



HUMANE SOCIETY
INTERNATIONAL

Elephant Ivory Trade-Related Timeline with Relevance to the United States

1973 The **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)** was agreed on March 3, 1973 and the treaty became effective on July 1, 1975.

- Bans international trade for primarily commercial purposes in species on Appendix I; international trade that is not for primarily commercial purposes may be allowed for specified other purposes that do not pertain to ivory trade. Trade in Appendix I specimens requires the importing country to issue a CITES import permit after making specified findings, and the exporting country to issue a CITES export permit after making specified findings.
- Requires member countries to regulate international trade in species on Appendix II so as to ensure that such trade does not detrimentally affect the survival of the species. Trade in specimens of Appendix II species requires the exporting country to issue a CITES export permit after making specified findings.
- Contains less stringent trade measures for “pre-Convention” wildlife, defined as acquired from the wild and possessed before the first date of listing of the species under CITES; international trade in pre-Convention specimens requires the issuance of a pre-Convention CITES certificate by the exporting country. The Asian elephant was listed on CITES Appendix I in 1975, and the African elephant listed on CITES Appendix III in 1976, Appendix II in 1977, then Appendix I in 1989.

The **Endangered Species Act (ESA)** was signed into law on December 28, 1973 and became immediately effective.

- Prohibits specified activities by individuals, organizations, and agencies subject to United States jurisdiction.
- Prohibitions include: take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally.

- Defines “antique” items as those from endangered or threatened species over 100 years in age that have not been repaired or modified with the parts of any such species, on or after December 28th 1973; antique items must be from 1873 or before. Antique status does not require a declaration taken under oath with any false statement subject to criminal penalties.
- Defines “pre-Act” as endangered or threatened wildlife held on December 28th 1973, or the date that the species was first listed under the ESA, if such wildlife was not held in the course of a commercial activity. The Asian elephant was listed under the ESA in 1975, and the African elephant in 1978. Pre-Act status requires a written declaration made under oath with any false statement subject to criminal penalties.
- Allows for the establishment of a “special rule” for threatened species (although not for those endangered) that permits otherwise prohibited activities (including import and sale) under specified conditions.

1975 CITES became effective on July 1, 1975. **The Asian elephant was listed on CITES Appendix I**, which banned the international commercial trade in Asian elephant ivory. Asian elephant ivory possessed prior to this date is “pre-Convention” and can be traded internationally for commercial purposes with valid CITES documentation.

1976 **The Asian elephant was listed as endangered under the ESA.** Asian elephant ivory possessed prior to 1976 can be declared as pre-Act and can be sold domestically within the U.S. with proper documentation. Asian elephant ivory that was possessed prior to 1873 can also be sold within the U.S. as antique.

1977 **The African elephant was listed on CITES Appendix II.** International trade for primarily commercial purposes continued; exporting countries were required to make certain findings to ensure that export of ivory from their country was not causing a detriment to the survival of the species, and that it was legally acquired. During this period, the international trade in African elephant ivory was regulated by CITES.

1978 **The African elephant was listed as threatened under the ESA.** A “special rule” allowed commercial ivory trade, including import and sale of African elephant ivory, to continue under certain circumstances related to the regulation of the international trade in African elephant ivory by CITES.

1988 After ten years it became clear that the supposedly well-regulated international trade in African elephant ivory was a failure. The African elephant population had been cut by more than half in those ten years, plummeting from 1.3 million in 1978, to only 600,000 in 1988. Elephants were being poached for their ivory tusks and this ivory was being laundered into the supposedly regulated trade to such an extent that, by 1988, it was estimated that over 90% of the ivory in international trade was from poached elephants. In response to this crisis, the U.S. Congress passed the **African Elephant Conservation Act** which gave the president the power to ban the import of African elephant ivory into the U.S. for commercial purposes.

- 1989** The African Elephant Conservation Act was passed, which banned the import of African elephant ivory into the U.S. for commercial purposes.
- CITES listed the African elephant on Appendix I** thus banning the international commercial trade in African elephant ivory effective January 20, 1990.
- 1990** The CITES Appendix I listing of the African elephant became effective January 20, 1990 and the international ivory elephant trade for commercial purposes was banned. African elephant ivory legally imported to the U.S. prior to January 20, 1990 may be sold on the U.S. market.
- 1997** CITES transferred the African elephant populations of Botswana, Namibia and Zimbabwe to CITES Appendix II with an “annotation” that did not allow regular international ivory trade for commercial purposes. However, CITES agreed to allow a “one-time, experimental” export of 49 metric tons of government-stockpiled ivory from Botswana, Namibia, and Zimbabwe to Japan.
- 1999** The “one-time, experimental” export of 49 metric tons of government-stockpiled ivory from Botswana, Namibia, and Zimbabwe to Japan, agreed in 1997, occurred.
- 2000** CITES transferred the African elephant population of South Africa Appendix II with an “annotation” that did not allow regular international ivory trade for commercial purposes.
- 2002** CITES approved a second export of 60 metric tons of government-stockpiled African elephant ivory from South Africa, Botswana, and Namibia to unnamed “trading partners” to be approved by CITES. This export did not take place until 2008.
- 2008** CITES increased the amount of government-stockpiled ivory that could be exported to 108 metric tons, included Zimbabwe among the African countries that could take part in the export, approved Japan and China to receive this ivory, and agreed not to approve additional ivory trade for nine-years (2018).
- In November 2008, South Africa, Botswana, Namibia and Zimbabwe exported 102 metric tons of ivory to Japan and China.** The influx of ivory into China reinvigorated the government-approved ivory carving industry, which had been waning since the 1989 CITES ivory trade ban was established.
- 2010** CITES **did not** approve proposals by Tanzania and Zambia to transfer their African elephant populations to Appendix II, and to trade in ivory.
- 2013** African elephant poaching is, once-again, threatening the survival of the species with 25,000 elephants poached in 2011, and more than 30,000 estimated to have been poached in 2012. CITES names China as the main destination for poached ivory.