

February 13, 2020

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**Re: CITES Decision Regarding Transport of African Elephants from Zimbabwe and Botswana**

Dear Mr. de Juniac and Mrs. Gruber:

We write to inform you of a decision adopted by the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) restricting the transport of live, wild-caught elephants from Zimbabwe and Botswana solely to countries within the species' natural and historical range in Africa, with limited exceptions. We respectfully request that the International Air Transport Association (IATA): (1) update the 46th edition of its Live Animal Regulations accordingly with an addendum, and revise any other relevant rules, guidance, and standards; and (2) inform its members and strategic partners, including exporters, importers, transport companies, and carriers, of this decision as appropriate.

CITES regulates international trade in endangered and threatened animals and plants through the listing of species on one of three Appendices. African elephants in Zimbabwe, Namibia, South Africa, and Botswana are listed on CITES Appendix II, which limits trade to avoid uses that are incompatible with the species' survival. The listing of elephants in Zimbabwe and Botswana includes an annotation<sup>1</sup> allowing live elephants to be exported to “appropriate and acceptable

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<sup>1</sup> Annotations define which commodities are covered by the listing or are excluded from it.

destinations.” Pursuant to this annotation, Zimbabwe has captured live baby elephants from the wild and exported them to zoos and entertainment facilities in China and elsewhere.<sup>2</sup>

At the 18th meeting of the CITES Conference of the Parties held in August 2019, the parties to the Convention voted to modify the definition of “appropriate and acceptable destinations” contained in Resolution Conf. 11.20 (Rev. CoP17) to encompass only in-situ conservation programs or secure areas in the wild. The revised definition thereby restricts shipments of wild-caught elephants from Zimbabwe and Botswana to foreign countries outside the species’ natural and historical range, with certain narrow exceptions. This revised definition became effective on November 26, 2019.<sup>3</sup> Specifically, the decision states:

[W]here the term “appropriate and acceptable destinations” appears in an annotation to the listing of *Loxodonta africana* in Appendix II of the Convention with reference to the trade in live elephants (\* *Excluding elephants that were in ex-situ locations at the time of the adoption of this resolution at CoP18*) taken from the wild, this term shall be defined to mean *in-situ* conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa, except in exceptional circumstances where, in consultation with the Animals Committee, through its Chair with the support of the Secretariat, and in consultation with the IUCN elephant specialist group, it is considered that a transfer to *ex-situ* locations will provide demonstrable *in-situ* conservation benefits for African elephants, or in the case of temporary transfer in emergency situations[.]

See Attachment 1 (emphasis in original).

This amendment reflects a growing international consensus that the forcible capture and removal of wild elephants from their home ranges and social groups for export to zoos and entertainment facilities is unethical, and provides no direct in situ conservation benefits.<sup>4</sup> Elephants suffer both physically and psychologically from capture and captivity. Elephants are extremely intelligent, sentient animals, with a highly organized social structure. Young elephants are dependent on their mothers and their herds to acquire necessary social and behavioral skills. Disruption of this bond is highly traumatic for both the calves and remaining herds.

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<sup>2</sup> See, e.g., Jane Flanagan, Baby Elephants Torn From Mothers and Shipped 7,000 Miles to China, *The Times*, Feb. 9, 2019. Available at: <https://www.thetimes.co.uk/article/baby-elephants-drugged-and-sent-to-china-dgd37svw3>; Humane Society International, Video: Elephant Experts Condemn Zimbabwe’s Inhumane Capture of Wild Baby Elephants for Chinese Zoos as Video Emerges Showing Animals in Distress, Feb. 25, 2019. Available at: <https://conservationaction.co.za/resources/reports/new-video-zimbabwes-35-captured-baby-elephants-terrified-in-pens/>.

<sup>3</sup> Res. Conf. 11.20 (Rev. CoP18).

<sup>4</sup> IUCN SSC AfESG: Statement on the removal of African elephants for captive use. Mokuti Lodge, Namibia, 2003. Available at: <https://www.iucn.org/ssc-groups/mammals/african-elephant-specialist-group/afesg-statements/removal-african-elephants-captive-use>.

Updating the IATA Live Animal Regulations, as well as any other relevant rules, guidance, and standards, will comport with the Memorandum of Understanding (MOU) entered into between the CITES Secretariat and IATA, dated June 8, 2015. The purposes of the MOU include: facilitating and strengthening cooperation and collaboration in order to better implement the Convention; improving transport conditions for CITES specimens; ensuring that trade is legal, sustainable, and traceable; and combatting illegal trade in CITES specimens.<sup>5</sup> Pursuant to the MOU, IATA agreed to maintain and update standards, guidelines and recommendations in line with current or future requirements.<sup>6</sup> IATA also agreed to bring the IATA Live Animal Regulations, together with other guidance and standards for CITES specimens, to the attention of exporters, importers, transport companies, carriers, and other entities that regulate conditions of carriage.<sup>7</sup>

Outreach efforts are particularly important because, despite the decision by the majority of CITES parties to limit this trade, Zimbabwe has flouted the vote of the international community by continuing to ship wild-caught African elephants outside the species' range after the decision went into effect. In January 2020, Zimbabwe shipped two young, wild-caught African elephants to Pakistan.<sup>8</sup> This action came after Zimbabwe informed the CITES Secretariat that the country "reserves its right" not to comply with Resolution Conf. 11.20 (Rev. CoP18), despite the fact that CITES does not allow parties to take reservations to resolutions, and after Botswana, the Democratic Republic of Congo, Eswatini, Namibia, the United Republic of Tanzania, and South Africa all declared that they were not in a position to implement Resolution Conf. 11.20 (Rev. CoP18).<sup>9</sup> Notably, all these countries are parties to CITES. This willingness to defy the decision of the parties to this Convention should not be facilitated by IATA members and strategic partners.

We therefore respectfully request that IATA update its Live Animal Regulations to reflect the revised definition of "appropriate and acceptable destinations" for wild-caught elephants from Zimbabwe and Botswana, and that IATA reach out to exporters, importers, transport companies, and carriers to inform them of this change to the Live Animal Regulations, as appropriate. We recommend that any such outreach efforts focus on: (1) Chinese and Pakistani government officials responsible for regulation of live animal transportation and issuance of CITES import permits, due to China's and Pakistan's role as the primary recent destinations for wild-caught elephants from Zimbabwe; and (2) transport companies that have participated in past trade, such

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<sup>5</sup> MOU at 1.1-1.2. Available at:

[https://cites.org/sites/default/files/common/disc/sec/CITES\\_IATA\\_MOU.pdf](https://cites.org/sites/default/files/common/disc/sec/CITES_IATA_MOU.pdf).

<sup>6</sup> *Id.* at 2.2.

<sup>7</sup> *Id.* 2.14.

<sup>8</sup> Oscar Nkala, Zimbabwe Baby Elephants Smuggled to Pakistani Zoo, Jan. 6, 2020. Available at: <https://networkforanimals.org/uk/zimbabwe-baby-elephants-smuggled-to-pakistani-zoo/>.

<sup>9</sup> Notification No. 2019/077, Reservations with Reference to the Amendments to Appendices I and II of the Convention and Related Communications (Dec. 20, 2019).

as SAUDIA Airlines, via its subsidiary, SAUDIA Cargo, which shipped wild-caught elephants from Zimbabwe to China in October 2019.<sup>10</sup>

Thank you for your attention to this matter. If you have any questions or if there is any additional information we can provide, please do not hesitate to contact me.

Sincerely,



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<sup>10</sup> Roland Oliphant, *Young elephants flown out of Zimbabwe after being 'secretly' removed from national park*, The Telegraph, Oct. 24, 2019. Available at: <https://www.telegraph.co.uk/news/2019/10/24/young-elephants-flown-zimbabwe-secretly-removed-national-park/>; *Zim Baby Elephants: from the comfort of the jungle to 'steel prisons' in China*, The Standard, Nov. 10, 2019. Available at: <https://www.thestandard.co.zw/2019/11/10/zim-baby-elephants-comfort-jungle-steel-prisons-china/>.

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