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Department of the Environment and Energy

## SUBMISSION TO THE PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT INQUIRY INTO THE TRADE IN ELEPHANT IVORY AND RHINO HORN

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## Introduction

This submission is the Australian Government Department of the Environment and Energy's response to the Terms of Reference for the Parliamentary Joint Committee on Law Enforcement inquiry into trade in elephant ivory and rhino horn. The Department of the Environment and Energy has primary responsibility for the implementation of Australia's requirements for international movement of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These requirements are given effect through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

## Background

### *CITES*

CITES is an international agreement between governments which aims to ensure that international trade in wildlife does not threaten wild populations. CITES was established in 1975. Australia became a Party to CITES in 1976 and is one of 183 signatories to CITES.

Around 6,000 species of animals and 30,000 species of plants are listed on one of three Appendices to CITES, depending on the threat of trade to the species survival:

- Appendix I lists species currently threatened with extinction from international trade
- Appendix II lists species not currently threatened with extinction but could become so if trade is not regulated
- Appendix III lists specific populations of species or species threatened only in a specific country.

The import and export of species listed on CITES is regulated by a permitting system implemented by CITES member countries. The permitting system verifies that the international movement of a listed species is both legal and sustainable.

Both commercial and non-commercial trade of CITES listed plants and animals (including their parts and derivatives) is regulated. This includes species used in the high-end fashion industry (such as crocodile, python and snake leather), traditional medicines (such as bear bile, tiger bone and ginseng), marine species (including shark fin), scientific specimens (including live monkeys and monkey blood specimens), transfer of live animals between zoos, live plants, timber and cut flowers (including sandalwood, orchids and ferns), personal hunting trophies (such as African lion and polar bears), tourist souvenirs (including corals and clam shells), and musical instruments (such as rosewood fret boards found in guitars, and ivory used in pianos and bagpipes).

CITES is legally binding and requires Parties to implement national legislation to enforce CITES requirements. While CITES promotes a consistent approach to implementing the Convention, it does not limit the right of Parties to adopt measures that are stricter than required by CITES, or (under limited circumstances), to take a reservation against the regulation of any species listed under CITES.



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Guidance on how to implement CITES requirements is agreed by signatories at regular meetings of the CITES Conference of the Parties in the form of CITES Resolutions. These Resolutions are not legally binding on Parties.

Australia implements CITES through Australia's national environment legislation, the EPBC Act. Under the EPBC Act, Australia has adopted a range of domestic measures that further restrict trade in some CITES listed species. Such measures include bans on international imports and exports of cetaceans (whales and dolphins), elephants, rhinos and African lions. Trade in these specimens is only allowed in very limited circumstances, such as for research purposes or if the item is vintage.

Each Party to CITES is required to designate a Management Authority (responsible for interpreting, developing and implementing CITES policy and issuing CITES permits) and a Scientific Authority (responsible for advising on scientific aspects of implementation, and determining the sustainability of trade in species). The Department of the Environment and Energy implements Australia's CITES Management and Scientific Authorities roles.

Australian Border Force (ABF) is responsible for enforcing trade controls at the Australia's borders including wildlife trade requirements under the EPBC Act. Seizures of wildlife items made by ABF are referred to the Department for assessment, investigation and reporting to the international CITES Secretariat.

Internationally, elephants and rhinos are facing extinction as a result of unsustainable population decline driven by poaching and trafficking for their tusks (elephant) and horn (rhino) to meet large market demand. At the 17<sup>th</sup> Conference of the Parties to CITES in 2016, Parties agreed to a non-binding Resolution regarding the closure of domestic ivory markets which:

*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 measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency; and*

*URGES those Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade and that have not closed their domestic ivory markets for commercial trade in ivory to implement the above recommendation as a matter of urgency.*

## Elephants

### African Elephants

The African elephant (*Loxodonta africana*) is found across sub-Saharan Africa. As at September 2016, there was a total population of 352,271 African (savanna) elephants, representing a decrease of over 30 per cent in the previous seven years.<sup>1</sup> An estimated 100,000 elephants are thought to have been poached between 2007 and 2013. The International Union for the Conservation of Nature (IUCN) classifies African elephants as vulnerable<sup>2</sup>.

<sup>1</sup> The Great Elephant Census (2016), Final Report, <http://www.greatelephantcensus.com/final-report/> (the Great Elephant Census only reported on the number of savanna (not forest) elephants in Africa.).

<sup>2</sup> IUCN Red List



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## Asian Elephants

The Asian elephant (*Elephas maximus*) is found in 13 Asian countries, with 60 per cent of the population located in India.<sup>3</sup> The total estimated population of Asian elephants is less than 50,000.<sup>4</sup> About 25 per cent of Asian elephants are living in captivity.<sup>5</sup> The IUCN reports a population decline of at least 50 per cent over the past 65-75 years, and has listed the species as endangered.<sup>6</sup> The primary threats to Asian elephants are habitat loss, degradation and fragmentation caused by expanding human populations. Although poaching is a threat, Asian elephants primarily contribute to markets for meat and leather<sup>7</sup> and are not considered a significant source of ivory.<sup>8</sup>

## Rhinos

### African Rhinos

The African rhino genus is divided into two species: the white rhino (*Ceratotherium simum*) and the black rhino (*Diceros bicornis*). The African rhino is found in 11 African countries. Over 90 per cent of the white rhino population is found in South Africa, Zimbabwe, Namibia and Kenya.<sup>9</sup> Most black rhinos occur in Namibia and South Africa. In the 1960s, there were an estimated 100,000 black rhinos in Africa. In 2015, the estimated African rhino population was 25,628 (20,378 white and 5,250 black).<sup>10</sup> The IUCN classifies the white rhino as near threatened and the black rhino as critically endangered.<sup>11</sup> The dramatic reduction in rhino populations is primarily due to poaching.<sup>12</sup> Around 1,160 African rhinos were poached in 2016 alone.<sup>13</sup> Asia is the primary destination of illegally exported African rhino horn, with Vietnam and China identified as dominant markets.<sup>14</sup>

### Asian Rhinos

There are three species of Asian rhinoceros:

- The Greater One Horned rhino (*Rhinoceros unicornis*) occurs in India and Nepal. In 2015, the population of this species was 3,264.<sup>15</sup> The species declined to near extinction in the 1990s due to poaching, agricultural development and human-rhino conflict.<sup>16</sup> IUCN classifies this species as vulnerable.<sup>17</sup> Surveys in 2014 and

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<sup>3</sup> CITES COP 17 Paper 57.1 (2016), Illegal Trade in Live Asian Elephants, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-01-A5.pdf>

<sup>4</sup> CITES COP 17 Paper 57.1 (2016).

<sup>5</sup> CITES COP 17 Paper 57.1 (2016).

<sup>6</sup> IUCN Red List.

<sup>7</sup> IUCN Red List.

<sup>8</sup> UNODC (2016) World Wildlife Crime Report.

<sup>9</sup> CITES COP17 Paper Doc.68 (2016), African and Asian Rhinoceroses: Status, Conservation and Trade, <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-68-A5.pdf>

<sup>10</sup> CITES COP17 Paper Doc.68

<sup>11</sup> IUCN Red List

<sup>12</sup> UNODC (2016) World Wildlife Crime Report.

<sup>13</sup> TRAFFIC (2017) Pendants, Power and Pathways, <http://www.traffic.org/home/2017/9/17/organized-criminal-gangs-behind-rhino-horn-processing-in-sou.html>

<sup>14</sup> TRAFFIC (2017) Pendants, Power and Pathways.

<sup>15</sup> CITES COP17 Paper Doc.68 (2016).

<sup>16</sup> IUCN Red List.

<sup>17</sup> IUCN Red List.



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2015 report a population increase of nine per cent since 2012 following conservation action from the Indian and Nepalese governments.<sup>18</sup>

- The Javan rhino (*Rhinoceros sondaicus*) occurs entirely in the Ujung Kulon National Park in Indonesia.<sup>19</sup> Their current population is 63. Poaching is the primary cause of population decline.<sup>20</sup> The species is particularly at risk as they are all located in one area, leaving them vulnerable to poaching attacks and disease outbreak.<sup>21</sup> IUCN classifies this species as critically endangered.<sup>22</sup>
- The Sumatran rhino (*Dicerorhinus sumatrensis*) occurs in four isolated areas in Indonesia. In 2015 their population was 76.<sup>23</sup> The primary threats to the species are poaching and infrequent breeding activity due to the reduced number of animals.<sup>24</sup> The IUCN lists the Sumatran rhino as critically endangered.<sup>25</sup>

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<sup>18</sup> CITES COP17 Paper Doc.68 (2016).

<sup>19</sup> CITES COP17 Paper Doc.68 (2016).

<sup>20</sup> IUCN Red List.

<sup>21</sup> CITES COP17 Paper Doc.68 (2016).

<sup>22</sup> IUCN Red List

<sup>23</sup> CITES COP17 Paper Doc.68 (2016).

<sup>24</sup> IUCN Red List.

<sup>25</sup> IUCN Red List.



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## Terms of Reference

Pursuant to paragraph 7(1)(g) of the Parliamentary Joint Committee on Law Enforcement Act 2010, the committee will examine the legal and administrative arrangements for ensuring Australia's compliance with its obligations, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, to restrict the trade in elephants and rhinos including:

- a. the incidence of importation to, and exportation from, Australia of elephant ivory and rhino horn products;
- b. the adequacy of existing arrangements and resources for the screening of imports and exports for elephant ivory and rhino horn products;
- c. the involvement of serious and organised crime groups, including international crime groups, in the importation, exportation and/or sale of elephant ivory and rhino horn products in Australia;
- d. what arrangements exist with auction houses, electronic market places and other brokers to prevent illegally imported elephant ivory and rhino horn being sold in Australia;
- e. the effectiveness of existing domestic legislation and compliance frameworks to restrict trade in elephant ivory and rhino horn products, with particular regard to the role of the Australian Federal Police and the Australian Border Force;
- f. the effectiveness of current monitoring and regulation, including the extent and use of legally mandated provenance documentation attached to elephant ivory and rhino horn;
- g. the authenticity of provenance documentation and the effectiveness of measures to detect forged or fraudulent documentation;
- h. the potential to strengthen existing legislation and administrative arrangements, including through agreements with the states and territories, to reduce the domestic trade in elephant ivory and rhino horn products;
- i. supporting efforts to close domestic markets for elephant ivory and rhino horn products;
- j. engagement by Australian law enforcement agencies with regional and international counterparts to address the illegal trade in elephant ivory and rhino horn;
- k. the nature and effectiveness of measures, models and legislation adopted in other jurisdictions to address the trade in elephant ivory and rhino horn; and
- l. any other related matters.



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## Response

### *Regulation of trade in elephant ivory and rhino horn*

**This section addresses terms of reference b, d, e, f, g and h**

#### International requirements

##### *Elephants*

African and Asian elephants are listed on Appendix I to CITES, with the exception of African elephant populations from Botswana, South Africa, Namibia and Zimbabwe, which are listed on Appendix II to CITES (subject to a number of conditions). African elephants were first listed on CITES in 1976. Asian elephants were first listed in 1975.

##### *Rhinos*

All five rhino species are listed on Appendix I to CITES, except for populations of Southern white rhino from South Africa and Swaziland which are listed on Appendix II for the exclusive purpose of allowing international trade in live animals “to appropriate and acceptable destinations” and hunting trophies. Rhinos were first listed in 1975.

#### Australian Requirements

Australia has strict requirements under the EPBC Act for import and export of rhino and elephant specimens. These measures are more stringent than required by CITES and mean that elephant ivory and rhino horn may generally only be imported or exported if accompanied by a pre-Convention certificate issued by the exporting country. A pre-Convention certificate verifies that an item includes parts of a plant or animal that was deceased prior to the listing of the species under CITES.

In March 2018, the Department issued an international notification to all CITES Parties ([Notification to the Parties No. 2018/025](#)) reminding them of Australia’s stricter domestic measures for trade in elephants and rhinos and other CITES-listed species.

##### *Elephants*

Australia treats all populations of African elephants as though they are listed on Appendix I to CITES. This measure has been implemented since 1990. Under Australian legislation, Appendix I-listed species may only be imported or exported if the specimen meets any of the following requirements. The specimen:

- was obtained prior to the first listing of the species on CITES (pre-Convention) (live and non-live specimens)
- is traded as part of a non-commercial exchange of scientific specimens between registered institutions (non-live specimens only)
- is traded for research purposes (live and non-live specimens)



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- is traded for education purposes (live and non-live specimens)
- is traded for exhibition purposes (non-live specimens only), or
- is traded as part of a Cooperative Conservation Program (live specimens only).

The measure prevents imports and exports of ivory for personal or commercial purposes unless the ivory is demonstrated to be pre-Convention and is accompanied by a pre-Convention certificate issued by the exporting country. The certificate must travel with the item for inspection at the Australian border. Failure to have the correct documentation may result in the item being seized.

Australian requirements for obtaining pre-Convention certificates are more stringent than current CITES requirements. Traders requesting a pre-Convention certificate for any item containing an Appendix I-listed species must obtain verification from an independent expert regarding the age of the item. Unique identifiers (for example, serial numbers) are recorded on the pre-Convention certificate to prevent laundering. In the absence of a unique identifier, an annex with photographs and a detailed description of each item is included with the pre-Convention certificate to ensure traceability.

#### *Rhinos*

In 2014, Australia implemented a ban on imports of recently hunted rhino trophies, regardless of their origin. The ban was introduced due to concerns about the practice of 'pseudo-hunting' where non-hunters pose as hunters in order to transport a rhino horn internationally.

Australia prohibits imports and exports of rhino horn for personal or commercial purposes unless it can be demonstrated that the item is pre-Convention and is accompanied by a pre-Convention certificate issued by the exporting country. The pre-Convention certificate must travel with the item for inspection at the Australian border.

Australia also implements stricter requirements for traders wishing to obtain a pre-Convention certificate to export rhino horn from Australia. Anyone wishing to export an item containing rhino horn must have the item radio-carbon dated by an authorised laboratory to conclusively demonstrate that it was obtained from an animal that was deceased prior to the listing of rhinos on CITES (in 1975). With current radio-carbon dating technology, a source date of pre-1957 is required for an item to be proven to be pre-Convention.

#### *Permit issuance and verification*

The Department assesses all Australian applications for CITES permits. To be issued a CITES export permit for elephant and rhino specimens, the applicant must provide supporting documentation, including CITES permits from the exporting country where relevant. In some cases, the Department may seek additional information from the applicant and/or overseas CITES Management Authorities to confirm details.

CITES documentation must conform to CITES requirements including official logos, signatures and security stamps used to verify authenticity. CITES Parties cooperate to share information in the event that national CITES





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permit formats change or it becomes evident that fraudulent CITES documentation is in circulation. The Department ensures that this information is made available to ABF.

As soon as the Department issues a CITES permit, the permit data is transferred electronically to ABF via a Digital Permit Service. This service was introduced in 2017 and enables CITES permits to be auto-verified. The service significantly reduces the likelihood of fraudulent permit documentation being used to illegally import or export ivory and rhino horn. The Department is working with ABF to improve real-time intelligence and information sharing for trade in CITES species with the intention of enhancing ABF's ability to identify and intervene in high-risk consignments.

Wildlife items may be seized at Australia's borders if they are suspected to be illegally imported or exported. It is an offence to be in possession of illegally imported wildlife items, and wildlife items may be seized post-border (i.e. within Australia) if enforcement authorities have reason to suspect that an item has entered the country illegally. The majority of Australia's wildlife seizures are undertaken by ABF officers. Seized items are referred to the Department for further assessment and investigation.

Allegations and/or detected contraventions of the EPBC Act are subject to initial assessment to ascertain further compliance and enforcement action. Initial assessment determines the likelihood that a contravention has occurred, its seriousness and its probable consequences. Allegations of illegal trade are considered seriously and assessed in line with the Department's compliance and enforcement policy, with each case being treated on its individual merits.

#### [Penalties](#)

The maximum penalty for wildlife trade offences under the EPBC Act is 10 years imprisonment and a \$210,000 fine for individuals (\$1,050,000 for corporations).

#### [Controls of domestic sales of elephant ivory and rhino horn within Australia](#)

The Department implements strict international trade requirements for elephant ivory and rhino horn that limit imports and exports to circumstances such as for research or if the item is vintage. The Department does not regulate domestic sales of items containing elephant ivory and rhino horn.

To promote compliance with Australia's international wildlife trade regulation requirements, the Department works with auction houses on the sale of items containing CITES listed species, particularly elephant ivory and rhino horn. For example, the Department has developed a seller's declaration form that auction houses may distribute to vendors to help determine the age and origin of CITES-listed items. Several auction houses also share information with the Department on the provenance and history of elephant and rhino specimens supplied by vendors for auction.

Any changes to the Australian Government's regulation of domestic sales of elephant ivory and rhino horn within Australia is likely to require investment and cooperation from states and territories. Introduction of any



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restrictions on domestic trade may impact industries (eg antique dealers and musicians) and individuals wishing to sell elephant ivory items that have been legitimately obtained.

### *Imports and exports of elephant ivory and rhino horn products*

**This section addresses terms of reference a and j.**

Australia issues permits for the import and export of CITES listed species in accordance with CITES and EPBC Act requirements. The type of permit issued will depend on the level of CITES protection given to a particular species, and the purpose of the trade. Australian permitting requirements are stricter than required by CITES. In particular:

- Since 2014, imports of all new rhino trophies are prohibited
- Since 1990, trade in elephants products is prohibited except under very limited circumstances including research or if the item is vintage
- Trade in non-vintage personal items containing species listed on Appendix I to CITES is prohibited.

All CITES Parties are required to submit trade data to the CITES Secretariat. These data are publicly available on the [CITES Trade Database](#).

For vintage items, a pre-Convention certificate must be issued by the exporting country before export to Australia. Exports of pre-Convention items are reported to the CITES Secretariat by the exporting country. Australia does not issue permits for imports of vintage items. Australia therefore does not report on imports of these items.

For trade in elephant ivory/rhino horn items for scientific, education or exhibition purposes, the item is not required to be vintage. For trade in items for these purposes, both export permits and import permits are required, and both importing and exporting countries report on trades that have occurred.

The Department maintains records of CITES permits issued and used. Permit holders are required to acquit their permit with the Department to verify trade that occurred. The Department submits records of Australian trade in CITES species to the CITES Secretariat. Data submitted by other Parties includes trade they undertook with Australia. Data submitted by Australia to the CITES trade database is based, as far as possible, on acquitted data that reflects the actual number of imports/exports that took place in a given year. Due to Australia's stricter measures, some trades authorised by exporting countries can be inconsistent with Australian requirements.

Import and export data shown in Tables 1 to 8 covers the period 2010 to 2015<sup>26</sup>. Data shows whether the reported items in trade are vintage (pre-Convention) or other<sup>27</sup>.

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<sup>26</sup> Data for the years 2010-2014 has been drawn from the CITES Trade Database (<https://trade.cites.org/>). Data for the year 2015 has been drawn from data provided to the CITES Secretariat for inclusion in the CITES Trade Database but not yet published.

<sup>27</sup> Other sources include non-vintage specimens as well as seized/confiscated, unknown, wild, and items where the source was not identified (blank).



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Data on seizures of wildlife items suspected to be in breach of Australia's wildlife trade laws is shown in Tables 9 and 10 is for the period 2010 to 2016.

## Elephant

### Imports

Data on elephant<sup>28</sup> imports has been derived from trade data reported to the CITES Trade Database by Australia and other CITES Parties trading with Australia. Tables 1 and 2 summarize imports to Australia, either accompanied by an Australian import permit (Australian reported imports) or not accompanied by an import permit (imports not reported by Australia)<sup>29</sup>.

Imports to Australia are reported *either* by number of items *or* by weight (kilograms). The number of elephant ivory items imported to Australia between 2010 and 2015 was 6,455. In addition 79 kilograms of elephant ivory was imported during the same period. Ivory items were imported for educational, hunting trophy, personal, commercial, scientific and exhibition purposes<sup>30</sup>. The majority of items were vintage (pre-Convention).

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<sup>28</sup> Data on imports and exports of elephant ivory was drawn using the search term 'Elephantidae', which includes both the African elephant (*Loxodonta Africana*) and the Asian elephant (*Elephas maximus*). In some instances, Australia reports pre-Convention ivory to the family level *Elephantidae* if the species is unknown. The term *Elephantidae* was therefore also included in the data search to provide a complete dataset.

<sup>29</sup> If both the exporter and the importer has reported the trade, this is recorded under 'Australian reported imports'.

<sup>30</sup> 'Ivory' is taken to include the trade terms: carvings, ivory carvings, ivory pieces, jewellery – ivory, piano keys, tusks, teeth, and items that are not identified (blank). Trade terms not included: bone pieces, derivatives, feet, garments, hair, leather products (small), leather products (large), skin, skin pieces, specimens, tails.



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**Table 1. Imports of ivory to Australia between 2010-2015 (number of items)<sup>31</sup>**

Purpose of trade		Education	Hunting trophy	Personal	Exhibition	Scientific	Commercial	Blank	Total
Australian reported imports									
	Pre-Convention	0	0	0	18	0	0	0	18
	Other	0	0	0	5	0	0	0	5
Imports not reported by Australia									
	Pre-Convention	25	0	3769	200	10	2089.5	8	6101.5
	Other	0	11	308	0	0	12	0	331
Total		25	11	4077	223	10	2101.5	8	6455.5

**Table 2. Imports of ivory to Australia between 2010-2015 (by weight (kilograms))**

Purpose of trade		Education	Hunting trophy	Personal	Exhibition	Scientific	Commercial	Blank	Total
Australian reported imports									
	Pre-Convention	0	0	0	0	0	0	0	0
	Non pre-Convention	0	0	0	0	0	0	0	0
Imports not reported by Australia									
	Pre-Convention	0	0	32.804	0	0	45.9	0	78.704
	Non pre-Convention	0	0	0.101	0	0	0	0	0.101
Total		0	0	32.905	0	0	45.9	0	78.805

<sup>31</sup> Trades that have no unit recorded (blank) are assumed to be "number of items".



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#### Exports

Between 2010 and 2015 a total of 1,978 items plus 750 grams of ivory<sup>32</sup> were exported<sup>33</sup> from Australia for personal, commercial, and exhibition purposes (tables 3 and 4). The majority of items were vintage (pre-Convention).

**Table 3. Exports of ivory from Australia between 2010-2015 (number of items)<sup>34</sup>**

Purpose of trade		Personal	Exhibition	Commercial	Total
Australian reported exports					
	Pre-Convention	1309	203	418	1930
	Other	19	12	17	48
Total		1328	215	435	1978

**Table 4. Exports of ivory from Australia between 2010-2015 (by weight (kilograms))**

Purpose of trade		Personal	Exhibition	Commercial	Total
Australian reported exports					
	Pre-Convention	0.751	0	0	0.751
	Other	0	0	0	0
Total		0.751	0	0	0.751

<sup>32</sup> 'Ivory' is taken to include the trade terms: tusks, ivory pieces, carvings, ivory carvings, piano keys, teeth, unspecified. Other trade terms not included in the analysis are leather products (small), leather products (large), skins, specimens, and piece – bone.

<sup>33</sup> Export data is based on Australian export data only. Analysis does not include reported imports from Australia by other Parties where Australia has not reported the export.

<sup>34</sup> Where the unit was blank, it is assumed to be "number of items". The unit 'pair' is recorded as two items.



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#### Rhino

#### Imports

Between 2010 and 2015, a total of 22 rhino horn items<sup>35</sup> were imported for personal, commercial or hunting trophy purposes (tables 5 and 6). The majority of items were vintage (pre-Convention).

Table 5. Imports of rhino horn into Australia between 2010-2015 (number of items)					
Purpose of trade		Hunting trophy	Personal	Commercial	Total
Australian reported imports					
	Pre-Convention	0	0	0	0
	Other	0	0	0	0
Imports not reported by Australia					
	Pre-Convention	0	7	14	21
	Other	1	0	0	1
Total		1	7	14	22

Table 6. Imports of rhino horn into Australia between 2010-2015 (by weight (kilograms))					
Purpose of trade		Hunting trophy	Personal	Commercial	Total
Australian reported imports					
	Pre-Convention	0	0	0	0
	Other	0	0	0	0
Imports not reported by Australia					
	Pre-Convention	0	0	0	0
	Other	0	0	0	0
Total		0	0	0	0

<sup>35</sup> Trade terms included in the analysis are trophies, horn, horn carvings and carvings. Trade terms excluded from the analysis are live, specimens, hair, skin pieces, and skulls.



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#### Exports

Between 2010 and 2015, a total of 18 rhino horn items<sup>36</sup> were exported<sup>37</sup> from Australia for personal and commercial purposes. The majority were vintage (pre-Convention) items.

**Table 7. Exports of rhino horn from Australia between 2010-2015 (number of items)**

Purpose of trade		Personal	Commercial	Total
Australian reported exports				
	Pre-Convention	11	5	16
	Other	0	2	2
Total		11	7	18

**Table 8. Exports of rhino horn from Australia between 2010-2015 (by weight (kilograms))**

Purpose of trade		Personal	Commercial	Total
Australian reported exports				
	Pre-Convention	0	0	0
	Other	0	0	0
Total		0	0	0

<sup>36</sup> 'Rhino horn is taken to include carvings, horns, and trophies. Other trade terms not included in the analysis are live and specimens.

<sup>37</sup> Export data is based on Australian export data only. Analysis does not include reported imports from Australia where Australia has not reported the export.



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#### Seizures

##### Elephant

Between 2010 and 2016, there were 471 cases of suspected elephant products being seized by Australian authorities, 309 cases of which were for suspected ivory (Table 9)<sup>38</sup>. Elephant products other than ivory seized during this period included items made from elephant skin, tooth, bone, feet and hair. Of the 309 seizures of suspected ivory:

- 49 seizures were of tusks
- one seizure was identified as jewellery
- one seizure was of a piano with ivory keys
- 258 seizures were of items described as ‘carvings’, which may comprise both elephant ivory and elephant bone and typically include antiques, tourist souvenirs (such as jewellery, dominoes, small statues) and other trinkets.

During this period there was one notable seizure case which led to prosecution, the significance being determined by relative number of items and weight. In April 2015, ABF officers detected and seized 110 kilograms of raw unworked elephant tusks while examining an air cargo shipment from Malawi, East Africa being transhipped to Malaysia. Department investigators facilitated forensic examination of the seized ivory, arranged for mitochondrial DNA testing through the Australian Centre for Wildlife Genomics to identify the ivory’s origins, and disseminated relevant intelligence to INTERPOL. Malawi authorities arrested five suspects as a result of the Department’s investigative activity.

Investigation of the remaining seizures of ivory during this period indicate that the majority were declared by importers as ivory and that the majority of detected non-compliance was inadvertent. The low quantities and nature of the seized items (the majority being trinkets and souvenirs) appears to validate claims by most importers that their seized ivory was for personal use.

Table 9. Total number of seizure cases suspected of containing elephant ivory (2010-2016)

Product Type	2010	2011	2012	2013	2014	2015	2016	Grand Total
Carving	38	50	42	48	43	18	19	258
Jewellery - ivory	0	0	0	0	0	0	1	1
Piano keys	0	0	0	0	0	0	1	1
Tusk	13	9	9	8	7	1	2	49
<b>Grand Total</b>	<b>51</b>	<b>59</b>	<b>51</b>	<b>56</b>	<b>50</b>	<b>19</b>	<b>23</b>	<b>309</b>

<sup>38</sup> A single seizure case often includes multiple items.





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#### Rhino

Between 2010 and 2016, there were 26 cases of suspected rhino horn being seized by Australian authorities. Investigations confirmed that 16 of these cases were illegal imports. Investigations also resulted in the return of items from the remaining 10 cases as they were found to be vintage items (i.e. obtained from an animal deceased before it was listed under CITES) or determined as not containing any rhino product (Table 10).

Table 10. Total number of seizures suspected of containing rhino horn product (2010-2016)

Product Type	2010	2011	2012	2013	2014	2015	2016	Grand Total
<b>Horn</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>19</b>
<b>Medicine</b>	0	2	0	1	3	0	1	7
<b>Grand Total</b>	<b>1</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>26</b>

#### Engagement in international measures to address illegal wildlife trade

The Department's Office of Compliance is a member of the INTERPOL Wildlife Crime Working Group. The Working Group brings together operational managers from INTERPOL member countries to identify opportunities for multi-agency law enforcement outcomes against wildlife crimes and to plan collaborative operations. Department officers attended the 28<sup>th</sup> meeting of the Working Group in October 2017, where international ivory trade was highlighted as priority focus and partnerships were established with counterparts from Europe, Southeast Asia, the Americas and Oceania to promote future collaboration and intelligence-sharing.

The Department has led international engagement in efforts to stop poaching and illegal wildlife trade. This work has included co-sponsorship of the United Nations General Assembly Resolution on Tackling Illicit Trafficking in Wildlife (adopted on 30 July 2015), participation in the international conferences on illegal wildlife trade (London, Botswana, Vietnam), and promotion of measures adopted through regional and international fora (for example APEC, G20, ASEAN) to address wildlife trafficking. In particular, through CITES, the United Nations and the G20, the Department has successfully advocated for:

- wildlife crime to be treated as a 'serious crime' consistent with the UN Convention against Transnational Organised Crime (UNTOC), making it a criminal offence which carries a penalty of at least four years imprisonment;
- measures to ensure that corruption associated with illegal wildlife trade is addressed, including by following the 'money trail' and pursuing proceeds of wildlife crime; and



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- implementation of standards agreed in the UN Convention against Corruption to ensure a consistent legal response towards illegal wildlife trade.

As the alternative CITES representative for the Oceania region, the Department is promoting improved implementation of CITES in the Pacific as a foundation for tackling illegal wildlife trade. This has involved proposing the Oceania region as the priority for the United Nations Conference on Trade and Development to pilot a new wildlife trade permitting and reporting system, and encouraging CITES Parties in the Oceania region to access compliance and enforcement assistance offered by the International Consortium on Combating Wildlife Crime.

#### [International trade in elephant ivory and rhino horn](#)

**This section addresses terms of reference c, i and k.**

##### Illegal wildlife trade

International illegal wildlife trade is valued at \$7-\$23 billion a year, and poses a risk to the environment and global security and prosperity<sup>39</sup>. Globally, illicit wildlife trade is controlled by organised criminal groups, driven by high profits, low risks of detection, and low penalties if detected, and it is directly linked to financing of armed conflicts and possibly terrorism.

All major international reports and investigations into wildlife trafficking, particularly relating to elephant ivory and rhino horn, have established strong relationships between wildlife crime and organised crime syndicates. In particular, the United Nations Office on Drugs and Crime's (UNODC) 2016 *World Wildlife Crime Report* found that most ivory is trafficked as raw ivory from Africa in large sea shipments by transnational organised criminal groups and destined for markets in China. The Report states that 159 metric tons of ivory were seized between 2009 and 2014 in shipments larger than 500kg, mostly along this route. The Environmental Investigation Agency has mapped worldwide ivory seizures and categorises large-scale ivory seizures as being in excess of 500 kilograms – the average seizure is 1.7 tonnes of ivory<sup>40</sup>.

In contrast, Australian data shows that between 2010 and 2016 there were 309 seizures of suspected elephant ivory items (mostly consisting of small carvings and trinkets) and one transshipment of 110kg of raw ivory seized in Australia. During the same period, there were 26 seizures of suspected rhino horn products.

Australia has never been identified by UNODC, CITES or any other international agency as a significant contributor to poaching or illegal trade in elephant ivory and rhino horn. Australian ivory and rhino horn seizures are not considered significant on an international scale by environmental advocacy groups.

Internal reports have concluded that most illegal trade in elephant ivory and rhino horn in Australia is small-scale and largely inadvertent. Analysis has not revealed any clear indicators of sophisticated criminal involvement of trafficking of elephant or rhino products in Australia.

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<sup>39</sup> European Parliament, Study: EU trade policy and the wildlife trade, 2016

<sup>40</sup> <https://eia-international.org/illegal-trade-seizures-elephant-ivory>



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### International measures to close domestic ivory markets

Australia promotes and supports international commitments to strengthen wildlife trafficking laws including the closure of significant ivory markets which are contributing to poaching. The most effective measures to combat illegal trade in elephant and rhino are those taken by significant source, transit and destination countries.

Hong Kong, China and the United States host the world's largest domestic ivory markets.<sup>41</sup>

- Hong Kong has proposed a plan to close their domestic ivory market in 2021.<sup>42</sup>
- China implemented a complete ban in domestic elephant ivory trade which came into effect in 2017. This involved the closure of all international trade into and out of China for all ivory other than pre-Convention specimens. Domestic workshops have been shut.
- The United States implements complicated requirements regarding domestic trade within and across state borders. These requirements vary across different states but take into account the species of elephant, whether the ivory is worked or unworked, and the age of the item. Generally, commercial domestic trade is restricted to worked ivory items older than 100 years or trade in very small quantities.

The United Kingdom is the world's largest legal exporter of worked ivory

- To date, domestic commercial ivory trade has been allowed for worked items that came from an animal that died before 1947. Domestic commercial trade in unworked ivory is prohibited.
- On 3 April 2018, the United Kingdom announced a proposal to ban all domestic ivory trade with very limited exemptions for musical instruments, items of artistic, cultural and historic value and sale between museums. It is unknown when the ban will come into force.

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<sup>41</sup> <https://eia-international.org/uk-largest-supplier-worlds-ivory-markets>

<sup>42</sup> <http://news.nationalgeographic.com/2016/06/hong-kong-ivory-ban-deadline/>