

Discussion on the DMM at SC62 and subsequent events

At the start of the presentation I emphasized that in the Terms of Reference was the explicit statement “***The study is not to determine whether there should or should not be international trade in ivory, which is a separate and distinct matter for the Parties.***”

The delegate from Egypt (Prof. Moustafa Fouda) was the first to speak and he praised the report saying it was one of the best documents he had seen in his time at CITES. He asked the question “what the hell is a Decision-making mechanism”?

I admitted that we had struggled with the same question ourselves and the Secretariat had been unable to define it satisfactorily! Despite my opening statement, it was clear that many of the Parties wanted the DMM to be a simple algorithm to enable the Parties to decide whether or not trade in ivory should take place.

Several Parties and observers complained that the study did not meet the terms of reference ... the Director-General of CITES responded that – “**It most certainly did meet the terms of reference !**”

All of the Southern African Parties present (Botswana, Namibia, South Africa, Zimbabwe) and China and Japan supported the report.

I was fairly aggressive in dealing with some of the interventions – to the extent that I was rapped over the knuckles by a colleague after the session who said that many of my remarks went outside the borders of diplomacy. However, I was reassured by many people after the meeting including the translators that it was high time that somebody “said it like it is”. It also taught me just how unpopular the CITES system was.

The Chair of the Standing Committee (Øystein Størkersen from Norway) suggested to the Meeting that the unamended report should go to the next CoP (CoP16 Bangkok 2013) but there were interventions against this. As a result, it was agreed that the Secretariat should obtain a further round of comments from the stakeholders identified in Doc. 46.4 and should prepare a document for review by the same stakeholders and the Chair of the Standing Committee. Comments should be submitted well in time for the Secretariat to prepare a document for submission at CoP16.

Now we enter the period of chaos and confusion ...

As called for in Decision 16.55, the Standing Committee appointed a DMM Working Group (SC64 Bangkok, March 2013) with the following membership: Botswana, Burkina Faso, Cameroon, China, Congo, India, Japan, Kenya, Nigeria, Rwanda, South Africa, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, the Chair of the Standing Committee (Norway) and the Secretariat. **Of this group, 9 were anti-trade, 5 were pro-trade and 2 were neutral.**

The document submitted by the Secretariat to CoP16 in Bangkok (Doc 36 (Rev 1) indicates the impossibility of consensus being reached on the DMM.

The CITES Secretariat reported to SC 66 in Geneva 2016 (Doc 47.4.1 Annex) that the TOR for the Working Group had been altered to –

“The primary aim of the DMM is to establish a basis for agreement on how to make the decision, under CITES, on whether or not there should be international trade in elephant ivory” (in direct contravention of the TORs given to the consultants) and

“In addition to the challenge of converging on the possible scope, outline, and content of a DMM, it is also clear from the documentation, stakeholder submissions, and dialogues on the DMM ... that there are various divergent perspectives on the ambition of the DMM – i.e. what it might aim to achieve”. The Secretariat might have said “polarised” rather than “divergent”

At its 66th Meeting in Geneva Jan 2016, the Standing Committee decided that “... the Working Group has been unable to conclude its work under Decision 16.55 and agreed to seek advice from the Conference of the Parties at its 17th Meeting whether the mandate under Decision 16.55 (and formerly Decision 14.77) should or should not be extended.”

This was put to CoP 17 (Committee II Rec.3 (Rev.1) p5) and the notion of an extension was rejected. **This whole process had taken 10 years.** It was clear from the debate preceding the vote, that the rejection was seen as a rejection of any future ivory trade.

SADC MUST EXPECT THAT ALL ATTEMPTS TO PURSUE A LEGAL IVORY TRADE THROUGH THE PRESENT CITES MECHANISMS WILL FAIL
