species and we are confident that this listing is an important way to prevent extinction of other endangered species.

¹ Proposal 43 from CoP 17: <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-43.pdf>

At CoP17 (Johannesburg, 2016), Israel submitted a working document on trade in mammoth ivory². In the Secretariat's comments to that document, they wrote that regulating mammoth ivory trade "may appear to fall outside of the legal scope of the Convention". However, the Secretariat's comment did not consider whether an extinct species could be listed under Article II, paragraph (2)(b) of the Convention and as such does not provide an actual legal analysis. A full review of the Convention and of Resolution Conf. 9.24 (Rev CoP17) on "Criteria for Amendment of Appendices I and II" shows instead that the listing of Woolly mammoth in Appendix II fully conforms to the Convention.

Resolution Conf. 9.24 (Rev CoP17) on "Criteria for Amendment of Appendices I and II" addresses the inclusion of extinct species in the Appendices in a few places, as follows:

First, Annex 3 of Resolution Conf. 9.24 (Rev CoP17) states that "Extinct species should not normally be proposed for inclusion in the Appendices. Extinct species already included in the Appendices should be retained in the Appendices if they meet one of the precautionary criteria included in Annex 4.D." This language creates merely an assumption that extinct species should not generally be listed in the Appendices; it does not create a rule that such species should never be listed. In fact, it shows that extinct species should be retained in the Appendices if there is a precautionary necessity. Furthermore, Annex 3 to Resolution Conf. 9.24 (Rev CoP17) also recognizes that in species listing proposals "Parties are encouraged to note any extinct species in the higher taxon and to clarify whether these are included or excluded from the proposed listing."

In addition, Annex 4 on "Precautionary measures", Paragraph D calls for retention of extinct species in the CITES Appendices in any one of four circumstances:

1. they may be affected by trade in the event of their rediscovery; or
2. they resemble extant species included in the Appendices; or
3. their deletion would cause difficulties implementing the Convention; or
4. their removal would complicate the interpretation of the Appendices.

This language is unequivocal that there are often good reasons to include extinct species in the Appendices. In other words, extinct species may be listed if there is purpose to do so.

In summary, there is full support in the Convention and in Resolution Conf. 9.24 (Rev CoP17) for our proposal. Article II, sub-paragraph 2 in the Convention provides the basis for the inclusion of the extinct Woolly mammoth, under criteria 2 and 3 of Annex 4, paragraph D in Resolution Conf. 9.24 (Rev. CoP17) due to the resemblance of Woolly mammoth ivory to elephant ivory and the implementation problems Woolly mammoth ivory is causing in curbing elephant ivory trafficking.

To ban or to promote mammoth ivory trade?

There is a basic dichotomy of thought regarding the regulation of mammoth ivory trade in terms of its impact on living elephants. One view holds that mammoth ivory trade should be totally banned along with the trade in elephant ivory so as to prevent laundering of elephant ivory. Under this view, great emphasis should be put on demand reduction by teaching consumers not to use any ivory³.

An alternative view holds that mammoth ivory trade should be promoted as an alternative to elephant ivory, since mammoths are extinct anyway. For example, economists Farah & Boyce (2015; in press) present a theory that the presence of the mammoth ivory substitute has helped to reduce the elephant poaching rate. As a rebuttal it should be noted that their theory is based on the erroneous claim that in terms of the "*ivory, the two can easily be identified ...it is difficult to pass off illegal elephant ivory as its legal mammoth ivory substitute*" (this is not accurate, as we explain in Section 3.4, below). Also, mammoth ivory is less suitable for carving so it is not necessarily a direct substitute for elephant ivory (Harvey et al., 2017). Another response is that "legalising the trade in mammoth ivory may temporary alleviate the pressure on extant elephants, but elephant poachers in Africa and Asia are unlikely to stop because of an alternative supply over which they have no control and from which they obtain no income" (Aryal et al., 2018).

² Document CITES Doc 17.38. <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-38.pdf>

³ See CITES Resolution 17.4 on "[Demand reduction strategies to combat illegal trade in CITES-listed species](#)"

Our listing proposal does not give an answer to this dichotomy, as it is not intended to promote or to ban international trade in mammoth ivory, but to bring it under international regulation so that it can be better documented and regulated. We expect that the listing of Woolly mammoth in Appendix II will reduce the number of cases of “laundering” of elephant ivory, and we believe it will enable the Parties to gain a better understanding of the effect of this trade on living elephants. This could ultimately help in determining an overall resolution of this dichotomy of thought at a later date.

3. Species characteristics

3.1 Distribution

The genus *Mammuthus* includes five extinct species in the family Elephantidae. This family also includes all the living relatives of the mammoths, the elephants⁴. The family Elephantidae first emerged in Africa as tropical animals about 55 million years ago (mya); about 10 million years after the last dinosaurs. The earliest members of the genus *Mammuthus* emerged about 5 million years ago in Africa and mammoths spread to Europe as forest-living species about 3-4 mya, apparently via the Levant (Rabinovich & Lister, 2016). From there, mammoths spread to northern and eastern Asia and to North America around 1.5 mya. They spread throughout North America into Mexico, and in Asia throughout Siberia, into Mongolia, China, Japan and India. The mammoths never spread to South America and they became extinct in Africa.

The cold-adapted species, the Woolly mammoth (*M. primigenius*), is the source of almost all mammoth ivory in trade today. It emerged around 0.5 mya in Europe. By the start of the last ice age around 100,000 years ago *M. primigenius* occurred throughout Europe, northern Asia, and most of North America. The species eventually had a large distribution covering almost all of Europe from Portugal and Spain in the southwest, all across Central and Eastern Europe, to Mongolia, Northern China, South Korea and Japan up to north-eastern Siberia, and including the American mid-west, and eastern Canada. Remains have also been found from the shelf regions of the Arctic Ocean and north-western Europe to the bottom of the Adriatic Sea and to the mountains of Crimea (southern Ukraine) (Lister & Bahn, 2007).

Most populations of Woolly mammoths went extinct after the last ice age ended, around 10 to 40 thousand years ago, yet remnant populations were still living until about 5600 years ago on St. Paul Island in Alaska (Palkopoulou et al., 2013) and even more recently, until about 3700 years ago (around the year 1650 BCE), on Wrangel Island in the East Siberian Sea (Vartanyan et al., 2008).

Media reports⁵ claim that there are projects to try to clone or “revive” Woolly mammoths using ancient DNA, such as the project by Prof. George Church at Harvard University in the USA. If successful, Woolly mammoths (or a mammoth-elephant hybrid) could possibly be reintroduced into the wild in the future. A site in northern Siberia has been proposed for them.

3.2 Habitat

Not relevant

3.3 Biological characteristics⁶

The species from which most mammoth ivory is currently in trade, *M. primigenius*, was about the same size as living African elephants (*Loxodonta africana*). Studies of bone development showed that Woolly mammoths continued to grow throughout their life. Females were slightly smaller than males. Both male and female Woolly mammoths grew tusks. Woolly mammoths were born without tusks. Small milk tusks, only a few centimeters long, erupted at about six months age. After about one year they were replaced by the permanent tusks which grew continuously throughout life, at a rate of 5 - 15 cm per year. Woolly mammoths apparently had a lifespan of about 60 years.

⁴ Some interesting notes: Mammoths and elephants are both in the family Elephantidae, yet mammoths are not the ancestors of the living elephants. Mammoths are apparently more closely related to Asian than African elephants. Living dugongs and hyraxes are also related to mammoths and elephants. Mastodons are a separate lineage and are only distantly related to the mammoths and elephants.

⁵ For example: “The Mammoth Commeth”, **New York Times**, 27 February 2014.

⁶ Based on information in Lister & Bahn, 2007.

Unlike those of elephants, mammoth tusks have a twist, since their growth was in the form of a spiral or corkscrew, twisting in opposite directions with the tips eventually crossing in the center. The largest known Woolly mammoth tusk is 4.2 m long and weighs 84 kg. Typically, however, males' tusks reach a typical length of 2.4 - 2.7 m weighing less than 50 kg. Females' tusks are smaller, thinner, and less tapered, with a length of 1.5 – 1.8 m, weighing 9-11 kg.

3.4 Morphological characteristics

Only the tusks of the cold-adapted Woolly mammoths have been used in recent decades for carving and for decoration. Recovered tusks from other species of *Mammuthus* are apparently too brittle to be used for carving.

Large, whole Woolly mammoth tusks are distinguishable from elephant ivory by their shape (twisted and not straight), but sections of tusks as well as worked mammoth ivory, especially small pieces, are difficult to differentiate from elephant ivory. Like living elephants, mammoths do not have enamel on their tusks.

Grade A mammoth ivory, nick-named "ice" by the ivory carvers, can easily be passed off as elephant ivory as it looks so similar, especially when carved into small items. Unpainted cross sections can reveal cross-hatchings known as Schreger lines, which in mammoth ivory run through at a 90-degree angle rather than at a 115-degree angle as do those in elephant ivory. But this method does not work for carvings where the Schreger lines are not evident (such as small pieces that are not cross-sectioned).

Mammoth ivory will occasionally display intrusive brownish or blue-green colored blemishes caused by an iron phosphate called *vivianite*, whereas elephant ivory will not; however, this discoloration is often imperceptible to the naked eye (Espinoza & Mann, 2017).

As highlighted above, although these physical differences can in some cases provide a means of identifying mammoth ivory by expert enforcement officers, they are not always visible or obvious even to well-trained enforcement agencies tasked with determining the legality of items in international trade. In addition, elephant ivory in trade is sometimes painted or intentionally discolored to make it appear older or more like mammoth ivory when in trade.

3.5 Role of the species in its ecosystem

Not relevant.

4. Status and trends

Not relevant.

5. Threats

Not relevant.

6. Utilization and trade

6.1 National utilization

Mammoth ivory has been unearthed and sold domestically throughout its range for thousands of years. Domestic use is for decoration and jewelry only. The demand and use of mammoth ivory has been on the increase over the past few decades, as it has become more available, especially since the beginning of the global moratorium on elephant ivory trade in 1989.

For example, China is the main ivory manufacturing center in the world and has also witnessed increased domestic use. Vigne & Martin (2014) reviewed the market for elephant and mammoth ivory in Beijing and Shanghai (China), and found that 90% of purchases were for domestic customers, as opposed to the situation in 2002 when foreigners were the major consumers.

In another example, Martin & Vigne (2018) recently reviewed the domestic mammoth ivory market in Macau (China). They compared mammoth ivory sales from 2004 vs. sales in 2015, and found a fourfold increase in mammoth ivory sales over this period of time. It is important to note that China has recently

announced that they will be imposing a ban on domestic sales of elephant ivory, but this does not extend to mammoth ivory.

Kramer, et al. (2017) compiled recent United States' investigations taking place between 2015 and 2017 where elephant ivory was being sold as mammoth ivory (see below in Section 6.2).

6.2 Legal trade

International trade in mammoth ivory is not illegal (except for import to India under India's domestic legislation) and is poorly documented. Some studies have been carried out to attempt to estimate the quantities of mammoth ivory in international trade.

The major legal exporter of mammoth tusks is Russia. Mammoth tusk imports via Hong Kong, one of the main trade routes into mainland China, have greatly expanded from an average of less than 9 tons per year from 2000 to 2003 to an average of 31 tons per year from 2007 to 2013. Wholesale prices of mammoth ivory tusks have increased greatly recently due to the rise in demand in China. For example, in 2010 the wholesale price for the top grades A and B raw mammoth ivory, averaged together, was USD 350/kg, while in 2014 comparable high-quality tusks were USD 1,900/kg on average, according to prices paid by some factories in Beijing (Vigne & Martin, 2014).

The issue we have raised in our proposal is the problem that the legal, unregulated trade in mammoth ivory facilitates illegal trade in elephant ivory. This is not just a theoretical possibility, but has been well documented.

Vigne and Martin (2011; 2014) found extensive evidence of elephant ivory being sold as mammoth ivory and although most Chinese buyers claim to prefer elephant ivory, many are not able to distinguish between carved pieces of mammoth and elephant ivory. A recent study published by TRAFFIC on the US ivory market also provides examples of actual cases in the USA where elephant ivory was sold under the claim that it was mammoth ivory, such as a felony conviction in New York of a Manhattan-based antiques merchant for intentionally mislabeling illegal elephant ivory as "carved mammoth tusks" (Kramer et al., 2017). Aryal et al. (2018) also found that dealers in Macau were deliberately mislabeling elephant ivory as mammoth ivory.

6.3 Parts and derivatives in trade

There is apparently only a relatively small demand for commercial international trade in parts and derivatives of Woolly mammoths other than carved ("worked") mammoth ivory. There are collectors and traders who specialize in trade of fossils and other artefacts (also known as "Applied Paleontologists") and a review of some of their web sites shows that their trade in mammoths is mostly in whole tusks, with some availability of Woolly mammoth hair and molar teeth, too. These parts and derivatives are deemed not to have an impact on elephant ivory trafficking.

There are certainly scientific exchanges of mammoth parts (such as bones, skin, hair, and DNA) for research and education by museums and universities, but these are for non-commercial trade only, and their scientific work would not be adversely affected by the proposed listing.

6.4 Illegal trade

As mentioned above (Section 6.2), international trade in mammoth ivory is not illegal (except for import to India) and is mostly unregulated. Any illegal international trade in mammoth ivory would most likely be due to attempts to smuggle a legal commodity in an illegal manner (so as to avoid taxes or customs charges), and not due to the smuggling of an illegal commodity.

We have not been able to collect records of illegal domestic trade from the few places where there are domestic bans on trade in mammoth ivory (see section 7.1, below).

6.5 Actual or potential trade impacts

As described above, the rationale for listing Woolly mammoth in Appendix II is the potential trade impact of mammoth ivory on living elephants. Listing the species in Appendix II will put the onus upon exporting countries to make proper identification and determination of legal acquisition before issuing export permits (according to Article IV of the Convention). For the first time, exporting countries will need to

make sure that specimens marked as mammoth ivory are indeed mammoth ivory and not elephant ivory.

It is important to note that even the legal mammoth ivory trade has other impacts. The demand for mammoth ivory results in permanent ecological damage caused during the work to unearth them in the tundra regions of Siberia. The digging is done using very high-pressure water pumps (like those used on fire trucks) run by large petrol engines, to pound away at the permafrost and gouge out whole hillsides and deep pits in the ground. This work causes irreversible ecological damage to the permafrost with dirty run-off polluting the streams and rivers. The work being done to dig them out is visually illustrated by a fascinating photo essay by Radio Free Europe⁷ and in a full length documentary film by National Geographic⁸.

In addition, all scientific knowledge that could be reaped from mammoth remains and from other artefacts of paleontological interest that are unearthed (including remnants of other pre-historic animals like Saber-toothed cats, Woolly rhinoceros and others), is lost to science in this process.

7. Legal instruments

7.1 National

Many countries have laws regulating or banning ivory trade, but in all the ones we are aware of this is directed at elephant ivory. India is apparently the only country which bans import and export of mammoth ivory. We were not able to obtain information on domestic laws concerning mammoth ivory from all countries, but we found out information about a few. For example, some countries are currently working to amend their regulations to include mammoth ivory within their definitions of ivory. Trade in mammoth ivory is not illegal in the European Union. Canada regulates trade in mammoth ivory as a “fossil” or as ancient relics as part of their antiquities or cultural property laws. Federal law in the USA does not regulate mammoth ivory trade. However, many states in the USA have state laws banning or regulating trade in ivory, and in some of these states the definition of ivory also includes mammoth ivory.

7.2 International

It may be argued that the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995)⁹ could possibly relate also to mammoth specimens that have been “stolen” (i.e., unlawfully excavated and/or exported). The UNIDROIT Convention enables Parties to demand restitution from other Parties regarding stolen objects which include also “specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest” (UNIDROIT Convention, Annex, paragraph a).

8. Species management

8.1 Management measures

Not relevant.

8.2 Population monitoring

Not relevant.

8.3 Control measures

Not relevant.

8.4 Captive breeding and artificial propagation

As mentioned above (in Section 3.1), there are media reports of projects to try to clone or “revive” Woolly mammoths using ancient DNA, such as the project by Prof. George Church at Harvard

⁷ Radio Free Europe, “The Mammoth Pirates” <https://www.rferl.org/a/the-mammoth-pirates/27939865.html>

⁸ National Geographic Documentary, “Mammoth Unearthed” (1h 26min) <https://youtu.be/EMWIH3ZOQXM>

⁹ There are 45 Parties to the UNIDROIT Convention, see: <https://www.unidroit.org/status-cp>

University in the USA. If successful, Woolly mammoths (or mammoth-elephant hybrids) could possibly be reintroduced into the wild in the future.

8.5 Habitat conservation

Not relevant.

8.6 Safeguards

Not relevant.

9. Information on similar species

As mentioned above, there are many similarities between mammoth ivory and elephant ivory. The problems with distinguishing between elephant and mammoth ivory, even by trained experts, are discussed in Section 3.1 (above). Definitive identification can be done by DNA analysis.

The following ivory identification tools are available on the CITES website and other sites:

- a. "Identification guide for ivory and ivory substitutes" is designed to offer wildlife law enforcement officers, scientists and managers a tentative visual means of distinguishing different types of ivory (elephant, walrus, whale, etc.) and of ivory substitutes (bone, shell, manufactured substitutes, etc.). The 1999 version of the guide is available at <https://cites.org/sites/default/files/eng/resources/pub/E-Ivory-guide.pdf>. An updated web-based version is available on the web site of the United States Fish and Wildlife Service: <https://www.fws.gov/lab/ivory.php>.
- b. A PowerPoint presentation "Introduction to ivory identification" is available in the Green Customs Knowledge series of the CITES Virtual College. <https://cites.unia.es/cites/file.php/1/trainers/E-GC%20Briefcase-12.ppt>
- c. The United Nations Office on Drugs and Crime (UNODC) has produced "Guidelines on methods and procedures for ivory sampling and laboratory analysis", to facilitate the use of forensic science, available at: https://www.unodc.org/documents/Wildlife/Guidelines_Ivory.pdf.
- d. ICCWC has also developed a training video on ivory sampling that is available in English, French, Arabic and Chinese on the CITES website at: <https://cites.org/eng/prog/iccwc.php/Tools>.

10. Consultations

We consulted with all CITES Parties via Notification No. 2018/088 which the Secretariat issued in all three languages on 8 November 2018. We received four responses; from United States, European Union, Canada and Japan, and in accordance with Resolution Conf. 8.21 (Rev. CoP16) on "Consultation with Range States on Proposals to Amend Appendices I and II", we have reproduced their responses at the end of this proposal as an Annex.

Of interest among the responses, is the EU's comment that a listing in Appendix III might be warranted. We believe that Appendix III is not appropriate for listing an extinct species and that it would be contrary to the Fundamental Principle of Appendix III, as described in Article II paragraph 3 of the Convention:

"Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade."

In addition, Resolution Conf. 9.25 (Rev. CoP17) on "Inclusion of species in Appendix III" states in paragraph 2d) that Appendix III species must meet biological criteria for listing, which is not possible for extinct species.

11. Additional remarks

None.

12. References

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Responses received from request for consultations (all were received in English)

USA

The United States does not regulate mammoth ivory so we don't have any information to offer in response to CITES Notification 2018/88. At this late date and because of our public process for making CoP18 decisions, we are not interested in co-sponsoring the proposal. Thank you though for asking.

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Dear Dr. Nemptov,

Thank you for the opportunity to provide comments in response to Notification No. 2018/088 on your proposal to list *Mammuthus* spp. or *Mammuthus primigenius* (Woolly mammoth) under the "look-alike provision" in Article II, paragraph 2 (b): "other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control." Canada is pleased to provide you with the following information.

a) Do you know if your country is a range state for the genus *Mammuthus* or for the species *Mammuthus primigenius*?

Yes, Canada is a range state for *Mammuthus primigenius*.

b) Do you think an Appendix II listing will contribute to data collection from your country on trade in mammoth specimens?

Canada already collects data on trade in mammoth species. The export of fossil mammoth from Canada is controlled by the *Cultural Property Export and Import Act* (Act), which is Canadian federal law that regulates the export of cultural property from Canada. Under the Act, a permit must be obtained by a resident of Canada for the temporary or permanent export of any object that falls under the Canadian Cultural Property Export Control List (Control List). With respect to vertebrate fossils such as mammoth tusks that are recovered from the soil of Canada, the territorial sea of Canada or the inland or other internal waters of Canada, permits are required for single specimens that have a fair market value in Canada of more than \$500, or for specimens in bulk weighing 11.25 kg (25 pounds) or more of any value.

c) How do you think the listing proposal will affect the conservation of living elephants?

According to the CoP17 Doc. 38 submitted by Israel and the associated comments by the Secretariat, the risk of misidentification/ laundering of elephant ivory as mammoth ivory involves primarily small worked items. One might presume that such trade in small finished objects is less likely to be in significant quantity so as to impact conservation of elephants. We note that larger items are readily identified as mammoth or elephant.

There is no indication in Canada that elephant ivory or Canadian walrus or narwhal ivory is being laundered as mammoth to avoid CITES controls.

It could be considered that a listing of mammoth on Appendix II is protective and precautionary because it would address any risk of laundering, and especially the risk of laundering of finished products of elephant ivory which may not be readily distinguished from mammoth ivory. As such, the listing may be within the scope of Resolution Conf. 9.24 Annex 2b criteria. However, it is also worth considering the extent of benefits of such a listing for elephants against the costs that may be incurred for other listed species, through diversion or spreading of Parties' resources in the implementation of trade controls for mammoth.

d) Do you think the proposal should be to list just Woolly mammoths (*M. primigenius*) or the whole genus *Mammuthus*?

Canada has no opinion on this question.

e) Would your country be interested in being a co-sponsor of the proposal?

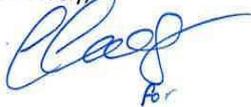
We are not in a position to be a co-sponsor of this proposal and respectfully decline your kind invitation.

f) Any other comments.

It would be useful to see evidence in the proposal of risks, or elaboration of likelihood of risks, to wild elephants from mammoth ivory trade. In particular, information regarding deliberate laundering of elephant ivory as mammoth ivory would be important.

Thank you again for the opportunity to provide comments on this interesting proposal idea.

Sincerely,



Basile van Havre, Director General
Domestic and International Biodiversity Directorate
Canadian Wildlife Service, Environment and Climate Change Canada
basile.vanhavre@canada.ca

Japan

From: <HIROKI_SATO@env.go.jp>

Subject: RE: Japan comments on Mammoth proposal

a) Do you know if your country is a range state for the genus *Mammuthus* or for the species *Mammuthus Primigenius*? *Mammuthus Primigenius* fossils has been found in Japan.

b) Do you think an Appendix II listing will contribute to data collection from your country on trade in mammoth specimens? Yes.

c) How do you think the listing proposal will affect the conservation of living elephants?

Both the pros and cons can be argued.

The pros.

Under the current situation, if elephant ivory has been disguised as a mammoth tusk, and has not been detected, disguised elephant ivory can be imported and exported freely.

If mammoth is listed in Annex II, there may be a possibility that it will be the deterrent against smuggling and illegal trade of ivory camouflaged as a mammoth tusk.

The cons.

Regulating the trading of mammoth tusks which are being substitutes for elephant ivories, there may be a possibility that the pressure for poaching of the extant elephants will increase.

d) Do you think the proposal should be to list just Woolly mammoths (*M. primigenius*) or the whole genus *Mammuthus*?

We have no comment on this item.

e) Would your country be interested in being a co-sponsor of the proposal?

We have no comment on this item, at the moment.

f) Any other comments.

Japan would like to know the observations of other countries and we would like to consider the issue further. We should avoid rough-and-ready conclusions at COP 18 and the discussion should be continued.

In particular, if you have any findings about the difference between the fossilized mammoth tusks and the NOT fossilized mammoth tusks, we would be pleased to know. Since mammoth inhabited a range in period, how can we prove that all mammoth tusks are not fossils?

Best regards,

Hiroki Sato (Mr.)

Ministry of the Environment, JAPAN (CITES SA)

Natural Conservation Bureau, Wildlife Division,

Deputy Director, E: hiroki_sato@env.go.jp

European Union

Dear colleagues,

In response to CITES notification [2018/88](#) regarding the potential listing proposal on Mammoth, please find below the coordinated reply from the European Union and its Member States.

We apologize for the delay.

Kind regards,

Heidi Führmann

CITES Team, European Commission DG ENV.F3 – Multilateral Environmental Cooperation

BU-9 (3/110)

Tel. +322 29 92456

Notification 2018/088 on Mammoth – EU reply

a) Do you know if your country is a range state for the genus *Mammuthus* or for the species *Mammuthus primigenius*?

Remains of woolly mammoth have been found in several EU Member States, mostly in fossilized form. Where bones or ivory have been found, those are usually in rather bad condition and not suitable for any kind of exploitation.

There are some doubts as to whether the concept of "range state" can easily be applied to a species which lived long before any nation states were formed.

b) Do you think an Appendix II listing will contribute to data collection from your country on trade in mammoth specimens?

Given that in the EU there is very little or (in most Member States) no legal trade in mammoth ivory, it is not expected that such a listing would contribute substantially to data collection. If data collection is deemed necessary, there may be other ways (customs data?) than a CITES Appendix II listing, the main purpose of which is to regulate trade in order to avoid a species becoming extinct.

c) How do you think the listing proposal will affect the conservation of living elephants?

There is prevailing skepticism in the EU as to any benefits of such a listing for the conservation of living elephants. It could make the "laundering" of elephant ivory as mammoth ivory more difficult but this is unlikely to have a major positive impact.

d) Do you think the proposal should be to list just Woolly mammoths (*M. primigenius*) or the whole genus *Mammuthus*?

The genus level would be more appropriate for any such listing, but the listing as such is not generally supported.

e) Would your country be interested in being a co-sponsor of the proposal?

The EU would not be interested in co-sponsoring.

f) Any other comments

It is not clear under which criterion the species or genus would be proposed for listing. Look-alike issues seem to be relatively easy to solve with existing methods for many specimens.

Such a proposal would benefit from data on prehistoric ivory in trade.

If the proponents wish to collect more data on trade in mammoth ivory, they could work with other range states towards inclusion on Appendix III.

The focus under CITES should be on the conservation of extant species, many of them close to extinction, and not on species that are long extinct.