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# Legalised, Limited Ivory trading: Could it save the Elephant from extinction?

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University of Northampton

SLS Conference

3 September 2015

## LEGALISED LIMITED IVORY TRADING

1857, Ohio State Legislature Report:

*"The passenger pigeon needs no protection. Wonderfully prolific, having the vast forests of the North as its breeding grounds, traveling hundreds of miles in search of food, it is here to-day and elsewhere to-morrow, and no ordinary destruction can lessen them, or be missed from the myriads that are yearly produced."*

By April 1900, they were extinct in the wild

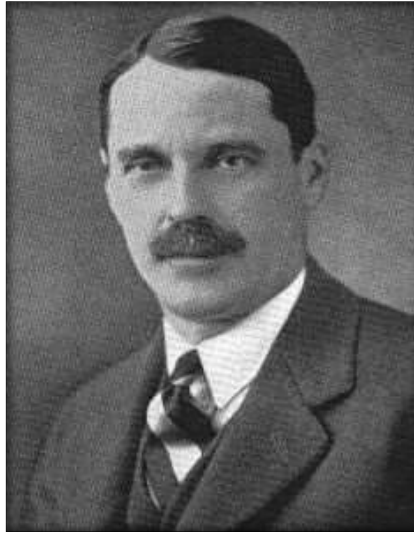
# LEGALISED LIMITED IVORY TRADING



William T Hornaday, Director of the Bronx Zoo

*"The existing legal system for the preservation of wild life is fatally defective. There is not a single state in our country from which the killable game is not being rapidly and persistently shot to death, legally or illegally, very much more rapidly than it is breeding, with extermination for the most of it close in sight. This statement is not open to argument; for millions of men know that it is literally true. We are living in a fool's paradise."*

# LEGALISED LIMITED IVORY TRADING



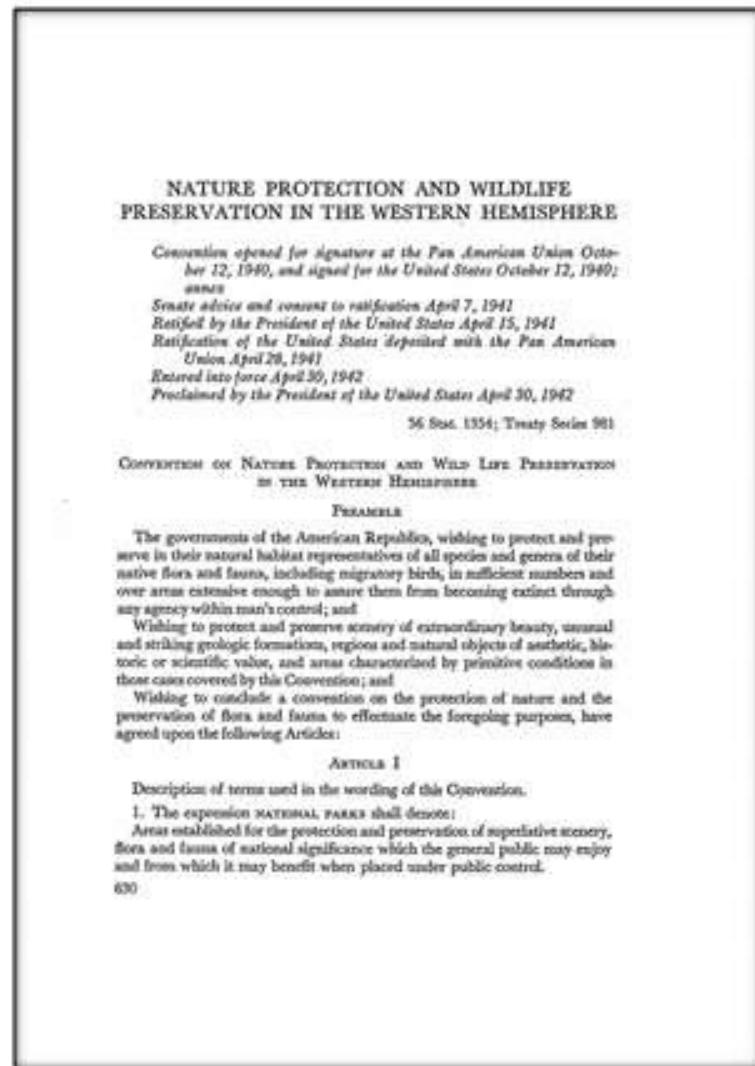
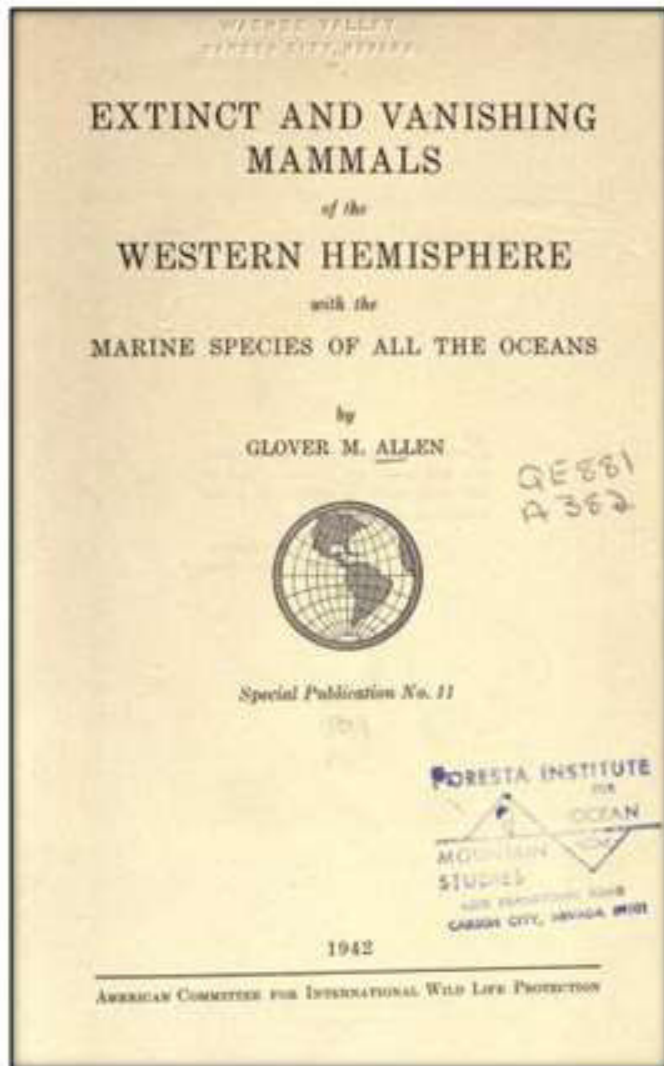
Dr John C Phillips

American Committee for International Wildlife Protection

1936 Study:

*"invaluable to the work of the Committee in helping to determine those species of mammals most urgently in need of protection and, at the same time, to estimate factors that might have caused the extinction of species."*

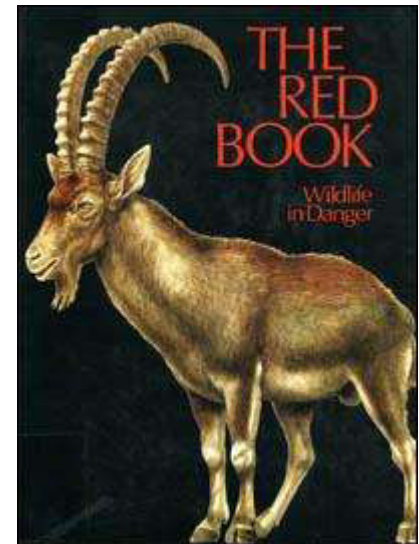
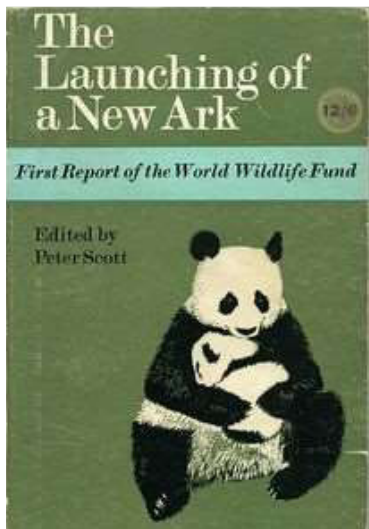
# LEGALISED LIMITED IVORY TRADING



# LEGALISED LIMITED IVORY TRADING



Sir Peter Scott



# LEGALISED LIMITED IVORY TRADING

## **Convention on International Trade in Endangered Species of Wild Fauna and Flora**

**Signed at Washington, D.C., on 3 March 1973**

**Amended at Bonn, on 22 June 1979**

The Contracting States,

*Recognizing* that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

*Conscious* of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

*Recognizing* that peoples and States are and should be the best protectors of their own wild fauna and flora;

*Recognizing*, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

*Convinced* of the urgency of taking appropriate measures to this end;

*Have agreed* as follows:



# LEGALISED LIMITED IVORY TRADING

Initial membership of CITES was only 21 countries when it came into force at the beginning of 1975 - currently 181 members (latest: EU, 9<sup>th</sup> April 2015)

Membership has always been skewed towards developing countries

After 1983, regional economic blocs were able to sign CITES as well as countries

CITES Article 8:

*1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:*

*(a) to penalize trade in, or possession of, such specimens, or both; and*

*(b) to provide for the confiscation or return to the State of export of such specimens*

# LEGALISED LIMITED IVORY TRADING

## **Appendix I**

All species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances

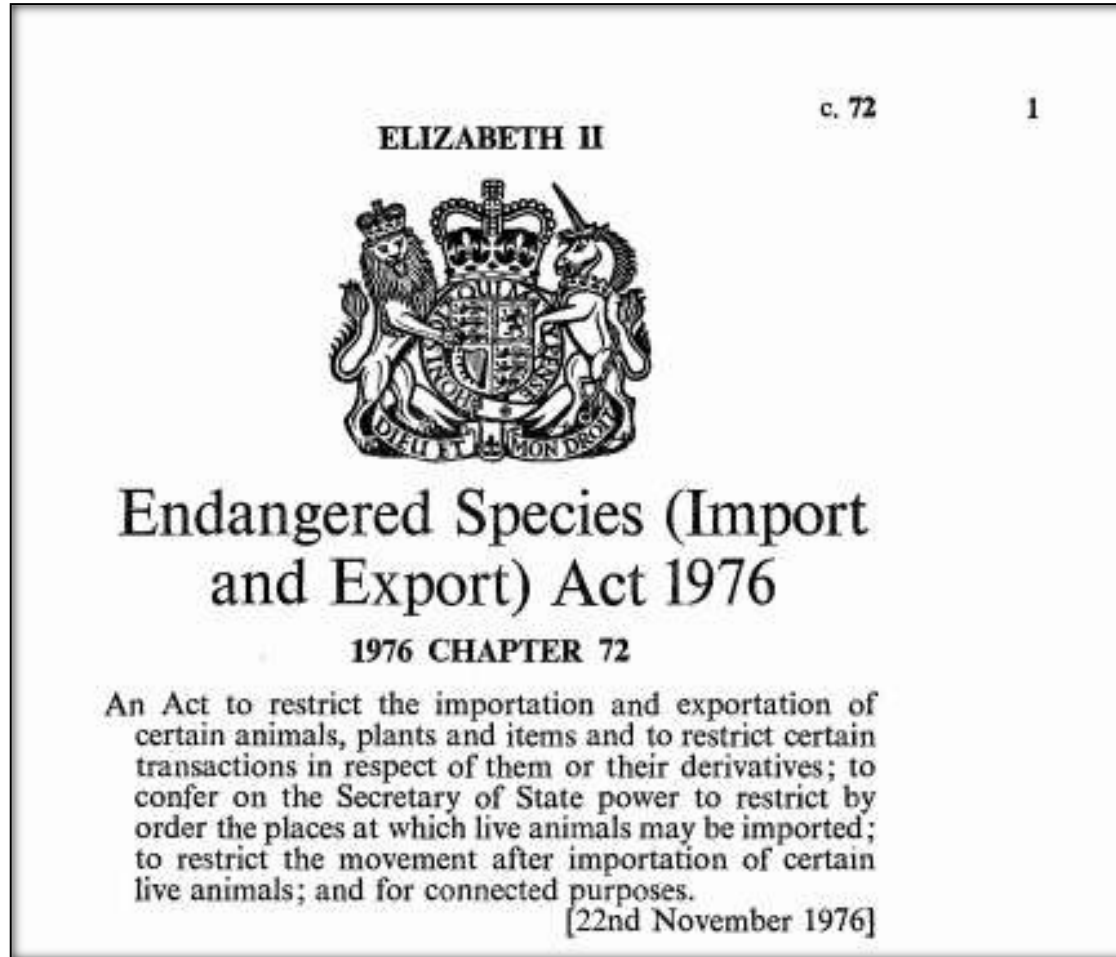
## **Appendix II**

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

## **Appendix III**

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

# LEGALISED LIMITED IVORY TRADING



Penalty:

£400 fine on summary conviction

Fine and /or up to 2 years' imprisonment for conviction on indictment

# LEGALISED LIMITED IVORY TRADING

Council Regulation (EEC) No 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Control of Trade in Endangered Species (Enforcement) Regulations 1985

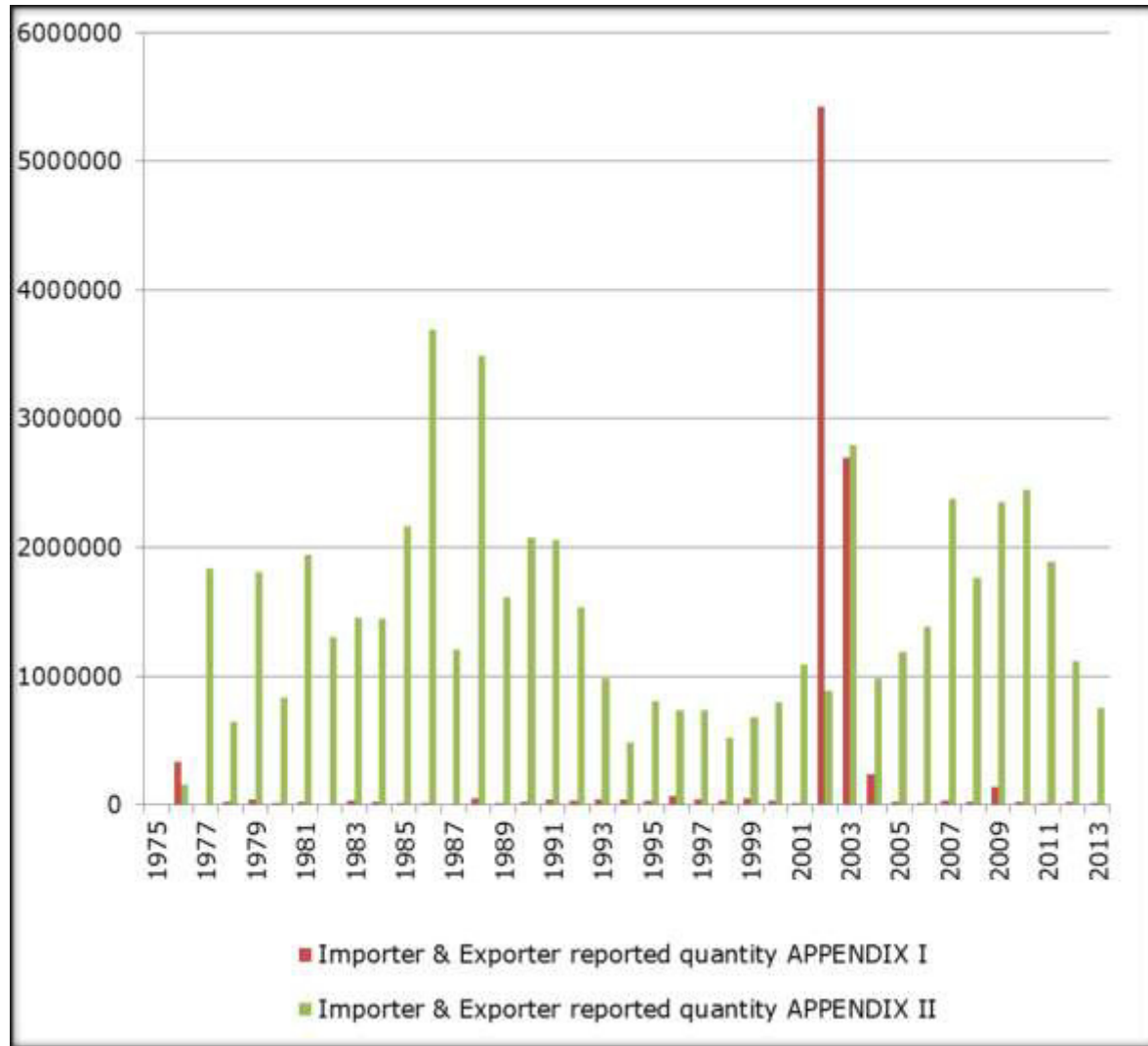
*Penalty increased to £2,000 fine on summary conviction*

Council Regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein

Control of Trade in Endangered Species (Enforcement) Regulations 1997

*Penalty increased to a fine not exceeding level 5 on the standard scale, or to a term of imprisonment not exceeding three months, or to both on summary conviction*

# LEGALISED LIMITED IVORY TRADING



Import to the UK of CITES-listed Endangered Species 1975-2013

# LEGALISED LIMITED IVORY TRADING

## Elephants:

*Loxodonta Africana*

African bush elephant;

*Loxodonta cyclotis*

African Forest elephant;

*Elephas Maximus*

Asian Elephant, incl the ssp:

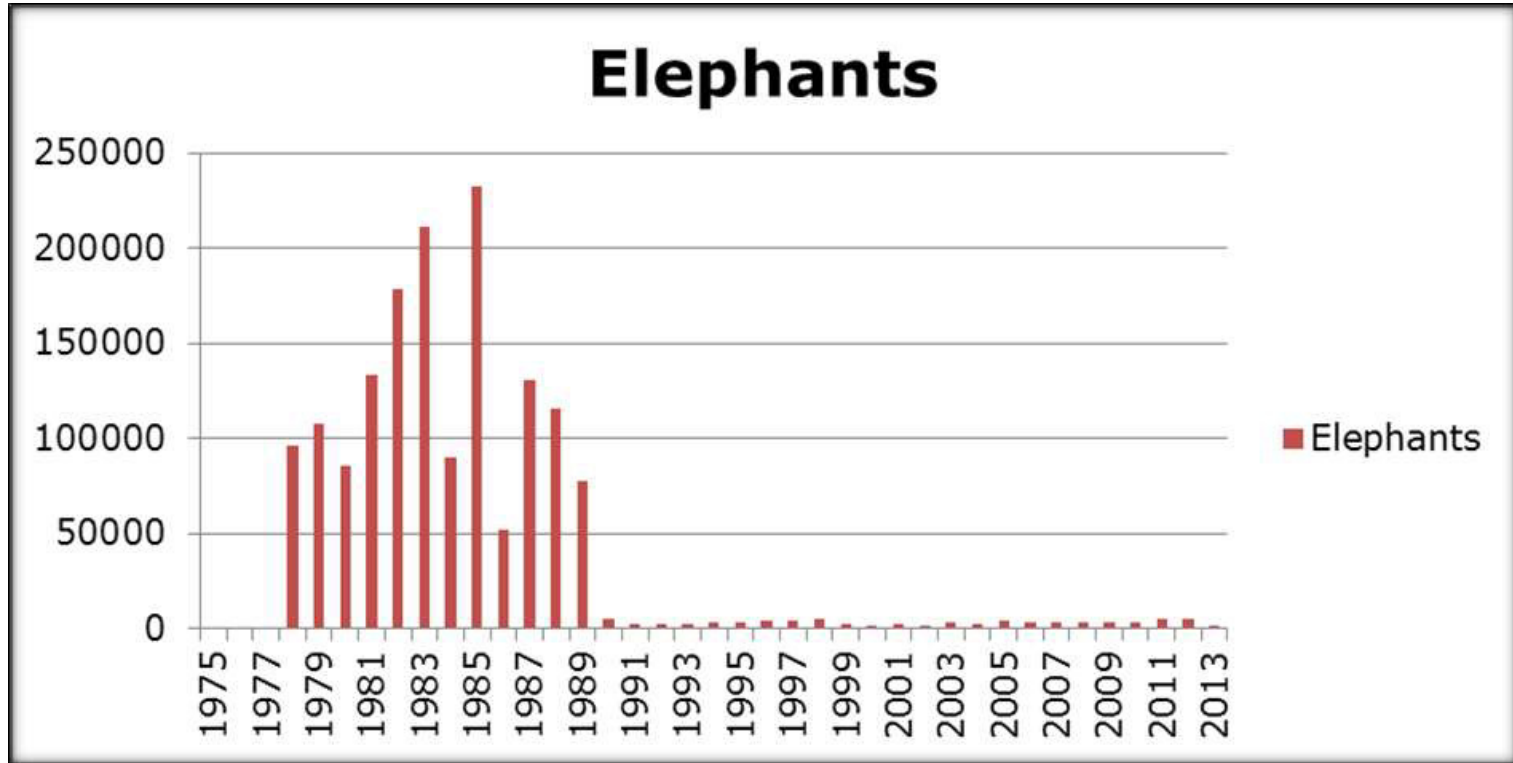
*E. maximus indicus* (Indian);

*E. maximus maximus* (Sri Lankan);

*E. maximus sumatranus* (Sumatran); and

*E. maximus borneensis* (Borneo or Asian pygmy)

# LEGALISED LIMITED IVORY TRADING



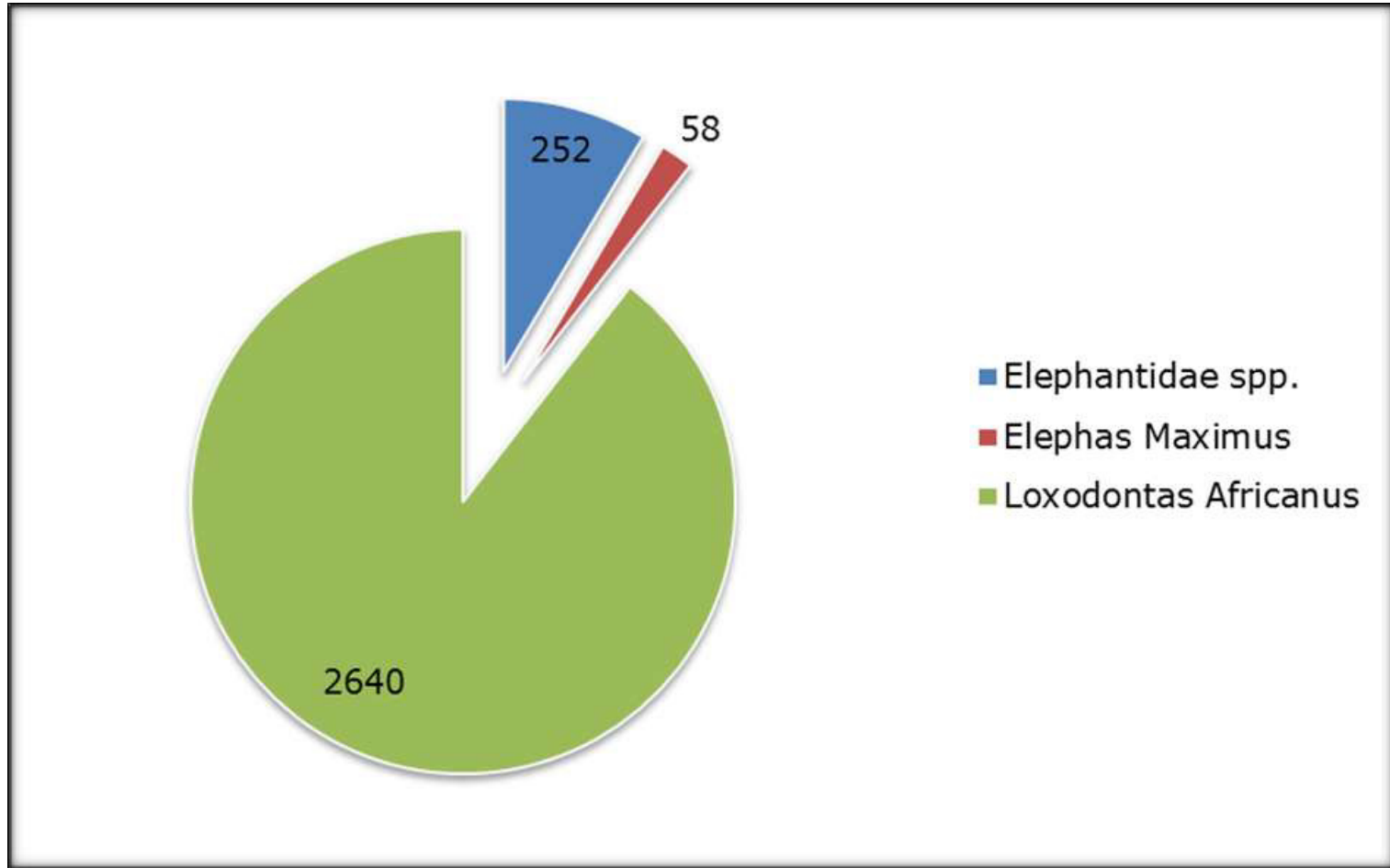
Import into the UK of Elephant derivatives

# Elephant Range States, Corruption, GDP Elephant Numbers

Country	Corruption rank (2014, /175)	GDP per capita rank (2013, /212)	Elephants (2007)	Impact	
				Score	Rank
Tanzania	119	184	136753	41436159	1
Zimbabwe	156	183	91449	31001211	2
Botswana	31	100	154658	20260198	3
Kenya	145	175	24669	7894080	4
Zambia	85	167	22510	5672520	5
Mozambique	119	201	16475	5272000	6
Republic of the Congo	152	143	17349	5117955	7
Gabon	94	87	24980	4521380	8
DRC	154	205	10402	3734318	9
South Africa	67	103	17847	3033990	10
Namibia	55	115	15807	2687190	11
Uganda	142	194	4332	1455552	12
Chad	154	187	3885	1324785	13
Burkino Faso	85	191	4474	1234824	14
Central African Republic	150	209	1798	645482	15
Angola	161	114	1619	445225	16
Benin	80	189	1223	328987	17
Cameroon	136	172	905	278740	18
Ghana	61	160	1176	259896	19
Ethiopia	110	203	634	198442	20
Malawi	110	210	508	162560	21
Mali	115	192	357	109599	22
Nigeria	136	147	348	98484	23
Côte d'Ivoire	115	171	340	97240	24
Guinea	145	198	214	73402	25
Eritrea	166	202	96	35328	26
Niger	103	208	85	26435	27
Mauritania	124	170	31	9114	28
Rwanda	55	196	34	8534	29
Sudan	173	168	20	6820	30
Togo	126	199	4	1300	31
Senegal	69	178	1	247	32
Liberia	94	207	0	0	33=
Sierra Leone	119	188	0	0	33=
Somalia	174	212	0	0	33=
Equatorial Guinea	--	45	0	0	33=

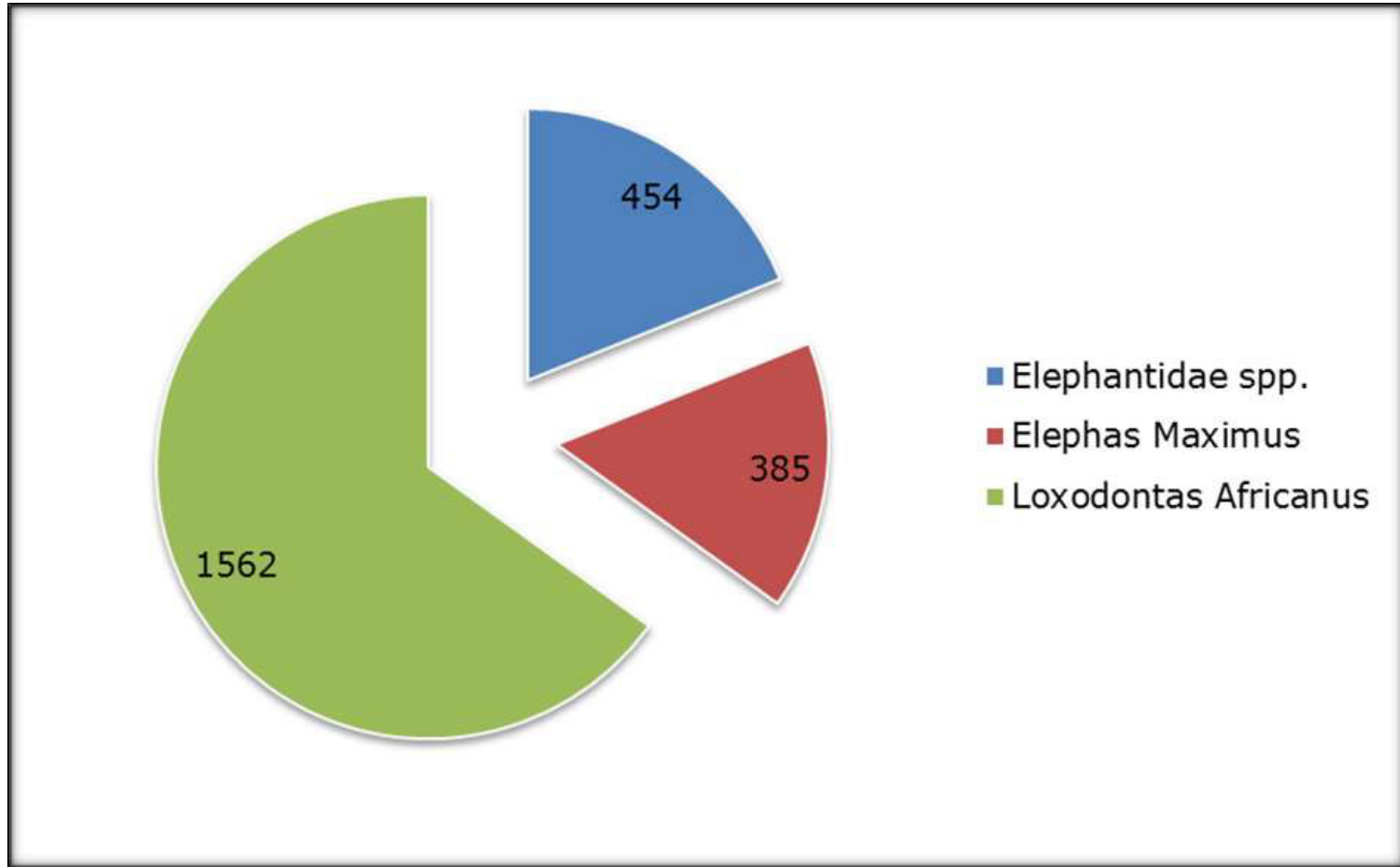


# LEGALISED LIMITED IVORY TRADING



Breakdown by Species of UK elephant derivative imports  
1975-1989

# LEGALISED LIMITED IVORY TRADING



Breakdown by Species of UK elephant derivative imports  
1990-2013

# LEGALISED LIMITED IVORY TRADING

2008:

CITES authorises one-off series of auctions of 104 tonnes of ivory to China and Japan. Ivory could be worked and resold with proper certification.

Raised £15m

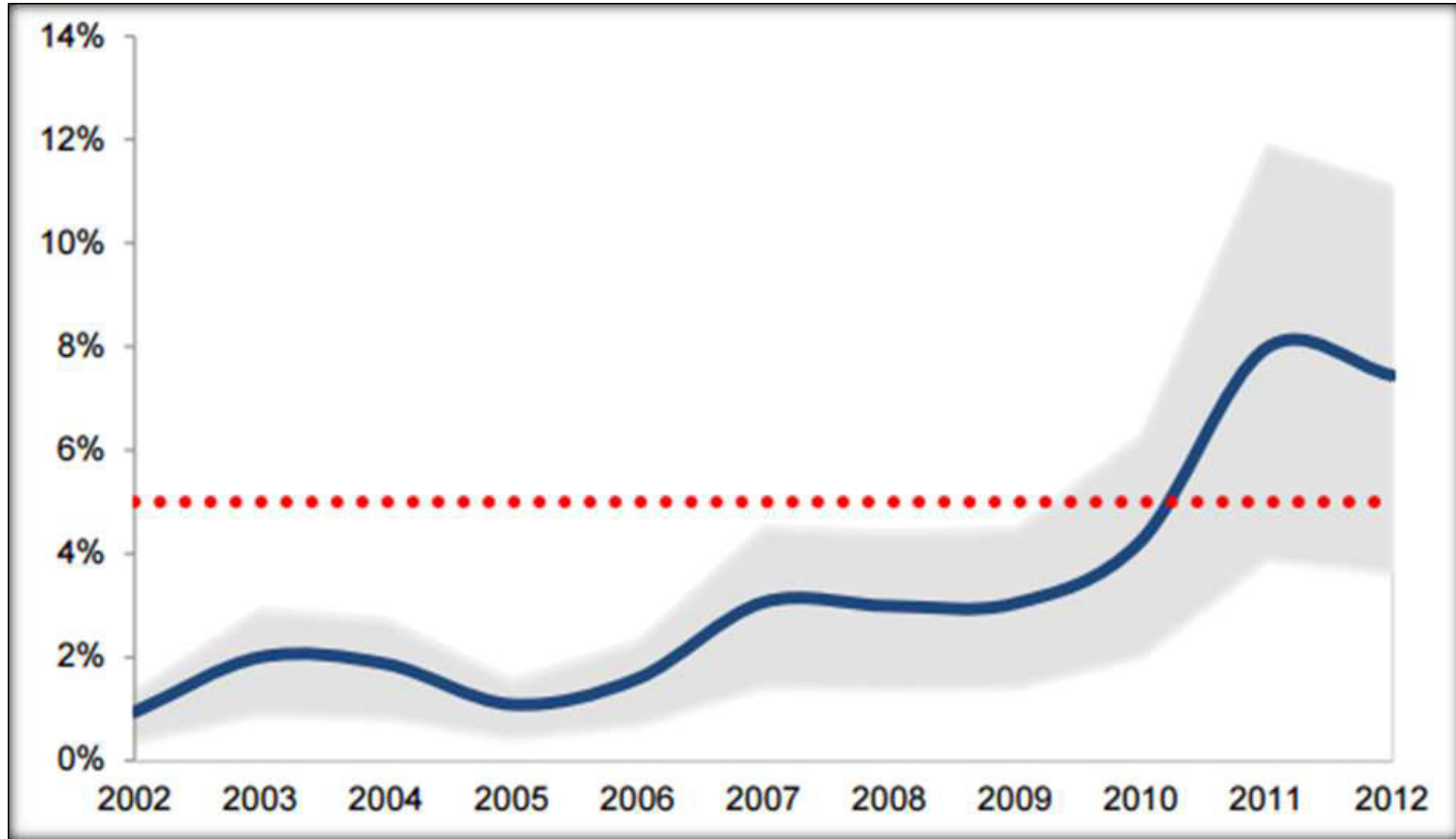
Ivory “was bought for an average price of \$157 a kilogramme by approved buyers such as the Chinese State Forestry Administration, which sold its ivory to traders for up to \$1,500 a kilogramme”

Since 2008:

Forging certificates has now become almost as profitable for organised criminals as the trade in ivory itself

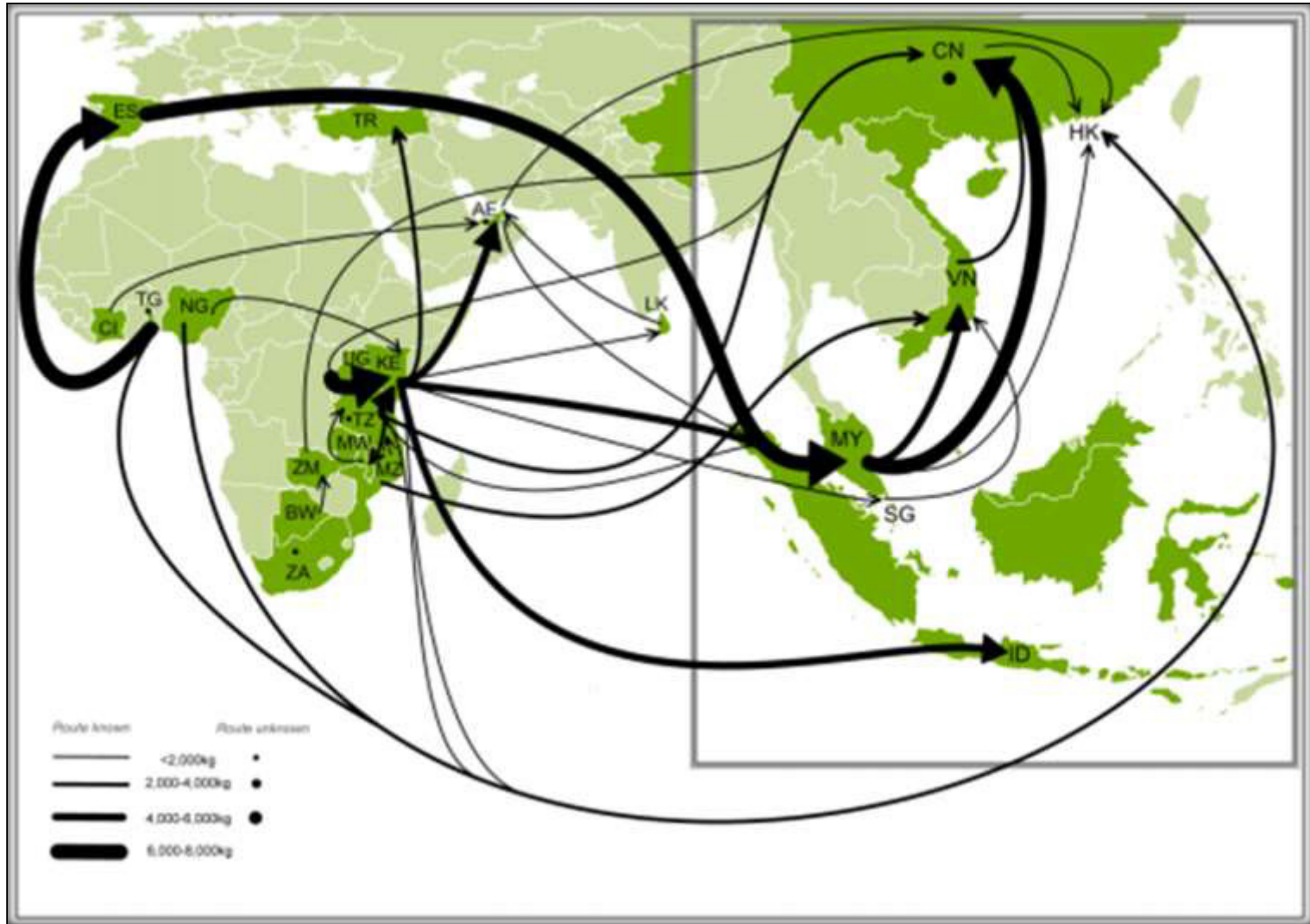
Sharp rise in poaching in Africa, and up to 90 per cent of the ivory currently being sold in China is illegal.

# LEGALISED LIMITED IVORY TRADING



CITES / IUCN /TRAFFIC estimated absolute poaching rates

# LEGALISED LIMITED IVORY TRADING



Trade Routes for >500kg seizures of ivory (2012-13)

# LEGALISED LIMITED IVORY TRADING

Martin et al. proposed 7 areas of compliance which would be needed before any widespread ivory trade could be reintroduced:

1. Population must have been stable / increasing long enough for it to be considered as a trend;
2. Local law enforcement needs to be at a sufficient level to detect / contain threats of poaching / illegal ivory trade;
3. Ivory stocks secure, registered and on database which is open to inspection by CITES Secretariat;
4. Appropriate & established mechanisms for return of benefits to landholders from the sale of ivory;
5. Ivory can only be exported to countries whose national legislation and controls meet the criteria of CITES;
6. Secure transit procedures are in place;
7. Implementation of CBD and African Elephant Action Plan

# LEGALISED LIMITED IVORY TRADING

## **London Conference (2014) & Kasane Conference (2015)**

41 states met in London, 33 in Kasane. Absent were 17 African Elephant range states, but only 1.8% of “definite” and “probable” population

### Elephant Protection Initiative

Set up at London Conference (Botswana, Chad, Ethiopia, Gabon and Tanzania), later joined by Malawi, Uganda and the Gambia (March 2015) and Kenya (July 2015) – now cover 63% of elephant population

UK government “committed to match fund the first tranche of private sector funding that had been raised to support the EPI, amounting to around £1m”

# LEGALISED LIMITED IVORY TRADING

## Summary of Underpinning issues:

1. Ivory market is thriving. Tackling demand is the most effective, yet hardest, remedy
2. Elephant populations are declining – time is running out
3. Local law enforcement is underfunded – problems of stopping poaching and stockpile security
4. Many tonnes of ivory have been (and will be) burned in 2015 – reduces supply but not demand...
5. One-off sales of stockpiled ivory to be introduced legally into the market place lead to increase in the illegal trade
6. Elephants die of old age and natural causes, so stockpiles are going to continue to increase, leading to problems of storage and security for the host nation
7. 35 of the 37 Elephant range states are ex-colonies of European powers, primarily France (14) and the United Kingdom (13).



# LEGALISED LIMITED IVORY TRADING

## **SOLUTION?**

Ex-colonial powers purchase stockpiled ivory from the countries which have seized it at agreed pseudo-market rate

Funds raised go directly to wildlife bodies charged with protecting the remaining elephant stocks.

Two conditions:

- a) Vendor country must not reduce funding to its conservation bodies to take into account any extra funding generated by the sale.
- b) Purchasing state must not reduce any extant aid provisions to take into account any extra funding generated by the sale.

Differs from the 2008 auction to China and Japan - purchasing states could not sell the ivory, must securely store, but encourage to destroy it once purchased

# LEGALISED LIMITED IVORY TRADING

## **SOLUTION?**

Defra said in a letter in 2015 that they would rather stick to match-funding the £1m from private donors under EPI.

This £1m would be split across projects in 9 (currently) members of EPI.

In July 2015, Mali (with 357 elephants, and 2013 GDP per capita of \$715) destroyed 2.4 tonnes of ivory, worth around £4m.

Under the EPI, Mali would receive a ninth share of the £2m – around £220,000.

Under the scheme proposed here, that £4m would have been paid to the government of Mali by the Government of France, and would have had considerably more impact on protecting the northernmost elephant population in Africa – an extra \$11,000 per elephant.

# LEGALISED LIMITED IVORY TRADING

## **SOLUTION?**

Amendment to COTES 1997 Regulation to allow for exemption to embargo and purchase (and storage?) by Environment Agency of stockpiled ivory

Amendment to CITES text would be necessary

Intra-generational equity – richer nations helping poorer nations for the benefit of all – also meets sustainable development agenda (“meets the needs of the present...”)

Not a panacea, longer-term demand-reduction efforts also needed.

# LEGALISED LIMITED IVORY TRADING

## SOLUTION?

In 2013, MIKE estimated 20,000 African elephants were killed by poachers. 2014 estimates are the same.

Since this conference started at 1:00 on Tuesday, 107 elephants have been killed for their ivory – one since I started this paper.

At this rate, in less than 30 years, the world's largest land mammal will be extinct.



*L. Africana*



*L. Cyclotis*