

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Species trade and conservation

Elephants

PROPOSED NEW RESOLUTION CONCERNING THE *AFRICAN ELEPHANT
ACTION PLAN AND AFRICAN ELEPHANT FUND*

1. This document has been submitted by Nigeria and Rwanda.²

Background

2. At the 14th meeting of the Conference of the Parties to CITES (the Hague, 2007), the Parties adopted Decisions 14.78 and 14.79, which requested the establishment of an African Elephant Action Plan and African Elephant Fund.
3. The African Elephant Action Plan (AEAP) was adopted by all African elephant range States during the 15th meeting of the Conference of the Parties to CITES in Doha, March 2010. The AEAP contains 8 prioritised objectives identified by the range States as the most important measures required to protect African elephants (*Loxodonta africana*) across their range.
4. Decision 14.79 (Rev. CoP15) directs the Secretariat as follows:

The Secretariat shall establish an African Elephant Fund that will be applied to the implementation of the African elephant action plan.

The Secretariat shall establish a steering committee consisting of representatives of the range States and donors to govern the African Elephant Fund and to support and advise African elephant range States on the implementation of the Action Plan.

The Steering Committee shall decide on the organization of the administration of the fund.

5. In accordance with Decision 14.79, African elephant range States have agreed that the African Elephant Fund Steering Committee should comprise 11 members: three donor States (each of which must contribute a minimum of USD 50,000 to the African Elephant Fund) and eight African elephant range States, comprising two range State representatives for each of the four sub-regions (Central, West, East and Southern Africa).
6. The following range States were approved as African Elephant Fund Steering Committee members: Cameroon and the Republic of Congo (for Central Africa); Kenya and Sudan (for East Africa); Botswana

¹ This document has been provided in these languages by the authors

² 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.

and South Africa (for Southern Africa) and Burkina Faso and Nigeria (for West Africa). France, Germany and the Netherlands were identified as the donor State members of the Steering Committee. The CITES Secretariat and UNEP were also approved as *ex-officio* members.

7. The UNEP Governing Council approved the establishment of a multi-donor, technical cooperation trust fund for the implementation of the African Elephant Action Plan, with effect from 1 February 2011. By agreement with UNEP, the applicable Programme Support Costs are equal to 7 % of the expenditures incurred for activities and projects financed by the trust fund.
8. The African Elephant Fund Steering Committee (AEFSC), chaired by South Africa, held its first meeting from 12 to 14 December 2011 in South Africa. Financial support for this important meeting was provided by Germany and South Africa.
9. An urgent need identified by the AEFSC to ensure the successful and effective implementation of the African Elephant Action Plan through the AEF, is the provision of secretarial and translation services for the AEFSC. The Chair of the AEFSC wrote to the Executive Director of UNEP in April 2012 requesting this secretarial support. The AEFSC Chair also read out a statement to this effect during the 62nd Standing Committee meeting in Geneva, July 2012. To date, no support from UNEP has been identified, despite the 7% Programme Support Costs.
10. At this meeting, the AEFSC discussed allocation of funds from the AEF. It was agreed that available funds should be divided into 70 % for a regional account (to be divided into four equal parts for each of the African sub-regions, and allocated to proposals submitted by African elephant range States), and 30 % for a discretionary account (to be allocated to proposals identified by the AEFSC as urgent and consistent with the AEAP's Objectives 1, 2 or 3). This ratio may only be altered by consensus of the African elephant range States.
11. The AEFSC allocated the first tranche of funding to projects that were consistent with the first three prioritised objectives of the African Elephant Action Plan (i. Reduced illegal killing of elephants and illegal trade in elephant products; ii. Maintained elephant habitats and restored connectivity; iii. Reduced human-elephant conflict). Details can be found in SC62 Doc 46.1.
12. Decision 14.76, directed to the Parties, intergovernmental organizations and non-governmental organizations, states:

Parties, trading countries, the ivory carving industry, intergovernmental organizations, non-governmental organizations and other donors are called upon to contribute significantly to the African Elephant Fund for the implementation of the African elephant action plan and the programme for Monitoring the Illegal Killing of Elephants (MIKE) to ensure their establishment and maintenance.

Recommendation

13. The threats facing African elephants are now so severe that implementation of the African Elephant Action Plan, adopted by all African elephant range States, is more important than ever before.
14. Given that the African Elephant Fund Steering Committee has now been established, and recognising the long-term commitment of donors and range States for the implementation of the African Elephant Action Plan, Nigeria and Rwanda propose the new Resolution contained in Annex 1 to this document.
15. Nigeria and Rwanda also believe that the secretarial support requested from UNEP is essential for the implementation of the African Elephant Action Plan, and that UNEP should pay for these services from the 7 % Programme Support Cost levied by UNEP on the African Elephant Fund.
16. Nigeria and Rwanda therefore request support from the Standing Committee in communicating with UNEP as described in the draft Decision in Annex 2 of this document.

COMMENTS FROM THE SECRETARIAT

- A. The present document describes the development and adoption of the *African elephant action plan* by African elephant range States, and the establishment of an African Elephant Fund (AEF) hosted by UNEP

and supervised by an independent Steering Committee. The *Action plan* addresses many aspects of the conservation and management of African elephants in a broad sense, focusing in particular on *in situ* management measures (such as anti-poaching and addressing human-elephant conflicts) and habitat protection. Three of the 79 activities proposed in the *Action plan* relate directly to CITES. Others may relate indirectly. The envisaged budget for implementing the *African elephant action plan* is USD 97,350,000 for three years.

- B. The Secretariat supports the view expressed in paragraph 13 of the present document that the implementation of the *African elephant action plan* by the African elephant range States is particularly important for conserving the species across its entire range. However, the proposed draft resolution and decision in Annexes 1 and 2 of the document may not be appropriate vehicles for accomplishing this desirable goal.
- C. The first paragraph of the operational text of the draft resolution in Annex 1 is based on the language in Decision 14.76. This text has already been proposed by the Standing Committee for integration into its revision of Resolution Conf. 10.10 (Rev. CoP15) on *Trade in elephant specimens* (see document CoP16 Doc. 26). It is therefore not necessary.
- D. The second paragraph of the operational part of the draft resolution directs the Secretariat to raise funds for the *Action plan* and “integrate the need to fundraise for the implementation of the *African Elephant Action Plan* into its overall CITES fundraising strategy”. The existence of a fundraising strategy reflects the Parties’ expectation that the Secretariat will raise funds (or help to raise funds) for a variety of priorities and a large number of species, not just African elephants. The Secretariat notes that the *African elephant action plan* deals extensively with non-CITES issues and has no formal status under the Convention. It may therefore not be appropriate for the Secretariat to be charged with raising funds for the implementation of the *Action Plan* or for this activity to be incorporated into the CITES funding strategy.
- E. The Secretariat recognizes that it will be very challenging - and perhaps impossible - to create an AEF of nearly USD 100,000,000 to fully implement the *African elephant action plan* given that many of the contributions towards implementing the *Action plan* will come from sources other than the AEF, including those of the range States. As described in document CoP16 Doc. 53.1, the Secretariat focuses its efforts on assisting with the implementation of the MIKE programme in Africa, thereby contributing significantly to one of the components of the *Action plan* but with the funding coming from sources other than the AEF. Furthermore, the Secretariat has facilitated the development of the *African elephant action plan* (primarily through its MIKE programme and with assistance from IUCN) and the creation of the AEF (through the Secretariat). The Secretariat established the AEF steering committee, supported its initial operations and has promoted the AEF and the *Action plan* on numerous occasions with a large number of donor agencies and stakeholders, helping raise close to USD 700,000 for the Fund. The Secretariat will continue to promote the AEF whenever suitable opportunities arise, but it would be unrealistic to expect additional commitments from the Secretariat.
- F. The potentially considerable demands upon the Secretariat’s scarce staff resources for undertaking the proposed fund raising and reporting do not seem to have been considered by the proponents. Resolution Conf. 4.6 (Rev. CoP15) on *Submission of draft resolutions and other documents for meetings of the Conference of the Parties* recommends that “any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat...must contain or be accompanied by a budget for the work involved and an indication of the source of funding”, but such information is missing from the present document.
- G. With regard to the draft decision in Annex 2, the Secretariat is of the opinion that it would not be appropriate for the Standing Committee to take responsibility for an issue that appears to require an agreement between the AEF steering committee and UNEP. The Secretariat is aware that the Executive Director of UNEP has now decided to provide some secretarial assistance to the African Elephant Fund, while recognizing that certain details regarding the scope of such assistance are still under discussion between UNEP and the AEF steering committee. Further, the Executive Director of UNEP and the Secretary-General of CITES are exploring whether certain funds owing to CITES can be deployed to provide some additional dedicated staff support to the AEF. Concerning the associated suggestion in paragraph 15 of the document to use the 7 % Programme Support Cost for these secretarial services, the Secretariat notes the advice from UNEP that the Programme Support Cost must be made in line with applicable United Nations and UNEP rules, regulations and policies.
- H. The Secretariat is not supportive of the recommendations in Annexes 1 and 2 of document CoP16 Doc. 53.3, and believes that different approaches need to be envisaged to bolster the implementation of

the *African elephant action plan*. The African elephant range States should for example make a concerted effort to ensure that the *African elephant action plan* is part of their National Biodiversity Strategies and Action Plans as well as their related requests for assistance from the Convention on Biological Diversity, UNEP, UNDP, GEF, the World Bank and other potential donors.

- I. The Secretariat considers that a satisfactory arrangement will be found regarding the future management of the AEF by UNEP, which should address several of the concerns expressed in document CoP16 Doc. 53.3. It remains ready to further support the AEF and its steering committee within its means and mandate, and to the extent possible.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

African Elephant Action Plan and African Elephant Fund

CONCERNED that African elephants face numerous, serious and ongoing threats including illegal ivory trade, human-elephant conflict and habitat loss;

AWARE that these threats are affecting African elephants across their range;

DETERMINED to take effective and timely action to reduce illegal killing of elephants;

RECOGNISING that, at CoP14, the CITES Parties directed the African Elephant Range States to create an African Elephant Action Plan;

AWARE that the African Elephant Action Plan was finalised and approved as a consensus document by all 37 African Elephant range States at CoP15;

AWARE that the African Elephant Action Plan contains related and prioritised Objectives designed to reduce the level of threat facing African elephants and ensure their continued survival across their range;

RECOGNISING that an African Elephant Fund has been established as a multi-donor technical trust fund under the auspices of UNEP, to attract funding and direct resources for effective implementation of the African Elephant Action Plan;

COMMENDING all donors that have so far contributed to the African Elephant Fund;

AWARE that disbursement of funds for implementation of the African Elephant Action Plan has commenced;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES all Parties, donors, intergovernmental organizations, non-governmental organizations and other stakeholders, as a matter of priority, to provide financial contributions to the African Elephant Fund to support implementation of the African Elephant Action Plan.

DIRECTS the CITES Secretariat to integrate the need to fundraise for the implementation of the African Elephant Action Plan into its overall CITES fundraising strategy and to submit a report at each meeting of the Standing Committee on its efforts to raise funds for the African Elephant Fund.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

African Elephant Action Plan and African Elephant Fund

Directed to the Standing Committee

- 16.XX DIRECTS the Standing Committee to request that UNEP provide the necessary secretarial support to the Steering Committee of the African Elephant Fund to ensure it is able to meet its obligations concerning the implementation of the African Elephant Action Plan.