

# Open Letter to European Union Member States' Environment Ministers

22 June 2018

Dear Minister,

We write to you concerning the EU's position on closing domestic Ivory markets. There is an Environment Council meeting in Luxembourg on Monday 25 June 2018 and we would urge that this issue be discussed and agreement reached to close such markets. The EU has been identified as one of the largest markets and transit hubs for the trade of worked ivory. It is strongly believed that such markets permit the laundering of newly poached ivory and therefore contributing towards the demise of elephants in Africa and to a lesser extent in Asia.

The EU Action Plan against Wildlife Trafficking was introduced via a Commission Communication to the European Parliament, The Council, the European Economic and Social Committee and The Committee of the Regions in February, 2016. The Communication on the Action Plan was debated in the European Parliament on 24 November 2018. A Motion for Resolution was passed by Parliament with a very substantial majority. The adopted text included the following measure.

“58. Calls for the full and immediate ban at European level of trade, export or re-export within the EU and to destinations outside the EU of ivory, including pre-convention ivory and rhino horn; calls for the establishment of a mechanism to assess the need for similar restrictions for other endangered species;”

The President of Parliament was instructed to forward this resolution to the Council and the Commission. As a result, the Commission launched an EU wide Consultation on the Ivory Trade. The Consultation was carried out between 15 September 2017 and 8 December 2017. The Commission has published the raw data of the submissions and a Short report on the demographics of the responders.

The Consultation attracted almost 90,000 responses including approximately 450 self-identifying as organisations. From the raw data it has been possible to deduce that the majority of respondents favoured a total closure of domestic markets in the EU. The responses to Section D, Question 6 indicated that over 80% of respondents were in favour of a total ban with no exemptions. It now remains for the Commission and the Council to fully support the closure of the domestic ivory markets and implement appropriate legislation.

On 2 October 2016 at CoP17 CITES adopted a resolution with regards to domestic ivory markets as follows,

“... recommends that all Parties and non-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 measure to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency...”

The EU, as stated above, has one of the largest domestic ivory markets in the world today. The high volumes of trade both within the EU area and exports to third countries is a very tempting target for

the illegal trade which utilises domestic markets to launder illicit ivory. The EU market is a prime example of the type that CITES recommends should be closed.

It is difficult to assess the scale of the illicit trade within the EU as no evidence has been published to support the idea that the EU markets are free from illicit ivory nor the quantities that may be involved. During the debate in Parliament on 13 June 2018 Catherine Bearder (MEP) stated that research carried out by the University of Oxford is due to be published within the next few weeks. This research apparently indicates that the EU suffers a high level of illicit ivory infiltrating legal markets.

The EU is obliged to act according to the precautionary principle outlined in Article 191 (2) of the Treaty on the Functioning of the EU. This is also a basic principle of CITES and EU Council Regulation 338/97. In view of the lack of evidence to support the view that the EU markets are not used for illicit purposes there is good reason to take the precautionary approach.

In addition to the above a number of countries with domestic markets have or are implementing enhanced bans although none have fully closed their market. Generally, these bans include a number of exemptions and a degree of registration of items. The following summarises the state of legislation in a selection of countries with relatively large markets.

1. United States of America – On 6 July 2016 the USA introduced a revision to the relevant rule in the Federal Code to more strictly regulate the ivory trade. The final rule prohibits the import and export of African elephant ivory with limited exceptions for: Musical instruments, items that are part of a traveling exhibition, and items that are part of a household move or inheritance when specific criteria are met; and ivory for law enforcement or genuine scientific purposes. Subsequent to this change various States are introducing State legislation to strengthen regulations in within State markets.
2. China – A near total ban was announced in 2016 which was then implemented at the end of 2017. All commercial trade in ivory and the processing of ivory is forbidden although there are a couple of exemptions mentioned in the decree relating to historical/cultural pieces.
3. France – On 30 April 2016 the French Minister for the Environment announced a total ban on trade in ivory within France. In reality the Decree did allow for a number of exemptions for worked ivory pieces.
4. United Kingdom – After a comprehensive consultation the UK Government have introduced legislation which is currently passing through the legislative process in the national Parliament. The proposed legislation aims to provide a near total ban with very limited, restricted exemptions. The Bill has extensive cross-party support and is expected to become law in due course.
5. Hong Kong – A full domestic ban has been introduced commencing in January 2018 and this is to implemented over a three-year period and is scheduled to be complete by 2021.
6. Taiwan – A bill has been introduced to pass legislation that aims to ban all domestic ivory trade. Taiwan are targeting January 1, 2020 for effective implementation of the new law. Amendments to the Wildlife Conservation Act will make it illegal to sell or purchase ivory in the jurisdiction.

7. Australia – Currently carrying out an inquiry/consultation on the domestic ivory markets.

It should be noted that as each domestic market is closed and unavailable for use by the illegal trade such trade will be displaced to those markets that remain open. The maintenance of a legal market possibly increasing in size is a risk to the EU's reputation and the wellbeing of its citizens.

At the Giants Club Summit held in Botswana in March 2018 32 African Countries called on the EU and other jurisdictions to close their respective domestic markets in ivory. Most African range states are determined to end the incessant poaching of elephant populations for their ivory. They believe that the closure of domestic markets in non-range states has a vital part to play in supporting the actions they are already taking.

In conclusion we would urge you as a member of the Environment Council to support the closure of domestic ivory markets in the EU. This course of action is morally and ethically the correct approach to ensure that protection of elephants in their natural state. The EU can join those countries already taking action at each end of the supply chain. It is extremely important to ensure that all avenues that allow the illegal trade to flourish are closed. The beneficiaries of the illegal trade are criminal gangs and terrorist organisations. These entities are also responsible for great harm to their fellow humans. By tackling both ends of this trade demand and opportunity can be reduced helping eliminate supply and the death of elephants.

Yours Faithfully,

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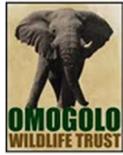
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