



1 June 2018

Committee Secretary  
Parliamentary Joint Committee on Law Enforcement  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee

### **Submission by For the Love of Wildlife to the Parliamentary Joint Committee of Law Enforcement in support of a total ban of Australia's trade in elephant ivory and rhino horn**

---

I commend the Parliamentary Joint Committee on Law Enforcement on the inquiry into Australia's domestic elephant ivory and rhino horn trade. I trust this process will show the depth and breadth of this concerning trade in Australia.

For the Love of Wildlife (FLOW) Limited has been instrumental in investigating Australia's domestic ivory and rhino horn trade along with its collaborative partners Nature Needs More and Gordon Consulting NZ. Communication first began with Jason Wood MP on this issue in February 2016. With the support of 56 international and Australian based organisations, a communique was signed and presented to the Minister for the Environment and Energy in September 2016, calling for a full domestic trade ban.

Over the past 18 months we've engaged the public on the plight of elephants and rhinos. We received overwhelming responses with thousands signing speak-out letters, online petitions, and uploading images to our online #NoDomesticTrade campaign. Our work with the public also led us to hosting Australia's first ivory and rhino horn destruction event – Melbourne Crush on World Wildlife Day, 3 March 2018. Ambassador Collette Dinnigan AO and Jason Wood MP attended, and we partnered with Zoos Victoria, Born Free Foundation and Save African Rhino Foundation on this event.

It has been widely communicated that elephants and rhinos are facing crisis. African savannah elephants experienced a 30 percent decline over the 7-year period of 2007-2014 according to the Great Elephant Census.<sup>1</sup> This rate of decline is 8 percent annually, primarily due to poaching, with the rate of decline accelerating over these years.<sup>2</sup> Rhino poaching in South Africa increased from 13 rhinos in 2007 to 1,215 rhinos in 2014 – representing a 9,000% increase.<sup>3</sup> There are only around 30,000 rhinos surviving in the wild today.<sup>4</sup>

Our investigations have uncovered an extensive amount of concerning information. Although the breath of concern covers a range of issues, this submission focusses primarily on the inadequacies of the Convention on International Trade of Endangered Species (CITES) which governs the international trade of endangered species, including elephants and rhinos, and why this is an important consideration for Australia's domestic trade.

### **Overview of CITES**

---

CITES listed species are included on an appendix system ranging from appendix I to appendix III.

- **Appendix I** includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances. For appendix 1 specimens, an import permit issued by the Management Authority of the State of import is required. An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is also required.<sup>5</sup>
- **Appendix II** includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is required.<sup>6</sup> An import permit is not required.

---

1 "Great Elephant Census Final Results", The Great Elephant Census, accessed 12 May 2018, <http://www.greatelephantcensus.com/final-report/>

2 "Great Elephant Census Final Results", The Great Elephant Census, accessed 12 May 2018, <http://www.greatelephantcensus.com/final-report/>

3 "Poaching statistics", Save the Rhino, accessed 12 May 2018, [https://www.savetherhino.org/rhino\\_info/poaching\\_statistics](https://www.savetherhino.org/rhino_info/poaching_statistics)

4 "Rhino population figures", Save the Rhino, accessed 12 May 2018, [https://www.savetherhino.org/rhino\\_info/rhino\\_population\\_figures](https://www.savetherhino.org/rhino_info/rhino_population_figures)

5 "How CITES works", Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, <https://www.cites.org/eng/disc/how.php>

6 "How CITES works", Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, <https://www.cites.org/eng/disc/how.php>

**For the Love of Wildlife Ltd**

Registered Australian Charity ABN 20807354752

219 Mt Dandenong Tourist Road, Ferny Creek, Victoria AUSTRALIA 3786 • (+61) 417 939 042

[www.fortheloveofwildlife.org.au](http://www.fortheloveofwildlife.org.au) • [info@fortheloveofwildlife.org.au](mailto:info@fortheloveofwildlife.org.au)

## Current CITES split-listing of African elephants

---

African elephants are currently listed as Appendix I apart from populations in four countries of Botswana, Namibia, Zimbabwe and South Africa which are listed as Appendix II. This provides for inconsistencies in protection levels, trade provisions and permit requirements for one species.

In a paper published in the journal of Conservation Biology last year, Lindsay et.al (2017) used data from the Great Elephant Census and identified that 76 percent of elephants are found in populations that spread across one or more national borders.<sup>7</sup> They also highlight that CITES advises split-listing should “generally be on the basis of national or regional populations rather than subspecies”, and that “**listing of a species in more than one appendix should be avoided in general in view of the enforcement problems it creates**”.<sup>8</sup>

Given 76 percent of African elephants are found in populations that spread across national borders, Lindsay et al. (2017) conclude:

*“this blurring of strictly national populations makes a split-listing of elephants between two CITES appendices – and varying levels of protection – **inconsistent with ecological reality and conservation best practice**”.*<sup>9</sup>

*“In this period of unprecedented threats to elephants, CITES is overdue in abandoning its drift toward greater national sovereignty, and would do better to adopt a scaled-up continental thinking about elephants...”*<sup>10</sup>

The inconsistent split-listing of elephants across Appendix I and II and the identified challenges above is unacceptable for a species facing the crisis that the African elephant is. It represents a short-coming of CITES in appropriately protecting elephants.

## CITES Trade Database

---

Parties to CITES are responsible for issuing permits and compiling annual reports on their international trade in species listed on CITES appendices. This includes elephant and rhino species. According to the CITES Guide to Using the CITES Trade Database (CITES Guide) this information is then entered into the CITES Trade Database for a range of purposes including (not limited to) identifying major anomalies in reporting of imports and exports.<sup>11</sup>

Section 1.2.1 of the CITES Guide details how Parties deviate from the CITES guidelines for preparing their annual reports including (not limited to) lack of clarity about whether data represents the number of specimens that were actually traded or whether it represents the permits/certificates issued.<sup>12</sup> This is a major concern. It also highlights “non-standard” units often used to describe the volume of items, such as ‘boxes’.<sup>13</sup> This lack of clarity and certainty about what data is being reported is unacceptable for the international body that is meant to govern the international trade of endangered species to ensure it does not threaten their survival.

The above-mentioned issues are critical to the following terms of reference of this inquiry:

- a) the incidence of importation to, and exportation from, Australia of elephant ivory and rhinoceros horn products
- b) the adequacy of existing arrangements and resources for the screening of imports and exports for elephant ivory and rhinoceros horn products

## Trade database concerns

---

### Analysis of trade in Elephantidae specimens between Australia and UK from 2010 to 2016

We investigated the records of elephant specimens traded between Australia and the UK from 2010-2016 (with UK as the exporter) using the CITES Trade Database. Many discrepancies were found. At the most recent date of exporting data from the database on 30 May 2018, we found:

- UK exporter reported quantity = 2,953
- Australia importer reported quantity = 3
- Discrepancy of 2,950 items

7 Lindsay et al., “The shared nature of Africa’s elephants,” Biological Conservation, vol. 215 (2017), 260-267

8 Lindsay et al., “The shared nature of Africa’s elephants,” Biological Conservation, vol. 215 (2017), 260-267

9 Lindsay et al., “The shared nature of Africa’s elephants,” Biological Conservation, vol. 215 (2017), 260-267

10 Lindsay et al., “The shared nature of Africa’s elephants,” Biological Conservation, vol. 215 (2017), 260-267

11 “A guide to using the CITES Trade Database version 8”, Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, [https://trade.cites.org/cites\\_trade\\_guidelines/en-CITES\\_Trade\\_Database\\_Guide.pdf](https://trade.cites.org/cites_trade_guidelines/en-CITES_Trade_Database_Guide.pdf)

12 “A guide to using the CITES Trade Database version 8”, Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, [https://trade.cites.org/cites\\_trade\\_guidelines/en-CITES\\_Trade\\_Database\\_Guide.pdf](https://trade.cites.org/cites_trade_guidelines/en-CITES_Trade_Database_Guide.pdf)

13 “A guide to using the CITES Trade Database version 8”, Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, [https://trade.cites.org/cites\\_trade\\_guidelines/en-CITES\\_Trade\\_Database\\_Guide.pdf](https://trade.cites.org/cites_trade_guidelines/en-CITES_Trade_Database_Guide.pdf)

Below provides a screenshot directly from the database for 2010, where only three importer reported quantities were recorded, even though the items were listed as Appendix I (requiring both import and export permit). This leads to the questions:

- Why is there only 3 imported reported quantities for Australia?
- What happened to the other 2,950 exporter reported items?

Year	App.	Taxon	Class	Order	Family	Genus	Importer	Exporter	Origin	Importer reported quantity	Exporter reported quantity	Term	Unit	Purpose	Source
2010	I	Elephantidae spp.	Mammalia	Proboscidea	Elephantidae		AU	GB	XX		35	carvings		P	O
2010	I	Elephantidae spp.	Mammalia	Proboscidea	Elephantidae		AU	GB	XX		8	carvings		P	U
2010	I	Elephantidae spp.	Mammalia	Proboscidea	Elephantidae		AU	GB	XX		2	carvings		Q	O
2010	I	Elephantidae spp.	Mammalia	Proboscidea	Elephantidae		AU	GB		2		ivory carvings		Q	O
2010	I	Elephas maximus	Mammalia	Proboscidea	Elephantidae	Elephas	AU	GB	XX		6	carvings		P	O
2010	I	Elephas maximus	Mammalia	Proboscidea	Elephantidae	Elephas	AU	GB	XX		1	carvings		T	O
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB	XX		1	carvings		P	O
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB	XX		1	carvings		P	U
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB	XX		177	carvings		T	O
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB	XX		1	carvings		T	U
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB	XX		1	tusks		P	O
2010	I	Loxodonta africana	Mammalia	Proboscidea	Elephantidae	Loxodonta	AU	GB		1		specimens		Q	C

Further to the above, the system does not provide information about what a particular unit is. For example, a 'carving' could comprise of a small 5cm carving, or a carving of a whole tusk.

This is not an isolated example of concern with the CITES Trade Database and permit system. There have been numerous academic papers including dissertations highlighting the short-comings of CITES in effectively regulating the international trade of endangered species. Whilst it is not possible to mention all of these in this submission, the following examples focus specifically on discrepancies within the CITES Trade Database.

### **Missing teeth: Discordances in the trade of hippo ivory between Africa and Hong Kong (2017)**

Alexandra Andersson and Luke Gibson

This paper detailed the findings of examining the trade of hippo (ivory) teeth as recorded in the CITES Trade Database. Andersson and Gibson found that more than 90 percent of trade is imported to and re-exported from Hong Kong, with over 75 percent of what is imported originating from Tanzania or Uganda. According to their findings:

*"Overall, Hong Kong has reported the import of 3,176 kg more hippo teeth than declared exported by Tanzania. This indicates that actual trade levels may exceed internationally agreed quotas. In total, over 14,000 kg of hippo teeth is unaccounted for between Uganda and Hong Kong, representing more than 2,700 individual hippos—2% of the global population".<sup>14</sup>*

As summarised by Andersson (2018):

*"A quick scan of the records demonstrates that vast and consistent data discrepancies are clear in many cases, and that **the true volume of many traded endangered species is simply unknown. This is alarming, considering the reason that all of these species are included in CITES is because they are vulnerable to over-exploitation, and extinction**".<sup>15</sup>*

14 Alexandra Andersson and Luke Gibson., "Missing teeth: Discordances in the trade of hippo ivory," African Journal of Ecology, vol.56, no.2 (2018), 235-243

15 "Incomplete trade records imperil hippo populations," Alexandra Andersson, Oxford Martin Programme on the Illegal Wildlife Trade, accessed 12 May 2018, <http://www.illegalwildlifetrade.net/2018/04/03/incomplete-trade-records-imperil-hippo-populations/>

### **The prevalence of documentation discrepancies in CITES trade data for Appendix I and II species exported out of Africa between the years 2003 and 2012 (2015)**

Alexandra Russo, University of Cape Town

This study analysed CITES wildlife trade records for Appendix I and II species exported out of 50 African nations and 198 importing countries between the years 2003 to 2012. The data represented 2,750 species. Of the 90,204 original records downloaded from the database, only 7.3% were free from discrepancies.<sup>16</sup> After matching records that missed import or export data, still only 10.2% of records were free from discrepancies.<sup>17</sup>

The main discrepancies found were missing import quantity (63%), followed by quantity (21.79%), with other discrepancies including year, purpose of the transaction, country of origin and source of specimen.<sup>18</sup>

### **Opportunities and challenges for analysis of wildlife trade using CITES data – seahorses as a case study (2016)**

Sarah Foster, Stefan Wiswedel and Amanda Vincent, University of British Columbia

This paper was published in the Aquatic Conservation Journal and identified challenges and opportunities of wildlife trade using CITES data through a case study of 47 species of seahorse, all listed as Appendix II.<sup>19</sup> The paper concluded:

*“An evident need for greater universal compliance with CITES reporting requirements was identified. The most glaring problem was a substantial mismatch in species and volumes between export records and import records, indicating that neither dataset is complete nor reliable.”<sup>20</sup>*

*“The evaluation also showed that Parties should increase compliance with CITES requirements to record all trade shipments, provide units for exports (e.g. individuals, kilograms) and identify exported taxa to species, perhaps supported by automated checking of entries.”<sup>21</sup>*

### **The Role of Thailand in the International Trade in CITES-Listed Live Reptiles and Amphibians (2011)**

Vincent Nijman, Oxford Wildlife Trade Research Group, Oxford Brookes University

Chris R. Shepherd, TRAFFIC Southeast Asia

A paper published in 2010 on international trade in CITES-Listed Live Reptiles and Amphibians also highlighted significant discrepancies between exports and imports in the case of Thailand and Kazakhstan between 1990 and 2007. Thailand reports the import of >10,000 individuals (51 species) originating from Kazakhstan, but Kazakhstan reported no exports of these species.<sup>22</sup>

The information provided in this submission demonstrates inadequacies of CITES to effectively manage the international trade of endangered species, which applies to elephants and rhinos. The discrepancies and inaccuracies of the CITES Trade Database are well-known and widespread on an international level. In all likelihood there are more specimens and items traded than what is accounted for in the CITES Trade Database.

If an objective of the database is to identify major anomalies in reporting of imports and exports, we must question the validity of continuing to rely on a system which has been identified for a number of years as having widespread inaccuracies. We cannot rely on this system to effectively manage international trade.

- 16 “The prevalence of documentation discrepancies in CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora) trade data for Appendix I and II species exported out of Africa between the years 2003 and 2012,” Alexandra Russo, University of Cape Town, accessed 12 May 2018, [http://www.pcu.uct.ac.za/sites/default/files/image\\_tool/images/192/Russo.%202015.pdf](http://www.pcu.uct.ac.za/sites/default/files/image_tool/images/192/Russo.%202015.pdf)
- 17 “The prevalence of documentation discrepancies in CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora) trade data for Appendix I and II species exported out of Africa between the years 2003 and 2012,” Alexandra Russo, University of Cape Town, accessed 12 May 2018, [http://www.pcu.uct.ac.za/sites/default/files/image\\_tool/images/192/Russo.%202015.pdf](http://www.pcu.uct.ac.za/sites/default/files/image_tool/images/192/Russo.%202015.pdf)
- 18 “The prevalence of documentation discrepancies in CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora) trade data for Appendix I and II species exported out of Africa between the years 2003 and 2012,” Alexandra Russo, University of Cape Town, accessed 12 May 2018, [http://www.pcu.uct.ac.za/sites/default/files/image\\_tool/images/192/Russo.%202015.pdf](http://www.pcu.uct.ac.za/sites/default/files/image_tool/images/192/Russo.%202015.pdf)
- 19 Sarah Foster, Stefan Wiswedel and Amanda Vincent, “Opportunities and challenges for analysis of wildlife trade using CITES data – seahorses as a case study,” Aquatic Conservation-Marine and Freshwater Ecosystems, vol.26, no.1 (2016), 154-172
- 20 Sarah Foster, Stefan Wiswedel and Amanda Vincent, “Opportunities and challenges for analysis of wildlife trade using CITES data – seahorses as a case study,” Aquatic Conservation-Marine and Freshwater Ecosystems, vol.26, no.1 (2016), 154-172
- 21 Sarah Foster, Stefan Wiswedel and Amanda Vincent, “Opportunities and challenges for analysis of wildlife trade using CITES data – seahorses as a case study,” Aquatic Conservation-Marine and Freshwater Ecosystems, vol.26, no.1 (2016), 154-172
- 22 Vincent Nijman and Chris Shepherd, “The Role of Thailand in the International Trade in CITES-Listed Live Reptiles and Amphibians,” PLOS ONE, vol.6, no.3 (2011)

## Why is this important in considering Australia's domestic ivory and rhino horn trade?

---

Internationally traded items enter the domestic trade. While the CITES system for legally managing international ivory and rhino horn trade remains inadequate and unfit-for-purpose, there are concerning implications for any domestic trade. We cannot be certain items entering Australia's domestic market meet legal requirements while there are ineffective systems that govern international trade. This includes split-listing of elephants and a trade database and permit system fraught with discrepancies. This means it cannot be guaranteed that items from recently killed elephants and rhinos are not entering Australia's legal domestic trade. The nature of this unregulated trade provides traffickers the opportunity to launder ivory and rhino horn from recently killed animals into Australia's legal domestic trade. This cannot be ignored.

In 2016 the International Fund for Animal Welfare (IFAW) released the Under the Hammer Report which investigated ivory and rhino horn items for sale during a 9-month period across 21 auctions in Australia and New Zealand. Of the 2,772 ivory items for sale, 78 percent were sold, and the majority of items investigated were within Australia (2,409 items).<sup>23</sup> Alarmingly, only 8 percent of the ivory items for sale were accompanied by provenance documentation, which provides details of the item's history including age.<sup>24</sup> This demonstrates there is an extensive amount of ivory being sold in Australia, and that the age and origin of items is rarely able to be proven. This again contributes to high uncertainty about whether items traded on the Australian market have come from animals recently killed through the poaching crisis. This cannot be ignored.

In 2016 the United Nations Office on Drugs and Crime released a report on wildlife crime which identified Australia as a destination or transit country for ivory.<sup>25</sup> Personally, I've witnessed ivory for sale in several antique and bric-and-brac stores. When asking sellers about how you tell the age of items, I have received the response of "you don't". When asking about certificates to accompany the items I have received the response of "you very rarely get certificates". When asking if I need a document to show an item's age I have received the response of "I don't know how you'd get it". When asking if we would have any trouble buying an item without documentation I have received the response of "no-one else ever bothers". Australia's unregulated domestic trade and lack of requirements for provenance documentation is a concern.

## CITES recommendations to address domestic ivory and rhino horn trade

---

CITES made the following recommendations in late 2016 regarding domestic ivory and rhino horn trades:

*"Parties adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, aimed at reducing illegal trade in rhinoceros parts and derivatives".<sup>26</sup>*

*"Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency".<sup>27</sup>*

---

23 "Under the Hammer," International Fund for Animal Welfare, accessed 13 May 2018, <https://www.ifaw.org/australia/resource-centre/under-the-hammer>

24 "Under the Hammer," International Fund for Animal Welfare, accessed 13 May 2018, <https://www.ifaw.org/australia/resource-centre/under-the-hammer>

25 "World Wildlife Crime Report: Trafficking in protected species," United Nations Office on Drugs and Crime, accessed 13 May 2018, [http://www.unodc.org/documents/data-and-analysis/wildlife/World\\_Wildlife\\_Crime\\_Report\\_2016\\_final.pdf](http://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf)

26 "Revision of Resolution Conf.9.14 (rev. CoP14) on Conservation of and Trade in African and Asian Rhinoceros," Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018 <https://www.cites.org/sites/default/files/eng/cop/15/doc/E15-45-02.pdf>

27 "Conf. 10.10 Trade in Elephant Specimens," Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed 12 May 2018, <https://www.cites.org/sites/default/files/document/E-Res-10-10-R17.pdf>

## Recommendation

---

With an unregulated market in Australia, evidence of extensive trade, and inadequacies of current CITES systems to manage the international trade of ivory and rhino horn, it is evident that a complete domestic trade ban is required to ensure that Australia does not provide opportunities for items from recently killed elephants and rhinos to be sold through our markets. There is doubt and uncertainty as to whether the items being sold on the Australian market have come from animals that have been killed through the current poaching crisis.

Australia is a signatory to the Rio Declaration on Environment and Development (1992) and I take this opportunity to highlight Principle 15: Precautionary Principle. The Principle states:

*“where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.*<sup>28</sup>

This principle is also detailed in Australia’s Environment Protection and Biodiversity Conservation Act 1999. With the loss of 30 percent of African savannah elephants in just seven years, and less than 30,000 rhinos surviving in the wild, irreversible damage and extinction in the very near future is highly probable.

As a Party to CITES, Australia should implement CITES’ recommendations to address its domestic ivory and rhino horn trade and close these trades. The UK recently announced its ban on the sale of ivory of any age in an effort to reduce elephant poaching. As part of the Commonwealth, why wouldn’t Australia follow the UK’s lead? Any continued legal trade in ivory and rhino horn, including Australia’s, perpetuates demand for these items and fuels the current poaching crisis. It also undermines the effectiveness of trade bans across the world such as the UK. A truly global response is required.

I trust the Committee understands the gravity of the current poaching crisis. If we fail to protect two of the world’s most iconic species, elephants and rhinos, we have little chance of saving anything else.

Yours sincerely



Hayley Vella  
Director

---

<sup>28</sup> “Rio Declaration on Environment and Development,” United Nations, accessed 13 May 2018, <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>