

Dear Sirs

Please find attached my response to your questionnaire regarding the above.

I am an academic lawyer at the University of Portsmouth's Law School and the lead researcher in the University's multi-disciplinary [Ivory Project](#). You will be aware that in the U.K. we have recently been through a similar procedure to you and that this has resulted in the Ivory Act 2018. I am sure that as part of your own work you will have seen the British government's consultation paper. My own research is cited in this as part of the [Impact Assessment](#) document.

Having been part of this process so recently in the U.K., I would be happy to assist you with your investigations in any way you think may be helpful. I spent a year interviewing and gathering data from members of the British antiques trade and so I have a unique insight into the concerns of that sector while also understanding the problems of correctly identifying legal ivory from illegal ivory. The result of my findings were published in my report *The Elephant in the Sale Room: An Inquiry into the UK Antiques Trade's Sale of Ivory*. I am attaching a copy of that report which I hope you will find useful and interesting as I have no doubt the issues we faced in the U.K. will be very similar to those being faced by you.

I wish good luck with your consultation and please do not hesitate to contact me if you think I can be of any assistance to your consultation process.

Yours faithfully

Caroline Cox

Appendix 1: Consultation questions

Questions on Section 1 – Why are we reviewing the TIES Act?

- Should DOC be considering any other policy areas for review?
- Is DOC considering the right objectives?
- Should DOC be considering any other criteria when assessing options?

Questions on Section 2 – What is CITES?

- Are there any other factors that should be considered?

Questions on Section 3 – Trade in Elephant ivory

- Has the problem been correctly identified?

I am an academic researcher based in the UK and carried out a survey of the sale of ivory by the British antiques trade ahead of the British Government's consultation in the sale of ivory. I am attaching a copy of my report for the committee's information. What was clear from the result of my project was that despite having seemingly clear regulations in place, ivory was being sold illegally by the antiques trade (either knowingly, negligently or because of a lack of knowledge on the part of the seller). In your own deliberations, I would urge you to ensure that you do not leave room for "grey areas" or areas which put an onus on law enforcement officers to be identification experts. From our own experiences in the UK, I would also strongly urge you to ensure that the burden of proof as to identification lies with the seller of the artefact.

You will know that after consultation with interested parties and one of the largest public responses to a governmental consultation, the Ivory Act 2018 continues to allow the sale of ivory but under very strict conditions. Every item sold under the Act must be sold with certification that will be dealt with at departmental level. There are now only five categories of item that can be legally sold in the UK; musical instruments, portrait miniatures, museum artefacts, items with less than 10% volume in ivory and items of outstanding artistic, historic or cultural value.

A similar policy would appear to work well in New Zealand. Your consultation document suggests that most ivory imported into New Zealand is for personal household use, perhaps an inherited item or similar. The UK Act never sought to stop people owning ivory – just from selling it and continuing the trade. In your deliberations, I would suggest that you should concentrate on this aim.

As you would expect, the antiques trade in the UK were strongly opposed to the Act but the reality is, research has shown that a very small proportion of the items sold by auction houses and dealers is ivory. The de-minimus exemption allows for the sale of furniture, etc. with less than 10% ivory by volume and the musical instruments exemption means that musicians can continue to own and transport their instruments. Again, a similar policy would seem to be appropriate for New Zealand.

- Has the size of the domestic elephant ivory market been correctly described?

I have not seen much research beyond your consultation paper into the size of the domestic market in New Zealand. From my own experience in this field I can confirm that it is difficult to accurately assess the market because of the amount of ivory that is sold through outlets that are not regulated. In the UK this includes brocantes and car boot sales. I would also suggest that you consider further research into the online trade in ivory in New Zealand. This is something my research team is currently investigating and we would suggest from our preliminary enquires that this is a considerable problem and one which requires addressing.

- Should New Zealand consider a ban on the domestic trade of any other species in possible regulation? If so, why?

In the UK we are now considering broadening the Ivory Act 2018 to include other ivories – mammoth, walrus, etc. This has come about as a result of the problems of identification of elephant ivory and is an attempt to prevent an unscrupulous seller from passing elephant ivory off as a legal form of ivory. This may not be something you have encountered up to now (given the fact NZ currently has no ivory legislation in place) but it is something which is likely to come up in the future.

- Do you agree with the impact analysis for these options? If not, why not?

Yes

- Should New Zealand ban the sale of elephant ivory on the domestic market?
- If it is banned, should there be any exemptions, for example like the UK exemptions?

Please see my answer above in respect of this.

- Should any additional exemptions be specific to New Zealand?
- Should importing elephant ivory be banned? If so, should there be exemptions?

Questions on Section 4 – DOC as Treaty Partner

- In what other ways can DOC support New Zealanders and in particular Māori, to minimise the risk of having taonga made from protected species seized at international borders when travelling?
- What changes to New Zealand's permitting system would make it easier to move taonga across international borders?
- How could the TIES Act give effect to the principles of the Treaty of Waitangi?

Questions on Section 5 Problem A – Definition of Personal and Household Effects

- Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?
- Are there any other options we should be considering?

Questions on Section 5 Problem B - Large quantities of some species are being seized in circumstances where it may not be appropriate

- Do you agree with the description of the problem? If not, why not?
- Do you consider that allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs? If not, why not?
- Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE? If not, why not?
- Should personal and household exemptions be considered for the other species listed in by resolution 13.7?
- Should coral that are personal or household effects be exempt from permitting (with limits)? Should this exemption include coral fragments; worn, eroded, beach washed hard coral, or both?
- What is a reasonable weight limit for worn, eroded, beach washed hard coral?
- Are there any other options, not discussed here, that should be considered?

Questions on Section 6 – Technical issues with permits

- Should people with minor errors on their permits or permits not presented at the right time (due to unforeseen circumstances) have their items returned to them? If so, under what circumstances?
- Should there be a way to address permits with minor issues, or should DOC take a strict approach?
- Do you agree with the impact analysis of this option? If not, why not?
- Are there other situations not outlined above where minor errors on permits should be accepted?

Questions on Section 7 – Cost Recovery

- Do you agree with this description of the problem? If not, why not?
- Should DOC cost-recover for services provided to commercial users, and commercial consignment inspections?

Questions on Section 8 – Implementation and monitoring and evaluation

- How should the proposals considered in this document be monitored?

To whom it may concern

I would like to make this submission against the trade in ivory .

The reasons for me asking for the trade to be completely banned are mainly due to the devastation this trade does to the elephants and due to the fact that we are all part of the eco system once the elephants disappear we also will not be long behind them.

The trade in ivory is extremely corrupt and involves arms sales and dire circumstances for those at the lower end of the trade,their families and villages.

Many of these villages depend on tourism. Once the corruption begins it is extremely difficult to role back.

Jane Goodall has asked for a complete ban as she and many others who are well versed in the situation with the science to back them. New Zealand has been used as a middle stop to the ivory trade in Asia and many of the citizens are unaware of this. It is also difficult for the customs authorities to monitor and take tests on every bit of ivory that enters the country this is why I also am asking for a complete ban in NewZealand . We can make piano keys and knife handles from other materials we cannot make elephants once they are gone they are gone.

Thank you for reading this

Kind Regards

[REDACTED]

Released by the Minister of Conservation

The Hon Eugenie Sage
The NZ Minister of Conservation

October 2019

Review of the Trade in Endangered Species Act (TIES) – No Domestic Trade in Ivory

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will look at ways to improve how the Act operates overall with respect to wildlife trading.

We strongly support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn, which has contributed to the ongoing demand for such prized wildlife products. It is a matter of concern that, despite the 1989 ban implemented by CITES because elephant populations were plummeting, thousands of elephant carvings, ivory tusks have been legally imported into New Zealand for non-commercial purposes. This has continued even though CITES data has shown that over 60% of these imported ivory items are not noted as pre-1976 (pre-Convention) but instead as sourced from the 'wild' or 'unknown' sources because there has been a lack of provenance documentation of origin. It is unacceptable that only 8% of ivory items in Australia and New Zealand had the required documentation of authenticity particularly as criminals can cunningly disguise ivory to look antique thereby making it very difficult to tell which pieces of ivory are sourced legally.

The legal trade in ivory and rhino horn is proving a convenient cover for the laundering of recently poached elephant tusks and rhino horn which also fuels demand and helps foster the rampant, illegal wildlife trade market. Two recent convictions in New Zealand confirmed that ivory is being illegally imported into New Zealand and that some of this ivory has made its way for sale in the internal domestic market which is not monitored or regulated.

Irrespective of how large or small the New Zealand market in ivory and rhino horn may or may not be, any trade at all stimulates demand and results in the ongoing cruel poaching and decimation of elephant and rhino populations. It is however a worrying trend that increasingly more ivory and rhino horn is passing through our border and that New Zealand has become a conduit for illegal wildlife trading. Therefore, we believe that all domestic trade in ivory and rhino horn must be banned in New Zealand.

Along with a total internal, domestic ban to complement New Zealand's strict border controls, we also endorse the proposal to have a register of ivory and rhino horn traders operating within New Zealand and to electronically track the sale of products containing ivory. Any exemptions for specific items such as musical instruments should provide irrefutable evidence that such items are genuinely antique and family heirlooms.

New Zealand needs to show its legislative support of those countries like the UK and our closest neighbour Australia which have already substantially tightened their anti-ivory trade legislation. It's essential that governments around the world completely outlaw ivory trade to crush demand otherwise we will continue to lose elephants at the alarming rate of 'one elephant every 15 minutes' as highlighted by the renown Sheldrick Wildlife Trust.

'When the buying stops, the killing can too' (Wild Aid)

Prepared by Virginia Woolf (Founder of New Zealanders for Endangered Wildlife)

Regards

[REDACTED]

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The NZ Minister of Conservation

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Yours sincerely

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'When the buying stops, the killing can too'



The Hon Eugenie Sage
The NZ Minister of Conservation

October 2019

Review of the Trade in Endangered Species Act (TIES) – No Domestic Trade in Ivory

I am very pleased to hear that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) in order to protect endangered species, such as the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. I strongly support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn, which has contributed to the ongoing demand for such prized wildlife products. It concerns me that, despite the 1989 ban implemented by CITES because elephant populations were plummeting, thousands of elephant carvings, ivory tusks have been legally imported into New Zealand for non-commercial purposes. This has continued even though CITES data has shown that over 60% of these imported ivory items are not noted as pre-1976 (pre-Convention) but instead as sourced from the 'wild' or 'unknown' sources because there has been a lack of provenance documentation of origin. It is unacceptable that only 8% of ivory items in Australia and New Zealand had the required documentation of authenticity.

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Thanking you

[Redacted]

Released by the Minister of Conservation



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October 14, 2019

Consultation: Review of the Trade in Endangered Species Act

Department of Conservation

P.O Box 10420

Wellington 6143

Dear Sir/Madam,

RE: REVIEW OF THE TRADE IN ENDANGERED SPECIES ACT (NEW ZEALAND) 1979

WildlifeDirect is a Kenyan NGO organization founded in 2004 best known for its conservation efforts in changing hearts minds and laws to ensure wildlife species endure. WildlifeDirect has made a significant contribution to this notable achievement by raising public awareness through its flagship campaign *Hands Off Our Elephants*, and by contributing to improvements in wildlife law enforcement through its long-running *Eyes in the Courtroom* program. Under this program, wildlife crime data is collected, analyzed and monitored across all Kenyan courts thus giving an overview of the current wildlife trends and efficacy of the case trial system in Kenya. The program has transformed law enforcement and judicial officers in Kenya by strengthening their response to wildlife crime. WildlifeDirect was fundamental in amending the Wildlife Law to include harsher penalties, achieved a 95% conviction rate on wildlife offences and published three influential series reports on wildlife crime. To this end, WildlifeDirect is an authority in wildlife conservation and protection matters.

WildlifeDirect humbly submits the following in reference to the Call for Submissions: New Zealand Government Ivory Trade Regulation Proposals.

SUBMISSIONS

Section 1

Over the years, CITES members have made progress implementing 2016 COP's Decision recommending closure of domestic ivory markets. United Kingdom enacted the Ivory Act 2018 banning sale of elephant ivory with certain exemptions. Further, China – previously one of the major destination countries for ivory – imposed a ban on ivory trade and associated activities. It is high time New Zealand followed suit to preserve the existence of the elephant species.

In reviewing TIES Act, the Protected Objects Act of 1879 should be taken into account which includes the travel personal taonga (defined as cultural treasure) made from, or with, animal parts such as feathers and bone or kākahu (cloaks) which ultimately affects framing of permits and informs what to import and export. This will streamline it to CITES recommendations on imports and exports. Regulations describing the extent of what personal and household effects are (which are mainly exempted from permitting) and providing appropriate procedures should be taken into account. This may be added as a part of the TIES Act as part as its regulations.

Section 2

Any exceptions e.g. items permitted under Pre convention certificates could be exploited to launder illegal items therefore all Pre convention certificates should be authenticated.

Section 3

In August, COP18 laid the foundation for greater protection of the African Elephant population by rejecting proposals fronted by southern African countries to resume international sales of their ivory stockpiles. New Zealand must comply the Decisions of the COP by amending the Trade in Endangered Species (TIES) Act 1989 accordingly WildlifeDirect proposes New Zealand adopts Option 1 and 5 to ban the domestic sale of elephant ivory and the importation of elephant ivory with the exception of research e.g. for small samples required for verification of source of ivory, to support legal compliance. Clarity of the ban will simplify and make enforcement more efficient.

Section 5

In connections to recommendations provided under section 1, Personal and Household Effects

exemption plays an important role in encouraging illegal wildlife trade. As much as the exception doesn't cover

- a specimen is included in Appendix I and was acquired outside of their usual state of resident, and is being imported into that state; or
- the specimen is included in Appendix II and was acquired outside their usual state of residence and in a State where removal from the wild occurred and are being imported into the owner's state of usual residence;

PHE may ultimately enable illegal and/or undocumented wildlife trade as no monitoring is done after import and there is no mechanism for documentation of the legal trade to ascertain which forms parts of PHE. WildlifeDirect proposes adoption of Option 1 on changing PHE effects and its definition on TIES but with an inclusion of defining what "*commercial purpose*" is.

In addition, having regulations of PHE, including reasonable weight limit, under the amended TIES Act will provide proper procedure thus being less time consuming and cost effective to border officials.

Section 6

WildlifeDirect endorses Option 1 of enabling seized items to be returned if permits have a minor error outside of the importers' control

Conclusion

Although there is minimal illegal ivory trade in New Zealand, this could change rapidly as domestic markets close around the world. Following the closure of Chinese domestic ivory market, other markets have emerged in neighboring countries. To avoid becoming an ivory laundering hub, New Zealand should preempt this possibility and tighten all regulations.

Sincerely,



Dr. Paula Kahumbu

Chief Executive Officer

The Right Hon Eugenie Sage

A letter in response to the Government Review of the Trade in Endangered Species Act 1989

- My Bona Fides:

I am an auctioneer, researcher cataloguer working in the area of the decorative and applied arts. I have worked in the auction industry for 38 years, for Dunbar Sloane Ltd, Wellington; for Peter Webb Galleries, Auckland as Head of Decorative Arts; for Art+Object, Auckland as a company director and currently for Cordy's, Auckland. I am a wage earner, I have no investment in the industry, nor I believe any involvement in any area that would be influenced any by any decision made by the Government review of TIES. I am a highly interested but a financially unaffected party.

- My appreciation of the commercial and social situation

I see that some classes of antiques are so ethically fraught that some collectors may avoid participating in the market altogether, areas of avoidance might be as simple as a 'Greedy-N... Boy' money box or war memorabilia decorated with Nazi imagery; otherwise it may be a work of art that consists of or includes material from an endangered species such as elephant ivory or rhino horn.

Historically there has always been appeal associated particularly with large and exotic animals, but also in the Victorian period for almost any unusual item of the natural world. In 1486 a giraffe was presented to Lorenzo d'Medici by an Egyptian sultan in an attempt to win the support of the Medici. In 1515, an Indian rhinoceros was sent to Portugal from an Indian Sultan as part of a diplomatic gifting. Fascination with the exotic continued unabated through to the 19th and early 20th centuries, when finally, we started to realise what the unabated collecting or slaughter of all sorts of species would result in.

In the last quarter of the twentieth century the pendulum of ethics and taste with regards collecting 'natural history' started to swing away from the centre, and nowadays some people strongly voice an abhorrence of this material. Internationally regulations have been put in place to stop killing of endangered animals, international agreements are in place to prohibit the trafficking of endangered species (CITES) and New Zealand is a signatory to that, some states in the US prohibit the sale of antiques where they contain a certain percentage of material such as ivory. For the art historian, cognoscenti and collector however this brings up concerns such as where do we stand with regards say a Byzantine period ivory statuette of Christ, or a 17th century Chinese rhino horn libation cup.

Although some people will find all animal-derived antiques distasteful or immoral, an interest in objects of ivory, horn, coral, or rare timbers often does and can co-exist with a desire to protect and preserve the natural world. I note some people find the exploitation of all animals per se unacceptable.

Humans use animals for all sorts of purposes: food, clothing, shelter and art objects. In the past, we have driven animals to extinction with no idea of what we were doing. Now our understanding of the consequences we court by unchecked exploitation of the natural world is much greater. As well we subscribe to legal instruments to protect us from ourselves such as CITES. Yet, as the continuing poaching and slaughter of elephants and rhinoceros shows, they are often not enough. Not selling an old item made from or including parts of elephant ivory however does not stop poachers in Africa. Stopping poaching in Africa needs funding on the ground and correcting misinformation about the supposed medicinal properties of material like rhino horn. Educating the global public is the major challenge.

- My negative opinion on the proposals

I do not feel that the proposals offered in the discussion document really address nor will impact on endangered animal exploitation.

Reading through the discussion document for proposals on the sale or constraint of the sale of ivory in New Zealand I do not see the four or five alternate proposals will provide a sensible and workable solution that will have any effect on ivory poaching – the real problem.

- My suggestion for a workable solution

In recognition of the admirable desire to protect and preserve the natural world I propose a simple and easily workable solution.

THAT IS CLOSE THE BORDERS TO IVORY TOTALLY.

Both in and out. Let owners in the country trade within the borders of New Zealand to their hearts content. A closed community. The systems (border controls) are already in place to maintain this control.

This would mean unworkable solutions, such as a register (which I know is an ineffectual and unwieldy proposal from my experience with the Protected Object Act*), de minimis, personal and household exemptions, etc., etc., don't even need to be on the table.

THE SIMPLEST SOLUTION IS THE BEST SOLUTION.

If some NZ hunter shoots an elephant in Africa, they can't bring back their trophy. If someone buys a Chinese Qing dynasty tusk vase in NZ they can't take it to China. Solved! NZ then does not partake in the trade in endangered elephant ivory! If someone wants to bring ivory in as part of their household - sorry no. The borders are impervious. They can leave, sell, gift, destroy their ivory offshore. If someone immigrating to NZ claims their collection represents the finest examples of ivory art with generational ties, or any other argument. Fine, leave it wherever it is, it's not coming to NZ. Let them find a solution offshore, gift it to a museum if it is truly so superior, gift it to a family member, sell it and accrue the proceeds if its insignificant.

The same with material in New Zealand - whalebone, whale tooth, anything else you want to include in the restrictions, do so. Stop the cross-border movement totally, but don't try and put in place some unworkable chaos of registration, bureaucracy, implementation costs, fees, cost recovery, monitoring, de minimis, PHE, travelling with taonga, expert panels to consider age, DNA tests to establish species... etc. It will not stop ivory poaching!

JUST CLOSE THE BORDERS TO IVORY (rosewood, clamshell, tabua, rhino horn, narwhal tusks) TOTALLY BUT ALLOW NATIONAL TRADE TO CONTINUE in extant in situ material.

Thus

- CITES has continued implementation through clear and effective legislation
- The TIES Act through 'no international trade' would disincentivise illegal trade
- The TIES Act in its simplicity would enable operational clarity and efficiency
- DOC would continue to have the legislative tools to respond to CITES resolutions and decisions

*Thousands of hours and hundreds of thousands of dollars have been spent on this system (the Protected Objects Act), but never in all the years (about 30) since its inception have I heard of any registered collector who has been visited to ascertain that they still hold their item that is registered in their name/collection.

Ross Millar
Cordy's Auctions



R

Dear Eugenie Sage, MP
The NZ Minister of Conservation

I support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn. 30,000 elephants are killed each year in Africa, a shocking number. This ivory flows often through Europe and is reworked to appear old. We cannot continue to lose 30,000 elephants per year. This activity is done via poaching and international crime syndicates and should be stopped.

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will look at ways to improve how the Act operates overall with respect to wildlife trading.

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Along with a total internal, domestic ban to parallel New Zealand's strict border controls, we also endorse the proposal to have a register of ivory and rhino horn traders operating within New Zealand and to electronically track the sale of products containing ivory. Any exemptions for specific items containing ivory such as musical

instruments should provide irrefutable evidence that such items are genuinely antique and family heirlooms.

New Zealand needs to show its legislative support of those countries, like the UK and our closest neighbour Australia, which have already substantially tightened their anti-ivory trade legislation. It's essential that governments around the world completely outlaw trade in ivory and rhino horn to crush demand otherwise we will continue to lose elephants at the alarming rate of 'one elephant every 15 minutes' as highlighted by the renown Sheldrick Wildlife Trust based in Kenya and one rhino every 9 hours in South Africa.

'When the buying stops, the killing can too' (Wild Aid)

Please put wildlife ahead of organized crime. It is essential to the health of the globe to keep these keystone species. It is essential to stop the billion dollar illegal wildlife trafficking industry.

Please act strongly now there is an opportunity to protect wildlife and cut into criminal activity.

Thanks very much.



USA

Released by the Minister of Conservation

Eugenie Sage MP

The NZ Minister of Conservation

Review of the Trade in Endangered Species Act – No Domestic Trade in Ivory

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will look at ways to improve how the Act operates overall with respect to wildlife trading.

We strongly support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn, which has contributed to the ongoing demand for such prized wildlife products. It is a matter of concern that, despite the 1989 ban implemented by CITES because elephant populations were plummeting, thousands of elephant carvings and ivory tusks have been legally imported into New Zealand for non-commercial purposes. This has continued even though CITES data has shown that over 60% of these imported ivory items are not noted as pre-1976 (pre-Convention) but instead as sourced from the 'wild' or 'unknown' sources because there has been a lack of provenance documentation of origin. It is unacceptable that only 8% of ivory items in Australia and New Zealand had the required documentation of authenticity particularly as criminals can cunningly disguise ivory to look antique thereby making it very difficult to tell which pieces of ivory are sourced legally.

The legal trade in ivory and rhino horn is proving a convenient cover for the laundering of recently poached elephant tusks and rhino horn which also fuels demand and helps foster the rampant, illegal wildlife trade market. Two recent convictions in New Zealand confirmed that ivory is being illegally imported into New Zealand and that some of this ivory has made its way for sale in the internal domestic market which is not monitored or regulated.

Irrespective of how large or small the New Zealand market in ivory and rhino horn may or may not be, any trade at all stimulates demand and results in the ongoing cruel poaching and decimation of elephant and rhino populations. It is however a worrying trend that increasingly more ivory and rhino horn is passing through the New Zealand border which has become a conduit for illegal wildlife trading. Therefore, we believe that all domestic trade in ivory and rhino horn must be banned in New Zealand.

Along with a total internal, domestic ban to parallel New Zealand's strict border controls, we also endorse the proposal to have a register of ivory and rhino horn traders operating within New Zealand and to electronically track the sale of products containing ivory. Any exemptions for specific items containing ivory such as musical instruments should provide irrefutable evidence that such items are genuinely antique and family heirlooms.

New Zealand needs to show its legislative support of those countries, like the UK and our closest neighbour Australia, which have already substantially tightened their anti-ivory trade legislation. It's essential that governments around the world completely outlaw trade in ivory and rhino horn to crush demand otherwise we will continue to lose elephants at the alarming

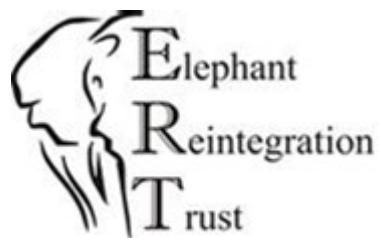
rate of ‘one elephant every 15 minutes’ as highlighted by the renown Sheldrick Wildlife Trust based in Kenya and one rhino every 9 hours in South Africa.

‘When the buying stops, the killing can too’ (Wild Aid)

Dr Marion Garaï
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Dr Marion E. Garaï
Trustee
www.elephantreintegrationtrust.com

Released by the Minister of Conservation

Eugenie Sage MP

The NZ Minister of Conservation

Review of the Trade in Endangered Species Act – No Domestic Trade in Ivory

My husband and I traveled in New Zealand a few years ago and were struck with the natural beauty of your country. Imagine our horror to learn that you have been involved in the illegal trade of body parts of our beloved elephants and rhinos which are now threatened with extinction as viable species.

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will look at ways to improve how the Act operates overall with respect to wildlife trading.

I strongly support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn, which has contributed to the ongoing demand for such prized wildlife products.

It is a matter of concern that, despite the 1989 ban implemented by CITES because elephant populations were plummeting, thousands of elephant carvings and ivory tusks have been legally imported into New Zealand for non-commercial purposes. This has continued even though CITES data has shown that over 60% of these imported ivory items are not noted as pre-1976 (pre-Convention) but instead as sourced from the 'wild' or 'unknown' sources because there has been a lack of provenance documentation of origin. It is unacceptable that only 8% of ivory items in Australia and New Zealand had the required documentation of authenticity particularly as criminals can cunningly disguise ivory to look antique thereby making it very difficult to tell which pieces of ivory are sourced legally.

The legal trade in ivory and rhino horn is proving a convenient cover for the laundering of recently poached elephant tusks and rhino horn which also fuels demand and helps foster the rampant, illegal wildlife trade market. Two recent convictions in New Zealand confirmed that ivory is being illegally imported into New Zealand and that some of this ivory has made its way for sale in the internal domestic market which is not monitored or regulated.

Irrespective of how large or small the New Zealand market in ivory and rhino horn may or may not be, any trade at all stimulates demand and results in the ongoing cruel poaching and decimation of elephant and rhino populations. It is however a worrying trend that increasingly more ivory and rhino horn is passing through the New Zealand border which has become a conduit for illegal wildlife trading. Therefore, I believe that all domestic trade in ivory and rhino horn must be banned in New Zealand.

Along with a total internal, domestic ban to parallel New Zealand's strict border controls, I also endorse the proposal to have a register of ivory and rhino horn traders operating within New Zealand and to electronically track the sale of products containing ivory. Any exemptions for specific items containing ivory such as musical instruments should provide irrefutable evidence that such items are genuinely

antique and family heirlooms. New Zealand needs to show its legislative support of those countries, like the UK and our closest neighbour Australia, which have already substantially tightened their anti-ivory trade legislation.

It's essential that governments around the world completely outlaw trade in ivory and rhino horn to crush demand otherwise we will continue to lose elephants at the alarming rate of 'one elephant every 15 minutes' as highlighted by the renown Sheldrick Wildlife Trust based in Kenya and one rhino every 9 hours in South Africa. 'When the buying stops, the killing can too'

[REDACTED]

[REDACTED]

[REDACTED]

USA

Released by the Minister of Conservation

Dear Eugenie Sage, MP
The NZ Minister of Conservation

I support the proposal to implement a total ban on the internal, unregulated domestic sale of ivory and rhino horn. 30,000 elephants are killed each year in Africa, a shocking number. This ivory flows often through Europe and is reworked to appear old. We cannot continue to lose 30,000 elephants per year. This activity is done via poaching and international crime syndicates and should be stopped.

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will look at ways to improve how the Act operates overall with respect to wildlife trading.

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New Zealand needs to show its legislative support of those countries, like the UK and our closest neighbour Australia, which have already substantially tightened their anti-ivory trade legislation. It's essential that governments around the world completely outlaw trade in ivory and rhino horn to crush demand otherwise we will continue to lose elephants at the alarming rate of 'one elephant

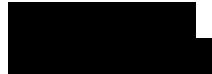
every 15 minutes' as highlighted by the renown Sheldrick Wildlife Trust based in Kenya and one rhino every 9 hours in South Africa.

'When the buying stops, the killing can too' (Wild Aid)

Please put wildlife ahead of organized crime. It is essential to the health of the globe to keep these keystone species. It is essential to stop the billion dollar illegal wildlife trafficking industry.

Please act strongly now there is an opportunity to protect wildlife and cut into criminal activity.

Thank you!



USA

Released by the Minister of Conservation

Dear Madam, Sir,

Fortunately, domestic ivory markets are steadily closing. The United States, France, China and the United Kingdom have now closed theirs and Hong Kong is set to follow suit in 2021. Last week Singapore announced it will also close its market – an announcement that came shortly after Singapore authorities made a record haul of 8.8 tonnes of illegal ivory seized in transit between Democratic Republic of the Congo and Vietnam.

Bucking this strong international trend however is New Zealand, whose domestic ivory trade remains devoid of any internal regulations and alarmingly appears to have increased dramatically since 2016.

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016."

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, so-called traditional medicine, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem.

Therefore, I kindly request you to ban the trade in bodyparts of exotic species, particularly elephant and rhino, so they have a better chance of surviving as a species, leaving the earth as beautiful for the next generation as it is for us. Thank you for your attention and -in advance - for your support.

Kind regards,



Amsterdam

Don't be like the other evil world-hating people killing the beautiful elephants. Stop it now.

Released by the Minister of Conservation

Appendix 1: Consultation questions

Questions on Section 1 – Why are we reviewing the TIES Act?

- Should DOC be considering any other policy areas for review? I believe that DOC is right in looking into the TIES Act.
- Is DOC considering the right objectives? The question should be why look at it and what are the objectives for doing so. I personally believe that the only consideration should be that whatever decisions are made are for the best of not only the animals in question (eg: elephants) but also for the eco system they live in and the local population.
- Should DOC be considering any other criteria when assessing options? I strongly believe that conservation has to take in a whole holistic approach as there needs to be healthy habitat, a balance of animals in that particular habitat and a buy in and partnership with the local peoples for any long term conservation proposals to succeed.

Questions on Section 2 – What is CITES?

- Are there any other factors that should be considered? There is talk of some Southern African countries leaving CITES. There should be a provision in the act to work with these countries if they do leave CITES but are managing and conserving their wildlife for the betterment of the wildlife, habitat and local peoples. The reason for these countries looking at leaving CITES is that there has been considerable lobbying by groups to member countries that are against sustainable use of wildlife and it is by using a sustainable use model these southern African countries fund conservation, manage wildlife populations and deal with wildlife/human conflict. To these countries which are managing their wildlife well and have seen a growth in wildlife populations look at these restrictions as a new form of colonialism.

Questions on Section 3 – Trade in Elephant ivory

- Has the problem been correctly identified?. I think the main problem hasn't been identified as I see it. The problem as I see it is that there is indiscriminate poaching of elephant throughout Africa. The vast majority of this ivory is being smuggled to Asia, mainly China and Vietnam and as proven by the National Geographic article, "How killing elephants finances terror in Africa, 12/08/2015 which also shows that poached ivory is funding terrorist group like the Lords Resistance Army. Thus the issue is more of a poaching problem but also a humanitarian.
- Has the size of the domestic elephant ivory market been correctly described? I personally don't know if we can ever know the size of the New Zealand market in ivory but I would assume that it is relatively small.
- Should New Zealand consider a ban on the domestic trade of any other species in possible regulation? If so, why? I believe that rhino horns should be given the same considerations as elephants in my proposals in this document as the demand for rhino horn and markets are the same as for ivory.
- Do you agree with the impact analysis for these options? If not, why not? We have to be sure that the aim is to help conserve Africa's wildlife and habitat. I don't think the impact of the options will help stop poaching or deforestation in Africa.

- Should New Zealand ban the sale of elephant ivory on the domestic market? I believe that a domestic ban would be very expensive to implement and police. It would create a black market for ivory and personally I don't think it would achieve much for the protection of elephants in Africa.
- If it is banned, should there be any exemptions, for example like the UK exemptions? I per
- Should any additional exemptions be specific to New Zealand? The document says that if there is no further importation of ivory into New Zealand it could inflate the price. I do not believe that the market in New Zealand is all that big and think that items such as elephant ivory products are becoming less fashionable to the general populace. My concern is that ivory being exported out of New Zealand would determine the local price as it opens up the items to the world market. I strongly believe that no ivory be able to be exported, this would then let the New Zealand market level out and take away any external pricing pressure. Anyone caught smuggling ivory out of New Zealand should be subject to very harsh penalties. Harsh penalties and the enforcement of them would also show the world that New Zealand is serious about conservation of the worlds wildlife.
- Should importing elephant ivory be banned? If so, should there be exemptions? Elephant ivory should not have a total ban. Only ivory that can be proven to come from a well managed and sustainable source should be able to be imported; eg: only ivory that can be traced to a specific animal that can be proved to taken legally with no grey area so there is no chance of any poached unregulated ivory being imported into New Zealand. Infact some importation of ivory can have a positive impact on habitat, animals and local peoples in Africa. A Case in point is hunting trophies. I spoke with Mr Peter Swanepoel jnr who has been a hunting safari operator in Zambia and who's father has been a safari operator throughout Africa for forty-five years. Mr Swanepoel said that the cost of a trophy elephant hunt is USD51,000 in is fathers concession called a Game Management Area (GMA). His father manages approximately 1,680km² of bush land in which there is no human settlement and boarders on a National Park. He employs local people in his camps, he pays the local villagers an annual fee for hunting on the GMA. He employs four teams of ten game scouts for anti poaching work which costs him USD80,00 per annum and the meat from the animals taken each year, especially elephants goes to the local villagers. By giving them this meat it takes away the need to poach for meat and the need to farm cattle which will displace wildlife and create further problems with lion/ human conflict. Proof of this is that Mr Swanepoel's father had a second GMA he hunted on of approximately 1,680km² bordering his current concession. In January 2013 Zambia banned hunting but this ban was lifted in August 2014. During the ban peoples from southern Zambia moved into the neighbouring concession, built villages, introduced cattle, grew crops and started deforesting the area for charcoal production. As a result there is no wildlife left in this concession, no chance of any wildlife returning and added pressure from poaching to the hunting concession and National Park due to the increased population. Thus with the above said there is a buy in from the local communities for them to help protect the wildlife as without it they are without meat, employment and a source of income. ZAWA (Zambian Wildlife Authority) gets 80% of their annual income from the fees they take from the hunting industry, only 20% come from game viewing safaris. There are 19 national parks in Zambia covering a total combined area of 44,991km² in which game viewing is the main income and 27 GMA's covering a total combined area of 128,870km² in which hunting is the main income. Both the national parks and GMA's are managed by ZAWA, so without hunting 128,870km² of land would need to receive funding for conservation and the game viewing visitors and dollar spend would have to increase by 400%, and a way of providing meat for the villagers previously supplied by the hunting operators. A recent letter in "Science" magazine, 30 Aug 2019, vol 363, issue 6456, pg: 874,

titled “Trophy hunting bans imperil biodiversity” signed by 134 scientists outlines that even though the signatories do not hunt or would like to they can agree that trophy hunting and the income derived from it protects large amounts of land on the African continent and without it more animals will die by poaching, poisoning etc as there will be no income to manage these areas. The number of elephant hunting trophies imported into New Zealand would be small I guess but there again New Zealand can stand up on the world stage and show that we are supporting sustainable wildlife conservation by giving the animals value, poaching takes away the value and any income to the right people to fund conservation efforts.

Questions on Section 4 – DOC as Treaty Partner

- In what other ways can DOC support New Zealanders and in particular Māori, to minimise the risk of having taonga made from protected species seized at international borders when travelling?
- What changes to New Zealand’s permitting system would make it easier to move taonga across international borders?
- How could the TIES Act give effect to the principles of the Treaty of Waitangi?

Questions on Section 5 Problem A – Definition of Personal and Household Effects

- Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?
- Are there any other options we should be considering?

Questions on Section 5 Problem B - Large quantities of some species are being seized in circumstances where it may not be appropriate

- Do you agree with the description of the problem? If not, why not?
- Do you consider that allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs? If not, why not?
- Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE? If not, why not?
- Should personal and household exemptions be considered for the other species listed in by resolution 13.7?
- Should coral that are personal or household effects be exempt from permitting (with limits)? Should this exemption include coral fragments; worn, eroded, beach washed hard coral, or both?
- What is a reasonable weight limit for worn, eroded, beach washed hard coral?
- Are there any other options, not discussed here, that should be considered?

Questions on Section 6 – Technical issues with permits

- Should people with minor errors on their permits or permits not presented at the right time (due to unforeseen circumstances) have their items returned to them? If so, under what circumstances? Permits with errors or not presented at the right time should be looked at case by case. There are many reasons there could be errors or delays with permits, just

one concern is that there are opportunities for persons in offices who could create errors, delay permits etc to create issues with the permit to help an agenda or personal view they might have.

- Should there be a way to address permits with minor issues, or should DOC take a strict approach? Again by a case by case approach, a strict approach should be taken with any poached ivory and any illegal activity. Penalties need to be high and enforced on those proven to break the law and those people that are following the law but under no fault of their own have errors or delays with their permits by other parties should be assisted to rectify the issues.
- Do you agree with the impact analysis of this option? If not, why not?
- Are there other situations not outlined above where minor errors on permits should be accepted?

Questions on Section 7 – Cost Recovery

- Do you agree with this description of the problem? If not, why not?
- Should DOC cost-recover for services provided to commercial users, and commercial consignment inspections?

Questions on Section 8 – Implementation and monitoring and evaluation

- How should the proposals considered in this document be monitored? Any changes to the act need to be well thought out, concise and have the objective defined, that being the protection of the wildlife and habitat in Africa. I believe that the registration of ivory sales and/ or registration of ivory products within New Zealand would be expensive, near impossible to implement, enforce and would not achieve any positive outcomes for conservation. For good law to work it must be easy to understand, follow, enforce and have proper penalties imposed. As for monitoring we have to look at what initiatives have been made, laws passed etc in other countries and how they have assisted or not with the protection of wildlife and habitat, I would hope that decisions made with any changes to New Zealand's laws are scientifically based and not emotional or made by anyone's personal bias or beliefs.

Review of the Trade in Endangered Species Act

Department of Conservation
PO Box 10420
Wellington 6143
NEW ZEALAND

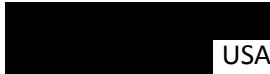
Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

I urge you in the strongest terms to implement a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand and a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand. We have done it here in the state of Hawaii (USA) and New Zealand can also. Please demonstrate your compassion and your understanding of the dire issues surrounding species extinction by banning all trade in ivory and horn. It CAN be done—if you care.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewelry. One elephant is killed for its ivory every 25 minutes. One rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

It is past time for New Zealand to demonstrate its ethical commitment to the survival of these animals.

Mahalo (thank you).





Safari Club International

New Zealand Chapter Inc.

PO Box 11 320
Sockburn, Christchurch 8443
NEW ZEALAND

Email: president@scinz.org.nz

Website: www.scinz.com

21st October 2019

Department of Conservation,
PO Box 10420
Wellington 6142

Attention: [REDACTED]

Please find below SCI(NZ)s response to the discussion questions on the TIES Act review.

Questions on Section 1 – Why are we reviewing the TIES Act?

- Should DOC be considering any other policy areas for review?
 - Is DOC considering the right objectives?
 - Should DOC be considering any other criteria when assessing options?
- SCI (NZ) does not see any particular problem with the objectives and criteria presented.

Questions on Section 2 – What is CITES?

- Are there any other factors that should be considered?
- SCI(NZ) suggests that the Act make specific reference to the role that sustainable use, including well-regulated hunting programs, plays in wildlife conservation. Reference to CITES Resolution Conf. 17.9, which acknowledges the benefits of such programs.

Questions on Section 3 – Trade in Elephant ivory

- Has the problem been correctly identified?
- Has the size of the domestic elephant ivory market been correctly described?
- Should New Zealand consider a ban on the domestic trade of any other species in possible regulation? If so, why?
- Do you agree with the impact analysis for these options? If not, why not?

- Should New Zealand ban the sale of elephant ivory on the domestic market?
- If it is banned, should there be any exemptions, for example like the UK exemptions?
- Should any additional exemptions be specific to New Zealand?
- Should importing elephant ivory be banned? If so, should there be exemptions?

Although the issue of commercial sale of ivory is not one of priority importance for SCI (NZ), we oppose arbitrary closures of ivory markets because (1) they can and do impact the sale of some hunting-related items that contain ivory (guns and knives), (2) hunting trophies are sometimes caught up in the issue and/or the legislation can be so confusing that hunters and law enforcement don't know if importation of elephant trophies is legal or not, and (3) we encourage DOC to utilize resources for efforts that will have a demonstrable impact against poaching and trafficking. So, even though several of the options might not impact the importation of elephant hunting trophies (Options 1 through 3), SCI (NZ) ideally prefers that none of the options be adopted and would vigorously oppose Options 4 and 5 because they would prohibit the importation of elephant trophies.

The document cites to language in CITES Resolution Conf. 10.10 that recommends that countries with legal domestic markets for ivory **that contribute to poaching or illegal trade**, take measures to close those markets for commercial trade in raw and worked ivory.

Although SCI(NZ) commends DOC for its desire to combat poaching and illegal ivory trade and supports those objectives, the document provides no evidence that New Zealand's legal domestic ivory market is contributing to either poaching or illegal trade. Nevertheless, the document arbitrarily alleges that several of the 5 options presented in Section 3 would align the TIES Act with CITES. The Parties to CITES explicitly included the "contribute to poaching or illegal trade" language in Res. Conf. 10.10 because CITES supports legal, sustainable trade and they did not want to encourage closure of non-detrimental trade. Arbitrarily shutting down New Zealand's domestic market for ivory without evidence that the market contributes to poaching or illegal trade does not align the TIES Act with CITES. and encourage illegal trading..." (page 16) resulting in the exact opposite of the desired objective.

In total, none of the options in the document would support the objectives of CITES or promote the management or conservation of elephants. The intention of DOC is admirable—SCI(NZ) supports efforts to end poaching and wildlife trafficking—but erroneously closing legal ivory markets or prohibiting the importation of legally sourced ivory will not help achieve either objective and could have the opposite effect. Instead, DOC could apply the funds that it would otherwise use to implement these options to range-state conservation efforts, on-the-ground anti-poaching efforts, etc.

Questions on Section 4 – DOC as Treaty Partner

- In what other ways can DOC support New Zealanders and in particular Māori, to minimise the risk of having taonga made from protected species seized at international borders when travelling?

- What changes to New Zealand's permitting system would make it easier to move taonga across international borders?
- How could the TIES Act give effect to the principles of the Treaty of Waitangi?

SCI(NZ) - No comment

Questions on Section 5 Problem A – Definition of Personal and Household Effects

- Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?
- Are there any other options we should be considering?

SCI(NZ) supports Option 1

Questions on Section 5 Problem B - Large quantities of some species are being seized in circumstances where it may not be appropriate

- Do you agree with the description of the problem? If not, why not?
- Do you consider that allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs? If not, why not?
- Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE? If not, why not?
- Should personal and household exemptions be considered for the other species listed in by resolution 13.7?
- Should coral that are personal or household effects be exempt from permitting (with limits)? Should this exemption include coral fragments; worn, eroded, beach washed hard coral, or both?
- What is a reasonable weight limit for worn, eroded, beach washed hard coral?
- Are there any other options, not discussed here, that should be considered?

SCI(NZ) - No comment

Questions on Section 6 – Technical issues with permits

- Should people with minor errors on their permits or permits not presented at the right time (due to unforeseen circumstances) have their items returned to them? If so, under what circumstances?
- Should there be a way to address permits with minor issues, or should DOC take a strict approach?
- Do you agree with the impact analysis of this option? If not, why not?
- Are there other situations not outlined above where minor errors on permits should be accepted?

SCI (NZ) encourages DOC to review permitting errors on a case-by-case basis and with as much flexibility as the circumstances dictate. Disposal or permanent seizure of a specimen, especially specimens that do not require care (i.e. are not

living), should be a matter of last resort, unless DOC determines that the trade is not permitted under any circumstances.

Questions on Section 7 – Cost Recovery

- Do you agree with this description of the problem? If not, why not?
- Should DOC cost-recover for services provided to commercial users, and commercial consignment inspections?

SCI(NZ) - No comment

Questions on Section 8 – Implementation and monitoring and evaluation

- How should the proposals considered in this document be monitored?

SCI(NZ) - No comment

Yours faithfully,

9(2)(a)


Mike Knowles
SCI New Zealand President

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

My submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

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United States

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Canada

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[REDACTED]

Canada

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To whom it may concern,

Please take action and ban the rising ivory trade in New Zealand.

Thank you!

<https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

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South Africa

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New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

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The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

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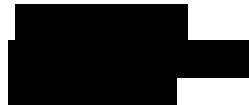
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usa

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Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

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New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

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South Africa

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United States

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England

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Australia

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Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

My submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

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These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

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South Africa

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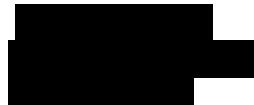
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United States

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Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
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New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

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United Kingdom

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Spain

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France

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South Africa

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India

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Peru

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15 October 2019

Consultation: Review of the Trade in Endangered Species Act

Background

The New Zealand Professional Hunting Guides Association Incorporated was incorporated on 9 October 1987. The Association's purpose is to promote and enhance professionalism within the guided hunting industry of New Zealand.

The guided hunting industry has earnings of approximately \$35 to \$40 million annually and has considerable potential for expansion. Internationally, New Zealand is considered to be the world's premier destination for hunted Red Stag and Himalayan Tahr and is increasingly recognised for the quality of its other game species. It is considered a safe, stable, unpolluted country, and attracts a discerning, influential hunting clientele.

The New Zealand Professional Hunting Guides Association (NZPHGA) works closely with a number of associated organisations including the NZ Game Animal Council (NZGAC), the NZ Department of Conservation (DoC) and the NZ Association of Game Estates (NZAGE) in matters relating to game animals in New Zealand. In addition, the NZPHGA is an active member of the Tourism Industry Association of New Zealand (TIANZ).

The NZPHGA represents some 104 members who are involved in commercial guiding and outfitter activities.

NZPHGA Submission

The NZPHGA makes the following submission on the TIES Act Consultation Discussion Document:

The NZPHGA supports, in general, the Discussion Document in its

review of the TIES Act, with the exception of the following clauses: -

(references to clauses as they are recorded in the document)

Section 3: The trade in elephant ivory

Options

Five options have been identified that could be implemented if further regulation of elephant ivory were to be considered:

- Option 1 – Ban the domestic sale of elephant ivory in New Zealand
- Option 2 – Ban the domestic sale of elephant ivory in New Zealand with exemptions
- Option 3 – Regulate the domestic market for ivory by requiring registration of elephant ivory sellers and tracking of all elephant ivory items that are sold
- **Option 4 – Ban the import of all post-Convention ivory**
- Option 5 – Ban the import of all ivory, with exemptions

Submission

The NZPHGA considers that banning the importation of legally harvested post-Convention ivory via the means of hunting does not achieve the aim of curtailing the domestic trade in illegal ivory. This is under the assumption that any hunting activity is sustainably conducted for the purposes of conservation and does not suggest that legally hunted ivory should necessarily be able to be on-sold once in New Zealand.

Furthermore, such a ban would fail to recognise the contribution that legal trophy hunters make to elephant conservation via way of their trophy fees. Trophy fees place a value on the animal and supply critical revenue required by the conservancy to combat the threat of poaching or unregulated killing of elephants. In the absence of substituting this revenue from other sources, removing the trophy hunter's means of preserving the hunt would reduce the appeal of managed hunting and with it the revenue derived from the activity.

An outright ban on the importation of legally hunted ivory would be a 'moral stand' by New Zealand in defiance of factual evidence that properly managed legal trophy hunting harms conservation of endangered species (we would argue the opposite) and would present a further erosion of hunters' freedoms and rights. We believe that implementing any resolution from CITES CoP is in itself sufficient to fulfil our obligations to CITES without taking a moral stand over and above these resolutions.

Summary

In summary, the NZPHGA supports any action taken by the Department of Conservation to amend or modify the TIES Act in response to the CITES CoP's resolutions, as long as this action remains within the scope of those resolutions. We do not support taking a moral stand over and above these resolutions.

We do not support any additional restrictions on the trade in species that are not endangered, threatened or exploited as specified under CITES or part of a resolution passed by the CoP.

The Executive of The New Zealand Professional Hunting Guides Association Incorporated, on behalf of the members, are available to discuss or clarify any aspects of the submission.

Yours sincerely,

9(2)(a)

Simon Guild

Vice-President

New Zealand Professional Hunting Guides Association (Incorporated).

[REDACTED]

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Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

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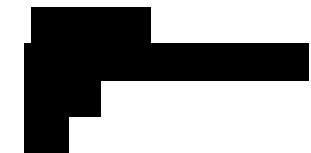
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18 October 2019

TO: New Zealand Department of Conservation

By email: TIESAct@doc.govt.nz

Due: 25 October 2019 5pm

FROM: Royal Forest and Bird Protection Society of New Zealand Incorporated

Attn: Rebecca Stirnemann

PO Box 108 055

Symonds Street

Auckland 1150

Contact: [REDACTED]

Submission on:

**The Review of the trade in Endangered Species Act
1989- Discussion document 2019**

Introduction

1. Forest & Bird is New Zealand's largest non-governmental conservation organization with many members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna, the tasks of Forest and Bird in more recent years have extended to protecting and maintaining the environment surrounding the flora and fauna as well as preventing biodiversity loss. Though Forest and bird predominantly concentrate on work in New Zealand we are also interested in preventing biodiversity loss at a global level. Updating the TIES Act could ensure New Zealand holds an international position of best practice in conservation.
2. Forest and bird supports a review of the TIES Act and further clarification of the Act as long as it will not result in biodiversity loss as discussed in Section 4 of this submission.

Review of the Endangered Species Act 1989

Section 2. Are there any other factors which should be considered?

Forest and Bird supports the factors considered by the review.

Section 3: The trade in elephant ivory

3. Forest and Bird supports clarification of the regulation of elephant ivory sales on the domestic market. New Zealand should be conservation ambassadors for best practices to save threatened species.
4. Forest and Bird supports Section 3 section and Option 2 and 5 exemptions for trade in Elephant ivory, to maintain important antiquities. We also support the need for special exemption for such objects to travel overseas as part of museum exhibits enabling educational events.

Section 4: Giving effect to Treaty Principles

5. Forest and Bird support giving effect to the principals of the treaty of Waitangi and protecting taonga as long as it will not lead to further decline of at risk species. For instance, despite Sperm whales being listed in Appendix 1, the normal procurement of whale bone and teeth comes from the recovery of material from stranded dead animals. Movement of whale teeth and bones is unlikely to have any population impacts. An exemption for items made from whales is therefore supported to allow traditional practices of Koha and trade of bone and teeth from stranded whales to occur.
6. The management of Tabua at borders needs to be resolved, perhaps through the mechanism of PHE.
7. However, Forest & Bird considers that any species which could potentially decline because of trade should not be exempt from the TIES Act. For instance, dolphin teeth should not be exempted since it could lead to hunting and decline in the species. New Zealand should not encourage any tourism trade in items which could lead to species loss.

Section 5: Personal and Household effects

Problem A:

8. Forest and Bird believe the definition of personal and house hold effects should exclude any objects traded commercially. We suggest option 2 because it will reduce the chances of abuse of the system and is more likely to ensure that trade is not commercial and is only of personal objects.

Problem B:

9. Forest and Bird support having limitations on imports of CITES 2 species in the TIES Act.
10. Option 1, which would implement some or all of the quantitative limits listed in Resolution 13.7 for Queen conch shells, giant clam, agarwood, caviar of sturgeon, rainsticks of Cactaceae, and seahorse is not supported.
11. Forest& Bird is not convinced that the regulations on species such as Queen conch shells, giant clam, agarwood, caviar of sturgeon, rainsticks of Cactaceae, and seahorses is sufficiently monitored to ensure New Zealand would not be contributing towards further decline in these species. Agarwood for example has been heavily impacted by trade and this is one of the key reasons for the the depletion of the wild resource.
12. New Zealand should not be seen to support any trade which may lead to the loss of endangered species.

13. Any proposed definition should be species specific definitions such as seahorses are inappropriate since both endangered and stable populations could be included.
14. Forest & Bird supports DOC's position on some possible exceptions such as Crocodylian and hard and worn beach corals fragments since they are likely to have minimal impacts on populations and are currently a large drain on Conservation resources with little conservation gain. (Option 2b)
15. Forest & Bird supports an exemption for Pacific Tabua because Auckland airport is a hub for the movement of Pacific people between island states. Tabua are a Taonga and this should be acknowledged. Sperm whale teeth in the form of Tabua are readily identifiable when compared to other smaller cetacean teeth.
16. New Zealand could implement a rule where the Tabua must be in the traditional necklace format to be consistent with rules already imposed by Australia.

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PROPOSED CHANGES TO THE TRADE IN ENDANGERED SPECIES (TIES) ACT 1989

Submission by: Dr Brendan Moyle, Massey University (Auckland), [REDACTED]

INTRODUCTION

Before I comment on the proposed changes I would like to outline my qualifications and motivation. My background is in zoology and economics. I have been an active researcher on wildlife trade issues for over two decades. In the last decade I have been increasingly focused on illegal wildlife trade. This includes work on the black market in tigers, followed by active research into ivory smuggling and the legal and illegal markets for ivory in China. I am also involved as one of the primary investigators into a long-term project looking at the market for Asiatic black bear parts in China. I am also researcher into the trade in crocodilian parts albeit that has slowed down in the past. I have original research published on the illegal trade in tiger parts and elephant ivory.

The organisations that have engaged my expertise on wildlife trade include the United Nations Office on Drugs and Crime, the World Bank, the South African National Biodiversity Institute, the Chinese State Forestry Administration (now the State Forestry and Grasslands Administration) and IUCN Species Survival Commission. In the 2016 UNODC report on global illegal wildlife trade, I was one of just 12 international experts (and the only New Zealander) consulted. I am also a member of the IUCN SSC Crocodilian Specialist Group and the Bear Specialist Group.

The comments I make represent my own views, based on my own expertise in this area. They are not the views of Massey or any organization I have worked with.

THE TRADE IN IVORY

Domestic ivory markets are only supposed to be closed down if their presence represents a threat to wild elephant populations. New Zealand's ivory market is not by any reasonable measure, a threat. It is too small and does not traffic the items that are a threat to wild elephant populations.

New Zealand seizes very little ivory items on an annual basis. The discussion document supplied mentions 124 items seized at the border since 2008. Whilst the report does not mention the weight, in similar cases overseas these are typically curio-sized items. Most such items trafficked are less than 50g each. While the NZ total doubtlessly includes some heavier items, the level of trade is well below what we observed in shops in China and Hong Kong. The amount of ivory seized in the last decade could easily come from a single elephant.

The global black market in ivory is dominated by large shipments of raw ivory. The surge in elephant poaching picked up in 2009 has been characterized by shipments over 1 ton, moved in shipping containers. These raw tusks experienced a surge in demand after the GFC as unscrupulous investors looked at acquiring assets that would keep their value, or grow. With approximately 200 tons of ivory being smuggled to East Asia annually, almost all is being stockpiled as an investment good (akin to buying gold bars). These tusks are not entering the markets for carvings

as these are too small in comparison. At its peak, the Chinese domestic, legal ivory market was producing around 4 tons a year of carvings. According to the ETIS database, there has been barely any movement in seizures of worked ivory in the last two decades (averaging very approximately 4 tons a year).

With carving markets and raw-tusk investment markets operating largely independently, there has been little impact on poaching and smuggling rates since the Chinese shut down their domestic ivory market at the end of 2017. In 2019 Hong Kong has seized a 2 ton shipment of raw ivory, Vietnam 9 ton and 3.5 tons, Singapore has also seized almost 9 tons.

I mention these numbers because they highlight just how insignificant our ivory trade is, and how it deviates from the form and destination being utilized by international conspiracies. The bad guys really do not care about New Zealand.

With ivory also being a very durable good the number of items available that predate the CITES convention or have been produced legally since then is also immense. We cannot presume the few curios and vintage pieces that are traded here are from poached animals. Symptomatic of this is the fact that many seizures reported in NZ are a result of permitting issues, not smuggled items. They are legacy products.

My recommendation is that the current NZ regulations on ivory trade do not need changing. Any regulatory system will create costs that lead to no appreciable conservation gain. Sometimes as much as we want to help conservation, doing nothing is sometimes the best option. And the whole peer-to-peer marketing that we see emerging in other countries makes the regulatory exercise largely futile. It is unnecessary to make a costly 'moral' stand on this issue as no other country operates under the misapprehension we are tolerant of illegal wildlife trade. It is a meaningless and empty gesture, fraught with regulatory problems identified in the discussion document. Our border-protection systems are effective and likely make a material contribution (if very small) that can't be matched by domestic trade measures. If our objective really is to support international efforts to protect elephant populations from poaching, paying for salaries of rangers in range states would do far more than our efforts here.

TRAVEL WITH PERSONAL EFFECTS

The only taxa I'd like to comment on here are crocodilian products. The CITES recommendation for crocodilian personal effects is that countries should allow up to 4 items of personal effects, without a permit being required.

The discussion document reports that most seizures of crocodilian products apparently come from farms. Farms are as a general rule not a threat to wild crocodile populations. The crocodile farms of Papua New Guinea and Australia are sustainable and contribute to crocodile conservation. Population trends for *Crocodylus porosus* in these range states in the wild have shown sustained increases in wild populations.

The most endangered crocodilians in the Asia-Pacific (Indian gharial, tomistoma, Chinese alligator, Philippines crocodile) are not being farmed for their skins. Most of these species are not being farmed at all. In the case of *Crocodylus siamensis* there is almost no wild population to speak of.

In many cases wild crocodiles and farmed skins can also be separated by size of scales (farms harvest the animals at a much younger age, roughly 2-3 years) and quality (wild skins have more flaws). In short, seizures of crocodile personal effects, likely from farms, is not assisting the conservation of crocodilians. It may in fact discourage it if it deters people from purchasing the products and *in situ* conservation is deprived of revenues and incentives to protect wild populations.

I would recommend relaxing the rules on permits for personal effects, and the adoption of a rule similar to the one described in the first paragraph

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South Africa

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Nicholas Duncan
President



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*Winner of the 2017 AZTA (Association of Zimbabwe Travel Agents)
Environmental Award for undertaking environmental activities in the best
interests of sustainability for tourism and general conservation.*

*Winner of the 2009 Zimbabwe Council of Tourism Green Global 21 Award
for services to conservation and the environment.*

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New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and

- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

References:

- 1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- 2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

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United Kingdom

Released by the Minister of Conservation

Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington 6143
NEW ZEALAND

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

Our submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.(1)

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes. (2)

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

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- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
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References:

- (1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- (2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

Thank you for your consideration on this important matter.

Best regards,

Charles Knowles



Charles Knowles
President, Co-Founder
Wildlife Conservation Network

[REDACTED]
wildnet.org

Released by the Minister of Conservation



CENTER for
BIOLOGICAL
DIVERSITY
Because life is good.



October 24, 2019

Via Electronic Mail

Consultation: Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington 614
New Zealand
tiesact@doc.govt.nz

**Re: Comments on proposed changes to the Trade in Endangered Species (TIES) Act 1989
regarding the trade in elephant ivory and rhinoceros horn**

Dear Department of Conservation Representatives:

The Center for Biological Diversity, David Shepherd Wildlife Foundation, Environmental Investigation Agency US, Environmental Investigation Agency UK, Humane Society International, Fondation Franz Weber, and Natural Resources Defense Council appreciate the opportunity to submit comments in response to New Zealand's Review of the Trade in Endangered Species Act 1989 Discussion Document, September 2019. These comments focus on trade in elephant ivory and rhinoceros horn. We commend you for your efforts to address the impacts of trade and commercial sales on elephants and rhinoceros.

Background

As you know, we are in the midst of an elephant and rhino poaching crisis. Approximately 20,000 African elephants are being poached each year for their ivory tusks. In 1973 there were estimated to be 1.3 million elephants in Africa¹ but by the end of 2015 the IUCN African elephant specialist group estimated just 415,428 elephants – or a 68 percent decline.² The group highlighted that between 2006 and 2015, the African elephant population declined by about 111,000.³ African elephants are currently classified by IUCN as “Vulnerable” due to the threat of extinction. Elephant populations in Asia are even smaller at between 30,000-50,000 elephants,⁴ and Asian elephants are currently assessed to be “Endangered” by the IUCN.⁵

Recent reports and papers document the ongoing loss of elephants to poaching.⁶ CITES CoP18 reports flagged a continuing increase in poaching rates even in Central and Southern Africa,⁷ indicating

that poaching is shifting and former strongholds are no longer safe from poachers. Ongoing poaching has significant impacts on elephant conservation, elephants, and their populations.⁸ It has even been tied to increases in human-elephant conflicts.⁹

With even more limited numbers than elephants, rhino populations are under serious threat from poaching. In Africa, a poaching crisis has been raging for more than a decade; more than 9,200 rhinos have been killed since 2006. Total population numbers of all five rhino species number less than 30,000. White rhinos have been especially hard-hit by this poaching crisis, and numbered 18,067 in 2017 after suffering a population decline of 15 percent between 2012 and 2017. The species closest to New Zealand, the Critically Endangered Javan and Sumatran rhinos, are at dangerously low levels: the Javan rhino at 65-68 and Sumatran rhinos at 40-78.¹⁰ In 2015, “nearly one in 20 wild rhinos were killed” by poachers.¹¹

ELEPHANTS

Need for Global Action

Time is of the essence to address the poaching crisis – there is a need for urgent global action. All domestic ivory markets contribute to poaching and the illegal trade in ivory. Legal markets stimulate and validate the demand for ivory, providing a gray market through which to launder illicit ivory. The closure of all markets would have significant positive impacts on global efforts to combat ivory trafficking and would reduce the demand for ivory, ultimately reducing elephant poaching, and strengthening ongoing enforcement to tackle ivory trafficking.

Mounting scientific research and evidence support the utility of closing domestic markets. For example, in a report prepared by the Environmental Law Institute for the CITES Secretariat on domestic ivory markets, the researchers found that in each country that had enacted an ivory ban (or near ban) it worked, although exemptions from those bans posed enforcement and monitoring issues.¹² The report further documented that bans in some countries “have had the effect of shifting ivory markets to other countries.”¹³ Other research also documents that traders will shift to open or lenient markets.¹⁴ Thus, the existence of any remaining unregulated legal ivory markets provides an opportunity for the black market to flourish.

International Obligation to Protect Elephants from Ivory Trade

In 2016 the 17th CITES Conference of the Parties agreed in Resolution Conf. 10.10 (Rev. CoP17) that “all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade¹⁵, 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.”¹⁶

At the 18th meeting of the Conference of the Parties in 2019, Parties adopted Decisions to hold accountable countries who still have open, legal ivory markets: “Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what

measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade¹⁷." Thus the burden of proof falls on nations who want to maintain their ivory markets to demonstrate that they do not contribute to the illegal trade problem.

CITES is not alone in calling for domestic market closures. On 10 September 2016, the International Union for Conservation of Nature (IUCN) World Conservation Congress passed a motion calling on governments to close their domestic markets for commercial trade in raw or worked elephant ivory.¹⁸

Global Momentum to Close Ivory Markets

In recent years, the United States, China, the United Kingdom, Hong Kong SAR, Taiwan, Singapore, Australia, France, Belgium, Israel and others have already closed or are in the process of closing their domestic ivory markets. It is crucial that other markets follow suit. The African Elephant Coalition members, including 32 elephant range and non-range states, continue to call for a global ban on ivory trade and closure of domestic markets to protect Africa's elephants,¹⁹ after the majority of these countries have closed their own domestic ivory markets.²⁰ They represent the majority of the African elephant range states and it is prudent to respect their voice.

While many nations are shutting down their markets, private sector actors are also taking steps to eliminate their roles in the elephant ivory trade. For example, in late August 2019, Yahoo! Japan, an e-commerce giant in Japan, announced that it will stop selling ivory items on its sites starting November this year.²¹ Over the years the sale value of ivory offered on various Yahoo! Japan sites amounted to \$27 million.²² Combined with the fact that Japan has more ivory retailers, wholesalers and manufacturers than any other country in the world, Yahoo! Japan's new policy marked a significant shift in the Japanese societal attitude towards ivory consumption. Yahoo! Japan's welcome policy changes follows other private sector retailers of ivory, including online retailers Amazon, Google Shopping, eBay, Rakuten and others globally.

Following the 18th meeting of the CITES Conference of the Parties, the European Commission issued a background paper and hosted a stakeholder meeting on October 4th, 2019, to discuss ivory trade regulations in the European Union. The European Commission put forward proposals that track closely the UK ivory ban and would prohibit most export and intra-EU trade in commercial elephant ivory. This is a significant move by the EU, which has until recently maintained that its current regulatory framework for ivory did not need to be revised.

New Zealand's Role in the Illegal Ivory Trade

Elephant poaching is a global crisis that requires a global solution. New Zealand's close proximity to numerous biodiversity hotspots and hubs of illegal wildlife trade in the Asia-Pacific region make it an important ally in the global effort to combat wildlife trafficking and the illegal ivory and rhino horn trade.

Government seizure data and research by local conservation organizations demonstrate that New Zealand is not immune to the illegal wildlife trade. The Discussion Document presents a snapshot of seizures at the New Zealand border, with 316 different CITES-listed species seized by the law

enforcement authority between 2013 and 2017. During this period, 124 elephant ivory pieces were confiscated for lack of proper permit or certificate. Additionally, according to the Minister of Conservation in a letter dated 21 September 2018, a total of 22 illegal seizures of elephant ivory (incidents not quantity) and three of rhino horn (comprised of seven packets of medicine) were made. It is important to note that the general rule of thumb of Interpol is that seizures represent just a fraction of the illegal goods that enter the marketplace undetected. As a matter of fact, two convictions in 2013 and 2015 confirmed that tens of thousands of dollars' worth of illegal ivory entered the New Zealand border undetected.²³ Court evidence substantiated the concern that illegal ivory or ivory of unknown origins were imported into New Zealand and offered for sale due to the fact that New Zealand's ivory marketplace is unregulated.

In 2016, the International Fund for Animal Welfare released results of its nine month long investigation, "Under the Hammer - Are auction houses in Australia and New Zealand contributing to the demise of elephant and rhinoceros?"²⁴ The investigation revealed that at least 1,312 ivory items were found for sale in the auction houses in the two countries and the items range from fully carved to *de minimis* items. One serious concern is that only 8 percent of the descriptions for these ivory products in the catalogues included reference on provenance or other related information, which is crucial to help ascertain the legality of the item offered for sale.

OBSERVATIONS – New Zealand Domestic Ivory Market	Number of Auctions where ivory was offered for sale	Number of Lots Containing Ivory	Number of Ivory Items
2019 Survey – Two Auction Houses¹			
10-month survey (October 2018 - July 2019)	40	606	803
<i>Extrapolated to 12 months</i>	48	727	964
2016 Survey – Four Auction Houses²			
9-month survey (October 2014 - June 2015)	22	285	363
<i>Extrapolated to 12 months</i>	29	380	484
% Difference – 2016 to 2019	64%	91%	99%
<i>Based on extrapolated 12 months data</i>			

¹ Gordon Consulting, New Zealand.

² International Fund for Animal Welfare (IFAW) (2016) "Under the Hammer – Are Auction Houses in Australia and New Zealand Contributing to the Demise of Elephants and Rhinos?"

A more recent survey targeting just two New Zealand auction houses found that they offered over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses in 2016 (see chart below).²⁵ This alarming development confirms the urgency and necessity to promulgate strict regulations that would close New Zealand's domestic ivory market.

New Zealand's domestic ivory trade is unregulated with no checks and balances in place to prevent or reduce ivory trade. Evidence from seizures and prosecutions show that New Zealand's unregulated domestic trade in elephant ivory does, in fact, contribute to illegal trade and is thus inconsistent with the CITES Resolution and does not achieve the objective of the Trade in Endangered Species Act 1989.

As we have learned from the global community's collective effort to combat climate change and biodiversity loss, every country, regardless of its size, can have an impact. As more markets close, there is a significant risk that trade will move to those countries where markets remain open (i.e. displacement). That is a particular risk for New Zealand given its relative proximity to Asian markets. It is crucial that New Zealand closes its ivory market before that risk can become reality. Further, New Zealand can play a role by demonstrating its commitment to and support for the global effort to save elephants from the ivory trade. New Zealand, through an ivory trade ban, can provide a local solution to this global conservation challenge.

Recommendations for Closing New Zealand's Domestic Ivory Market

We urge New Zealand to adopt the following measures to help curtail poaching and illegal trade in elephant ivory and close its domestic markets:

- Ban the domestic sale of elephant ivory in New Zealand
- Ban the import and export of ivory into and out of New Zealand
- Ensure any exemptions to the above are narrow
- Ensure all measures are enforceable

These measures should be adopted with urgency to ensure that New Zealand plays its intended role in helping to curb the international demand for ivory and halt the current poaching crisis.

1. Prohibiting Domestic Sales with Narrow Exemptions

We encourage New Zealand to adopt a ban on domestic ivory sales with narrow exemptions (Option 2). This option follows closely the law adopted by the UK and imposes less of an administrative and financial burden and fewer enforcement problems because the number of exempted items will be limited.

We understand the exemptions under consideration are: a *de minimis* exemption; a musical instrument exemption, an exemption for Portrait miniatures, a rare and important items exemption, and commercial sales between museums.

Regarding a rare and important items exemption, there does not appear to be a need for this exemption in New Zealand at this time. As the Discussion Document pointed out, and we agree with the government's assessment, rare items do not appear to be traded in New Zealand. We also agree with the Discussion Document that it could be difficult to define what "rarest and most important" would mean as they can be subjective. If such an exemption would prove helpful in the future, it can be adopted later. Otherwise, we discourage adopting such an exemption.

Regarding exchanges between museums, these generally are not commercial transactions but non-commercial exchanges and quid pro quos. Further, there does not appear to be a significant trade in rare items which may be of interest for museums. Thus, again, there is no need for an exemption from commercial trade for museums.

2. Import and Export Prohibitions and Narrow Exemptions

Any effort to ban ivory trade should also include import and export considerations. We urge you to adopt measures instituting a ban on imports and exports of all ivory with appropriate, narrow exemptions (as noted in Option 5). We understand the exemptions being proposed would be similar to the exemptions from the commercial sale ban: a *de minimis* exemption; a musical instrument exemption, Portrait miniatures, rare and important items, and exchanges between museums. As explained above, we encourage you to adopt only the first three of these exemptions.

Additionally, elephant trophies contain raw and un-worked ivory and it might be helpful to include a measure regarding this trade. The mechanisms allowing for trade in hunting trophies have been used to launder CITES-listed specimens into illegal trade in the past.²⁶ As a result, we encourage you to limit any authorized elephant trophy imports to one per hunter per year. Again, this is similar to the exception for trophies in the United States' ban. 50 C.F.R. § 17.40(e)(6).

3. Any Exemptions Need to be Narrow

We support three of the five proposed exemptions: a *de minimis* exemption; a musical instrument exemption, and a Portrait miniatures exemption.

a. A Narrow *De Minimis* Exemption

The current proposal for a *de minimis* exemption pertains to:

items with a volume of less than 10% ivory which were made prior to 1947.

We support this framing of a *de minimis* exemption. The use of a percentage of ivory versus a weight limit is important. If weight limits are used, they could result in customs and enforcement agencies taking apart items to weigh the total amount of ivory, which could destroy the item or cause unnecessary legal challenges. Therefore, we encourage you to maintain a percentage of ivory metric that is measured by volume rather than by weight.

The 10 percent of total volume is a supportable metric and a small percentage is required for this exemption to ensure the exemption does not “shallow the rule” by allowing pieces into trade that contain significant amounts of ivory. Exempting items with large volumes of ivory could result in the exemption being used to launder newly poached or otherwise illegal ivory.

The 1947 cut-off year is relevant for the UK and the European Union as this is 50 years prior to the EU Wildlife Trade Regulations coming into force. It is generally understood that *de minimis* items made prior to 1947 do not make up a large portion of the illegal ivory trade. New Zealand can follow this cut-off date or adjust a cut-off date to the 1989 adoption of the TIES Act similarly, including 50 years prior, and use 1949.

b. A Narrow Musical Instruments Exemption

The current measure would exempt:

Musical instruments with any ivory content less than 20% which were made prior to 1975. It is argued that this will cover the majority of commonly used and traded instruments and accessories, such as pianos and violin bows.

We support a narrow exemption for musical instruments that contain ivory. The 1975 cutoff date is reasonable and linked to the CITES listing of Asian elephants, the first time that elephants are listed in the CITES appendices. It also mirrors the relevant exemption in the UK Ivory Act and in the ivory bans in several US states (e.g. California and New York). We consider that a wider exemption (both as to date and percentage) than the *de minimis* exemption is justified because of the particular nature of musical instruments: most of them are actually used in performances (often by professional musicians as part of their careers) rather than simply being commercially traded and collected.

As noted above, we support the use of a percentage of ivory versus a weight. If weight limits are used, they could result in customs and enforcement agencies taking apart instruments to weigh the total amount of ivory, which could destroy the item. Therefore, we encourage you to maintain a percentage of ivory metric that is measured by volume, rather than by weight.

The 20 percent limit is important because otherwise a musical instrument made wholly or mainly of ivory could be traded (such as a flute). Piano keys that use ivory are made of ivory veneer and therefore the 20 percent threshold is sufficient to cover pianos. We should point out that piano makers stopped using elephant ivory keys decades ago. For instance, Steinway and other American piano manufacturers agreed to stop using ivory for keys in the 1950s.

We encourage you to maintain the 20 percent limit. An exemption for instruments made wholly or primarily of ivory could be used to launder newly-acquired or otherwise illegal ivory into trade.

c. A Narrow Portrait Miniatures Exemption

The current proposal is to exempt:

Portrait miniatures produced prior to 1918. These items are in a distinct category, which the British Government considers will not fuel, directly or indirectly, the continued poaching of elephants.

If there is a need for this exemption in New Zealand, then we support this proposal. It is understood that items such as portrait miniatures with a small amount of ivory made prior to 1918 are not part of the illegal ivory trade. The rationale for the 1918 cut-off year is that it was 100 years before the UK law was passed (100 years being a commonly-used definition of an ‘antique’).

d. Opposition to Other Exemptions

We urge New Zealand not to adopt any form of a broad-based antiques exemption. A broad based antiques exemption would allow trade in items made entirely out of ivory, subject only to proof of age. It is precisely the items made wholly or primarily out of ivory that are of most interest to the illegal trade, because they are the easiest to fake and produce the greatest financial return. There are many instances where “antiques” that are wholly or primarily made of elephant ivory have been used as a guise to launder illegal ivory products. Traffickers use fraudulent documentation or stain new ivory in tea to make new ivory appear old.²⁷ Such exemptions are also costly to implement and difficult to enforce. A system must be established and implemented that protects against fraud both in the required paperwork as well as in verifying the item is actually antique. Therefore, we urge against adopting any blanket exemption for antiques.

We note that if domestic ivory sales are banned, that would not prohibit individuals from legally possessing or taking possession of any ivory (including treasured family heirlooms) through inheritance, gifts or similar. Given that the overarching goal of this effort is for New Zealand to contribute to the global effort to curb demand for ivory, allowing commercial, domestic trade in antiques to continue does not meet New Zealand’s stated goals.

4. Ensure the Adopted Measures Also Come with Enforcement Mechanisms

Unfortunately, adoption of new ivory restrictions is not the end of the story -- these measures must be accompanied by enforcement mechanisms that will deter violations. Regulations or laws are only as strong as their enforcement.

RHINOCEROS

Closing New Zealand’s Open Domestic Market for Rhino Horn

In addition to closing down the domestic market for ivory with limited exemptions in appropriate circumstances, steps should be taken to close New Zealand’s currently open and unregulated market for rhinoceros horn. While many nations have taken steps to close their rhino horn markets, the remaining legal domestic markets are undermining the effectiveness of the CITES international trade ban.

CITES has banned international trade in rhino horn since 1977. Recently at CoP18 in August 2019, Parties voted to uphold the international rhino horn trade ban and also agreed by consensus to a Decision directing Parties to close domestic rhino horn markets that contribute to poaching or illegal trade. Given that there have been instances of rhino horn seizures in New Zealand as referenced above, by closing its market for rhino horn along with elephant ivory New Zealand would take a stand against illegal trade. This act will help ensure effective implementation of the international ban on rhino horn trade and provide critical protections for the world’s rhinos.

Conclusion

Domestic legal markets for elephant ivory and rhino parts and products provide opportunities to launder illegal products, increase the burden on law enforcement, send mixed messages to consumers, and also stimulate demand, which undermines demand reduction efforts.

Banning the elephant ivory and rhino horn trade as well as imports and exports will allow New Zealand to:

- Reduce New Zealand's contribution to the global illegal ivory and rhino horn trade
- Support other consumer nations banning ivory and rhino horn trade and eliminate demand for these products
- Enable New Zealand's government to respond positively to and support African elephant range states appealing for bans to protect their elephants
- Ensure compliance with CITES provisions to ensure trade is not detrimental to elephants and rhinos
- Ensure New Zealand contributes to the global battle to combat wildlife crime
- Prevent displacement into New Zealand of trade in ivory and rhino horn from those countries that have closed their markets

In addition to supporting the near-closure of New Zealand's domestic market for elephant ivory, we urge New Zealand to completely end all commercial trade in rhino horn, without exemptions.

Thank you again for the opportunity to comment on New Zealand's Review of the Trade in Endangered Species Act 1989 Discussion Document, September 2019. We commend New Zealand for doing its part to eliminate its role in the trade in elephant ivory and rhino horn to stem the poaching crisis. New Zealand's efforts will play a vital role in curbing the poaching crisis, and help guarantee that future generations may see elephants and rhinos roaming the wild.

Sincerely,

Center for Biological Diversity
Environmental Investigation Agency US
Humane Society International

Joined by
David Shepherd Wildlife Foundation
Environmental Investigation Agency UK
Fondation Franz Weber
Natural Resources Defense Council

¹ Douglas-Hamilton, I. (1979) The African Elephant Action Plan. IUCN/WWF/NYZS Elephant Survey and Conservation Programme.

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- ¹² SC70 Inf. 18 at 16
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- ¹⁵ Authors' emphasis.
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- ²⁴ <https://s3.amazonaws.com/ifaw-pantheon/sites/default/files/legacy/IFAW%20Under%20the%20hammer.pdf>
- ²⁵ <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>
- ²⁶ See, e.g., CoP17 Doc. 68 Annex 5, African and Asian Rhino Specialist Group and TRAFFIC Report (<https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-68-A5.pdf>) (explaining “abuse of trophy hunting policy in South Africa emerged as a serious issue in 2006. Pseudo-hunting -- where rhinos are hunted to acquire horns for illegal trade purposes -- ultimately accounted for nearly one-fifth of all illicit horn leaving Africa (Milliken et al. 1999; Emslie et al. 2012; Milliken & Shaw 2012.”); see also 80 Fed. Reg. at 45,165 (July 29, 2015) (U.S. explaining its decision to propose a two trophy per year restriction to halt the “import of commercial quantities of ivory as sport-hunted trophies”); 81 Fed. Reg. at 36,393 (June 6, 2016) (same)).
- ²⁷ <https://www.independent.co.uk/news/uk/home-news/ivory-tea-stained-1947-law-uk-parliament-debate-a7564171.html>

October 24, 2019

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document September 2019.

**Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington 6143
NEW ZEALAND**

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

Our submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewelry. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 percent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the ‘wild’ or of ‘unknown’ source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.(1)

A recently completed 10-month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9-month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimono and netsukes. (2)

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand’s legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand’s border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand’s domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

References:

- (1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- (2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

Sincerely,

9(2)(a)
[REDACTED]

Peter Knights
CEO and Co-Founder, WildAid



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The Honourable Eugenie Sage, MP
Minister of Conservation

Department of Conservation
The Government of New Zealand
P. O. Box 10420
Wellington 614
NEW ZEALAND

E-mail: e.sage@ministers.govt.nz
tiesact@doc.govt.nz

FOR: **FORMAL CONSULTATION TO THE:**
DEPARTMENT OF CONSERVATION

RE: **STRONG SUPPORT: TO PROHIBIT THE SALES OF IVORY, AND THE IMPORT AND EXPORT OF IVORY FOR SALE TO AND FROM NEW ZEALAND, SUBJECT TO CAREFULLY DEFINED EXEMPTIONS**

TO: **The Honourable Eugenie Sage, MP**
Minister of Conservation

FROM: **Tusk Task Force**, EU Transparency Registry No. 056368329093-73

DATE: 25 October 2019

Dear Hon. Sage,

I am writing on behalf of my organization to accompany our public consultation for strong support to implement a total ban on sales of items containing ivory in New Zealand that could contribute either directly or indirectly to the continued poaching of elephants, subject to carefully defined exemptions. Please allow this consultation letter to accompany my organization's submission to the [feedback questions on proposed changes to the TIES Act of 1989 online consultation tool per the Discussion Document, Review of the Trade in Endangered Species Act 1989, September 2019.](#)

Tusk Task Force is the global wildlife conservation non-profit NGO with Transparency Registry No. 056368329093-73 in the European Union, based in Seattle USA. We have over 3,000+ stakeholders (supporters, partners, and donors) worldwide, including many in New Zealand. Since 2014, our mission has always been to abolish all exploitation of wildlife and end the Extinction Economy worldwide. We do this by providing advocacy, intelligence, and protection to all stakeholders that defend them so that wildlife may live.

With our expertise on the Extinction Economy, I urge your department for strong support to abolishing the trade of elephant ivory and other wildlife parts through pragmatic solutions within, to and from New Zealand. As such, we join a consortium of organizations and individuals worldwide, concerned for the global consequences of wildlife trafficking, to abolish this barbaric commerce—to mandate restrictions on the traffic of wild animals in New Zealand, as agreed by the Parties to CITES in 2016; and most recently in 17-28 August of this year, by banning the domestic trade of elephant ivory where that trade contributes to the poaching and illegal trade of elephant ivory. Collectively, we urge the New Zealand Government to amend and improve the Trade in Endangered Species (TIES) Act of 1989 to meet the goal of prohibiting the trade of wildlife parts in New Zealand.

As your department already knows, legal domestic markets of ivory within New Zealand, while tiny, may encourage illegal trade by serving as a cover for trade in illicit ivory.¹ As such, ivory may remain on sale in markets, auctions, antique shops and online in urban areas of New Zealand, if not addressed, which may contribute to the surge² in African (*Loxodonta Africana*) and Asian (*Elephas maximus*) elephant³ poaching and ivory trafficking—driven by the continued growing demand from Asia.⁴

I believe that the continued domestic market of ivory in New Zealand is unethical from a universal governance and moral standpoint, in addition to the global detrimental impact, as highlighted by the following:

- African Savannah elephant populations declined by 30 percent (equal to 144,000 elephants) across 18 countries in Africa from 2007 to 2014, according to the Great Elephant Census⁵ published last year, which leaves their remaining numbers at just over 350,000.
- The current rate of decline is 8 percent per year, primarily due to poaching, driven by the demand from Asia. For a specific country example highlighting the profound impact of wildlife trafficking, the elephant population declined 6 percent overall in Zimbabwe but dropped by 74 percent within one specific region, according to the census.

¹ International Fund for Animal Welfare (IFAW), *Under the Hammer* (2016), p. 2.

² Commission Staff Working Document: Analysis and Evidence in support of the EU Action Plan against Wildlife Trafficking. Brussels, 26.2.2016

³ There are two species of elephants—the African Elephant (*Loxodonta africana*) and the Asian Elephant (*Elephas maximus*). There are two subspecies of African elephant, the bush elephant and the forest elephant. There are three subspecies of the Asian elephant: the Indian, Sumatran and Sri Lankan elephant.

⁴ Commission Notice, Guidance Document: EU regime governing intra-EU trade and re-export of ivory. *Office Journal of the European Union*, c 154/4,

175.5.2017

- Increase of elephant poaching has also been reported in wildlife areas located in India⁶ and other Sub-Asian and East Asian countries (Bangladesh, Indonesia, Malaysia, Myanmar, and Sri Lanka) as the demand for ivory has been projected to increase.
- Beyond its impact on elephants and their benefits to biodiversity,⁷ the bloody ivory trade has also been tied to organized crime, the murder of civilians and wildlife rangers in Africa, endangering regional security, creating instability in governance, increasing corruption, exacerbating poverty, diminishing economic opportunities, and destabilizing migration and border controls.⁸
- Statistics suggest that an African elephant is killed every 20 minutes by highly professional criminal networks who smuggle the contraband ivory where it continues to fetch a price of \$1,097 NZD (£523/€593/or \$700 USD) per kilo.⁹
- New Zealand may not be one of the Oceania's busiest transport hubs but its growing tourism market could make it into an importer and exporter of ivory within the Asia Pacific region—as an easy “low profile” conduit to Southeast Asia. With its airports handling a growing number of international flights, many goods in transit may pass through which unfortunately makes them ideal for smugglers seeking to market ivory globally and internally. To its credit however, New Zealand has one of the most professional and experienced CITES Customs Units (through the DOC CITES Rangers) in the region¹⁰ and this ban will only refine their processes and allow them to focus on other ways to deter smuggling of other illegal goods.
- Per my organization’s research on wildlife crime, we conclude that failure to prohibit a growing commercial market on wildlife parts in any one given area (or country) may result in an increased risk of criminal organizations exploiting weaker control frameworks. Due to failure of governments with weak or without regulations (such as New Zealand) to implement a domestic trade ban, criminal actors involved in the global illegal trade could move their operations to that country (such as New Zealand) to exploit its weaker control framework, known as “displacement.”¹¹
- While New Zealand’s contribution to the ivory market may be “tiny” compared to Australia and Hong Kong, it could possibly be a target for a growing illicit market that could take advantage of the existing loopholes on current legislation, or lack thereof. This is consistent to the reverse logic that the international illegal wildlife trade would decline if each country, under its domestic law, prohibited the

⁶ <http://www.dnaindia.com/india/report-world-wildlife-day-clear-evidence-of-rise-in-elephant-poaching-in-india-2185442> (accessed 4 March 2016)

⁷ Doughty, Christopher E. “Herbivores increase the global availability of nutrients over millions of years.” *Nature Ecology and Evolution*, 2017

⁸ Interpol. (2015). Interpol Strategic Report: Environmental Crime and its Convergence with other serious crimes. Reference: 2015/999/OEC/ENS/SLO

⁹ *The Re-Export of Pre-Convention/Antique Ivory from the European Union*. Report prepared for the European Commission by Victoria Mundy, August 2014.

¹⁰ Discussion Document, *Review of the Trade in Endangered Species Act of 1989*, September 2019

¹¹ Mr. Gabriel Fava, Born Free Foundation, *Proof Hansard*, 3 July 2018, p. 29.

“possession of wildlife that was illegally harvested in, or illegally traded from, anywhere in the world”¹² considering that illegal trafficking of wildlife run in-tandem and in-parallel with the legal trade.¹³

- Emphasizing the global consequences of this trade, we can just turn to Europe as an example of “displacement” for much of its trafficking from there ends up everywhere in the world, including New Zealand due to its close proximity to Southeast Asia where the trafficking is prevalent. The European Commission’s working document on ivory trafficking from last year concluded that there is an increased of buyers using forged pre-CITES certificates to re-export, making it difficult to distinguish legal pre-CITES or worked ivory from illegal ones for which export is banned. Logic dictates that this may also reflect a growing trade of illegal ivory trafficking parallel to legal ivory trafficking.¹⁴

In addition, please allow me to highlight my argument from an philosophical and cultural “standpoint.”

The Commonwealth of Nations was created as a political and cultural bloc “to ensure future peace and an absence of conflict” for a more prosperous and safer British Commonwealth and beyond, so it is only fitting that the Commonwealth must also take an urgent leadership role in abolishing the bloody ivory trade which exacerbates conflicts and violence around the world—from Africa to Asia, and back. With that being said, it is imperative that the British Commonwealth¹⁵ must not relinquish its mutual goal to take complete responsibility, once and for all, to end its own role in the bloody ivory trade. By implementing the ban on ivory sales in New Zealand’s domestic market, your government may also be able free up resources (in the long run) to combat wildlife trafficking (which affects proper and stable governance and regional security) abroad through CITES and other transnational collaborations.

While the African Union (which includes some member-nations of the Commonwealth) has also begun implementing a continent-wide strategy to close the ivory market there, so too must the rest of the British Commonwealth with the United Kingdom. Indeed, in an effort to close existing loopholes to curb the illegal wildlife trafficking from the EU, the British Government have stopped issuing ivory export certificates and have called on the rest of the European Union to make this a bloc-wide policy during Prime Minister May’s administration. While this is promising in diminishing the trade in Europe, New Zealand can follow the UK’s lead¹⁶ and a ban would send the clearest possible signal that New Zealand’s objective is to be a regional leader in the fight against the ivory trade in Asia Pacific.

This principled urgency is especially profound considering the current United States presidential administration has forfeited its leadership on this issue. Last year, the Trump Administration has cancelled the previous administration’s Presidential Task Force¹⁷ on national strategy against wildlife trafficking from 2014. As you already know, former President Obama’s previous adoption of this national strategy¹⁸ was

¹² United Nations Office on Drugs and Crime (UNODC), *World Wildlife Crime Report*, 2016, p. 11.

¹³ Ms. Grace Ge Gabriel, IFAW, *Proof Hansard*, 3 July 2018, p. 7.

¹⁴ *Commission Staff Working Document: Analysis and Evidence in support of the EU Action Plan against Wildlife Trafficking*. Brussels, 26.2.2016

¹⁵ Her Excellency Menna Rawlings, British High Commissioner to Australia, *Proof Hansard*, 9 July 2018, p. 23

¹⁶ UK government, ‘Government confirms UK ban on ivory sales,’ Press release, 3 April 2017, <https://www.gov.uk/government/news/government-confirms-uk-ban-on-ivory-sales> (accessed 10 March 2019)

¹⁷ Executive Order 13648 to implement the *National Strategy for Combating Wildlife Trafficking*. Executive Office of the President; 02/11/2014

¹⁸ *National Security Strategy of the United States*. Executive Office of the President; 02/11/2015

Tusk Task Force

Support for Improvements to the Trade in Endangered Species Act of 1989

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executed to mitigate the growing global security implications¹⁹ of wildlife trafficking as a conduit to human trafficking, narcotics trade, weapons dealing, and slave labor. Interestingly, this provides an opening for New Zealand to take the mantle of leadership on this global security issue in the region.

Supported by my points above with compelling research and evidence,

I again urge the Government of New Zealand to close the domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand subject to carefully defined separate exemptions for each category: musical instruments which may contain ivory, items which are of significant (artistic, cultural, and historic) value, and ivory between accredited museums and universities within New Zealand for educational²⁰ and academic purposes only. Overall, our appeal is to completely prohibit all commercial value on all ivory so to remove all incentives in profiting from it, in New Zealand and abroad.

Together with my global team and our stakeholders against the Extinction Economy, I thank you so much for your time in considering our comments and feedback on this urgent wildlife conservation and global security issue for our strong support to close the loopholes in domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand, subject to carefully defined exemptions as outlined above.

Respectfully,

9(2)(a)

Allen R. Sandico FRGS
Founder and Chief Elephant Officer (CEO)

www.tusktaskforce.org

Tusk Task Force™ is the global non-profit wildlife conservation NGO on a mission to abolish all exploitation of wildlife and end the Extinction Economy worldwide. We do this by providing advocacy, intelligence, and protection to all stakeholders that defend them so that wildlife may live. ©

¹⁹ Defining transnational organized wildlife crime, sourced from https://www.unodc.org/documents/data-and-analysis/wildlife/WLC16_Chapter_1.pdf. (accessed on 25 December 2017)

²⁰ Subject to carefully defined separate exemptions for each category which includes: musical instruments which contain ivory, items which are of significant (artistic, cultural, and historic) value, items which contain a small percentage (<5% or "de minimis") of ivory and where the ivory is integral to the item, as defined by Dr. Rebecca Johnson of the Australia Museum, Museums and Galleries Australia, and the Council of Heads of Australian Faunal Collections, *Proof Hansard*, 9 July 2018, p. 26.



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Feedback Questions on Proposed Changes to the TIES Act of 1989

Section 1: Why are we reviewing the TIES Act?

1. Should DOC consider any other policy areas to review?

Yes. Tusk Task Force is the wildlife conservation non-profit NGO with its global HQ in Seattle USA with Transparency Registry No. 056368329093-73 in the European Union. We have over 3,000+ stakeholders (supporters, partners, and donors) worldwide, including many in the New Zealand. Since 2014, our mission has always been to abolish all exploitation of wildlife and end the Extinction Economy worldwide. We do this by providing advocacy, intelligence, and protection to all stakeholders that defend them so that wildlife may live.

With our expertise on the Extinction Economy, we submit this testimony for strong support to abolishing the trade of elephant ivory and other wildlife animal parts within, to and from New Zealand. As such, we join a consortium of organizations and individuals worldwide, concerned of the global consequences of wildlife trafficking, to abolish this barbaric commerce—to mandate restrictions on the traffic of wild animals in New Zealand, as agreed by the Parties to CITES in 2016, and most recently in 17-28 August of this year, to ban the domestic trade of elephant ivory where that trade contributes to the poaching and illegal trade of elephant ivory. **We urge the New Zealand Government to amend and improve the Trade in Endangered Species (TIES) Act of 1989 to meet the goal of prohibiting the trade of wildlife parts in New Zealand.**

2. Are we considering the right objectives?

Yes, but Tusk Task Force believes that the TIES Act can be strengthened and amended to be more effective in our modern times when illicit enterprises are more agile and innovative in circumventing the existing laws such as loopholes that may be taken advantage of. **More stringent ways to tackle wildlife trafficking should include the use of financial investigations to combat wildlife crime and the need to disrupt the financial networks of those engaged in this crime.** Ms. Cathy Haenlein (Director, Organised Crime and Policing) and Mr. Tom Keatinge (Director, Centre for Financial Crime and Security Studies) of the Royal United Services Institute (RUSI) for Defence and Security Studies in London has written a White Paper on this policy proposal which may be viewed on this link: https://rusi.org/sites/default/files/201709_rusi_follow_the_money_haenlein_keatinge.pdf

3. Should we consider any other criteria when assessing options?

Yes. Tusk Task Force believes that the Department of Conservation may consider other criteria when assessing options in collaboration with other agencies within and outside the New Zealand Government—to improve upon the provisions of TIES while sensitive to the movement of taonga and legitimate uses of ancient ivory such as those used for education (in museums and academia) and those found in musical instruments of personal and public use.

Section 2: What is the Convention on International Trade in Endangered Species (CITES)?

1. Are there any other factors that should be considered?

Yes. Again, Tusk Task Force believes that the TIES Act (implementing the CITES mandates in New Zealand) can be strengthened and amended to be more effective in our modern times when illicit enterprises are more agile and

Tusk Task Force

Feedback Questions on Proposed Changes to the TIES Act of 1989

Minister of Conservation, Government of New Zealand

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innovative in circumventing the existing laws such as loopholes that may be taken advantage of. More stringent ways to tackle wildlife trafficking should include the use of financial investigations to combat wildlife crime and the need to disrupt the financial networks of those engaged in this crime. Ms. Cathy Haenlein (Director, Organised Crime and Policing) and Mr. Tom Keatinge (Director, Centre for Financial Crime and Security Studies) of the Royal United Services Institute (RUSI) for Defence and Security Studies in London has written a White Paper on this policy proposal which may be viewed on this link:

https://rusi.org/sites/default/files/201709_rusi_follow_the_money_haenlein_keatinge.pdf

Section 3: Trade in elephant ivory

1. Have we correctly identified the problem?

Yes and No. For elephant ivory, Tusk Task Force believes that TIES Act has, on its current form, identified the problem that trafficking of ivory exists and must be curtailed. However, it does not address the issues of ivory trafficking within New Zealand and that the Department of Conservation must be more vocal against it—through policy or public awareness schemes that would definitely disincentives the practice of trafficking ivory.

2. Has the size of the domestic elephant ivory market been correctly described?

Yes, to a point with regards to ivory trafficking coming into New Zealand per the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019. Since there are no current laws against domestic ivory trading within New Zealand, we would really not know how big the problem is. Tusk Task Force believes that strengthening the TIES Act with amendments to include restrictions or prohibitions of commercial trading of ivory within New Zealand would provide data on this problem as enforcement begins to be implemented, if those laws are actually passed following this decision by the Minister of Conservation, Hon. Eugenie Sage, to propose amendments and improvements to the TIES Act for a more stringent enforcement of CITES in New Zealand.

3. Should New Zealand ban the domestic trade of any other species in possible regulation?

Yes. Tusk Task Force believes that the illicit trade of wildlife parts is a menace to the world and exacerbates the consequences of Global Climate Change for big species or animals are important in cultivating the sustainability of flora and fauna all over the world. Therefore, we believe that “flagship” species such as the elephant, along with giraffes and the rhinoceros, must be included when amending the TIES Act. While existing trade may not exist in New Zealand now, amending and improving the TIES Act to include these and other species may anticipate in alleviating the growing trade of these species with regards to the closer proximity of New Zealand to the Asia where the black market of wildlife trafficking is at its peak—in both supply and demand. Further details of our reasoning may be found here through this link: <http://www.tusktaskforce.org/why-we-serve>

If so, which species and why?

Yes. We believe in the analysis on the trade of elephant ivory by the Department of Conservation as reflected on the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019.

4. Do you agree with the impact analysis for these options?

Yes.

5. Should New Zealand ban the sale of elephant ivory on the domestic market?

Yes.

6. If it is banned, should there be any exemptions, for example like the UK exemptions?

Tusk Task Force

Feedback Questions on Proposed Changes to the TIES Act of 1989

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While we would push for Option 1 to ban the domestic trade of elephant ivory in New Zealand, Tusk Task Force believes that this is not realistic given the sensitivities to taonga and the use of ivory in academia, museums, and musical instruments. Pragmatically, we propose Option 2 to ban the domestic sale of elephant ivory in New Zealand with exemptions as found in many jurisdictions outside New Zealand such as those by the European Union (EU) and also by the United Kingdom (EU).

7. Should any additional exemptions be considered for New Zealand?

Yes. Tusk Task Force urges the New Zealand Government to close the domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand subject to carefully defined separate exemptions for each category which includes: musical instruments which contain ivory, items which are of significant (artistic, cultural, and historic) value, items which contain a small percentage (<5% or "de minimis") of ivory and where the ivory is integral to the item, and ivory between accredited museums and universities within New Zealand for educational purposes only. Overall, our proposal is to completely remove all legal and illegal commercial value on all ivory to remove all incentives in profiting from it, here and abroad.

8. Should importing elephant ivory be banned?

Yes. Again, Tusk Task Force urges the New Zealand Government to close the domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand subject to carefully defined separate exemptions for each category which includes: musical instruments which contain ivory, items which are of significant (artistic, cultural, and historic) value, items which contain a small percentage (<5% or "de minimis") of ivory and where the ivory is integral to the item, and ivory between accredited museums and universities within New Zealand for educational purposes only. Overall, our proposal is to completely remove all legal and illegal commercial value on all ivory to remove all incentives in profiting from it, here and abroad.

Section 4: Our role as a Treaty Partner

1. In what other ways can DOC support New Zealanders and in particular Māori, to minimise the risk of having taonga made from protected species seized at international borders when travelling?

Tusk Task Force believes that the current enforcement policies provisioned under the TIES Act are already effective as it but may be strengthened with regards to elephant ivory being passed on as a taonga item to hide its purpose as a contraband for future commercial sales. Evidence has been found on many jurisdictions that this has happened, especially in the United States, when elephant ivory has been labeled as "whale" or "mammoth" ivory thus creating a loophole in existing laws to curtail domestic trade of new and raw elephant ivory. The National Geographic touched upon this concern in 2016 through this link: <https://www.nationalgeographic.com/news/2016/08/wildlife-woolly-mammoth-ivory-trade-legal-china-african-elephant-poaching/>

2. What changes to New Zealand's permitting system would make it easier to move taonga across international borders?

Adding provisions to the TIES Act to identify each taonga item, as part of the enforcement action by Border Patrol NZ and by the DOC CITES Rangers, to be that of real whale as oppose to elephant or mammoth ivory would do well in regulating its movement to-and-from and within New Zealand and further prohibiting the commercial trade of elephant ivory in New Zealand.

3. How could the TIES Act give effect to the principles of the Treaty of Waitangi?

Tusk Task Force believes that the TIES Act already give effect to the principles of the Treaty of Waitangi (1840) by requiring permits to import or export Appendix I taonga for personal use into or out of New Zealand, if the taonga was acquired in New Zealand, and is not traded for commercial purposes, in most circumstances. Legitimacy of this allowance may even be formalized by having a mechanism to effectively identify the true provenance of each item as authentic as to close the loophole on "fake" taonga.

Tusk Task Force

Feedback Questions on Proposed Changes to the TIES Act of 1989

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Section 5: Responding to current problems

Problem A—Definition of Personal and Household Effects

1. Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?

Yes. Tusk Task Force would recommend Option 2 to change the definition of personal and household effects (PHE) to the definition in CITES Resolution 13.7 for an effective enforcement in prohibiting commercial sale of ivory and endangered-species items to and from New Zealand. We understand that this may be costly in the beginning but over time, the practice of enforcing it would diminish its costs through revenues from additional permits and fines, as allowed by future legislation to support this enforcement.

2. Are there any other options we should be considering?

Problem B—Large quantities of some species are being seized in circumstances where it may not be appropriate

1. Do you agree with the description of the problem? If not, why not?

Yes.

2. Do you consider that allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs? If not, why not?

Yes.

3. Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE? If not, why not?

Yes. Tusk Task Force believes that allowing for unlimited importation of giant clam shells and farmed crocodylia into New Zealand as PHE will encourage the trade of these items in New Zealand but will also encourage the “looting” of beaches and coastlines for these items due to the growing market for these items. We believe that unlimited consumption of eco-parts promotes the abuse of ecology all over the world, regardless of its use. In our natural world, every part of it is interconnected and may be open for commercial abuse if such a market is to develop from it.

4. Should personal and household exemptions be considered for the other species listed in by resolution 13.7?

Yes, both.

5. Should coral that are personal or household effects be exempt from permitting (with limits)? Should this exemption include coral fragments; worn, eroded, beach washed hard coral, or both?

Yes.

6. What is a reasonable weight limit for worn, eroded, beach washed hard coral?

Yes to Question 5 and the DOC may determine the precise amount on limiting its importation.

7. Are there any other options, not discussed here, that should be considered?

None that we can think of and we believe that the DOC may determine other considerations on limiting its importation.

Tusk Task Force

Feedback Questions on Proposed Changes to the TIES Act of 1989

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Section 6: Technical issues with permits

1. Should people with minor errors on their permits or permits not presented at the right time (due to unforeseen circumstances) have their items returned to them? If so, under what circumstances?

Yes, but with a serious warning or a fine imposed so not to open the practice for abuse.

2. Should there be a way to address permits with minor issues, or should DOC take a strict approach?

Yes, but with a serious warning or a fine imposed so not to open the practice for abuse.

3. Do you agree with the impact analysis of this option? If not, why not?

Yes.

4. Are there other situations not outlined above where minor errors on permits should be accepted?

None.

Section 7: Cost Recovery

1. Do you agree with this description of the problem? If not, why not?

Yes.

2. Should DOC cost-recover for services provided to commercial users, and commercial consignment inspections?

Yes.

Section 8: Implementation and monitoring and evaluation

1. How should the proposals considered in this document be monitored?

Tusk Task Force believes in complete transparency of the process with regards to the implementation of the proposed changes in the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019. While we understand that bills must be considered by Parliament first to enact laws in support of these proposals, we are grateful that public submissions—from both individuals and organizations in and outside of New Zealand—are invited to address this global concern to the best ability that the New Zealand Government may do for both the world and its citizens. In short, we agree to the Discussion Document's implementation of proposed changes and monitoring and evaluation of a more stringent TIES Act. This is New Zealand's opportunity to lead its region in combating wildlife crime and wildlife trafficking.

Level 6
Eagle Technology House
135 Victoria Street
Te Aro
Wellington 6011

25 October 2019

Consultation: Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington 6143

To whom it may concern,

Fisheries Inshore New Zealand (FINZ) is the Sector Representative Entity (SRE) for inshore finfish, pelagic and tuna fisheries in New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with, and on behalf of, its quota owners, fishers and affiliated sector organisations.

The discussion document for the *Trade in Endangered Species Act 1989* (TIES Act) asks for submissions on the questions outlined in the document, mostly related to elephant ivory, taonga, and cost recovery. Our comments mainly focus questions regarding permitting issues, as it should be apparent that FINZ does not have any relevant interest in the other discussion points from a company mandate perspective. Our comments on the permitting system arise mainly out of a discussion following a debrief from the New Zealand delegation to the CITES COP and pertain mainly to the administrative burden of the current permitting system and inefficiencies in fee collection

Listing of Mako shark on Appendix II of CITES

At the most recent Conference of Parties (CoP) for the Convention on International Trade in Endangered Species (CITES), the Mako shark was listed under Appendix II, meaning that they can't be traded unless it can be shown that fishing wouldn't threaten their chances for survival. They were not previously listed under CITES. FINZ represents quota owners that hold quota in Mako shark (*Isurus oxyrinchus*), a species listed under Schedule 3 of the *Fisheries Act 1996* (stock managed with an alternative total allowable catch under the Quota Management System (QMS)). The New Zealand delegation appropriately challenged the listing of the Mako shark, based on best available scientific data, but were not successful in preventing their listing. DOC has since filed a non-detriment finding of Mako shark harvest in New Zealand, citing that their management under the QMS ensures sustainable harvest of Mako shark in New Zealand waters. We support that action.

History of Mako shark products in New Zealand fisheries

The last Mako exports from New Zealand were in 2015, when the last of the frozen-at-sea longline production took place. At the time, five New Zealand flagged vessels were capable of freezing Mako shark product. All product was frozen, as there was no demand in close enough proximity to make fresh product economically viable. In 2015, New Zealand flagged vessels then typically landed frozen Mako shark in Fiji. If this were the case today, then this Mako product would be subject to the export/import permitting process outlined in the TIES. As mentioned, these frozen-at-sea longline vessels are no longer fishing, and therefore there has been no international export of Mako shark for several years.

There may be varying negligible amounts of Mako shark product in fishmeal products manufactured in New Zealand, which then may be exported.

Current context of Mako bycatch in New Zealand fisheries

Mako shark is caught as bycatch in New Zealand fisheries, and is caught as bycatch on high seas tuna fisheries. As of 2018, 26,000 kilograms (11% of ACE) of Mako shark were caught as bycatch in New Zealand's Exclusive Economic Zone (EEZ), and has been in a steady decline since 2015. While there is no current demand for New Zealand supplied Mako shark product on the international marketplace, we can not predict the future of whether overseas demand may make Mako shark product economically viable once again for international trade. Therefore, we would like to address aspects of the TIES Act when it comes to international permitting, in the case that Mako shark or another QMS species listed on CITES Appendix II or III becomes a species that would be traded on the international market. This would also apply to other species listed under CITES that have been found to have a non-detriment finding by DOC, and would be allowed for some international commercial trade.

Administrative burdens under the TIES Act

As the current permitting process stands, there are several aspects of the permitting process that we expect to subject New Zealand quota holders and/or other exporter/importers to unnecessary administrative burden. This is mostly reflective of the time that the TIES Act came into force (1989) and the fact that the Act has not been reviewed in the intervening 30 years. The administrative processes available in 1989 were significantly different than what is available today. While these requirements were appropriate at the time, due to changes in technology, these same requirements could be an undue administrative burden in a modern context. Additionally, there are opportunities to streamline and make the permitting process much more efficient, which will allow the TIES Act to work as effectively as possible.

Administrative burden 1: One permit per export/import entry

The primary source of the undue burden is that a permit must be acquired for every export/import entry. If demand for CITES listed species were to become viable in the future, and multiple export/import entries were to be made, then this process has the potential to become onerous, and may perversely incentivise noncompliance. This can primarily be addressed with either amending the permit requirement for commercial exports/imports to have a permit cover a certain amount of product within a given time frame (e.g. 5,000 kilograms of Mako shark exports covered under a permit that is valid for a period of 6 months from the approval date).

Additionally, a fee of \$80 must be submitted with each permit application. Allowing a permit to cover a certain amount of product and cover a longer period of time than just one export/import entry would reduce or eliminate any unnecessary additional processing fees.

Administrative burden 2: Non-electronic permit application system

Aspects of the permitting process are based on 1989-era technology, and was based on a postal system rather than an electronic system. Many current licensing and permitting applications (if certain requirements are met) can be done online, including applying for a New Zealand passport. We therefore would recommend that requirements for permitting under the TIES Act be updated to reflect current technology and administrative processes available. The following aspects of the permitting process may impose undue administrative burden to applicants (including potential quota holders) and could be streamlined, eliminated, and/or shortened if changed to an electronic process:

- *An original application form must be submitted and cannot be scanned or photocopied:* This can be streamlined with an electronic (i.e. online) application process
- *Processing of a permit may take up to 20 working days:* Turnaround times can be drastically reduced with an electronic permitting process (e.g. the current turnaround time to apply for a first adult New Zealand passport is 10 working days)
- *Original CITES documentation must accompany the items on export/import:* Rather than requiring an original hard copy as an assurance of a valid permit, permits can be acquired electronically and be cross-validated with electronic databases
- *Application must be certified by a person authorised to take a statutory declaration e.g. Justice of the Peace or a Notary Public:* This could be required for a first-time permit, but the requirement could be alleviated for subsequent permit applications. Or, as mentioned above, if a permit were to apply to a given amount of product and/or time period, then this would alleviate the requirement to have this performed for every import/export entry
- *If the species is on Appendix I of CITES, proof that an Import Permit has been obtained from the destination country is also required:* While this is not anticipated for any fishery species, an electronic system could streamline this process.
- *Photograph of specimen(s):* Photographs could be digitally submitted

In addition to our concerns listed above, DOC has specifically asked for comments on the permitting process under the TIES Act. These ask primarily about whether seized items should be allowed to be returned to the exporter if the permit presented has minor errors, if the permit was presented at the incorrect time due to unforeseen circumstances, and the way to address permits with minor issues. We believe that by addressing the two administrative burden issues we have listed above, the rate of minor errors on permits would be drastically reduced. While transcription errors are always a possibility, the ability to build in validation systems to prevent data entry errors would help prevent this from occurring. Entering information directly to an electronic permitting system could allow the applicant to review their information before submitting and allow for changes to be made to permits and update said permits more easily.

Next Steps

FINZ affirms its desire to continue to be constructively engaged in the initiative and seeks an outcome that will provide a clearly enunciated objective and an informed, disciplined and adaptive approach with national level considerations as the basis for biodiversity management.

Yours faithfully,

9(2)(a)


Jeremy Helson
Chief Executive

Released by the Minister of Conservation



24 October 2019

Consultation: Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington New Zealand 6143

By email to: tiesact@doc.govt.nz

To whom it may concern,

IFAW (International Fund for Animal Welfare) welcomes the opportunity to provide comment to the Review of the NZ Trade in Endangered Species Act 1989 discussion document.

Our submission is in support of the following options:

- **A ban on the domestic trade of elephant ivory and rhinoceros horn**

It is our strong contention that the most effective means of ending the poaching crisis is for countries to enact strong legislation to ban the domestic commercial trade in any ivory or rhinoceros horn.

If the Government is to consider allowing potential exemptions to a complete ban, IFAW would strongly recommend that any exemptions are minimal in size and scope and clearly defined so as to limit the potential for enforcement issues and loopholes that could allow ongoing and potential illegal trade. Any such exemptions that allow trade in pieces should also ensure rigorous processes are developed to ensure the highest form of provenance information is provided with any individual piece.

- **A ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.**

IFAW would like to see the New Zealand Government extend this option to include a ban on the export of ivory and rhinoceros horn in addition to the import.

One mechanism that could be explored by the Government during the TIES Act review would be the addition of “stricter domestic measures”.

While decisions taken by the CITES Conference of the Parties are legally binding and require Parties to implement them via national legislation and enforcement, the Convention does not prevent a Party from taking action that is stricter than required by CITES. Australia implements a range of stricter domestic measures through the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Such measures include treating all elephant populations as Appendix I (for the purpose of import and export) and requiring specific documentation for the movement of rhinoceros horn¹

Background

The World’s elephant and rhinoceros populations are at a tipping point. At present, some populations are depleting at such a rate that a single life can be the difference between losing or saving an entire species. Saving individual animals helps preserve populations; and healthy populations are vital in maintaining ecosystems.

Each year, between 20,000 and 50,000 elephants are being killed to supply the illegal ivory trade around the world. Conservatively this means one elephant is killed every 15–26 minutes for their ivory tusks. In 2017 alone, 1,028 rhinoceros were killed for their horns in South Africa (home to the largest rhinoceros population) which equates to approximately three per day.

Illegal trade in wildlife has grown to a massive industry worth an estimated US\$20 billion and is ranked as one of the largest global illegal activities. Traffickers have a large variety of commodities to exploit depending on their resources, motives, and location in the world, including big cat pelts, rhinoceros horn, elephant ivory, bush meat, pangolin scales, shatoosh shawls, turtle shells, bear gall bladders, shark

¹ Commonwealth Department of Environment, Australia website: Australia's Stricter Domestic Measures <https://www.environment.gov.au/biodiversity/wildlife-trade/cites> Accessed 20/10/2019

fins and caviar. The supply chain from animal source population to consumer is complex, feeding a demand that covers a broad range of uses, such as culinary delicacies traditional Asian medicines, pets, decorations and trinkets, hunting trophies, clothing, leather products, jewellery and traditional crafts.

The trade proliferates easily, thanks to a parallel legal trade in wildlife (estimated at over US\$3 billion per year), the expansion of the internet as a global market place, confusing wildlife trade laws, lack of enforcement and basic governance structures and fast developing economic markets.²

Domestic Ivory Trade

IFAW's 2016 investigative [Under the Hammer](#) report provided the first insight into the prevalence of ivory sales across 'bricks and mortar' auction houses in Australia and New Zealand. Over a nine-month period, IFAW found 2,772 ivory items for sale at 175 auctions in 21 auction houses in Australia and New Zealand. These included carvings, figures, jewellery, walking sticks, billiard cues, picture frames and ivory handled knives, as well as raw and carved tusks. Not only did the investigation show a prevalence of items available for sale, but also an active market of buyers with seventy eight per cent of the items offered for sale during the investigation period selling (where auction results were available).

Thirteen rhino horn items were also found, including raw and carved rhino horn, jewellery and wax seals. A carved rhinoceros horn libation cup sold for AUD\$67,100 and a pair of rhinoceros horns mounted on kauri shield sold for NZD\$38,500. Only seven of 21 auction houses had written policies on their websites regarding rules or regulations. Only two of these seven made specific mention of trade in endangered species. Auction houses provided little evidence to support the items they are selling were legally acquired. Only 8% of ivory items for sale were accompanied by provenance documentation of a high enough caliber to guarantee the origin, history and authenticity of the item.

More recent investigations by NZ NGOs have found even further evidence of a growing number of items being traded openly on the domestic and unregulated market.

² IFAW - International Fund for Animal Welfare. (2013). Criminal Nature: The Global Security Implications of Illegal Wildlife Trade 2013.

While recognizing that New Zealand is not a large consumer market in the global context and in comparison to those of China and the United Kingdom, equally the country is not immune from contributing to the global problem, both as a consumer nation and potential transit route. In the decade to 2016 New Zealand has confiscated 51 imported and 30 exported ivory items and rhino products³.

Any legal market for these products provides cover for illegal trade. There is currently no regulation or monitoring of the trade of such items within New Zealand making the potential for such illegal activities to occur.

In December 2015, a man from Napier, New Zealand, was fined NZD\$8,000 for illegally importing a number of elephant ivory items, after investigators executed a warrant at his property, following the interception of a carved elephant tusk at the International Mail Centre in Auckland⁴. In 2013, an Auckland man pleaded guilty to eight charges in relation to illegal ivory trading and was fined NZD\$12,000⁵.

In the past few years, China, the United States and Hong Kong SAR, the United Kingdom, France, Singapore, the Netherlands, and Belgium have either closed their domestic markets or have announced they are preparing to do so. Australia is the latest in this list, announcing its intention to close its domestic market during the recent CITES CoP18 meetings in August and following the recommendations of a [Joint Parliamentary Committee Inquiry](#) into the Domestic trade in elephant ivory and rhino horn. During the public hearings for this inquiry, IFAW experts from Australia, South Africa, the United Kingdom and China were able to provide testimony to highlight the issues regarding global markets, domestic trade and on the ground implications of the poaching crisis, enforcement efforts and impact of domestic bans to elephant and rhinoceros protection.

IFAW contends that a domestic ban on ivory and rhinoceros products will have a negligible, if any, impact on the New Zealand economy, but

³ Seizure information extracted from CITES trade database. Available at: <http://trade.cites.org/> [accessed December 2015]

⁴ NZ Department of Conservation (22 December 2015) Napier man fined for illegally importing elephant ivory. <http://www.doc.govt.nz/news/media-releases/2015/napier-man-fined-for-illegally-importing-elephant-ivory/>

⁵ Marty Sharpe. Napier man Patrick Cooper advised others on how to import ivory illegally. Dominion Post. (17 November 2015) Available at: <http://www.stuff.co.nz/dominion-post/news/74133345/Napier-man-Patrick-Cooper-advised-others-on-how-to-import-ivory-illegally> [accessed 26 April 2016]

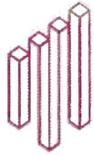
will contribute to global efforts to cut the supply and demand chains for these products. While acknowledging the New Zealand's market is small in comparison to other nations it is incumbent on the nation as a signatory to CITES to be part of a global solution to end the ongoing poaching crisis in Africa that continues to threaten elephant and rhinoceros populations.

We welcome the opportunity to provide our comments on the discussion document and would be happy to provide any additional information regarding this issue and IFAW's work that is of relevance to your review at any time. Please do not hesitate to contact me at
[REDACTED]

Yours sincerely,

9(2)(a)
[REDACTED]

Rebecca Keeble
Oceania Regional Director



25 October 2019

Department of Conservation
TIES Act review
By email: tiesact@doc.govt.nz

To whom it may concern

**SUBMISSION ON CONSULTATION ON THE TRADE IN ENDANGERED SPECIES ACT
1989**

- 1 We act for 9(2)(a) and are instructed to make the following submission on the Department of Conservation's ("the Department") consultation on its review of the Trade in Endangered Species Act 1989 ("TIES Act").

Introduction

- 2 9(2)(a) is a breeder of exotic parrots in Auckland, New Zealand. His family has been in the international bird trade for 40 years. He keeps and breeds a large number of parrot species and among them some that are listed in CITES Appendix I. Appendix I of CITES lists the breeds that are the most endangered among CITES-listed animals and plants. In particular, 9(2)(a) breeds African Greys, and his family has dozens of pairs breeding successfully and would like the ability to export any excess birds.
- 3 The African Grey was listed in Appendix II when 9(2)(a) family first started accumulating birds here and was subsequently upgraded to Appendix I status. The idea was always to be able to export any excess birds of the species as this is part of their business plan. There is a large international demand for this breed, and New Zealand has access to markets other countries do not. This is why 9(2)(a) family started collecting birds to set up a larger more professional breeding facility focussed on producing African Greys for the pet trade, despite the prices in New Zealand at the time being far greater than prices abroad. African Greys make excellent companion birds and are very popular as pets for this reason.

Executive Summary

- 4 9(2)(a) welcomes the opportunity to make this submission on the Department's Review of the TIES Act, one of the purposes of which is to enable New Zealand to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").
- 5 9(2)(a) has reviewed the Department's Discussion Document, and wishes to make three submissions to the question in Section 1, which asks whether the Department should be considering any other policy areas for review and whether it is considering the right objectives.

- 6 This submission concerns the following three areas:
- (a) The need for the legislation (or regulations) to provide the Department with the ability to "Register" breeding facilities;
 - (b) The need for a review of fees charged; and
 - (c) The need for changes to be made to the Wildlife Act 1953.
- 7 We also request under the Official Information Act 1982 all information held by the Department regarding the fees charged for CITES permits. 9(2)(a) has instructed that he has received official information from the Department that it does not record the time spent processing CITES permits, and it is unclear why the fees charged for the export of live parrots are significantly higher than those charged for other CITES permits. We therefore request, in particular, any information regarding the fees charged for the export of live parrots compared to the fees charged for other CITES permits.

Registration

- 8 9(2)(a) along with other breeders in New Zealand, breed birds that are listed in Appendix 1 of CITES, these include African Grey (Red Tailed and Timneh), Yellow Naped Amazon, Double Yellow Headed Amazon, Scarlet Macaw and Citron Cockatoo. Mr Bosman's primary breeding focus is on the breeding of African Greys.
- 9 Resolution Conf. 12.10 (Rev. CoP15) requires that operations that breed Appendix 1 animal species in captivity for commercial purposes must "Register" the operation. The Resolution refers to the "first and major responsibility for approving captive-breeding operations under Article V11, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party". It says that the Management Authority shall provide the secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation".
- 10 The Resolution was adopted at the 11th meeting of the parties to CITES in 2000, and amended at the 13th, 14th and 15th meetings. The Resolution is included as an Appendix to this submission. It includes a sample registration form.
- 11 In New Zealand, the Director-General of Conservation is the "Management Authority" and therefore has the responsibility under CITES to arrange for the Registration of facilities such as 9(2)(a)
- 12 However, at present, as 9(2)(a) has been advised by the Department, there is "no mechanism" to allow the Department to carry out this function, and that they are therefore unable to register his breeding facility.
- 13 9(2)(a) submission is therefore that the TIES Act should be amended to include the ability for the Department to carry out this function, or that Regulations should be created allowing the Department to do this. While 9(2)(a) accepts that this is not one of the key policy areas within the scope of the review, 9(2)(a) submits that it is clearly within the objectives and criteria for the review listed in the Discussion Document.
- Alignment with the purpose of the TIES Act***
- 14 Section 2 of the TIES Act 1989 states that its object is "to enable New Zealand to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and to promote the management, conservation, and protection of

endangered, threatened and exploited species to further enhance the survival of those species.”

- 15 9(2)(a) submits that an amendment to the legislation or the creation of regulations to provide a framework for the Department to register breeding facilities is clearly a change that is aligned with the purpose of the legislation. It will enable New Zealand to fulfil an obligation it holds under the CITES that it is not currently fulfilling as the Department does not currently register breeding facilities in accordance with the relevant Resolution. It will also help the Department to manage those species listed in the schedules to the TIES Act.

Consistency with CITES

- 16 This is clear. Implementing this change will enable consistency with Resolution Conf. 12.10 (Rev. CoP15) referred to above.

Ease of implementation and costs

- 17 The Discussion Document refers to a registration system being one option to regulate the domestic market for ivory trading. The Discussion Document says that while the cost of running the system would need to be covered by the Regulator, some of the costs could be offset by an annual fee for registered elephant ivory sellers.
- 18 9(2)(a) submits that implementing a mechanism to enable the Department to Register breeding facilities would not be onerous, and that some of the operating costs would be able to be recovered from those wishing to be registered.

Objectives of TIES Review

- 19 One of the objectives for the review listed in the Discussion Document is to help disincentivise illegal trade. 9(2)(a) is seeking the ability to have his breeding facility registered, which will thereby enable him to legally export his captive bred exotic parrots.
- 20 Another objective is to ensure that “DOC has the legislative tools to respond to CITES resolutions and decisions”. The amendment 9(2)(a) is seeking will allow the Department through a legislative tool to respond to Resolution Conf. 12.10 (Rev. CoP15).
- 21 9(2)(a) also submits that this change will ensure that CITES is implemented in New Zealand through clear and effective legislation, and that the TIES Act enables operational clarity and efficiency.

Conclusion

- 22 Australia, Singapore, the United Kingdom, the United States of America and Canada are among the 28 countries currently listed on the CITES Register of captive-breeding operations.
- 23 9(2)(a) submits that the Department should consider how to enable registration of captive-breeding operations under CITES in New Zealand in this review of the TIES Act. This change is clearly in alignment with the objectives and criteria for the review of the legislation.

Fees

- 24 The last section of the Discussion Document seeks submissions on a proposal to recover costs related to reviewing product inventories for private commercial importers and risk screening consignments at the border.
- 25 9(2)(a) submits that the Department also consider a review of the fees charged for various CITES permits in this review of the TIES Act.
- 26 9(2)(a) refers to Regulation 6 of the Trade in Endangered Species Regulations 1991, which establishes fees for permits and certificates under CITES. Regulation 6(1) establishes that the general fee is \$80, but Regulation 6(2) establishes that the fee for the permit for a live parrot is \$600. These fees have not been amended since 2008.
- 27 The Treasury guidelines refer to the need for cost recovery charges such as the charges for CITES permits to be “regularly reviewed”, but it appears that these fees have not been reviewed for ten years¹ 9(2)(a) submits that the Department should review these fees as part of the review of the TIES Act to ensure that the fees are fair and reasonable in accordance with the guidance issued by the Office of the Auditor-General and the Treasury on charges and fees in the public sector.
- 28 The guidelines published by the Office of the Auditor-General establish that a “fee should be set at no more than the amount necessary to recover costs”.² The Treasury guidelines refer to effectiveness and efficiency as key considerations for agencies establishing and reviewing cost recovery regimes.³ 9(2)(a) has instructed that the \$600 fee charged by the Department is significantly higher than that charged by other countries, including the United States, and has advised that he has not received an acceptable explanation from the Department as to why the fees related to live parrots are so much higher than for other species of live animals where similar if not more complicated inspections are required.
- 29 We draw the Department’s attention to the Treasury guidelines for setting charges in the public sector, which state that “information about the activity and its costs [should be] available in an accessible way to all stakeholders”. If the Department is not minded to complete a review of the fees for permits under the TIES Act, we submit that it should provide those who are applying for permits with greater transparency and clarity as to the cost recovery regime for such permits.

Wildlife Act

- 30 9(2)(a) wishes to draw the Department’s attention to an additional requirement to his TIES Act obligations found in the Wildlife Act 1953.
- 31 Section 70J(c) establishes an infringement offence for exporting any bird (other than a domestic bird) without the prior written authority of the Director-General. “Domestic bird” is defined in section 2 as “any domestic fowl, duck, goose, or turkey, or any pheasant bird... bred on premises for which the predominant purpose is the sale of pheasant meat or live pheasants for human consumption”.

¹ “Guidelines for Setting Charges in the Public Sector” (28 April 2017) Treasury <www.treasury.govt.nz> at [1.3].

² “Charging fees for public sector goods and services” (June 2008) Controller and Auditor-General <www.oag.govt.nz> at [1.5].

³ “Guidelines for Setting Charges in the Public Sector” (28 April 2017) Treasury <www.treasury.govt.nz> at [1.3].

- 32 Therefore, section 70J establishes that in addition to obtaining a CITES permit to export the exotic parrots that he breeds, 9(2)(a) must also seek written authority from the Director-General under the Wildlife Act 1953. The purpose of written authority under Wildlife Act, as we understand it, is to conserve animal species.
- 33 9(2)(a) has instructed that he has not been provided with any explanation by the Department as to what grounds it might be possible for the Department to deny his application for written authority under the Wildlife Act, and that his application for written authority costs \$400. 9(2)(a) has also instructed that other birds, such as pheasants, that fit within the definition of "domestic bird", and are specifically protected under the Wildlife Act are able to be exported without written authority, but exotic parrots that are not specifically protected under the Wildlife Act do require this written authority.
- 34 Written authority to export exotic birds is not required to preserve conservation of native species, and given there do not appear to be any grounds for the Department to deny written authority, it is clear that there is a need for a legislative amendment to streamline the process for the export of exotic parrots.
- 35 9(2)(a) submits that in implementing the review of the TIES Act, the Department consider the interaction of the TIES Act with the other pieces of legislation it administers. There are a small group of birds, such as the exotic parrots that 9(2)(a) breeds, that will be captured by both pieces of legislation, requiring the exporter to obtain two separate permits/ authorities from the same Department.
- 36 It is acknowledged the Wildlife Act is a separate piece of legislation that is currently not within the scope of the review of the TIES Act. However, 9(2)(a) would appreciate the streamlining of cross-government legislative and regulatory requirements as currently there is duplication and breeders require two permits, when one would be sufficient.

Support for this submission

- 37 The following people have reviewed this submission, and wish to provide their support to and agreement with the points made in the submission:

- 9(2)(a)
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Conclusion

- 38 9(2)(a) is grateful for the opportunity to make this submission regarding the Department's review of the TIES Act, and is pleased to see that the Department are

reviewing the Act in order to ensure that it is "better able to adapt to modern and changing circumstances; and able to operate efficiently" (as referred in the Discussion Document).

- 39 **9(2)(a)** stresses that the implementation of a mechanism for the Department to "register" breeding facilities is critical to enable breeders to participate in an international market and thereby contribute to the New Zealand economy. It is also necessary as at present New Zealand has not implemented the relevant Resolution to the CITES.
- 40 **9(2)(a)** is willing to elaborate further on this submission in writing or by phone, if required.

Yours sincerely

9(2)(a)




Released by the Minister

SUBMISSION – TIES ACT CONSULTATION

ORANA WILDLIFE PARK, CHRISTCHURCH

Introduction

Orana Wildlife Park would like to express their thanks for the considerable time and effort that the development of this review represents and the skills of those responsible. The Convention on International Trade in Endangered Species (CITES) is essential legislation in effecting conservation globally, and therefore to the role of organisations such as Orana Wildlife Park. As such, our activities are often bound by and limited under the Trade In Endangered Species (TIES) Act so we have gained considerable familiarity with its implementation. Our responses are based on both our experience as an organisation regulated by TIES Act and involvement in combatting illegal trade to conserve species globally.

General

Overall it is very hard for us to see any benefit to loosening of legislation with regard to CITES scheduled species. Any increase in the presence of such items in society sends a message of legitimacy and will ultimately increase the occurrence of purchase or collection. This in turn provides a growing market for prohibited items and incentivises poaching, which adds to species decline in the wild.

Within many of the exemptions proposed there lies an inherent threat, through poor identification of the process by which the item has been obtained, of approving illegitimately obtained items. At what point, for example, does coral become “worn, eroded, beach washed”? This could vary considerably in interpretation and is open to abuse/exploitation as shown by the use of terms such as “usually” and “may”. Misinterpretation by tourists would very likely lead to an increase in seized/surrendered quantities, and misinterpretation by enforcement staff would further compound the issue for tourists.

Cultural infringement through aspects of the TIES Act is important to address and this review provides an excellent opportunity. Any opportunity to accommodate our culture and our obligations to The Treaty of Waitangi from within the CITES framework should be explored and we applaud the *Travelling with taonga* publication.

Consultation questions

Questions on Section 1 – Why are we reviewing the TIES Act?

- Should DOC be considering any other policy areas for review?

As there appears to be a matching increase in rhinoceros horn trade as noted with elephant ivory it would be sensible to apply similar steps.

- Is DOC considering the right objectives?

The objectives identified are clear, concise and relevant. They are consistent with TIES Act and CITES.

- Should DOC be considering any other criteria when assessing options?

The criteria seem appropriate from a New Zealand perspective but consultation with IUCN, WAZA, WWF, Interpol and African Governments could identify criteria that may assist to improve effectiveness.

Questions on Section 2 – What is CITES?

- Are there any other factors that should be considered?

Nil.

Questions on Section 3 – Trade in Elephant ivory

- Has the problem been correctly identified?

The problem has been correctly identified since, in essence, the silence of New Zealand legislation condones the domestic sale and purchase of ivory. By addressing this void in our legislation, authorities will be empowered to identify and address domestic trade and identify the scale of black market activity.

- Has the size of the domestic elephant ivory market been correctly described?

In the absence of legislative control, there seems to be very little data on the size and scale of ivory trade in New Zealand. The dramatic increase in permits in recent years suggests that there is a growing interest in ivory products that may equate to a growing trade.

- Should New Zealand consider a ban on the domestic trade of any other species in possible regulation? If so, why?

Yes, a ban on rhinoceros horn is needed to address the problem of escalating rhinoceros poaching, trade in which is imminently threatening rhinoceros species. This legislative review, and proposals for elephant ivory, could easily address both species with little change.

Orana Wildlife Park fully supports and encourages:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

- Do you agree with the impact analysis for these options? If not, why not?

Yes, the impact analysis correctly identifies the impacts associated with the various options.

- Should New Zealand ban the sale of elephant ivory on the domestic market?
Yes.
- If it is banned, should there be any exemptions, for example like the UK exemptions?
Ideally ceasing ALL trade in ivory would be preferable (no exemptions) as this will have the greatest benefit to wildlife. However, any exemption should be consistent with CITES, which eliminates Option 3. Option 2 would align with CITES but require an inordinate amount of infrastructure for what is likely to be a very small market as well as containing ambiguities subject to legal interpretation.
- Should any additional exemptions be specific to New Zealand?
As there is no cultural aspect to any elephant ivory use in this country it is hard to conceive of any justification for a New Zealand specific exemption.
- Should importing elephant ivory be banned? If so, should there be exemptions?
As stated above, we believe that the greatest benefit can be gained through a complete ban on the sale of ivory. This avoids labour and infrastructure development costs, sends a clear message internationally and is likely to impact a very small number of people nationally. Such a ban would emphasise that New Zealand considers the sale of ivory to be morally wrong, devalue ivory as a commodity and therefore reduce trade, convey the importance we place on biodiversity, be consistent with other nations and possibly send a message to Australia and other nations investigating their role in addressing this issue.

Questions on Section 4 – DOC as Treaty Partner

- In what other ways can DOC support New Zealanders and in particular Māori, to minimise the risk of having taonga made from protected species seized at international borders when travelling?
Give advice how to get CITES permits and explain the need for these kind of documents in respect to international Biodiversity Conservation such as *Travelling with taonga*.
- What changes to New Zealand’s permitting system would make it easier to move taonga across international borders?
As Orana Wildlife Park has no experience in movement of taonga across the border this is hard to determine. From our experience with other CITES scheduled items, however, the existing permit system works well with scheduled transfers. Bereavements, for example, may require an unplanned overseas trip with attendant taonga which the existing system would impede. Creation of a ‘taonga permitting’ process within CITES guidelines and the TIES Act would recognise the principles of the Treaty and expedite swifter processing.
- How could the TIES Act give effect to the principles of the Treaty of Waitangi?
As above.

Questions on Section 5 Problem A – Definition of Personal and Household Effects

- Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?

Yes, once an item becomes subject to trade it is no longer a Personal and Household Effect and the definition should reflect this. Whilst Option 2 still leaves some scope for misuse it remains consistent with CITES Resolution 13.7. This consistency will assist by presenting a consistent requirement internationally and thereby increase credibility and recognition of CITES.

- Are there any other options we should be considering?

Nil.

Questions on Section 5 Problem B - Large quantities of some species are being seized in circumstances where it may not be appropriate

- Do you agree with the description of the problem? If not, why not?

Yes.

- Do you consider that allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs? If not, why not?

Yes, allowing a limited number or amount of worn, eroded, beached washed hard corals to qualify for a PHE exemption would facilitate the taking of coral from coral reefs.

There lies an inherent threat, through poor identification of the process by which the item has been obtained, of approving illegitimately obtained items. At what point, for example, does coral become “worn, eroded, beach washed”? This could vary considerably in interpretation and is open to abuse/exploitation as shown by the use of terms such as “usually” and “may”. Misinterpretation by tourists would very likely lead to an increase in seized/surrendered quantities beyond 2 tonnes per year, and misinterpretation by enforcement staff would further compound the issue for tourists as well as drive a decline in threatened coral abundance.

- Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE? If not, why not?

Yes, placing a definite limit on the number of items that qualify within the PHE permitting will go a long way to addressing the scope for abuse of PHE exemptions for trade. Where these limits are robustly determined to ensure that they will not impact the survival of the species in the wild this is a great benefit. However, as with corals, the identification of farmed crocodylia from wild crocodylia at the border is highly contentious. Farmed crocodylia can realistically only be determined through appropriate documentation from the point of purchase and relies upon local enforcement.

- Should personal and household exemptions be considered for the other species listed in by resolution 13.7?

Yes, since the PHE provision is already in effect, without these quantified restrictions the PHE is open to exploitation and abuse. Implementing restrictions places definite limits on people's imports as PHE and minimises confusion.
- Should coral that are personal or household effects be exempt from permitting (with limits)? Should this exemption include coral fragments; worn, eroded, beach washed hard coral, or both?

For the reasons cited above the potential for misuse/abuse/misunderstanding would appear to outweigh any benefit for a small group of individuals.
- What is a reasonable weight limit for worn, eroded, beach washed hard coral?

250 grams.
- Are there any other options, not discussed here, that should be considered?

Nil.

Questions on Section 6 – Technical issues with permits

- Should people with minor errors on their permits or permits not presented at the right time (due to unforeseen circumstances) have their items returned to them? If so, under what circumstances?

Yes, as this serves to create a greater trust in the regulations and the system as well as educate with respect to limits and restrictions. This should only be done in instances where corrections are issued and demonstrate complete compliance with the TIES Act.
- Should there be a way to address permits with minor issues, or should DOC take a strict approach?

Minor inaccuracies can occur with the best of intentions and most deliberate attention. A mechanism needs to exist that allows such occurrences to be addressed and remedied.
- Do you agree with the impact analysis of this option? If not, why not?

Impact assessments appear (to an outsider) to be accurate and the suggested amendments would address the problem though at some cost.
- Are there other situations not outlined above where minor errors on permits should be accepted?

Nil.

Questions on Section 7 – Cost Recovery

- Do you agree with this description of the problem? If not, why not?

Yes, the resources expended here are considerable as is the cost to tax-payers.
- Should DOC cost-recover for services provided to commercial users, and commercial consignment inspections?

Where an organisation or individual can be seen to gain pecuniary benefits there is a just case for cost recovery. However, some clarification of where conservation organisations would fit within this framework would be beneficial. Whilst Orana Wildlife Park is a

registered charitable trust (and therefore community good is being derived from the service) some other organisations may be inadvertently snared.

Questions on Section 8 – Implementation and monitoring and evaluation

- How should the proposals considered in this document be monitored?

As there is a considerable body of historical data the proposals may best be monitored through the existing control and record system at the borders (the New Zealand CITES database), in order to compare apples with apples.

Orana Wildlife Park

25 October 2019

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

My submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes.²

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

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References:

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New Zealanders for Endangered Wildlife

Submission on the Review of the Trade in Endangered Species Act 1989 Discussion Document September 2019

Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
WELLINGTON 6143

24th October 2019

Thank you for the opportunity to make this submission in response to the Review of the Trade in Endangered Species Act 1989 Discussion Document, September 2019. I am the founder of New Zealanders for Endangered Wildlife (NZFEW) and have been actively involved over the past 6 years in advocating for increased protection for not only indigenous endangered species such as the Maui and Hector's dolphins but also for African wildlife particularly elephants, rhinos and lions.

It is welcome news that the New Zealand government is now reviewing the Trade in Endangered Species Act (TIES) for the first time since 1989 so that New Zealand can more extensively meet its international obligations to protect the world's endangered species, particularly the iconic elephant and rhino, by considering more effective regulation of the sale of elephant ivory and rhino horn. It is certainly to be hoped that the review will also look at ways to improve how the Act operates overall with respect to wildlife trading.

The main focus of this submission is the ivory trade issue though I am also concerned about trade in rhinoceros horn. Furthermore, I am opposed to New Zealand allowing imports of trophy hunting items and other wildlife specimens including the hides, fur and other body parts of endangered wildlife species such as the giraffe. Unfortunately, I have had insufficient time here to fully address New Zealand's involvement in the wider aspects of other wildlife imports which concern me.

Background Involvement in Wildlife Issues

In 2014, I co-ordinated and presented, with the support of the Hon John Banks my local Epsom Member of Parliament at the time, a 4,000 strong petition to the NZ parliament requesting the NZ government tighten the legislation and close the loopholes over the legal ivory trade here. This petition, which was supported by a comprehensive, research report on the ivory and rhino horn trade, here in New Zealand, by Fiona Gordon of Gordon Consulting, was considered and discussed by a select committee, chaired by John Hayes, and recommendations made. (refer Petition 2011/108 of Virginia Woolf and 4,000 others – Report of the Foreign Affairs, Defence and Trade Committee – Hansard)

Furthermore, I became actively involved with the global march movement for wildlife initiated and organised by GMFER (Global March for Elephants and Rhinos) in 2014 in response to the worsening poaching crisis throughout Africa which resulted in escalating and brutal deaths of elephants for their ivory and rhinos, mainly in South Africa, for their horns. The mission of GMFER, a registered, non-profit organisation begun in the United States, is to encourage people worldwide to #MarchAgainstExtinction not only for elephants and rhinos but all endangered species and request that world leaders take more decisive and affirmative action to stop the poaching of elephants and rhino and to end all trade in ivory and rhino horn.

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In July 2015, I spent a month on safari in Kenya and saw first-hand how few elephants, rhinos, lions and leopards are actually there. At Ol Pejeta, I saw the last three remaining Northern White rhinos including the gentle Sudan, the last male of the species, who sadly is now deceased.

My Submission Proposals

- A full ban on the domestic trade of elephant ivory and rhinoceros horn here in New Zealand
- A full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand
- The proposal to have a register of ivory and rhino horn traders operating within New Zealand.
- Sufficient official checks and balances to verify where and when elephant ivory and rhino horn is obtained.
- Electronic tracking of the sale of products containing ivory.
- Carbon dating of worked pieces of ivory and raw tusks to verify authenticity of age
- Using the UK Ivory Bill (2018) as a model for the implementation of more stringent legislation here for example: those who want to sell ivory of a certain weight, size and composition, will need to register and perhaps pay a fee for so doing
- Those seeking exemptions for specific items containing ivory such as musical instruments, and chess and mah-jong sets, should still be required to provide a pre-Convention certificate
- The requirement to have the necessary CITES documentation and permits to enable re-export or import should remain
- DOC continuing to keep a database of all seized and surrendered specimens including elephant ivory and rhinoceros horn.
- Robust computer watchdog procedures to monitor the alarmingly thriving and extensive online illegal sales of ivory and other wildlife body parts particularly via what is known as the 'dark web. Prosecutions should follow for those caught online trading in endangered species. <https://www.mmtimes.com/news/illegal-wildlife-trade-goes-high-tech.html?>

Documentation and Provenance Issues

I strongly support the proposal to implement a total ban here in New Zealand on the internal, unregulated domestic sale of ivory and rhino horn, which has contributed to the ongoing demand for such prized wildlife products. It is a matter of concern that, despite the 1989 ban implemented by CITES because elephant populations were plummeting, thousands of elephant carvings and ivory tusks have been legally imported into New Zealand for non-commercial purposes. This has continued even though CITES data has shown that over 60% of these imported ivory items are not noted as pre-1976 (pre-Convention) but instead as sourced from the 'wild' or 'unknown' sources because there has been a lack of provenance documentation of origin. It is unacceptable that only 8% of ivory items in Australia and New Zealand had the required documentation of authenticity particularly as criminals can cunningly disguise ivory to look antique thereby making it very difficult to tell which pieces of ivory are legally sourced.

The State of Play in New Zealand's Ivory Market

The legal trade in ivory and rhino horn is proving a convenient cover for the laundering of recently poached elephant tusks and rhino horn which also fuels demand and helps foster the rampant, illegal wildlife trade market. Legal domestic markets in short enable the trade in illegal items under the guise of legality.

Two recent convictions in New Zealand confirmed that New Zealand is not immune to the illicit trade in ivory. Alarmingly, some of this illegal ivory has made its way for sale into the internal, domestic market which is not monitored or regulated as it should be. It is, however, to New Zealand's credit that overall there is vigilance over seizing ivory and other illegal products at the border despite the two convictions for illegally imported ivory going undetected by the authorities.

According to the report in 'The Journal of African Elephants' entitled 'New Zealand Domestic Ivory Trade Doubles' our domestic ivory trade remains devoid of any internal regulations, which is troubling to read. The number of ivory items for sale in two auction houses doubled after a survey done over a 10 month period (October 2018-July2019). Over 800 items were available by then for sale compared with far less in a previous 9 month survey in 2016 (refer reference link to this article at the end of this submission).

As the former Prime Minister of New Zealand and former UNDP administrator, the Rt Hon Helen Clark has said, "It is very disturbing to learn of the steep increase in the amount of ivory for sale in New Zealand" and she further stated, "I support a ban on its sale along the lines introduced by the government of the United Kingdom. New Zealand must not be a weak link in international efforts to curb the ivory trade which is responsible for the slaughter of elephants."

From what I have observed as a result of people signing the 2014 petition, other letters and in discussions, the majority of New Zealanders want our government to shut down all domestic ivory trade and are astounded, and even shocked, that this has not already happened.

Irrespective of how large or small the New Zealand market in ivory and rhino horn may or may not be, any trade at all stimulates demand and results in the ongoing cruel poaching and the decimation of elephant and rhino populations. It is, however, a worrying trend that increasingly more ivory and rhino horn is passing through the New Zealand border which seems to have become a conduit for illegal wildlife trading. Therefore, I believe that all domestic trade in ivory and rhino horn must be banned in New Zealand so that we cease to be part of the global problem in the movement of worked pieces of ivory and raw tusks which most likely have come from freshly poached elephants. The fact that as high as 60% of imported ivory here in New Zealand is from the wild or an unknown source is unacceptable and such importations must stop. Any changes to the Trade in Endangered Species Act, with respect to elephant ivory and rhino horn, "must ensure that it is not detrimental to the survival of species in the wild," as the Minister of Conservation herself has asserted.

Along with a full, internal, domestic ban to parallel New Zealand's strict border controls, I also endorse the proposal of setting up a register of ivory and rhino horn traders operating within New Zealand and to electronically track the sale of products containing ivory. Any exemptions for specific items containing ivory, such as musical instruments and chess pieces, should provide irrefutable evidence that such items are genuinely antique and family heirlooms. Any exemptions for a limited trade in ivory need to be tightly monitored and rigorously enforced so that they don't become loopholes through which dishonest traffickers can launder the products.

The Way Forward

Furthermore, New Zealand needs to show its legislative support of those countries, like the United Kingdom, China, France, Israel, the Netherlands, Taiwan, Singapore and our closest neighbour Australia, which have already substantially tightened their anti-ivory trade legislation or are about to close down their domestic legal ivory trading.

It is essential that governments around the world completely outlaw trade in ivory and rhino horn to crush demand for unnecessary trinkets, carvings, ornaments and jewellery otherwise we will continue to lose elephants and rhinoceros at a staggering rate. According to the renown Sheldrick Wildlife based in Kenya, ‘one elephant is killed every 15 minutes’ – an estimated 30,000 per year. Meanwhile, one rhino is brutally killed for its horn every 8-9 hours - mainly in South Africa. Tragically, there are now only approximately 30,000 rhinoceros remaining.

The Great Elephant Census - the largest wildlife survey in history published on 31st August 2016 – was an African-wide census designed to provide accurate data about the number and distribution of African elephants covering thousands of square miles. It found that there are now less than 415,000 African elephants remaining across the continent . The ongoing poaching for their tusks and other body parts is further jeopardizing these numbers. Concerted, decisive global action is therefore essential to prevent further loss especially when climate change could now have a significant impact on their continued survival in the wild along with habitat loss and human/wildlife conflict.

Conclusion

The Convention on International Trade in Endangered Species (CITES) made the historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory . New Zealand must, therefore, become more proactive and decisive in its global responsibility for the preservation of the elephant and rhinoceros now and for posterity. Any loopholes in the existing TIES legislation must be closed to ensure that we are not contributing, albeit unintentionally, to the demise of these keystone, iconic species. To this end, NZFEW supports the Jane Goodall Institute New Zealand in calling for a complete ban on the buying and selling of any ivory here in Aotearoa, New Zealand and requests that our government implement the appropriate legislative and enforcement measures to ensure this happens. ‘When the buying stops, the killing can too’ (Wild Aid)

References:

- <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>
- <https://www.telegraph.co.uk/money/consumer-affairs/antique-owners-prepared-tough-new-laws-ivory-sales/>
- <https://www.stuff.co.nz/environment/111892171/polar-bears-elephant-tusk-big-cats-and-pufferfish-the-animals-approved-to-be-imported-into-new-zealand>

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September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

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New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes.²

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

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New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes.²

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and

- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

References:

- 1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- 2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

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Canada

Released by the Minister of Conservation

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

My submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

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Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

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- 2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

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South Africa

Released by the Minister of Conservation

Dear Honourable Minister of Conservation Eugenie Sage,

Domestic markets for ivory and rhino horn undermine the conservation of these species through the incentivising of poaching and trafficking, stimulating demand and creating a complex regulatory environment that is difficult to enforce. Each year, at least 20,000 African elephants are killed illegally for their ivory, and more than 7,000 rhinos have been killed over the past ten years. Bold action is needed to save these iconic animals.

I urge the New Zealand government to implement a comprehensive, legally-binding ban on all ivory and rhino horn imports, exports and domestic sales without delay. Furthermore, any exemptions should be carefully considered, in order to make certain that they are narrowly defined, simple to understand and can be easily enforced to minimise the risk of loopholes being exploited by criminal networks.

Sincerely,

[REDACTED]
[REDACTED], TX 76137

Released by the Minister of Conservation



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PO Box 10420
Wellington 6143

Dear Sir/Madam

Submission by Born Free Foundation to the Department of Conservation regarding proposed changes to the Trade in Endangered Species (TIES) Act 1989

Introduction

Born Free promotes Compassionate Conservation and human-wildlife coexistence to enhance the survival of threatened species in the wild, protect natural habitats and safeguard the welfare of individual animals. It seeks to have a positive impact on animals in the wild and their ecosystems in perpetuity, for their own intrinsic value and for the critical roles they play within the natural world.

Born Free firstly congratulates the government of New Zealand for recognising the need to consider improved regulation of internal trade in elephant ivory, following on from its 2018 commitment¹, and for giving us the opportunity to offer our considered thoughts on this critical conservation issue.

Africa's elephant numbers have plummeted from perhaps 5 million a century ago to fewer than half a million today, and upwards of 20,000 individuals continue to be killed each year across the continent, while organised criminal networks use their channels of corruption and influence to traffic ivory to its markets. Asian elephants number around 30,000, and tusked males are also targeted for their ivory.

¹ <https://www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade-2018/london-conference-on-the-illegal-wildlife-trade-october-2018-declaration-annex-english-only#new-zealand>

While international commercial trade in elephant ivory has been banned for many years through the listing of most populations of the species on CITES Appendix I, poaching and trafficking continue, stimulated by ‘one off’ sales agreed under CITES rules, domestic trade, and ongoing attempts to weaken the international ban. Law enforcement along the entire trade chain struggles to counteract these forces and must be strengthened, expanded and supported. Its effective application is fundamentally critical to preventing further losses of these and other iconic species, which should be protected for their intrinsic value as well as for the critical role they play in the ecosystems of which they are part.

Legal domestic markets undermine field protection and incentivise poaching and trafficking, creating confusion among consumers, stimulating demand and creating a complex regulatory environment which is difficult to enforce and allows for laundering of illegal products into legal markets. The link between legal domestic ivory markets and ivory trafficking is well documented², and clearly demonstrates the difficulties that parallel legal and illegal trades pose for enforcement authorities.

We therefore encourage the New Zealand authorities to introduce a comprehensive ban on the import, (re)export and internal trade in ivory without delay.

Consultation questions

Section 1

- **Should DOC be considering any other criteria when assessing options?**

Born Free does not have additional criteria to suggest but would like to offer a comment on some of those listed.

Objectives should not be undermined by criteria set to help determine the means by which they are to be met.

The first two objectives are that ‘CITES is implemented in New Zealand through clear and effective legislation’ and that ‘The TIES Act disincentivises illegal trade’. The third and fourth criteria ask whether the policy option would ‘minimise costs’ for regulators, the public and industry. This introduces a potential bias towards policy options which reduce the current regulatory burden but may not be best suited to meet the objectives of the policy area.

While cost implications should be given due consideration, if these costs are justifiable in terms of the perceived impact they may have in achieving the stated objectives then the additional financial burden should be borne by government or industry, as appropriate.

Born Free therefore advises the relevant criteria be amended, or at least that the above be borne in mind when analysis of responses to the inquiry are being made.

Section 2

- **Are there any other factors that should be considered?**

² Eg. <http://eia-international.org/bloodivory-exposing-the-myth-of-a-regulated-market> ; <https://elephantleague.org/blending-ivory-chinas-old-loopholes-new-hopes-the-report/> ; https://www.nrdc.org/sites/default/files/wil_15010601a.pdf ; <http://www.ifaw.org/sites/default/files/Making%20a%20Killing.pdf> ; http://www.savetheelephants.org/wp-content/uploads/2017/03/2017_Dcline-in-legal-Ivory-trade-China.pdf

In light of ongoing concerns regarding global diversity losses, and the implication of exploitation (including trade) in such losses³, the Act should be revised to allow for the introduction of domestic trade prohibitions which can be implemented relatively quickly, without necessitating a review of the Act. While CITES occasionally provides direction on species warranting domestic protection from trade, countries should have the legislative means to introduce such measures expeditiously.

Born Free notes that Section 54 of the TIES Act has been used to establish regulations under the Act,⁴ and should this prove to be the case also for domestic trade bans in wildlife, this would serve as a useful mechanism to introduce similar bans on, for example, rhino horn, without necessitating a lengthy review of the Act.

Section 3 – Trade in Elephant ivory

- **Has the problem been correctly identified?**
- **Has the size of the domestic elephant ivory market been correctly described?**

A headline analysis of elephant ivory specimen imports and (re)exports submitted to the UNEP-WCMC CITES Trade Database⁵ covering the 2010 to 2018 years gives us some indications of New Zealand’s involvement in such trade. The main traded items are carvings, amounting to 2,302; seventy individual tusks and 196.7kg of tusks; and 612 piano keys.

Of 253 recorded ivory import transactions since 2010, only 107 of these were declared as both ‘personal’ and pre convention, equating to 42% of transactions. The other two main purpose categories are hunting trophies (59 transactions) and commercial (45 transactions).

Of recorded (re)export transactions over the same time period, 3,377 ivory carvings and ivory pieces were traded according to New Zealand export data. An additional 277 items and 700kg of ivory carvings and ivory pieces were declared to have originated from New Zealand by importing countries. If one assumes that items declared simply as ‘carvings’ relate to ivory, an additional 1,469 items and 559g were traded. At least 588 piano keys were declared to have been (re)exported.

It should be noted that the last year of transactions which NZ submitted data for was 2017⁶. Bearing in mind that significant levels of trade occur between NZ and Australia, it should be further noted that the last year Australia submitted for was 2016. Other countries which may be trading ivory with New Zealand may also be overdue in their trade reporting. Therefore, actual permitted trade figures are likely to be higher, and the analysis above includes almost no recorded transactions for 2018.

It therefore appears that elephant ivory is regularly imported and (re)exported in significant quantities. While New Zealand may not be as significant a market as countries with high consumer demand, a substantial domestic market does exist, and there are no restrictions on internal trade once ivory enters the country, whether or not items were imported for ‘non commercial’ purposes.

³ Eg. <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services> , which in estimating that a million species may be at risk of extinction, identified direct exploitation of organisms among the key drivers of biodiversity loss and indicated the need for opposition from vested interests to be overcome.

⁴ <http://www.legislation.govt.nz/regulation/public/1991/0274/1.0/whole.html>

⁵ <https://trade.cites.org/>, accessed XXXX

⁶ https://cites.org/sites/default/files/annual_reports.pdf

Furthermore, criminal activity has been closely linked to the domestic market, with illegally imported ivory subsequently sold under the guise of “non-ivory items”.⁷

A recently completed 10 month survey (October 2018-July 2019) of two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were made entirely of ivory, and included carvings, okimonos and netsukes.⁸

- **Should New Zealand consider a ban on the domestic trade of any other species in possible regulation? If so, why?**

New Zealand should consider a ban on domestic trade in rhino horn as well as ivory from other ivory bearing species.

Fewer than 28,000 rhinos remain worldwide, three species of which have been listed as Critically Endangered by the International Union for the Conservation of Nature (IUCN). Between 2008 and 2018 inclusive almost 8,000 rhino were killed by poachers in South Africa alone, according to figures released by the South African government. Despite the fact that rhino horn consists largely of keratin, the high price and changing nature of demand in Asian markets has led to highly organised and sophisticated poaching and smuggling of horns under the guise of trophy hunting in South Africa, and theft of horns from museums, galleries, and even zoos in many western countries, in addition to the thousands of rhinos slaughtered by poachers. It has also resulted in increased interest in ‘antique’ items made from or containing rhino horn, particularly among Asian buyers. The dynamic and adaptable nature of crime means that new or latent opportunities can be efficiently exploited, and by instituting a clear domestic ban in rhino horn New Zealand would ensure that it does not serve as a fertile ground for this lucrative market.

Closing down markets for ivory is essential in order to secure a future for elephants. However, there is a significant danger that, by focussing only on the trade in elephant ivory, other ivory-bearing species, the commercial trade in which continues to be legal at international and domestic levels, could suffer as ivory traders and consumers turn to alternative sources of ivory.

Born Free recognises that, while all ivory-bearing species may be at risk, the species most likely to be directly affected by a ban on elephant ivory in the short-medium term is the hippopotamus, classified as Vulnerable to extinction with a decreasing population on the International Union for Conservation of Nature’s Red List, with as few as 115,000-130,000 remaining across a rapidly reducing sub-Saharan African range. Primary threats to common hippos are habitat loss or degradation, and illegal and unregulated hunting for meat and ivory (found in the canine teeth). There is a high degree of similarity between hippo ivory and elephant ivory, hippo ivory commands a relatively low price, and takes well to being polished.

An examination of the CITES Trade Database reveals the in the decade to 2016, more than 78,000 hippo teeth or ivory items, and almost 30,000kg of hippo teeth and ivory by weight, were declared to have been legally exported from a number of countries. Moreover, while concern about the impact of trade in hippo ivory on populations led to the introduction of a trade ban in Uganda (previously a major exporter) in 2014, nevertheless the flow of (illegal) hippo ivory from Uganda to international markets is reported to have continued.⁹ The Eco Activists for Governance and Law Enforcement

⁷ <https://blog.nationalgeographic.org/2016/11/21/new-zealands-dirty-ivory-trade-exposed/>

⁸ <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

⁹ <https://www.nationalgeographic.com/news/2016/12/wildlife-watch-hippo-teeth-trafficking-uganda/>

Network has reported a number of cases of trafficking involving hippo teeth and products involving Uganda, Chad, Cameroon and Congo as recently as 2018 and 2019.¹⁰

Additionally, the “sedentary nature” of the hippo makes them particularly vulnerable to poaching. These factors give cause for real concern that, in the absence of specific action, domestic trade bans for elephant ivory, while very welcome, could result in increased trade in hippo ivory as a substitute, as appears to have been the case following the international ban on elephant ivory trade in 1989 .

Born Free also urges New Zealand to consider other ivory-bearing species, including narwhal, walrus, and warthog.

- **Do you agree with the impact analysis for these options? If not, why not?**
- **Should New Zealand ban the sale of elephant ivory on the domestic market?**

The international community has recognised the need to take clear and decisive steps to end all legal trade in elephant ivory. The Elephant Protection Initiative, which was launched in 2014 and to which 20 African range States are signatories, has the closure of domestic ivory markets as a key objective¹¹, and the 32 range countries of the African Elephant Coalition have called for a global ban on the ivory trade and the closure of domestic markets, The IUCN adopted a Resolution calling for the closure of domestic elephant ivory markets at its World Conservation Congress in August 2016¹².

However, CITES is a legally binding agreement, and as such is the most significant of all these fora. In September 2016, its 17th meeting of the Conference of the Parties (CoP) revised its Resolution on ‘Trade in Elephant Specimens’ to recommend 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 urgency¹³

At the subsequent CITES CoP in August 2019, Parties agreed to hold countries which still have open, legal ivory markets accountable:

“Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.”

An increasing number of countries implicated in elephant ivory trafficking, including the USA, China, Hong Kong SAR, Taiwan and the UK have implemented or are in the process of implementing bans on the domestic trade of elephant ivory products. The European Commission is consulting on proposals to introduce tight restrictions, as is the Australian federal government.

¹⁰ <http://www.eagle-enforcement.org/data/files/eagle-network-annual-report-2018.pdf> <http://www.eagle-enforcement.org/data/files/eagle-briefing-january-2019-public.pdf>

¹¹ <http://www.elephantprotectioninitiative.org/the-solution/>

¹² <https://portals.iucn.org/congress/motion/007>

¹³ <https://www.cites.org/sites/default/files/document/E-Res-10-10-R17.pdf>

Given that Parties will be required to report in advance of the 73rd CITES Standing Committee meeting (scheduled for October 2020), this consultation is timely, and Born Free urges the Department of Conservation to recommend a strict, clear and easy to implement ban on domestic trade in ivory.

- **If it is banned, should there be any exemptions, for example like the UK exemptions?**
- **Should any additional exemptions be specific to New Zealand?**

The simplest easiest ban to implement is a complete ban, particularly from the perspectives of enforcement and resource allocation following an initial period of re-training.

If exemptions are to be permitted, the potential for unintended loopholes, as well as the associated administrative burden, are likely be significant.

By contrast, the financial impact of a complete ban of elephant ivory on auction houses and individual retailers would not be significant. By way of comparison with the UK, albeit a larger exporter of antique ivory than New Zealand's, a recent report found that "(o)ut of 232 auction houses surveyed in late 2016-early 2017, ivory lots formed only 0.70% of the total number of lots for sale. An update in Spring 2017 involving 301 auction houses found a similar figure of 0.76%."¹⁴

It is also worth noting that despite ivory's long cultural and artistic heritage in Taiwan, the government recently decided that the most prudent course of action would be an outright ban on domestic trade¹⁵.

If a domestic ivory trade exemption system is applied, it should be severely limited and clearly defined, in order to ensure that the exempted products cannot possibly put live elephants at risk, and that the system is as clear and simple as possible for enforcement authorities to implement. Such exemptions might include antique items containing a very small quantity AND proportion of ivory eg. inlaid furniture or musical instruments. In this case, a *de minimis* requirement should be introduced following the strictest guidelines, such as those in the state of California (USA), where antique items must contain fewer than 200g AND consist of less than 5% of ivory by volume, to qualify for any commercial trade exemption. The age of such items should also be verified, to ensure they qualify as pre-CITES convention, and preferably as antique (generally accepted to mean greater than 100 years old). Trade in all such items should require full verification of provenance by appropriate government agencies (at the expense of the owner/seller), and appropriate permits.

Born Free urges New Zealand to consider implementing only exemptions which apply to the local context, rather than replicating another jurisdiction's exemptions. As few exemptions as possible should be put in place, thus minimising the regulatory and financial burden associated with ensuring each exemption does not serve as a loophole.

Section 5 Problem A

- **Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes, and/or is not part of personal or household effects?**

The convention text and Resolution Conf. 13.7 (Rev. CoP17)¹⁶ are clear on the intersection between commercial trade, and personal and household effects. The Resolution provides clear guidance for

¹⁴ https://docs.wixstatic.com/ugd/e50900_416fd8e2f74443afbfb223dc1a6d3f2ea.pdf?index=true.

¹⁵ https://gazette2.nat.gov.tw/EG_FileManager/eguploadpub/eg024062/ch07/type3/gov62/num31/Eg.htm

jurisdictions to follow, not only on a precise definition of PHE in the first clause of the operative section, but also on which exemptions apply (third clause).

PHE is so described in order to exclude cross border movements of specimens not intended for commercial trade in the importing country from the standard CITES permitting requirement. However, without universal application, this renders it possible for importers and exporters to engage in commercial trade of CITES listed specimens without oversight of the permitting system. By using the exemption from permitting requirements, such specimens can be transported across borders of countries whose regulations do not comply with CITES requirements and guidance, and then bought and sold.

It should also be noted that the definition provided in the Resolution also seeks to reflect the intent of the Convention text by narrowing the constraints under which the PHE exemption can be applied in respect of the ownership, possession and method of transport of the specimen. Even common understanding of the term ‘personal and/or household effect’ suggests that items concerned would be ones either accompanying the person crossing jurisdictions or sent on separately in connection with the person crossing jurisdictions (eg. a household move). By instituting such a stricture, legislation would apply the precautionary principle in order to remove the means for the exemption to be used as a loophole to trade commercially in restricted items.

In order to ensure that the PHE exemption cannot be abused, the Act should be amended to reflect the relevant CITES definition and guidance by applying Option 2 presented in the discussion document.

If the Act is amended, or if regulations are brought in under the Act which governing import and export of elephant ivory, it should be noted that Resolution Conf.13.7 rules out the personal and household effects exemption from being applied to hunting trophies containing elephant ivory.

Further considerations

In revising the TIES Act, the Department of Conservation is urged to consider all New Zealand’s international commitments relating to wildlife trade. These include those relating to illicit trade under the ambit of the United Nations: the General Assembly resolution of September 2017¹⁷ and September 2019¹⁸ and provisions of the Conventions Against Transnational Organised Crime¹⁹ and Against Corruption²⁰.

Since the Act was introduced, awareness about the role and significance of criminality in the trade in wildlife, and derived parts and products, has dramatically increased. There is now a wide acknowledgement across stakeholder groups regarding the seriousness of this crime, the part played by organised transnational criminal networks, and the knock on effect of this crime type through, for example, the use of illicit financial flows and the engendering of corruption, all of which make a significant contribution to undermining good governance in implicated source, transit and destination countries.

¹⁶ <https://www.cites.org/sites/default/files/document/E-Res-13-07-R17.pdf>

¹⁷ <https://undocs.org/A/71/L.88>

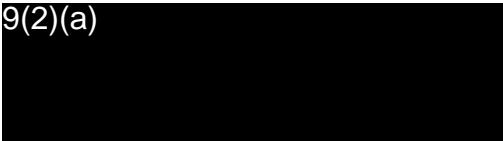
¹⁸ <https://undocs.org/en/A/RES/73/343>

¹⁹ <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

²⁰ <https://www.unodc.org/unodc/en/corruption/uncac.html>

Beyond a greater level of awareness there is also an equally expansive willingness to act, and Born Free urges New Zealand to do so in the best interests of its own threatened wildlife as well as that in other jurisdictions.

Yours sincerely,

9(2)(a)


Gabriel Fava
Senior Policy Advisor


Released by the Minister of Conservation



Global March for Elephants and Rhinos, Inc.

3112 West Lake Forest Drive Augusta, GA 30909 9(2)(a)

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www.March4elephantsandrinos.org

The Hon Eugenie Sage
The NZ Minister of Conservation

Re: Review of the Trade in Endangered Species Act (TIES) – No Domestic Trade in Ivory

The Global March for Elephants and Rhinos, (<http://www.march4elephantsandrinos.org/>) or **GMFER** is a global grass roots advocacy and *community engagement* organization whose mission is to press governments and international bodies to effect meaningful legislation and enforceable treaties on behalf of protecting earth's last iconic giants from poaching and trafficking. GMFER's primary mandate is to engage the voices of the indigenous living with and adjacent to critically endangered mega fauna.

GMFER's signature event, the **Annual Global Marches** and its awareness raising campaigns are installed in more than 100 cities in North and South America, in Africa, in Asia and in Europe. GMFER has been successful in collaborative, tactical, evidence based lobbying on behalf of ivory bans in New York, California, Hawaii, New Jersey, China, Australia and Hong Kong. GMFER was cited by the U.S. Department of State as a key causal factor leading to the verifiable plummeting of ivory prices in China and around the world (<https://share.america.gov/elephant-ivory-prices-plummet/>).

Fiona Gordon, an ambassador for the Jane Goodall institute and its environmental policy analyst for New Zealand reports that the nation's ivory trade has doubled since 2016 in the context of an unregulated domestic market (<https://bit.ly/2WsB4UE>). All ivory markets sponsor the poaching of elephants, spur social and political instability in the African continent, accelerate the extinction of an iconic species and bolster a 19 billion/year global illegal wildlife trade. New Zealand must resolve to remove itself from an equation that hastens the demise of earth's largest terrestrial mammal and one that contributes to international wildlife trafficking. The most effective way of doing so is to ban the ivory trade in New Zealand. It is indeed a fact that *If the buying stops, the killing can too* (WildAid).

GMFER, its president, its board of directors and its members all around the world urge New Zealand to act swiftly and forcefully to end the ivory trade in your nation; we thank you in advance on behalf of the earth's last remaining elephants and the indigenous who share their world.

With hope,
Rosemary Alles
President of GMFER, South Africa.



Rosemary Alles
638 Knoppiesdoring Street
Hoedspruit Wildlife Place
Hoedspruit 1380
Limpopo, South Africa

The Hon Eugenie Sage
The NZ Minister of Conservation

Re: Review of the Trade in Endangered Species Act (TIES) – No Domestic Trade in Ivory

“They say that somewhere in Africa the elephants have a secret grave where they go to lie down, unburden their wrinkled gray bodies, and soar away, light spirits at the end.”

Robert R. McCammon

I was born in Sri-Lanka, an island nation nestled at the southern tip of the Indian Sub Continent and a landmass that is a teardrop in the vast slate of the Indian Ocean; decades ago Sri-Lanka was a sanctuary to a myriad splendid and unique endemic species. The remains of that rainbow still survive in small and fragmented forest pockets scattered throughout the island nation.

During my life in Sri-Lanka, I was fortunate to experience the majesty and splendor of the country's surviving Asian elephants both wild and captive who face a fate more tragic than (even) their African counterparts being poached to extinction for ivory.

Severe political and civil unrest in Sri-Lanka forced my family to emigrate from Sri-Lanka, first to Canada, and then the USA. A Software Engineer and GIS specialist by profession, I worked for the KECK and CFHT astronomical observatories (in Hawaii) for many years and then for multiple NASA missions in California. Four years ago, I left a lucrative Software Engineering job in Silicon Valley to live and work in South-Africa on behalf of and at the intersection of disenfranchised human and animal communities.

I also co-founded the **Global March for Elephants and Rhinos**, (<http://www.march4elephantsandrinos.org/>) or **GMFER** four years ago; a global grass roots advocacy and “community engagement” organization whose mission is to press governments and international bodies to effect meaningful legislation and enforceable treaties on behalf of protecting earth’s last iconic giants from poaching and trafficking. GMFER’s primary mandate is to engage the voices of the indigenous living with and adjacent to critically endangered mega fauna.

From where I stand and through my wide-ranging experiences in Sri-Lanka, Africa and GMFER, I wish I could report that the *state of the nation* on behalf of the survival of earth’s largest terrestrial mammal is positive. It is not. The Asian elephant struggles for survival in the face of chronic *Human Elephant Conflict (HEC)* and loss of habitat; its African counterpart is - similarly- plagued by poaching, habitat loss, trophy hunting as well as HEC. Rampant corruption among African and Asian governments exacerbates the mitigation and eradication of species loss and influences the protection of charismatic mega fauna. **The news for elephants is not good.**

An avalanche of sound arguments can be made on behalf of banning commercial ivory and rhino horn in every nation on earth; such arguments are generally backed by good data and reliable empirical evidence. Still, from where I stand, the strongest argument and one least employed is the one that acknowledges the sentient nature of the elephant and its inalienable right to exist; a right that you and I and we, together, take for granted and ironically, one not enjoyed by a creature 60 million years old. I urge New Zealand to consider the ethical and moral argument on behalf of earth’s last elephants. Your good nation must ban the commercial trade in Ivory and Rhino Horn forthwith. *If the buying stops, the killing can too.*

I have no doubt that elephants have *a secret grave where they go to lie down, unburden their wrinkled gray bodies, and soar away, light spirits at the end.* Still, it is infinitely preferable that these majestic and improbable creatures and their wrinkled gray bodies continue to walk the earth for as long as they are willing to.

With hope,
Rosemary Alles , South Africa.



the Jane Goodall Institute New Zealand

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document September 2019.

Review of the Trade in Endangered Species Act
Department of Conservation
PO Box 10420
Wellington 6143
NEW ZEALAND

From: Fiona Gordon, the Jane Goodall Institute New Zealand, Ambassador – Wildlife Trade.

.....

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019 (DOC Discussion Document).

This submission focuses on Section 3 of the DOC Discussion Document and provides comment on Sections 1,2,4-8. This submission is set out as follows:

Section 1 - Objectives and criteria

Section 2 - CITES

Section 3 - Trade in elephant ivory:

- Background & Overview
- Mandate to close domestic ivory market
- Domestic ivory trade
- Seizure data and illegal trade
- International trade
- Correlation: Ivory trade & illegal killing of elephants
- Effects of ivory trade bans
- Discussion Document Proposed Options
- Other specimens
- Other matters

Section 4 – Giving effect to the Treaty and travel with Taonga

Section 5 – Personal and household effects

Section 6 - Technical errors on permits

Section 7 – Cost recovery

Section 8 - Implementation and monitoring and evaluation

Section 1 - Objectives and criteria

The DOC Discussion Document proposing a Review of the Trade In Endangered Species Act 1989 (TIES Act) is welcomed. It is almost 30 years since New Zealand became a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the TIES Act came into force (1 June 1989). Significant changes have occurred during this time, including but not limited to:

- increased global connectivity (movement of goods and people);
- increased severity and complexity of the global illegal wildlife trade;
- evolution of international agreements, including CITES and IUCN, to better cater for shifts in the nature and scale of illegal trade;
- widespread and high level recognition of the positive cumulative effects of international cooperation and action needed to combat global illegal trade;
- increased number of species listed in CITES Appendices (roughly 5,800 species of animals and 30,000 species of plantsⁱ);
- significant increase in the seizures of CITES listed species at New Zealand's border;
- unprecedented poaching and decline of elephant and rhinoceros populations;
- more than 1,000 wildlife rangers have lost their lives in 10 years;
- increased number of CITES parties (and New Zealand international trade partners) implementing, or moving to implement, ivory trade bans;
- the publication of the inaugural World Wildlife Crime Report UNODC, 2016;ⁱⁱ
- the publication of IPBES Global Assessment Report on Biodiversity and Ecosystems, 2019;
- 2030 Agenda for Sustainable Development (adopted 2015) and United Nations Sustainable Development Goals.

The DOC Discussion Document notes a number of objectives that the review will seek to meet along with a list of criteria to be used when assessing the options for each policy area under review.

We encourage DOC to also consider objectives and criteria that focus on:

- enabling flexibility such that legislation can respond effectively and efficiently to changes in legal and illegal wildlife trade patterns and trends;
- enabling flexibility such that legislation can respond effectively and efficiently to changes to CITES Resolutions and Decisions;
- enabling a clear, effective and efficient process for New Zealand to put in place 'stricter domestic measures,' as appropriate;
- enabling a clear, effective and efficient process for New Zealand to put in place domestic trade regulations governing non-native species listed on CITES Appendices, as appropriate;
- recovering the actual implementation costs of legal trade from those undertaking trade, particularly where trade is for commercial purposes;
- recovering the actual costs associated with illegal trade from those undertaking illegal trade;
- ensuring Enforcement Officers have appropriate enforcement tools available;
- the prevention and deterrence of illegal trade;
- increased public awareness and demand reduction.

Section 2 – CITES

The DOC Discussion Document notes that *"The number of surrenders and seizures of CITES specimens without permits, increased from 2,593 in 2013, to 6,165 in 2017. This count includes specimens held by visitors travelling to New Zealand, New Zealanders returning from overseas travel, household moves and commercial importations. In 2017, 5,902 of the total 6,165 recorded were seized or surrendered from airport and cruise ship (port) passengers. The increases in surrenders and seizures reflects the stricter application of the TIES Act, as well as the increases in tourism to New Zealand and New Zealanders travelling overseas."*

According to data supplied by Department of Conservation, seizures of threatened and endangered wildlife at New Zealand's border have increased steadily from 2,268 seizures in 2011, to over 9,078 seizures in 2017.ⁱⁱⁱ It is important to note that each seizure may contain one or more item. This is an alarming 300 per cent increase in seizure incidents of internationally protected species at our border over the last seven years. Whether intentional or inadvertent infractions, each seizure contributes directly to the international illegal trade in wildlife. It is important to recall that seizures at the border are the 'ambulance at the bottom of the cliff' for species endangered and threatened by international trade.

Therefore, we encourage DOC to develop and implement non-regulatory methods as part of the TIES Act Review for targeted approaches to raise awareness and to reduce demand, with a view to prevent illegal trade.

In this regard, we encourage DOC to look thoroughly at the seizure data to decipher the species, products, main countries of export and travel context, with a view to developing such non-regulatory methods.

For example, 2017 seizure data^{iv} clearly illustrate those species and products most commonly seized and the country of export (see Table below). Data show that 95% of seizures occur at airports, 2% at the International Mail Centre and 3% at Ports. Of the 8,578 airport seizures in 2017, 78% occurred at Auckland airport, with 8%, 5% and 4% at Christchurch, Wellington and Queenstown airports respectively.

2017 PRODUCTS SEIZED & SOURCE^v

Product Seized	Number of Seizures	Observation	Country of Export
Corals and shells	Almost 6,000		Largely from the Cook Islands, Fiji, Australia, Tonga, Vanuatu, Indonesia, Samoa, Niue, French Polynesia and Indonesia.
Meat	>1,000	Mostly crocodile and alligator.	Australia (crocodile) and United States (alligator).
Medicine	>700	Pills, potions, ointments and plasters. Contain a range of species including crocodile, orchid, costus (plant), primates, bears, leopard and turtles.	Largely from China. Also, from countries including Singapore, Australia and Malaysia.
Roots	>700	Mostly American Ginseng and also tropical tree ferns and gasterdia (orchid).	Largely from China. Also, from countries including the United States, Hong Kong, Malaysia and Canada.

2016 data^{vi} indicate that the percentage of seizures according to immigration status were as follows: New Zealand Residents (34%), New Zealand Citizens (33%) and Visitors (31%). However, it should be noted that where immigration status is not known, this is recorded by default as NZ Resident.

With such information readily available, we encourage DOC to develop a streamlined approach for raising awareness and reducing demand with the aim of preventing illegal trade. A further matter to consider is the IATA membership status of airlines operating in New Zealand and the implementation of the IATA Resolution on Illegal Trade in Wildlife,^{vii} the MOU between CITES and IATA^{viii} and the United for Wildlife Transport Taskforce Buckingham Palace Declaration.^{ix}

In addition to aiming to reduce the overall volume of illegal trade at our border, we encourage DOC to also place priority on deterring and preventing illegal trade of species listed in CITES Appendix I. Appendix I species are threatened with extinction and are identified as the most endangered among CITES-listed animals and plants, hence, CITES prohibits international trade in specimens of these species except in exceptional cases.^x Specimens of Appendix I species that are seized at New Zealand border include elephant, rhinoceros.

We also encourage DOC to review the adequacy of border control measures for the prevention and detection of illegal trade in CITES listed specimens with a particular focus on the International Mail Centre and Ports.

We would encourage DOC to assess the risk of non-detection at NZ border, particularly at the IMC and Ports. Seizure data show low seizure rates at the International Mail Centre and Ports. The reasons for this are not clear. Factors to consider should include the adequacy and limitations of current screening and detection techniques specifically for CITES listed species; the frequency of screening and inspections (including shipping containers for commercial items, household moves, air cargo and shipping cargo).

Another factor to consider are the strategies in place for Customs, Border Control, MPI and Biosecurity in terms of how well these cater for the effective detection of CITES listed species and the implementation of CITES obligations and TIES Act. These Strategic Documents tend to focus on increased speed of ‘processing’ of goods/passengers while catering for a projected increased movement of goods/passengers.

Section 3 – Trade in elephant ivory

The closure of all markets for elephant ivory, including New Zealand’s domestic market, is readily justified by a strong ethical and moral argument. Anyone doubting this need only look to the growing body of scientific evidence that shows elephants are sentient animals, with the ability to feel, perceive, or be conscious, or to experience subjectivity.

Elephants are self-aware and empathetic. They are able to recognize themselves in a mirror - a test that to date has only been passed by elephants, bottlenose dolphins, great apes, and the magpie. Their capacity and ability to understand that they are their own entity, separate from others, is a crucial trait considered likely to underly both empathy and complex sociality.^{xii}

Elephants show both empathy and consolation and will reassure a distressed comrade by physically and vocally connecting with them. This trait was once thought to be unique to a select few primates, including humans. It has been shown that elephants mourn the loss of individuals and their behaviour patterns indicate feelings of grief, anxiety and depression.^{xiii}

Elephants display conscious decision making and cooperation. They will wait for a partner in a task that requires two individuals for success – they have learned that not only is their partner necessary in the task, but that it is their partner’s behaviour, as opposed to their mere presence, that is needed for success.

To not acknowledge and give full consideration to such scientific findings in the policy development process, would not reflect evidenced-based decision making. As our knowledge base evolves, so too must our practises and we are compelled to check our moral compass. The slaughter of these sentient non-humans for their body parts is an archaic practice, not reflective of what we understand about these magnificent animals. Further, continuing New Zealand’s ivory trade is now grossly out of step with the rest of the world.

There an equally robust policy argument for the closure of New Zealand’s trade in ivory. It is a complex argument. This is partly because the issue of illegal trade in elephant ivory is complex in itself, but also because a genuine analysis of the issue, the options and effects, requires us to take a most modern and global view – that is, beyond the national context and direct domestic costs and benefits upon which a traditional analysis would typically focus.

The issue compels us to fully consider the actual, potential and significant cumulative effects, both direct and indirect, at the national and international levels, and across the conservation, social and economic portfolios into the realms of sustainable development and international relations.

3.1 Background & Overview

Elephant and rhinoceros are our global flag ship species in the fight against illegal wildlife trade. They face an unprecedented crisis. They are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain. They are not only falling victim to the work of highly organized international criminal syndicates, but also to the seemingly innocuous purchase of tourist trinkets and the unwitting infractions by otherwise law-abiding citizens.

New Zealand is part of this global problem. Since the 1989 international ivory trade ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the ‘wild’ or of ‘unknown’ source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.^{xiv}

In addition to such imports, between 2010 and 2016 (inclusive) a total of 4,692 ivory items - specifically ivory carvings, ivory pieces and tusks - were re-exported from New Zealand. Most of these items were noted as pre-Convention. Destination countries include Australia, Great Britain, United States.

Legal domestic markets, particularly unregulated domestic markets, present a real and demonstrable risk of enabling illegal product to be sold under the guise of legality. Further, they maintain a demand and monetary value for ivory and rhino horn and promote the social acceptability of these products, which in turn provides incentives for poaching and illegal trade.

Hence, maintaining domestic markets for ivory and rhino horn sends a confusing message that can undermine current and future conservation gains and runs counter-productive to the enormous efforts underway by governments, range states, conservation organisations and local communities who are investing significant resources into measures that specifically aim to stop the buying, stop the trafficking and stop the killing.

New Zealand's legal domestic market remains completely unregulated, without even the most basic requirements to verify the age, source or import history (i.e. provenance documentation) of the elephant ivory or rhino horn offered for sale.

Concerningly, as other nations move to close their domestic ivory markets, New Zealand's domestic ivory trade appears to be increasing. A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes.^{xiv}

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. These convictions include evidence that substantial amounts of illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

Enforcement Officers operate under an extremely limited legal mandate to instigate any investigation into ivory found on the domestic market. Hence, illegal trade within our domestic market runs a low risk of detection and an associated low risk of penalty. It is clear that our unregulated domestic trade perpetuates a real and present risk of further illegal trade.

These are precisely the reasons why Parties to CITES made an historic decision at 17th meeting of the Conference of the Parties (CoP17) in 2016 urging all Parties and non-Parties to close their domestic ivory markets where these are contributing to poaching or illegal trade, as a matter of urgency.

Further to this and following the recent decisions at the 18th meeting of the Conference of the Parties (CoP18) in 2019, Parties that have not closed their domestic ivory markets are requested to report on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

Commendably, New Zealand voted in support of such decisions. The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades. However, New Zealand remains an outlier from the global response to this crisis and is falling short of its CITES commitments.

Hence, we congratulate the Department of Conservation for presenting the proposed options to ban New Zealand's domestic ivory trade and to further restrict imports. Such measures will help to ensure that our domestic ivory market is not contributing to poaching or illegal trade, confirm New Zealand as a world leader in conservation, and bring about positive conservation benefits including the cumulative effect of global market closures. As stated in the DOC Discussion Document, such measures will also emphasise that New Zealand considers the sale of ivory to be morally wrong.

The following provides specific submission points and information intended to constructively inform the current policy development process.

3.2 Mandate to close domestic ivory market

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

New Zealand is Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and a member on the CITES Standing Committee. CITES Resolution Conference 10.10^{xv} urges all parties to –
(a) close all domestic ivory markets that contribute to illegal trade or to poaching (clause 3,4,5);^{xvi} and
(b) regulate all unregulated domestic ivory markets (clause 6).^{xvii}

As noted above, following the recent decisions at the COP18 in 2019, “*Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.*”^{xviii}

CITES is implemented in New Zealand through the Trade in Endangered Species Act 1989 (TIES Act). The object of the Act is “*to enable New Zealand to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and to promote the management, conservation, and protection of endangered, threatened, and exploited species to further enhance the survival of those species.*”

According to the Minister of Conservation between 2013 and 2017 a total of 33 illegal seizures of elephant ivory (incidents not quantity) were made by New Zealand authorities.^{xix} Over the same period two convictions (2013 and 2015) for illegal ivory trading confirmed that tens of thousands of dollars-worth of illegally imported ivory entered New Zealand undetected at the

border. Court evidence substantiates that some of the illegally imported elephant ivory (African elephant ivory) was offered for sale and sold within New Zealand's unregulated domestic market.^{xx}

The continuing lack of domestic trade regulation in New Zealand appears to reflect historical assumptions, including that:

- ivory on New Zealand's domestic market has been legally obtained and legally imported; and
- any illegal items are prevented from entering New Zealand at the border.

While it is impossible to validate such assumptions under the current unregulated domestic trade arrangement, on the other hand, court evidence has proved both assumptions to be false.

New Zealand's domestic trade in elephant ivory is unregulated, with no checks and balances in place to prevent or reduce illegal trade. Further, New Zealand's domestic trade in elephant ivory contributes to illegal trade. Hence, CITES Resolution Conference 10.10 clearly applies to New Zealand.

New Zealand's current approach therefore is inconsistent with CITES Resolution Conference 10.10 and does not achieve the Object of the Trade in Endangered Species Act 1989 (TIES Act).

International Union for Conservation of Nature (IUCN)

New Zealand is a Member State of the International Union for Conservation of Nature (IUCN). IUCN Motion 007 was adopted by the World Conservation Congress (2016) which "*urges the governments of countries in which there is a legal domestic market for elephant ivory, or any domestic commerce in elephant ivory, to make all necessary legislative and regulatory efforts to close their domestic markets for commercial trade in raw or worked elephant ivory.*"^{xxi}

New Zealand's current approach is inconsistent with IUCN Motion 007 adopted by the World Conservation Congress (2016).

3.3 Domestic ivory trade

It should be noted that the DOC Discussion Document states that "*A 2016 report by the International Fund for Animal Welfare (IFAW) investigated of the nature of the auction house trade in elephant ivory and rhinoceros horn in Australia and New Zealand. The report found over a nine month period, 363 elephant ivory items for sale across 22 auction houses.*"

The above statement is incorrect. The report found over a nine month period, 363 elephant ivory items for sale at four New Zealand auction houses, across 22 auctions.

The following information is provided with a view to assist in building a more thorough picture of the New Zealand domestic ivory trade.

Size, Types of Items, Trend

The ivory trade in New Zealand is completely unregulated, with no requirement to verify an item's legal status, age, source or import history. In 2016 the results of a nine-month investigation into the auction house trade in ivory and rhinoceros horn in Australia and New Zealand were presented in the International Fund for Animal Welfare's "Under the Hammer" Report.^{xxii}

A total of 2,772 ivory items were found for sale at 175 auctions in 21 auction houses in Australia and New Zealand. These included carvings, figures, jewellery, walking sticks, billiard cues, picture frames and ivory handled knives, as well as raw and carved tusks. Only 8% of the catalogue listings for ivory lots included comments on provenance, including referencing estates or collections, retail and purchase dates, purchase locations, and previous auction information.

The Report showed hundreds of ivory items were offered for sale at four auction houses in New Zealand without any documentation verifying their age or source. More than 60% of the ivory found on New Zealand's domestic market were entirely made of ivory, including carvings, figures, ornaments, jewellery and tusks.

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during the 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimono and netsukes. The vast majority of the items were offered for sale with no accompanying documentation to verify their provenance (age, source or import history).^{xxiii}

As the table below illustrates, it appears that the frequency of auctions offering ivory for sale, the number of lots containing ivory and the number of ivory items for sale, have all increased substantially since 2016.

OBSERVATIONS – New Zealand Domestic Ivory Market	Number of Auctions where ivory was offered for sale	Number of Lots Containing Ivory	Number of Ivory Items
2019 Survey – Two Auction Houses¹			
10-month survey (October 2018 - July 2019)	40	606	803
<i>Extrapolated to 12 months</i>	48	727	964
2016 Survey – Four Auction Houses²			
9-month survey (October 2014 - June 2015)	22	285	363
<i>Extrapolated to 12 months</i>	29	380	484
% Difference – 2016 to 2019	64%	91%	99%
<i>Based on extrapolated 12 months data</i>			

¹ Gordon Consulting, New Zealand.

² International Fund For Animal Welfare (IFAW) (2016) "Under the Hammer – Are Auction Houses in Australia and New Zealand Contributing to the Demise of Elephants and Rhinos?"

It is of concern that New Zealand's unregulated domestic ivory trade, with the inherent problems it presents, appears to have increased substantially. With the progressive closure of domestic ivory markets around the world, all nations, including New Zealand, must remain vigilant and proactively guard against potential shifts in illegal trade to areas with lax or no regulation. ^{xxiv}

Of course, the market observations presented here are limited to only those auction houses observed and therefore does not include any ivory trade that may be occurring at other outlets or other auction houses. Anecdotal evidence indicates that ivory is also traded in New Zealand via second hand shops, bric-a-brac stores and markets. Further, it may be possible that ivory items are sold prior to being listed in auction house catalogues, hence, any such 'behind-the-scene' transactions are not readily observable and cannot be represented here.

The images below illustrate the types of ivory items typically found on the New Zealand market. The images are of actual elephant ivory items found on New Zealand's domestic market with no indication or age or source or other provenance information. The images are sourced from the internet and are provided here for educational purposes only.



Provenance Documentation, Age and Source

Ivory is notoriously difficult to accurately date from a visual assessment or images alone. Distinguishing between 'old', 'new', legal or illegally sourced ivory is practically impossible without scientific testing (e.g. Carbon Dating) or provenance documentation.

New Zealand auction houses rarely provide any statement, let alone any verifiable evidence, as to the age or source of the ivory they sell or note the name or history of the artist that produced the item. Often the ivory offered for sale is simply described as 'old' or 'antique' or 'vintage'.

New Zealand auction houses have commented publicly that they deal in 'old' ivory and are operating within the law.^{xxv} Auction house personnel have explained that they can tell the age of an ivory item due to their years of experience; that the ivory they sell is collected from various sources including estate sales and second hand shops within New Zealand; that artist signatures on ivory items indicate a 'finer example' and will typically command a higher price. However, the same auction house personnel have also commented that signatures are not necessarily related to a particular period or date and that research into such matters is rarely undertaken.^{xxvi}

It is important to note that should an auction house make a statement as to the age or source of the ivory for sale, some auction house policies and terms and conditions absolve the auction house and the vendor from any liability for errors in the descriptions provided or for the correctness of any statement as to the authorship, origin, date, age, attribution, genuineness, or provenance of any lot. Any statements provided are 'statements of opinion' and are 'not to be relied upon as statements of representations of fact'. Potential buyers are required to 'satisfy themselves by inspection or otherwise' as to such matters.^{xxvii}

New Zealand auction houses can command a 15 to 35 per cent premium plus tax on the hammer price of every lot sold via vendor commission and buyer premiums.^{xxviii}

It is of concern that no measures are in place for the verification of the provenance and legal status of ivory found on New Zealand's domestic market and that no accountability for such matters rest with either the vendor or the trader.

Domestic Trade Investigations

Numerous ivory items have been brought to the attention of the Department of Conservation (DOC) as items that may require investigation in terms of their legal status and provenance (age, source, import history).^{xxix} Such ivory items tend to be entirely made of ivory, typically carvings and figures, with no information on the age or source (or other provenance information) and where there are:

- (a) multiple items that appear to be identical within the same lot; and/or
- (b) multiple items that appear to be identical across several lots; and/or
- (d) bags of items that appear to be identical; and/or
- (e) multiple items that appear to be identical across several auction houses over a similar time frame; and/or
- (f) other factors.

In order to effectively investigate any ivory item offered for sale on New Zealand's domestic market, it is understood that an Enforcement Officer must first hold reasonable grounds to believe it has been illegally imported under the Trade in Endangered Species Act.

With no domestic trade regulations in place, it is difficult to see on what grounds an investigation could be instigated as there is little, if anything, to assist an Enforcement Officer to substantiate 'reasonable grounds'. In practice, it appears that an investigation could realistically only be instigated should an item be found at the border without the appropriate CITES documentation. This situation is exemplified in the following response from the Department of Conservation with regard to multiple ivory carvings brought to their attention:

"Thank you for sending through the auction house listings for elephant ivory. As you noted the domestic trade in elephant ivory is not regulated, however the import and export of elephant ivory is subject to the provisions of the Trade in Endangered Species Act 1989. In order investigate the illegal import (or export) of elephant ivory, any officer is required to have reasonable grounds to believe an offence has been committed. These reasonable grounds are requisite to requiring domestic traders in ivory to produce documentation, and other evidence, related to their trade."

"With regard to the items you have highlighted below unfortunately there is nothing, based on my experience, to suggest the items have been illegally imported. The items are of types commonly traded (and imported) legally, and there are no other factors that suggest to me they have been illegally imported." ^{xxx}

Other responses from the Department of Conservation with regard to other ivory carvings brought to their attention include:

"the Department is now satisfied that the specimens were legally acquired, having been accumulated from local estate sales and second-hand/op shops." ^{xxxii}

"the Department is now satisfied that the specimens were legally acquired." ^{xxxiii}

It is not immediately clear as to how the Department is satisfied that the items were legally acquired. However, it is clear that with the current unregulated domestic ivory market, potential investigations are easily stifled or will likely go-around-in-circles.

This situation does not provide adequate tools to Enforcement Officers, hindering their efforts, while providing any would-be illegal traders the opportunity to operate with relative impunity.

The gravity of this situation becomes even more concerning considering comments recently received from a licenced antiques dealer and ex-customs officer: ^{xxxiv}

"I have been a licensed antique dealer for almost 14 years, and I absolutely support the immediate ban on the trade in ivory and a ban on products made from rhino horn. There is no place in NZ for this support of the wholesale slaughter of animals for profit. And trust me, the profit is huge."

"As an antique dealer, there is no way of assessing an items age without expensive scientific analysis, and no dealer or auction house in NZ undertakes this level of testing. Trade in new horn and ivory products masquerading as 'antique' is rampant."

"Customs Officers also do not have the required skill to identify these products at the border, apart from the occasional fluke interceptions. I was a Customs Officer before being an antiques dealer. I know how hard it is, even with all my experience from being raised in the antique world through my family business"

"The small number of big dealers would be affected, but not the average NZ consumer. And the big dealers know that what they are doing is illegal".

"The domestic trade in ivory and products made from rhino horn should be stopped immediately."

3.4 Seizure data and illegal trade

The following information is provided with a view to assist in building a more thorough picture of the illegal trade in ivory in New Zealand.

The DOC Discussion Document notes that over the 10-year time period, 2008-2017 (inclusive), *"124 ivory items were seized and surrendered at the border for not having a permit or a pre-Convention certificate. In the majority of these cases, importers were reportedly unaware of New Zealand's permit and pre-Convention certificate requirements."*

It is worthy of note that other elephant specimens are also been seized by authorities. For example, data supplied from Department of Conservation^{xxxv} indicates that between 2010 and 2016 (inclusive) authorities seized a total of 82 ivory carvings, ivory pieces and tusks, along with a further 54 items including hair, powder, bone, teeth, leather, feet and medicine.

In addition to seizures, illegal trade in ivory in New Zealand has been well documented for two New Zealand convictions for illegal trading. These two convictions directly link New Zealand shores to illegal trading in France, United Kingdom, United States, and China.^{xxxvi}

Of particular concern is the 2015 conviction involving the illegal importation of African elephant ivory (as determined by DNA analysis) that was subsequently sold on New Zealand's domestic market.^{xxxvii} Several ivory items were confiscated by authorities, however court evidence of monetary transactions and international courier records confirmed that at least NZD\$18,000 worth of ivory and 20 ivory items (and potentially an additional 66 ivory items) were illegally imported into New Zealand without detection at our border. The location of all of these illegally imported ivory items remains unclear, but it is conceivable that they were traded on New Zealand's unregulated domestic ivory market under the guise of legality.

As with other prohibited or restricted goods, ivory seizures at our border can only ever represent a portion of the true extent of the illegal trade. The 2015 conviction case illustrated that many ivory products illegally entered New Zealand undetected at the

border. With no regulations governing the domestic trade in ivory a person that manages to illegally import ivory into New Zealand may offer it for sale on the domestic market and operate with relative impunity.



Images supplied from Department of Conservation.

3.5 International ivory trade

Ivory Imports

The DOC Discussion Document notes that, “*the majority of ivory items legally entering New Zealand are classified as a Personal Household Effect (PHE) and are pre-Convention, which means the ivory was acquired, taken from the wild or born in captivity prior to the species being listed as protected under the Convention in 1975/763. Common examples of these items are pianos, bagpipes, chess sets, Mah-jong sets and small carvings.*”

The following comments and observations are provided with a view to assist in building a more thorough picture of ivory importation into New Zealand and are based on import data sourced from the CITES Database (data 1990 – 2016) and data supplied via OIA from the Department of Conservation (data 2017-2018). Numbers reported are based on “Importer Reported Quantity” unless otherwise stated.

The data indicate that since the 1989 ban thousands (approximately 2,140 items) of elephant ivory items have been legally imported into New Zealand, mostly for non-commercial purposes (personal use and hunting). These items are noted in the data specifically as ‘ivory carvings’, ‘ivory pieces’, ‘ivory jewellery’ and ‘tusks’. These numbers exclude approximately 14 records for ‘Piano keys’ and ‘Sets of Piano Keys’. It should be noted that the data do not contain any readily identifiable records for ‘bagpipes’, ‘chess sets’, or ‘Mah-jong sets’.

Over 60 per cent (approximately 1,330 items) of the imported ivory items are not noted as pre-1976 (pre-Convention), instead these are noted as sourced from the ‘wild’ or of ‘unknown’ source. It is understood that ivory that is not noted as pre-Convention has been taken from elephants killed since 1976, that is, taken from elephants killed within the last 43 years.

Most of this ‘wild’ and ‘unknown’ source ivory arrives from South Africa, Zimbabwe, Botswana, some from Mozambique and some is re-exported from Great Britain and Australia. Almost all (approximately 97%) of the ivory items not noted as pre-Convention were imported specifically for personal purposes and hunting.

There are no restrictions placed on the use of ivory that is legally imported into New Zealand. It is important to consider then that any ivory imported specifically for personal use (or hunting), including ivory not noted as pre-Convention, could be offered for sale within New Zealand’s domestic market. Allowing the sale of ivory imported specifically for non-commercial purposes would seem contrary to the intent of the 1989 international ivory trade ban.

Further, it is conceivable that ivory from elephants killed since 1976 may be sold on the New Zealand market, a matter that is likely to be highly disconcerting to unsuspecting public in New Zealand, and again would seem contrary to the intent of the 1989 international ivory trade ban.

The DOC Discussion Document notes that, “between 2008 and 2017, there were 215 permits issued to import elephant ivory into New Zealand. The vast majority of items imported were pre-Convention and for personal use. The number of ivory imports permitted over the last decade is broken down by year in Table 2 below.”

Table 2-Trend in number of CITES permits for ivory being imported over the last decade

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Permits	13	5	23	5	3	18	38	17	23	70	215
Number of items	45	10	50	5	4	19	76	17	60	118	404

Source: DOC Discussion Document

The following comments and observations are provided with a view for build a more thorough picture of ivory importation into New Zealand and are based on import data sourced from the CITES Database (data 1990 – 2016) and data supplied via OIA from the Department of Conservation (data 2017-2018). Numbers reported are based on “Importer Reported Quantity” unless otherwise stated.

Between 2008 – 2017 (inclusive) the data indicate a total of approximately 863 ivory items were imported for personal, hunting and trade purposes. Excluding piano keys, the total is approximately 657 ivory items. These numbers appear to differ from those reported in the Discussion Document. It may be that these discrepancies are due to using different data sets, however, it would be useful to clarify why these differences exist so as to ensure the most accurate and reliable data is used to inform current policy development.

Understanding that the majority of the imports were for personal purposes, it would also be useful to clarify and consider the circumstances under which these imports were made. For example, clarify if these were Personal and Household Effect exemptions, part of household moves, items on a person at the time of travel, or posted or couriered from overseas via the International Mail Centre, Port or Air cargo; and to clarify whether these items were imported by NZ Citizens, New Zealand Residents or visitors to New Zealand.

The “Exporter Reported Quantity” and “Importer Reported Quantity” differ greatly in the dataset. For example, over the 2008 – 2017 (inclusive) period, the “Importer Reported Quantity” is approximately 863 ivory items and the “Exporter Reported Quantity” is approximately 2,579 ivory items. While Importer and Exporter Reported Quantities can differ for a number of reasons (such as varying permit requirements of other countries or unused permits) it is not immediately clear as to why the difference that exists is so substantial. It would be useful to clarify why such a large difference exists, including identifying any permits that were issued but not used, so as to ensure the most accurate and reliable data is used to inform current policy development.

Ivory Re-Exports

Re-exports of ivory are not mentioned in the DOC Discussion Document. The following comments and observations are provided with a view for build a more thorough picture of ivory re-exports from New Zealand and are based on re-export data supplied via the Department of Conservation (data 1/1/2010 – 31/12/2016).

The data indicate that between the period 2010 – 2016 (inclusive) a total of 4,692 ivory items were re-exported from New Zealand. These items are noted specifically as ‘ivory carvings’, ‘ivory pieces’ and ‘tusks’. The majority of the ivory items were re-exported for personal purposes, some for Trade (99 items) and several for hunting purposes. The majority of the ivory items were noted as pre-Convention.

More than half the ivory items were re-exported to Australia and Great Britain, large proportions were re-exported to United States, Switzerland and Canada, with smaller proportions re-exported to Germany, Portugal and Papua New Guinea.

Understanding that the majority of the re-exports were for personal purposes and with a view to assist in informing current policy development, it would be useful to clarify the circumstances under which these re-exports were made. For example, whether these were part of household moves, items on a person at the time of travel, or posted or couriered overseas via the International Mail Centre, Port or Air cargo; and useful to clarify whether these items were re-exported by NZ Citizens, New Zealand Residents or visitors to New Zealand.

Further, it would be useful to clarify if any of the re-exported items recorded in the data are specifically Personal and Household Effects exemptions, which can be re-exported from New Zealand with no documentation required by New Zealand border officials.

It is important to consider that any ivory items re-exported from New Zealand specifically for personal purposes could conceivably be offered for sale at the country of import, unless domestic ivory trade restrictions are in place at the destination country.

Currently there are no measures in place to prevent or deter the future sale of ivory re-exported specifically for non-commercial purposes, which would seem contrary to the intent of the 1989 international ivory trade ban.

It is worthy of note that for the period 2010 – 2016, it appears that a substantially higher number of ivory items have been re-exported from New Zealand in comparison to the number of ivory items imported into New Zealand, as follows:

- 213 ivory items imported (DOC Discussion Document data)
- 4,293 ivory items re-exported (Data provide by Department of Conservation).

International Trade & International Collaboration

Australia, Great Britain and United States are amongst the countries most frequently connected to New Zealand's import and/or re-export of ivory.

The DOC Discussion Document notes that in “September 2018, a Parliamentary Inquiry by the Australian Government recommended that Australia ban the domestic trade in elephant ivory and rhino horn. The Inquiry recommended a ban with exemptions largely based on the UK legislation. The recommendations noted that Australia could be facilitating the illegal trade in ivory through their domestic market. Australia is currently considering its response to the recommendations.”

Indeed, Australia formally announced at the CITES 18th Meeting of the Conference of Parties, the intention to close their domestic trade of elephant ivory and rhino horn and encouraged other nations to close domestic markets.^{xxxvii} The United States and United Kingdom have put in place legislation that greatly increases restrictions on their international and domestic ivory trades.

It is important then to consider the implications of New Zealand's currently unregulated domestic ivory market and continued import and re-export of ivory in the context of the considerable efforts of Australia, United States and the United Kingdom. There is clearly an opportunity for New Zealand to take actions consistent with those of Australia, United States and the United Kingdom, a collaborative measure that would effectively put an end to the ivory trade within a substantial proportion of Oceania.

3.6 Correlation: Ivory trade & illegal killing of elephants

In 1997 CITES agreed to down list elephants of Botswana, Namibia and Zimbabwe to Appendix II and sell stockpiles to Japan. This was followed by down listing of South Africa's elephants and sale to Japan and China (agreed to in 2007). The two sales were distinctly different. The first sale, was touted as a 'one-off' sale and was only to Japan. The second sale was not, by definition, a 'one-off sale' and included China as a consumer nation – a vastly different market (including in terms of size and socio-economic factors) to that of Japan.

Essentially, the second sale (a) illustrated that more sales were possible at the end of the 9 year moratorium on further sale proposals, (b) enabled a mechanism for illegal ivory to be mingled with legal ivory, (c) re-established acceptability of ivory as a product, (d) opened up a an extremely large and growing market within China (growing middle and upper middle class). Split-listing also created expectation of future sales and re-opening of ivory trade.

Overall, evidence shows that the Appendix II listings of specific elephant populations and related CITES approved international ivory sales have led to the increased poaching and severe decline of other elephant populations. Indeed, poachers appear now to have moved into Southern Africa.

Evidence for a relationship between illegal killing of elephants for ivory and the legal sale of ivory comes from analysis of two types of data: the number of illegally killed elephants and the amount of illegal ivory seized at points of the supply chain, both in relation to decisions taken by CITES to allow 'one-off' sales of government stockpiles from southern Africa. Analyses by statisticians working for MIKE (F. Underwood and R. Burn) found a gradual rise in PIKE from 2006 towards a peak in 2011.

However, in 2016 a new analysis of the same data by S. Hsiang and N. Sekar (independent scientists from the Universities of California, Berkeley, and Princeton) found instead there was a striking jump in PIKE that coincided with the SC57 decision, a clear indication of a response by poachers to the announcement of the ivory sale.^{xxxviii}

"International trade of ivory was banned in 1989, with global elephant poaching data collected by field researchers since 2003. A one-time legal sale of ivory stocks in 2008 was designed as an experiment, but its global impact has not been evaluated. We find that international announcement of the legal ivory sale corresponds with an abrupt ~66% increase in illegal ivory production across two continents, and a possible ten-fold increase in its trend. An estimated ~71% increase in ivory smuggling out of Africa corroborates this finding, while corresponding patterns are absent from natural mortality and alternative explanatory variables. These data suggest the widely documented recent increase in elephant poaching likely originated with the legal sale." (Abstract)

A second line of evidence supports the Hsiang & Sekar conclusions. The data on ivory seizures collated by TRAFFIC under the Elephant Trade Information System (ETIS) showed a sharp – not gradual – increase in 2008 in the amount of ivory being moved in international illegal trade, in clear response to the opening up of a legal channel for ivory. The ETIS report to CoP16 (Bangkok, March 2013), observed that raw ivory transactions *"began to increase more sharply, especially from 2008 onwards"*, with an increase in large-sale seizures from 2009-2011, indicating the involvement of organized crime syndicates. The report concluded there was *"a progressively sharper and statistically significant increase in illicit ivory trade from 2008 onwards"*.

3.7 Effects of ivory trade bans

A growing body of evidence confirms that closing legal ivory markets is an effective tool for combatting illegal ivory trade and for reducing demand for ivory, ultimately reducing elephant poaching. Findings point to positive effects, including shrinking ivory markets and decreased market value for ivory, while illustrating a need for vigilance regarding shifts in trade and noting the difficulties associated with exemptions. For example, at the Seventieth meeting of the CITES Standing Committee a document submitted by Secretariat and prepared by Environmental Law Institute^{xxxix} notes with regard to the effects of ivory trade bans in China, Hong Kong SAR, and the United Kingdom, that:

"These announcements and bans have had impacts both domestically and internationally. Within each country, the legal ivory markets are shrinking. As not all of the bans have come fully into effect, legal retailers are liquidating their stock, leading to dramatic decreases in the price of elephant ivory. While declines in market value may suggest the effectiveness of the bans as binding tools, such bans still present new complex difficulties. For example, exceptions to bans still exist, especially for items incorporating ivory such as musical instruments. Without a full ban, there is still the potential for illegal ivory to be worked into seemingly legal pieces. The bans also have had the effect of shifting ivory markets to other countries, increasing the volume of sales in other countries despite the decrease in price."

It is worthy of note that Trade Me in New Zealand implemented policies in September 2014 effectively banning the trade of elephant ivory and the trade of CITES Appendix I Listed species on their trading platform.^{xl} In making this decision, Trade Me notes, *"we're doing this as it is the right thing to do. We've consulted with a lot of experts in this area, including advocacy groups and the Department of Conservation. This move is in line with international trends."*

The efforts of Trade Me should be commended. Unfortunately, despite ample opportunity over the last 5 years, no other traders in New Zealand have followed suit. A potential effect of such voluntary policies is that ivory trade shifts to other outlets. As stated previously, survey information indicates that ivory trade at several auction houses in New Zealand has increased significantly since 2016.

3.8 Discussion Document Proposed Options

Domestic Ivory Trade: Options 1 – 3

We submit in support of a complete ban of the domestic commercial trade in elephant ivory, that would effectively:

Prohibit the domestic commercial trade in elephant ivory, with no exemptions.

However, should exemptions to a complete ban of the domestic commercial trade be required, we submit that any such exemptions must be limited and narrowly defined.

We could therefore support a ban of the domestic commercial trade in elephant ivory with limited and narrowly defined exemptions, that would effectively:

Prohibit the domestic commercial trade in raw and non-worked elephant ivory; and

Prohibit the domestic commercial trade in worked elephant ivory with limited and narrowly defined exemptions for worked ivory, as follows -

1 De Minimis ivory Pre-1947

An item consisting of or containing ivory is exempt from the prohibition if—

- (a) the item is pre-1947; and
- (b) all the ivory in the item is integral to it; and
- (c) the volume of ivory in the item is less than 10% of the total volume of the material of which the item is made; and
- (e) the ivory component is no more than 200g; and
- (e) is accompanied by provenance documentation.

2 Musical Instruments Pre-1975

An item consisting of or containing ivory is exempt from the prohibition if—

- (a) the item is a pre-1975 musical instrument,
- (b) the volume of ivory in the instrument is less than 20% of the total volume of the material of which the instrument is made, and
- (c) is accompanied by provenance documentation.

3 Portrait Miniatures Pre-1918

An item consisting of or containing ivory is exempt from the prohibition if—

- (a) the item is a pre-1918 portrait miniature with a surface area of no more than 320 cm², and
- (b) is accompanied by provenance documentation.

We do not support the adoption of the UK Ivory Act exemption for “sales of ivory items between accredited museums” proposed in the Discussion Document.

We support allowing for the non-commercial distribution of ivory and rhinoceros horn:

- for bona fide educational, scientific and law enforcement purposes;
- for bona fide educational, cultural, historical and artistic purposes to and between museums and art institutions;
- to legal beneficiaries.

We do not support the adoption of the UK Ivory Act exemption for “the rarest and most important items of their type” (or ‘items of outstanding artistic value and importance’) proposed in the Discussion Document.

We do not support any exemption(s) for items containing higher volumes of ivory.

Through the consultation process, stake holders may seek additional exemptions and/or seek to expand the scope of the 3 exemptions set out above (i.e. De Minimis ivory Pre-1947, Musical Instruments Pre-1975, Portrait Miniatures Pre-1918). While these will be important conversations in developing exemptions that are appropriate for the New Zealand context, we do not support allowing exemptions for any items containing a higher volume of ivory.

Items containing higher amounts of ivory are the main cause for concern for reasons including, but not limited to:

- it is notoriously difficult, if not impossible, to verify the age of such items without scientific testing;
- items consisting entirely or mostly of ivory – such as tusks and ivory carvings and figures, netsukes and okimonos and jewellery - fall within the category of items in high demand through illegal trade (including illegal trade in New Zealand);
- items consisting entirely or most of ivory perpetuate the demand for ivory and monetary value associated with ivory.

In addition, exemptions for items containing a higher volume of ivory would necessitate:

- the implementation of a complex government-based registration system for each individual ivory item and an Exemption Certificate process (as is required in the United States and the UK Ivory Act). Government would incur increased costs for a such a complex registration system.
- extremely high standards for Provenance Documentation, with an absolute requirement for documentation that definitively verifies the origin, source and age of the item including but not limited to historical letters, dateable photos, original sale or purchase receipts, wills, certificates of authenticity, CITES permits, radio-carbon dating analysis results.

Registered Trader System

We would support the introduction of a Registered Trader System only for the 3 exemptions set out above whereby the domestic commercial trade in exempted ivory could only be undertaken via a Registered Trader.

We recommend the following with regard to a Registered Trader system:

Traders should be required to meet specified criteria to qualify as a Registered Trader, including for example, current registration as a New Zealand Registered Auctioneer (under the Auctioneers Act 2013) or current membership with the Auctioneers Association of New Zealand Inc. or current membership with the New Zealand Antique Dealers Association.

Registered Trader approval should be granted by a Government Agency (e.g. Director-General of Conservation) and a list of Registered Traders should be readily available to the public (e.g. government website). An existing example of a similar application process and publicly available list is that of the Ministry of Business Innovation and Employment Registered Auctioneer process.

Such a Registered Trader system restricted to trade in only the 3 limited and narrowly defined exemptions set out above, would remove the need for a more resource intensive individual registration system for exempted items (such as the individual registration of items required under the UK Act).

Trade records should be maintained by Registered Traders and made available to Enforcement Officers (e.g. Endangered Species Officers under TIES Act) on request for inspection, or for regular audit, and submitted to government as Annual Trade Reports.

Such a system would require establishing basic processes such as a Registered Trader application and approval process, a compliance monitoring and the receipt of Annual Trade Reports. The associated costs should be recovered directly from Registered Traders, for example via annual Registration Fees and annual Trade Report Fees.

Provenance Information & Burden of Proof

We recommend that any trade in ivory items falling within the 3 exemption categories set out above must require that the exempted items are be accompanied by provenance documentation that verifies the items age, source and import history. Provenance documentation requirements should be clearly set out in regulations and the burden of proof and liability should appropriately rest with the trader, owner and vendor.

Provenance documentation for the 3 exemption categories set out above could include, for example, a combination of the following:

- written appraisal by a current New Zealand Registered Auctioneer or current member of the Auctioneers Association of New Zealand Inc. or current member of the New Zealand Antique Dealers Association;
- an affidavit signed by the vendor;
- an affidavit signed by the Registered Trader; and
- documentation including, but not limited to, historical letters, dateable photos, original sale or purchase receipts, wills, certificates of authenticity, CITES permits.

The level of provenance documentation examples provided here is relatively low. This reflects the nature of the 3 exemptions set out above while appropriately assigning accountability and enabling traceability. As noted previously, any exemptions for items containing higher volumes of ivory would necessitate much higher standards for Provenance Documentation (e.g. Carbon Dating) and an individual registration system (such as Exemption Certificates required under the UK Ivory Act.)

We support in the introduction of Offense Provisions for trade by any person not in compliance with the ban, and for non-compliance by Registered Traders with any Registered Trade system.

We support the introduction of Penalty Provisions, including Civil Sanctions (Infringement Fines) and Criminal Sanctions with limits set accordingly.

We support specifying that possession of ivory and obtaining an appraisal in itself is not an offense.

We support the introduction of Fees, for example for Trader Registration, Enforcement Officer Inspections or audits, and receipt of Trade Reports etc.

International Ivory Trade: Options 4 & 5

We submit in support of a complete ban on the import and re-export of elephant ivory.

Should exemptions to a complete ban on the import and re-export of elephant ivory be required, we submit that any such exemptions be limited and narrowly defined, as per the 3 exemptions set out above.

3.9 Other Specimens

Rhinoceros Horn

We submit in support of a complete ban on the domestic trade and import and re-export of rhinoceros horn to effectively:

Prohibit the domestic commercial trade in rhinoceros horn, with no exemptions.

Prohibit the import and re-export of rhinoceros horn, with no exemptions.

CITES Resolution Conference 9.14 (CoP17)^{xli} urges all parties to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, including any specimen that appears from an accompanying document, packaging, mark or label, or other circumstances, to be a rhinoceros part or derivative.

New Zealand's domestic trade in rhinoceros horn is unregulated, with no checks and balances in place to prevent or reduce illegal trade. Hence, CITES Resolution Conference 10.10 clearly applies to New Zealand. Rhinoceros horn items (raw/unworked and carved horn) have sold at New Zealand auction houses. The sale of a pair of raw, mounted rhinoceros horns with no provenance information for NZD\$38,500 is a notable example.^{xlii}

According to the Minister of Conservation^{xliii} between 2013 and 2017 a total of 3 illegal seizures of rhino horn (totalling 7 packets of medicine) were made by New Zealand authorities.

New Zealand's current approach is inconsistent with this important CITES Resolution and does not achieve the Object of the Trade in Endangered Species Act 1989 (TIES Act).

Hunting Trophies

The CITES database shows that between 2010 and 2018 (inclusive) 286 records exist for the importation of hunting trophies into New Zealand including lion, cougar, leopard, caracal, lynx, bobcat, hippo, elephant, zebra, wolf, bears. 59 of these records were for hunting trophies for Appendix I species. Appendix I species are threatened with extinction and are identified as the most endangered among CITES-listed animals and plants, hence, CITES prohibits international trade in specimens of these species except in exceptional cases.

With specific regard to elephants, for the period between 1989 and 2018 (inclusive) there exist 83 import records for hunting and trophies. The specimens include tusks, ivory carvings, trophies, leather, skin, bone pieces, trunks, skulls, feet, ears, tails, teeth and hair products.

While not covered in any detail in this submission, it is important to note that while proponents of trophy hunting tend to claim that trophy hunting provides both conservation benefits to wildlife and economic benefits with regard to GDP and local communities, extensive literature exists that demonstrates this is not the case.^{xliv}

We strongly recommend a complete ban on the import of all specimens derived from hunting activities from all CITES Appendix I species, Elephants, Rhinoceros and African lions.

National and International Support

There exists substantial national and international support for New Zealand to close its ivory and rhinoceros horn trades. Support has been shown via various platforms since 2013, including:

- ‘iWorry’ March for Elephant and Rhino, Wellington (2013)
- Petition of Virginia Woolf to New Zealand Parliament (2014)^{xlv}
- Open Letter to New Zealand Government (2014)^{xlvi}
- the Jane Goodall Institute New Zealand ‘No Domestic Trade’ Open Letter to New Zealand Government (2018)^{xlvii}
- the Jane Goodall Institute New Zealand ‘No Domestic Trade’ Letter to Minister Sage (2018/2019)
- Global March for Elephant and Rhino ‘No Domestic Trade’ Letter to Minister Sage (2018/2019)
- the Jane Goodall Institute New Zealand ‘No Domestic Trade’ Submissions to TIES Act Review (2019)
- Global March for Elephant and Rhino ‘No Domestic Trade’ Submissions to TIES Act Review (2019).

3.10 Other Matters

Restricting Future Sale

DOC do not place restrictions on the future use of any CITES listed items imported legally into New Zealand, regardless of the purpose of import. CITES Appendix I species are the most endangered among CITES-listed animals and plants. They are threatened with extinction and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial.

Therefore, we recommend that DOC implement measures to effectively prevent, or deter, the future commercial trade (domestic and international) of any CITES Appendix I listed species where these are legally imported into New Zealand for non-commercial purposes. It may be that such measures could be created within the CITES permitting procedures.

TIES Act s54 - Regulations

As noted in the DOC Discussion Document “*New Zealand’s legislation does not currently regulate the sale of non-native endangered species within New Zealand*”. However, TIES Act s54 allows the Governor-General from time to time, by Order in Council, to make regulations for a limited and specified number of purposes.^{xlviii}

To date, the only Regulations that have been created under s54 are the Trade in Endangered Species Regulations 1991 (SR 1991/274).^{xlix} These regulations relate to the non-commercial loan, donation and exchange of particular specimens between scientific institutions; the breeding or holding of parrots in captivity; the export and re-export of live birds; and includes registration requirements, record keeping requirements, and stipulate fees and offenses.

A case for the use of TIES Act s54 to make regulations governing the domestic trade in elephant ivory and rhinoceros horn has twice previously been put to the Department of Conservation. However, DOC has twice determined to withhold its legal opinion on this matter.^l

We encourage DOC to give full consideration to the ability to use TIES Act s54 to make regulations governing the domestic trade of ivory and rhinoceros horn. This may present a cost effective and expedient avenue for such measures, particularly at this time in the TIES Act Review process and given the urgency clearly stipulated within the relevant CITES Resolutions.

We further recommend that the scope of s54 be clarified (or widened) such that the Governor-General may from time to time, by Order in Council, make regulations for the purpose of regulating the domestic commercial trade of any specimen of non-native species listed in CITES Appendices.

We further recommend that DOC review the following matters set out within s54:

- the level of fines and penalties, to ensure these remain at an appropriate level commensurate to the offense;
- the level of fees to be paid in respect of any permit or certificate granted under the TIES Act, to ensure these are set at an appropriate level reflecting a user pays system.

TIES Act s53 - Schedules

Currently under TIES Act s 53 Schedules, “*the Governor-General may from time to time, by Order in Council,—*

(a) add any item to, omit any item from, or amend any item in Schedule 1 or Schedule 2 or Schedule 3;

(b) add any Part to, or omit any Part from, Schedule 1 or Schedule 2 or Schedule 3;

(c) revoke any such schedule and substitute a new schedule—

in order that those schedules may conform with the Convention as amended from time to time.”

CITES allows for Parties to put in place ‘stricter domestic measures’. For example, New Zealand currently has in place stricter domestic measures for Personal and Household Effects Exemptions.ⁱⁱ

Australia has in place stricter domestic measures, including the following:ⁱⁱⁱ

Species treated as though they are listed on Appendix I to CITES: Australia implements stricter domestic measures that treat African lions (*Panthera leo*), African elephants (*Loxodonta africana*) and all whales and dolphins (*Cetacea*) as though they are listed on Appendix I to CITES.

Appendix I personal items and hunting trophies: Australia does not permit personal imports or exports of species listed on Appendix I to CITES, including hunting trophies, unless they are demonstrated to be pre-Convention specimens and are accompanied by relevant pre-Convention certificates.

Rhinoceros specimens: The import or re-export of Appendix-II listed rhinoceros hunting trophies is not permitted. Radiocarbon dating is required to conclusively demonstrate the pre-Convention status of a rhinoceros horn specimen before Australia will issue a pre-Convention certificate.

Personal and household effects exemptions: Australia does not recognise personal and household effects exemptions for Appendix I specimens.

Appendix II specimens: Australia requires import permits for trade in species listed on Appendix II to CITES, except for items covered by personal and household effects exemptions.

It appears that should New Zealand choose to put in place stricter domestic measures for import, export and re-export of CITES listed species, a full review of the TIES Act is likely necessary to make the changes required.

It is important that New Zealand has in place mechanisms that enable changes to be made to the TIES Act Schedules in an effective and efficient manner. It is also important that these mechanisms enable TIES Act Schedule changes that (a) conform with the Convention as amended, and (b) establish stricter domestic measures, as New Zealand deems appropriate.

We recommend that DOC establish mechanisms:

- that enable TIES Act Schedules to be reviewed, updated and amended without the need for a full TIES Act review process;
- that enable TIES Act Schedules to be reviewed, updated and amended to establish stricter domestic measures;
- that enable stricter domestic measures to be put in place for the import and re-export of CITES listed species without the need for a full TIES Act review process.

Section 4 – Giving Effect to Treaty Principles & Movement of Taonga Across International Borders

We acknowledge the concerns raised about taonga made from protected species carried by New Zealanders being seized at international borders for not having a permit, and the potential for these items to not be returned to New Zealand.

The DOC Discussion document notes that items made from taonga are often worn or carried by New Zealanders travelling overseas and that in most circumstances no permits are required to import or export Appendix I taonga for personal use into or out of New Zealand, if the taonga was acquired in New Zealand, and is not traded for commercial purposes.

We encourage DOC to:

- provide clear guidance specific to taonga made from protected species for when permits are required;
- implement all measures possible to minimise the risk of having taonga made from protected species seized at international borders when travelling;
- continue working with overseas Management Authorities to have any seized items returned.

Section 5 – Personal and Household Effects

Problem A – The definition of personal and household effects

The DOC Discussion Document notes that under the TIES Act, the PHE exemption works in the following way:

Items defined as a PHE can be exported from New Zealand, and no documentation is required by New Zealand border officials. Items defined as PHE being imported into New Zealand do not require documentation unless:

- it is listed in Schedule 1 or Schedule 2 of the TIES Act, and was acquired outside New Zealand, or
- it is in any of the Schedules and is being imported for primarily commercial reasons.

If the item being imported requires a permit due to one of the reasons above, a pre-Convention certificate or certificate of acquisition can be presented in lieu of a permit. Otherwise, all permitting requirements will apply.

It is understood that the TIES Act currently defines Personal or Household Effect (PHE) as “*any article of household or personal use or ornament*” and that the PHE exemption is not intended to enable the trade of specimens for commercial sale.

We support maintaining the stricter measures New Zealand currently has in place with regard to the import of PHE.

We do not support the current measures in place that enable items defined as PHE to be exported from New Zealand with no documentation required by New Zealand border officials. This provides a potential opportunity for any illegally acquired CITES listed specimens, or specimens imported to New Zealand specifically for non-commercial purposes, to be re-exported under the guise of personal use. See previous comments regarding the import and re-export of ivory from New Zealand and comments regarding the lack of restriction on the future sale of items specifically traded internationally for non-commercial purposes.

We recommend that the definition of Personal and Household Effect should be amended to (a) clearly apply only to items imported or exported for “non-commercial purposes,” and (b) to clearly not apply to specimens imported or exported for commercial purposes.

We submit in support of Option 2 proposed in the DOC Discussion Document such that the definition of PHE is amended to be consistent with the definition outlined in CITES Resolution 13.7, which is a specimen that is:

- personally owned or possessed for non-commercial purposes;
- legally acquired; and
- at the time of import, export or re-export either
 - a) worn or carried or included in personal baggage; or
 - b) part of a household move.

This would align with the purpose of the TIES Act and ensure that the PHE exemption is only used for moving personal items across borders rather than for other purposes, such as commercial gain.

Problem B – Large quantities of some species are being seized in circumstances where it may not be appropriate

We commend DOC on the development a Coral Demand Reduction campaign, primarily aimed at New Zealanders travelling to the Pacific Islands, that includes a “*public poster campaign in Auckland, Wellington and Christchurch, distribution of awareness pamphlets on board cruise ships, video messaging at international departure lounges and posters advising travellers of New Zealand’s permitting requirements in a selection of Pacific Island countries departure points.*”

Raising public awareness and implementing demand reduction campaigns play important roles in helping to reduce illegal trade and creating a ‘no excuses’ environment with regard to complying with the international restrictions placed on the trade in endangered species.

The DOC Discussion Document notes that 77.1% of all seizures/surrenders at the border are specimens of the species listed in Resolution 13.7, such as giant clams and crocodilian species (alligators, crocodiles, gharials, caimans), and hard corals. DOC notes that these seizures occur because the items are not accompanied by permits and that the current level of seizures has high

resource implications for border staff. DOC also note that it is difficult to tell the difference between products made from farmed crocodiles or crocodiles caught from the wild.

Table 1 in the DOC Discussion Document shows that in 2017, there were 4,690 seizures of hard corals, shells (including clams) and crocodylia products and a further 2,002 seizures of other species (1,587 of which were plants or animals used in traditional Asian medicines. It also notes that DOC considers that “*seizing these specimens, including coral, does little to further the purpose of the TIES Act and CITES. It has also been agreed by CITES that importing limited amounts of these species (excluding coral) will have minimal effects on their populations.*”

Table 3 PHE exemption application under CITES and the TIES Act

Appendix II Species	CITES	TIES Act
Hard corals	No permit required for coral that meets the requirement of PHE.	Permit required to import all coral, except most fossilised coral.
Resolution 13.7 species	No permit required when importing under the quantitative limit for PHE. Permit required if importing above the limit.	Permit required to import any number or amount of these species.
Other Appendix II species	No permit required for all other Appendix II species that meet the requirement of PHE.	Permit required to import all Appendix II species

Table 1: Percentage and instances of seizures/surrenders of hard corals, shells and crocodylia at the New Zealand border 2017

Species	Percentage of seizures/surrenders in 2017	Instances of seizure/surrender	Weight (kg)
Hard corals	45.6%	2,088	1,975
Shells (including clams)	17.9%	1,417	1,014
Crocodylia products	13.6%	1,185	N/A
Other species	22.9%	2,002*	N/A

*1587 of these were plants or animals for medicinal use (traditional Asian medicines)

It is understood that for specimens of those species listed in Resolution 13.7 the CoP has recommended that permits should be required for certain Appendix II specimens only if the quantity exceeds specified limits. Presumably this is based on the premise that the specified quantities are expected not to be detrimental to the survival of the species in the wild.

However, the number of seizures reported in New Zealand indicates a large cumulative volume of annual trade that appears to be ongoing. We would further note that each seizure may, and often does, contain multiple specimens. The potential effects of this large cumulative volume of trade on the populations of these species, currently listed on Appendix II, must be fully and carefully considered.

Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled. Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, above all that trade will not be detrimental to the survival of the species in the wild.

We submit that DOC maintain the current permitting requirements for these species (i.e. hard corals, Resolution 13.7 species and other Appendix II species) and put in place targeted demand reduction campaigns (such as the Coral Demand Reduction campaign) and ensure that appropriate enforcement tools are utilised at the border, such as Infringement Fines. Cost recovery options to assist in meeting the actual costs of monitoring and enforcement should also be thoroughly considered. It is entirely appropriate for New Zealand to continue implementing stricter domestic measures than those recommended by CITES.

Section 6: Technical issues with permits

We recommend DOC adopt measures that are consistent with CITES Resolution 12.3 which allows for permits to be replaced if the permit has been lost, stolen or cancelled.

Section 7: Cost recovery

The DOC Discussion Document notes that “*private individuals and businesses have to pay a fee to get a permit to import or export CITES specimens. There is no price differential between business and personal permitting fees.*”

We submit in support of Option 1a - Cost recovery for reviewing product inventories for private commercial importers and Option 1b - Cost recover for risk screening consignments at the border. It is considered that both measures would appropriately shift the costs from the regulator to the importer.

Section 8: Implementation and monitoring and evaluation

We encourage DOC to:

- evaluate options for cost recovery that shift the costs of implementation and monitoring appropriately to those undertaking the import and export of CITES listed specimens, particularly where the trade is for commercial purposes;
- ensure that Infringement Fines and penalties are set at levels that appropriately reflect the gravity of the infraction and enable cost recovery for the costs of enforcement where this is appropriate;
- ensure TIES Act s54 clearly allows for the Governor-General to, by Order in Council, make regulations for the purpose of regulating the domestic commercial trade of non-native species;
- establish mechanisms that would enable TIES Act Schedules to be reviewed, updated and amended without the need for a full TIES Act review process;
- establish mechanisms that would enable stricter domestic measures to be put in place without the need for a full TIES Act review process.

The DOC Discussion Document notes that “*implementing the options for regulating elephant ivory would be more resource intensive. Implementing Options 1 to 3, which regulates the domestic market, would require setting up entirely new regulatory systems, as DOC does not currently have a system for regulating and monitoring the domestic sale of non-native species. This would require more staff as well as additional IT systems to manage seller registrations and tracking of ivory items. There would also be training and outreach costs. These costs will be considered in the final proposals.*”

We encourage DOC to evaluate options that could reduce implementation, monitoring and enforcement resourcing requirements

- please see previous comments regarding ivory trade regulation including provisions for a Registered Trader System, fees, offense provisions and penalties.

Thank you once again for the opportunity to make this submission.

Fiona Gordon

9(2)(a)

the Jane Goodall Institute New Zealand, Ambassador – Wildlife Trade.
Director of Gordon Consulting.



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- ⁱ <https://www.cites.org/eng/disc/species.php>
- ⁱⁱ <https://www.unodc.org/unodc/en/data-and-analysis/wildlife.html>
- ⁱⁱⁱ CITES seizure Data supplied by Department of Conservation (2018)
- ^{iv} CITES Seizure/Surrender Data Jan 2016 - May 2018 (selected 2017 data only 9078 entries)
- ^v CITES Seizure/Surrender Data Jan 2016 - May 2018 (selected 2017 data only 9078 entries)
- ^{vi} CITES NZ Illegal Trade Report 2016 (2016 data only 8457 entries)
- ^{vii} IATA Resolution: <https://www.iata.org/pressroom/pr/Documents/resolution-agm-2016-wildlife.pdf>
- ^{viii} MOU between CITES and IATA: <https://www.iata.org/policy/environment/Documents/cites-iata-mou.pdf>
- ^{ix} Buckingham Palace Declaration Signatories (March 2018) https://www.iata.org/policy/environment/Documents/list_of_airline_uwf_bpd_signatories%20-%202018-03-14.pdf
- ^x <https://www.cites.org/eng/app/index.php>
- ^{xi} See: <http://thinkelephants.org/research/> and <https://e360.yale.edu/features/understanding-how-elephants-think-is-key-to-protecting-them> & Dr. Joshua Plotnik, Founder of Think Elephants International <http://thinkelephants.org/research/>
- ^{xii} See for example: <https://www.sheldrickwildlifetrust.org/news/wilderness/elephant-emotions-by-dr-dame-daphne-sheldrick> and <https://www.nationalgeographic.com/news/2016/08/elephants-mourning-video-animal-grief/>
- ^{xiii} <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- ^{xiv} <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>
- ^{xv} CITES Resolution Conference 10.10 <https://www.cites.org/sites/default/files/document/E-Res-10-10-R17.pdf>
- ^{xvi} CITES Conference Resolution 10.10 (clauses 3,4,5) - closure or domestic ivory markets:
- ^{xvii} CITES Conference Resolution 10.10 (clause 6) – regulation of unregulated domestic ivory markets:
- ^{xviii} CITES CoP18 Com. II Rec. 9 (Rev. 1) – p. 1 https://cites.org/sites/default/files/eng/cop/18/Com_II/SR/E-CoP18-Com-II-Rec-09-R1.pdf
- ^{xix} Letter from Minister Sage to Fiona Gordon, 21 September 2018
- ^{xx} Department of Conservation vs Patrick Cooper 2015
- ^{xxi} IUCN, The World Conservation Congress, at its session in Hawai'i, United States of America, 1-10 September 2016 Motion 007 - Closure of domestic markets for elephant ivory. <https://portals.iucn.org/congress/motion/007>
- ^{xxii} International Fund for Animal Welfare (September 2016) Under the Hammer – Are auction houses in Australia and New Zealand contributing to the demise of elephants and rhinos? <https://www.ifaw.org/australia/resource-centre/under-the-hammer> The “Under the Hammer Report” 2016 established a steady and lucrative trade in ivory exists at New Zealand auction houses; more than 60% of the items offered for sale are made entirely of ivory – statues, ornaments, tusks; less than 8% of all the ivory lots offered for sale include any reference to documentation that would verify the items age, source or import history.
- ^{xxiii} New Zealand Domestic Ivory Trade Doubles 2 October 2019 <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>
- ^{xxiv} Delay in Hong Kong's ivory ban endangers elephants and is 'legally unnecessary' (September 2018) Mongabay. <https://news.mongabay.com/2018/09/delay-in-hong-kongs-ivory-ban-endangers-elephants-and-is-legally-unnecessary/>
- ^{xxv} New Zealand auction houses say they are well within the law to sell ivory items, Shane Cowlishaw, John Anthony and Lucy Cormack, 17:53, Oct 02 2016 <https://www.stuff.co.nz/business/industries/84879228/new-zealand-auction-houses-say-they-are-well-within-the-law-to-sell-ivory-items>
- ^{xxvi} Personal communications, Fiona Gordon
- ^{xxvii} See Terms and Conditions at New Zealand Auctions houses, for example Dunbar Sloane and John Cordy Limited
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- ^{xxix} Personal communications, Fiona Gordon
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- ^{xxxiii} Comments provided to the Jane Goodall Institute New Zealand, included in this submission with permission
- ^{xxxiv} CITES seizure Data supplied by Department of Conservation (for the period 1/1/2010 – 31/12/2016)
- ^{xxv} Department of Conservation vs Patrick Cooper 2015; Department of Conservation vs Jiezhen Jiang 2013; United States of America vs Shahram Roohparvar 2016
- ^{xxvi} Department of Conservation vs Patrick Cooper 2015
- ^{xxvii} Australian Government, Media Release, 22 August 2019: <https://minister.environment.gov.au/ley/news/2019/australia-pursue-domestic-ivory-ban>
- ^{xxviii} REFERENCE: Solomon Hsiang & Nitin Sekar (June 2016) "DOES LEGALIZATION REDUCE BLACK MARKET ACTIVITY? EVIDENCE FROM A GLOBAL IVORY EXPERIMENT AND ELEPHANT POACHING DATA" Working Paper 22314. NATIONAL BUREAU OF ECONOMIC RESEARCH, 1050 Massachusetts Avenue Cambridge, MA 02138 <http://www.nber.org/papers/w22314>
- ^{xxix} Seventieth meeting of the Standing Committee Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018 CONTROLS ON DOMESTIC TRADE IN SELECTED APPENDIX I LISTED SPECIES. SC70 Inf. 18. <https://cites.org/sites/default/files/eng/com/sc/70/Inf/E-SC70-Inf-18.pdf>
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- ^{xli} Cites Resolution Conference 9.14 – Conservation of and trade in African and Asian Rhinoceroses <https://www.cites.org/eng/res/09/09-14R15.php>
- ^{xlii} International Fund for Animal Welfare (September 2016) Under the Hammer – Are auction houses in Australia and New Zealand contributing to the demise of elephants and rhinos? <https://www.ifaw.org/australia/resource-centre/under-the-hammer>
- ^{xlii} Letter from Minister Sage to Fiona Gordon, 21 September 2018
- ^{xliii} See for example: Humane Society International: [Trophy Hunting by the Numbers: The United States' Role in Global Trophy Hunting](https://www.hsi.org/news-media/trophy-hunting-q/a/) Humane Society International: <https://www.hsi.org/news-media/trophy-hunting-q/a/> Economists At Large: [The \\$200 Million Question: How Much Does Trophy Hunting Really Contribute to African Communities?](https://blogs.worldbank.org/nasikiliza/africa-can-benefit-from-nature-based-tourism-in-a-sustainable-manner) World Bank: <https://blogs.worldbank.org/nasikiliza/africa-can-benefit-from-nature-based-tourism-in-a-sustainable-manner>
- ^{xlv} https://www.parliament.nz/en/pb/petitions/document/50DBHOH_PET3203_1/petition-20110108-of-virginia-woolf
- ^{xlii} <http://www.janegoodall.org.nz/assets/Full-evidence-text.pdf>
- ^{xliii} <http://www.janegoodall.org.nz/no-domestic-trade-open-letter-to-the-new/>
- ^{xlviii} TIES Act 1989 (Reprint as at 21 December 2018)
- 54 Regulations - *The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:*
- (a) prescribing the fees to be paid in respect of any permit or certificate granted under this Act;
- (b) prescribing the recording of trade in endangered, threatened, or exploited species;
- (c) regulating the non-commercial loan, donation, and exchange between scientists and scientific institutions in New Zealand and those in other countries;
- (d) prescribing the registration of scientists and scientific institutions in New Zealand involved in such exchanges;
- (e) regulating the breeding in captivity, in the case of an animal, and the artificial propagation, in the case of a plant, of any specimen of endangered, threatened, or exploited species;
- (ea) specifying requirements with respect to taking and analysis of samples of specimens where such taking and analysis is authorised for any purpose under this Act;
- (f) prescribing offences in respect of the contravention of, or non-compliance with, any regulations made under this Act; and prescribing fines not exceeding \$2,000 in respect of any such offence;

(fa) prescribing infringement offences for the contravention of regulations made under this Act;

(fb) specifying that an infringement offence is a border infringement offence (either always, or only if committed in certain places or circumstances);

(fc) prescribing penalties for infringement offences, which,—

(i) in the case of infringement fees, must not be more than \$1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence; and

(iii) may be prescribed at different levels for the same offence based on whether the offence relates to endangered, threatened, or exploited species; and

(fd) prescribing information to be included in infringement notices and reminder notices, including any additional particulars required in an infringement notice for a border infringement offence;

(g) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

^{xlix} Trade In Endangered Species Regulations 1989: <http://www.legislation.govt.nz/regulation/public/1991/0274/1.0/DLM150363.html#DLM150375>

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Released by the Minister of Conservation

Submission on Review of the Trade In Endangered Species Act 1989 Discussion Document
September 2019.

Review of the Trade in Endangered Species Act Department of Conservation PO Box 10420
Wellington 6143 NEW ZEALAND

Thank you for the opportunity to make this submission in response to the Review of the Trade In Endangered Species Act 1989 Discussion Document, September 2019.

My submission is in support of:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and
- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

Elephant and rhinoceros are being traded into extinction by a global demand for trinkets, carvings, ornaments and jewellery. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.

New Zealand is part of this global problem. Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia.¹

A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimonos and netsukes.²

Legal domestic markets enable the laundering of illegal items under the guise of legality. New Zealand's legal domestic trade remains completely unregulated without the most basic checks and balances to verify where and when the elephant ivory or rhino horn was obtained.

New Zealand is not immune to illegal trade. Ivory is seized at New Zealand's border and there have been two New Zealand convictions for illegal trade in ivory. The convictions include evidence that illegally imported ivory passed through the New Zealand border undetected by authorities and that some of this ivory was subsequently sold on New Zealand's domestic market.

These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

The United Kingdom, China, United States, France, the Netherlands, Taiwan, Singapore, Hong Kong, Australia, Belgium and Israel have either closed or are preparing to close their domestic ivory trades.

New Zealand is an outlier from the global response to this crisis and is falling short of its international commitment as a party to CITES.

New Zealand must become part of the global solution by implementing:

- a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and

- a full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.

References:

- 1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
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These are precisely the reasons why the Convention on International Trade in Endangered Species (CITES) made an historic decision in 2016 urging all Parties to CITES to ban the domestic trade of elephant ivory where that trade contributes to poaching or illegal trade of elephant ivory.

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References:

- 1) <https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/>
- 2) <https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/>

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Scotland

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Submissions received via web portal

Submitter 1

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	
S1 Q2 Are we considering the right objectives?	World Animal Protection is very encouraged that there is a commitment to look to strengthening domestic legislation in order to strengthen the implementation of CITES. The decision made as part of the convention to protect species from threats of extinction are critical to their survival. Without strong, effective and enforceable domestic legislation to help support that, it places those protections under threat. Further, the illegal trade of wild animals globally is approximately 20 billion USD annually (Engler, M., Parry-Jones, R., (2007) Opportunity or threat: the role of the European Union in Global Wildlife Trade, TRAFFIC Europe.) We must take action to lessen the illegal trade which is increasing yearly in a connected and online world and we welcome any changes that would help.
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	The problem for elephant ivory has been fully identified and laid out in the government's document. However, we believe that what is missing is the inclusion of regulations around the domestic and import of rhinoceros horn – which are also being traded into extinction by the global demand for trinkets, carvings and jewelry. To not include and address the issues around rhino horn would only address part of the larger issue.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	"Since the 1989 ban thousands of elephant ivory carvings, ivory pieces and tusks have been legally imported into New Zealand for non-commercial purposes. CITES data shows that over 60 per cent of these imported ivory items are not noted as pre-1976 (pre-Convention), instead noted as being sourced from the 'wild' or of 'unknown' source. Most of this ivory arrives from South Africa, Zimbabwe, Botswana, and some from Mozambique or it is re-exported from Great Britain and Australia. (https://africanelephantjournal.com/new-zealand-government-assessing-need-for-ivory-trade-regulation/) A recently completed 10 month survey of just two New Zealand auction houses found over 800 ivory items for sale, more than double the number found for sale at four New Zealand auction houses during a 9 month survey reported in 2016. A large proportion of the ivory items found for sale were entirely made of ivory, including carvings, okimono and netsukes. (https://africanelephantjournal.com/new-zealand-domestic-ivory-trade-doubles/) Legal domestic markets often enable the laundering of illegal items. The current legal domestic trade, as you note, is currently unregulated without basic checks and balances to verify where and when the elephant ivory was obtained."
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	As answered earlier, we believe that many of the concerns around the exploitation and decimation of elephant populations due to the trade in ivory also exist for rhinoceros. 1 elephant is killed for its ivory every 25 minutes. 1 rhino is brutally killed for its horn every 8 hours. Less than 415,000 African elephant and 30,000 rhinoceros now remain.
S3 Q4a Do you agree with the impact analysis for these options?	Yes
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	We believe in a full ban on the domestic trade of elephant ivory and rhinoceros horn in New Zealand; and full ban on the import and export of elephant ivory and rhinoceros horn into and from New Zealand.
S3 Q7 Should any additional exemptions be considered for New Zealand?	No, we believe in a full ban
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	We don't believe there are any Treaty matters that are relevant to the trade in endangered elephant and rhinoceros ivory or other body parts, the areas of our particular interest. Issues regarding Māori travelling with taonga from endangered (stranded) whale parts seem to be adequately addressed by current regulations and advisory information links. This appears to be adequately provided for.
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	

S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	
S5 P1 Q2 Are there any other options we should be considering?	Yes
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	No
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	As you stated in your document the permitting process is the cornerstone of management and prevention of illegal trade. There is a risk at loosening the strict rules current in place. Having said that - where there appears LEGITIMATE minor errors, and that the specimens are held until cleared, then we could envision a combo proposal 1 and 2 to address the issues that exist now.
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	
S8 Q1 How should the proposals considered in this document be monitored?	The New Zealand Government must commit to proper resourcing for monitoring and enforcement to make this review and the requirements of proper protection and implementation robust.

Submitter 2

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	<p>Yes. Tusk Task Force is the wildlife conservation non-profit NGO with its global HQ in Seattle USA with Transparency Registry No. 056368329093-73 in the European Union. We have over 3,000+ stakeholders (supporters, partners, and donors) worldwide, including many in the New Zealand. Since 2014, our mission has always been to abolish all exploitation of wildlife and end the Extinction Economy worldwide. We do this by providing advocacy, intelligence, and protection to all stakeholders that defend them so that wildlife may live.</p> <p>With our expertise on the Extinction Economy, we submit this testimony for strong support to abolishing the trade of elephant ivory and other wildlife animal parts</p>

	within, to and from New Zealand. As such, we join a consortium of organizations and individuals worldwide, concerned of the global consequences of wildlife trafficking, to abolish this barbaric commerce—to mandate restrictions on the traffic of wild animals in New Zealand, as agreed by the Parties to CITES in 2016, and most recently in 17-28 August of this year, to ban the domestic trade of elephant ivory where that trade contributes to the poaching and illegal trade of elephant ivory. We urge the New Zealand Government to amend and improve the Trade in Endangered Species (TIES) Act of 1989 to meet the goal of prohibiting the trade of wildlife parts in New Zealand.
S1 Q2 Are we considering the right objectives?	Yes, but Tusk Task Force believes that the TIES Act can be strengthened and amended to be more effective in our modern times when illicit enterprises are more agile and innovative in circumventing the existing laws such as loopholes that may be taken advantage of. More stringent ways to tackle wildlife trafficking should include the use of financial investigations to combat wildlife crime and the need to disrupt the financial networks of those engaged in this crime. Ms. Cathy Haenlein (Director, Organised Crime and Policing) and Mr. Tom Keatinge (Director, Centre for Financial Crime and Security Studies) of the Royal United Services Institute (RUSI) for Defence and Security Studies in London has written a White Paper on this policy proposal which may be viewed on this link: https://rusi.org/sites/default/files/201709_rusi_follow_the_money_haenlein.keatinge.pdf
S1 Q3 Should we consider any other criteria when assessing options?	Yes, Tusk Task Force believes that the Department of Conservation may consider other criteria when assessing options in collaboration with other agencies within and outside the New Zealand Government—to improve upon the provisions of TIES while sensitive to the movement of taonga and legitimate uses of ancient ivory such as those used for education (in museums and academia) and those found in musical instruments of personal and public use.
S2 Q1 Are there any other factors that should be considered?	Yes. Again, Tusk Task Force believes that the TIES Act (implementing the CITES mandates in New Zealand) can be strengthened and amended to be more effective in our modern times when illicit enterprises are more agile and innovative in circumventing the existing laws such as loopholes that may be taken advantage of. More stringent ways to tackle wildlife trafficking should include the use of financial investigations to combat wildlife crime and the need to disrupt the financial networks of those engaged in this crime. Ms. Cathy Haenlein (Director, Organised Crime and Policing) and Mr. Tom Keatinge (Director, Centre for Financial Crime and Security Studies) of the Royal United Services Institute (RUSI) for Defence and Security Studies in London has written a White Paper on this policy proposal which may be viewed on this link: https://rusi.org/sites/default/files/201709_rusi_follow_the_money_haenlein.keatinge.pdf
S3 Q1 Have we correctly identified the problem?	Yes and No. For elephant ivory, Tusk Task Force believes that TIES Act has, on its current form, identified the problem that trafficking of ivory exists and must be curtailed. However, it does not address the issues of ivory trafficking within New Zealand and that the Department of Conservation must be more vocal against it—through policy or public awareness schemes that would definitely disincentives the practice of trafficking ivory.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	Yes, to a point with regards to ivory trafficking coming into New Zealand per the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019. Since there are no current laws against domestic ivory trading within New Zealand, we would really not know how big the problem is. Tusk Task Force believes that strengthening the TIES Act with amendments to include restrictions or prohibitions of commercial trading of ivory within New Zealand would provide data on this problem as enforcement begins to be implemented, if those laws are actually passed following this decision by the Minister of Conservation, Hon. Eugenie Sage, to propose amendments and improvements to the TIES Act for a more stringent enforcement of CITES in New Zealand.
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	Tusk Task Force believes that the illicit trade of wildlife parts is a menace to the world and exacerbates the consequences of Global Climate Change for big species or animals are important in cultivating the sustainability of flora and fauna all over the world. Therefore, we believe that “flagship” species such as the elephant, along with giraffes and the rhinoceros, must be included when amending the TIES Act. While existing trade may not exist in New Zealand now, amending and improving the TIES Act to include these and other species may anticipate in alleviating the growing trade of these species with regards to the closer proximity of New Zealand to the Asia where the black market of wildlife trafficking is at its peak—in both supply and demand. Further details of our reasonings may be found here through this link: http://www.tusktaskforce.org/why-we-serve
S3 Q4a Do you agree with the impact analysis for these options?	Yes
S3 Q4b If not, why not?	Yes, we believe in the analysis on the trade of elephant ivory by the Department of Conservation as reflected on the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019.
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	While we would push for Option 1 to ban the domestic trade of elephant ivory in New Zealand, Tusk Task Force believes that this is not realistic given the sensitivities to taonga and the use of ivory in academia, museums, and musical instruments. Pragmatically, we propose Option 2 to ban the domestic sale of elephant ivory in New Zealand with exemptions as found in many jurisdictions outside New Zealand such as those by the European Union (EU) and also by the United Kingdom (UK).
S3 Q7 Should any additional exemptions be considered for New Zealand?	Tusk Task Force urges the New Zealand Government to close the domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand subject to carefully defined separate exemptions for each category which includes: musical instruments which contain ivory, items which are of significant (artistic, cultural, and historic) value, items which contain a small percentage (<5% or “de minimis”) of ivory and where the ivory is integral to the item, and ivory between accredited museums and universities within New Zealand for educational purposes only. Overall, our proposal is to completely remove all legal and illegal commercial value on all ivory to remove all incentives in profiting from it, here and abroad.
S3 Q8a Should importing elephant ivory be banned?	Yes

S3 Q8b If so should there be exemptions. If yes write these in below.	Again, Tusk Task Force urges the New Zealand Government to close the domestic ivory markets and to ban the import and export of all raw and worked ivory items in New Zealand subject to carefully defined separate exemptions for each category which includes: musical instruments which contain ivory, items which are of significant (artistic, cultural, and historic) value, items which contain a small percentage (<5% or “de minimis”) of ivory and where the ivory is integral to the item, and ivory between accredited museums and universities within New Zealand for educational purposes only. Overall, our proposal is to completely remove all legal and illegal commercial value on all ivory to remove all incentives in profiting from it, here and abroad.
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	Tusk Task Force believes that the current enforcement policies provisioned under the TIES Act are already effective as it but may be strengthened with regards to elephant ivory being passed on as a taonga item to hide its purpose as a contra-band for future commercial sales. Evidence has been found on many jurisdictions that this has happened, especially in the United States, when elephant ivory has been labeled as “whale” or “mammoth” ivory thus creating a loophole in existing laws to curtail domestic trade of new and raw elephant ivory. The National Geographic touched upon this concern in 2016 through this link: https://www.nationalgeographic.com/news/2016/08/wildlife-woolly-mammoth-ivory-trade-legal-china-african-elephant-poaching/
S4 Q2 What changes to New Zealand’s permitting system would make it easier to move taonga across international borders?	Adding provisions to the TIES Act to identify each taonga item, as part of the enforcement action by Border Patrol NZ and by the DOC CITES Rangers, to be that of real whale as oppose to elephant or mammoth ivory would do well in regulating its movement to-and-from and within New Zealand and further prohibiting the commercial trade of elephant ivory in New Zealand.
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	Tusk Task Force believes that the TIES Act already give effect to the principles of the Treaty of Waitangi (1840) by requiring permits to import or export Appendix I taonga for personal use into or out of New Zealand, if the taonga was acquired in New Zealand, and is not traded for commercial purposes, in most circumstances. Legitimacy of this allowance may even be formalized by having a mechanism to effectively identify the true provenance of each item as authentic as to close the loophole on “fake” taonga.
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	Tusk Task Force would recommend Option 2 to change the definition of personal and household effects (PHE) to the definition in CITES Resolution 13.7 for an effective enforcement in prohibiting commercial sale of ivory and endangered-species items to and from New Zealand. We understand that this may be costly in the beginning but over time, the practice of enforcing it would diminish its costs through revenues from additional permits and fines, as allowed by future legislation to support this enforcement.
S5 P2 Q1a Do you agree with the description of the problem?	Yes
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	Yes
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	Yes. Tusk Task Force believes that allowing for unlimited importation of giant clam shells and farmed crocodylia into New Zealand as PHE will encourage the trade of these items in New Zealand but will also encourage the “looting” of beaches and coastlines for these items due to the growing market for these items. We believe that unlimited consumption of eco-parts promotes the abuse of ecology all over the world, regardless of its use. In our natural world, every part of it is interconnected and may be open for commercial abuse if such a market is to develop from it.
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	Yes
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	Both
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	Yes
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	Yes to Question 5 and the DOC may determine the precise amount on limiting its importation.

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S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	Yes, but with a serious warning or a fine imposed so not to open the practice for abuse.
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	Yes, but with a serious warning or a fine imposed so not to open the practice for abuse.
S6 Q3a Do you agree with the impact analysis of our combined option?	Yes
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	None
S7 Q1a Do you agree with this description of the problem?	Yes
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	Yes
S8 Q1 How should the proposals considered in this document be monitored?	Tusk Task Force believes in complete transparency of the process with regards to the implementation of the proposed changes in the Discussion Document, Review of the Trade in Endangered Species Act of 1989, September 2019. While we understand that bills must be considered by Parliament first to enact laws in support of these proposals, we are grateful that public submissions—from both individuals and organizations in and outside of New Zealand—are invited to address this global concern to the best ability that the New Zealand Government may do for both the world and its citizens. In short, we agree to the Discussion Document's implementation of proposed changes and monitoring and evaluation of a more stringent TIES Act. This is New Zealand's opportunity to lead its region in combating wildlife crime and wildlife trafficking.

Submitter 3

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	
S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	<p>Animal Defenders International (ADI) believes the evidence shows that the trade in ivory needs to end to protect elephant populations and to stop poaching. To help facilitate this, we urge the government of New Zealand to take immediate legislative action to “de-commercialise” ivory and tackle the illegal trade, introducing a full ban on ivory sales and imports without exemptions. This would be a combination of Options 1 and 5 as outlined in the Review of the Trade in Endangered Species Act 1989: Discussion Document. It is vital that legislation is consistent with the Department of Conservation’s policy that the TIES Act should disincentivise illegal trade.</p> <p>Restricting the ivory trade in line with other governments around the world (e.g., China, Hong Kong, United Kingdom) will reduce demand for ivory and, consequently, poaching. With illegal trade infiltrating the international market at any opportunity it is essential that no legal sales, which would provide a gap for the illicit market to move into, are permitted – particularly as the Department of Conservation notes that ivory imports are increasing, P.12. Failure to implement a full ban at the earliest opportunity risks undermining efforts to tackle the global illegal trade (11).</p> <p>Figures from Traffic show that increasing demand for ivory since 2009 has led to a rise in poaching in Africa, with an estimated 30,000 elephants killed each year during the early 2010s (2). “The Great Elephant Census, which reported in August 2016, showed that the current rate of decline in elephant numbers is 8 per cent per year, primarily due to poaching” (1). Despite a CITES international ban since 1989 on the trade in unworked ivory, the illegal ivory trade has more than doubled since 2007 (3). The most recent figures, for 2016, reveal high, unsustainable levels of elephant poaching and global ivory trafficking, with a record quantity of ivory that may have been illegally traded (4). It is clear that New Zealand and other countries must act to stop the killing.</p> <p>Reports show that, during periods when restrictions are enforced, demand for ivory reduces. For example, when the 1989 CITES worldwide trade ban was introduced, global demand fell significantly (5). Since the decision to ban ivory in China there has also been a dramatic fall in the price of ivory in Asia (6), showing</p>

	<p>the importance of a ban on reducing demand.</p> <p>Implementation of a full sales and import ban on ivory, without exemptions that would give monetary value to items, is important to reducing global demand. A recent article in New Europe notes that “The problem is that any legal trade in ivory, even if the ivory wasn’t recently obtained from illegally killed elephants, sends mixed messages to consumers, stimulating demand and undermining law enforcement efforts to address ivory trafficking. It also provides a mechanism by which illegal ivory from recently killed elephants can be laundered into trade. Studies have repeatedly exposed outlets in many countries offering legal and illegal ivory products side-by-side.”(9) The inclusion of exemptions could therefore undermine international developments, stoke global demand (6) and provide an opportunity for an illicit market when traffickers can no longer operate in other regions. In addition to legislative measures, it is also recommended that stockpiles of ivory should regularly be destroyed to reduce demand (6) as “leaks from these stocks could be a significant source of illicit trade” (10).</p> <p>References</p> <ul style="list-style-type: none"> (1) Hirst, D. (2017). Trade in Ivory: UK and International Policy and Regulation. House of Commons Library. http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7875#fullreport (2) TRAFFIC. (n.d.). Elephant conservation and the global trade in ivory. http://www.traffic.org/elephants-ivory/ (3) European Commission. (2016). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0087&from=EN (4) TRAFFIC. (2017). New analyses reveal elephant poaching and global ivory trafficking continue at high unsustainable levels in 2016. http://www.traffic.org/home/2017/10/25/new-analyses-reveal-elephant-poaching-and-global-ivory-traff.html (5) European Parliament. (2016). EU trade policy and the wildlife trade. http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578025/EXPO_STU(2016)578025_EN.pdf (6) IFAW. (n.d.). EU ivory trade kills elephants. http://www.ifaw.org/sites/default/files/eu-ivory-kills-elephants_0.pdf (7) Yu, Y., Wetzler, A., Yang, X., Tang, R., & Zhang, L. (2017). Significant and timely ivory trade restrictions in both China and the United States are critical to save elephants. <i>Conservation Letters</i>, 10(5), 596-601. http://onlinelibrary.wiley.com/doi/10.1111/conl.12279/pdf (8) IFAW. (n.d.). Ivory seizures in Europe: 2006-2015. http://www.ifaw.org/sites/default/files/ifaw_ivory_seizures_europe_proof_4.pdf (9) Hepworth, R. & Jones, M. (2017). What has the EU got to do with elephant protection? <i>New Europe</i>. https://www.neweurope.eu/article/eu-got-elephant-protection/ (10) United Nation Office on Drugs and Crime. (2016). World Wildlife Crime Report: Trafficking in Protected Species. https://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf (11) Environmental Investigation Agency. (2017). Illegal trade seizures: Elephant ivory in Europe. Mapping the crimes. https://eia-international.org/illegal-trade-seizures-elephant-ivory-europe
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	<p>While the Review of the trade in Endangered Species Action 1989: Discussion Document provides data on the legal trade in ivory and some information on seizures of illegal items, it is not possible to accurately measure the full extent of the illicit trade. The legal trade in ivory is however known to be an active cover for the illegal trade (1) with the worldwide illegal market considered to be much larger than the legal trade (2). To bring an end to the trade in newly poached ivory, the trade in all ivory needs to end.</p> <p>References</p> <ul style="list-style-type: none"> (1) EIA (2017) Illegal trade seizures: Elephant ivory in Europe. Mapping the crimes. (2) UNODC (2016). World Wildlife Crime Report: Trafficking in Protected Species.
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	<p>There is growing evidence to show that the trade in non-elephant ivory is contributing to the demand in elephant ivory. For example, concerns have been raised that the increasing trade in mammoth tusks is stimulating overall demand for ivory, as well as acting as a cover for the illegal trade in elephant ivory. Such non-elephant ivory trade also sustains the ivory carving industry, ensuring that demand continues to exist, and fuelling the poaching of ivory-bearing species. (1) These include, but are not limited to: common hippopotamus, killer whale/orca, narwhal, sperm whale, walrus, common and desert warthog, and mammoth (2) with many already hunted for their body parts. A ban on elephant ivory alone could increase the poaching of such animals; for example, narwhal have already been identified as being at risk if poaching continues (3).</p> <p>The UK Government is currently consulting on the impact of non-elephant ivory on legal and illegal trade (2), and pressure is on CITES to increase protection for non-elephant species, the trade in which can contribute to the trade in elephant ivory (4).</p>

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	<p>ADI therefore urges the New Zealand government to ban the trade in other ivory-bearing species to ensure that it does not facilitate the trafficking of illegal elephant ivory under the guise of legal non-elephant ivory or further threaten the conservation status of other species through such trade.</p> <p>References</p> <p>(1) The Telegraph. (2017). Booming trade in mammoth ivory fuels fears over elephants. https://www.telegraph.co.uk/news/2017/05/02/booming-trade-mammoth-ivory-fuels-fears-elephants/</p> <p>(2) Defra. (2019). Non-elephant ivory trade: call for evidence. https://consult.defra.gov.uk/communications/non-elephant-ivory-trade/</p> <p>(3) Independent. (2017). The other ivory trade: Narwhal, walrus and... mammoth. http://www.independent.co.uk/news/long_reads/the-other-ivory-trade-narwhal-walrus-andmammoth-a7699861.html</p> <p>(4) The Guardian. (2019). Extinct mammoths could be given protected status in bid to save elephants. https://www.theguardian.com/environment/2019/jan/10/trade-in-ivory-from-extinct-mammoths-could-be-banned</p>
S3 Q4a Do you agree with the impact analysis for these options?	No
S3 Q4b If not, why not?	While the impact analysis looks at the practical and legal implications for various options with regard to ivory trade, it fails to take into account the wider conservation issues associated with allowing continued, however limited, trade in ivory. Fuelling consumer demand, any legal trade would allow ivory products to be viewed as socially acceptable and provide a cover for the illegal market to operate, continuing to fuel poaching of elephants and further impacting on their conservation status. By implementing a full import and sales ban, New Zealand would eliminate the risk of illegal ivory imports and trade in the country. It is vital that legislation is consistent with the Department of Conservation's policy that the TIES Act should disincentivise illegal trade and failure to implement a full ban at the earliest opportunity risks undermining efforts to tackle the global illegal trade.
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	<p>ADI believes that a full ban on the trade in ivory, including both imports and sales, is required to tackle the illegal ivory trade and elephant poaching. Any exemptions would continue to give commercial value to ivory, fuelling demand and the continued poaching of elephants, and providing a means for illegally sourced ivory to be traded or brought into the country.</p> <p>It is difficult to determine whether ivory items have come from recently poached elephants (1) and there is evidence of documentation being falsified (2). With restrictions on trade in ivory being implemented around the world, it is vital to prevent illegal items infiltrating countries where bans are not in place or as strong. Failure to implement a full ban, without exemptions that would require additional resources to monitor, undermines efforts to tackle the global trade (3).</p> <p>References</p> <p>(1) Uno, K.T., Quade, J., Fisher, D.C., Wittemyer, G., Douglas-Hamilton, I., Andanje, S., Omondi, P., Litoroh, M. & Cerling, T.E., 2013. Bomb-curve radiocarbon measurement of recent biologic tissues and applications to wildlife forensics and stable isotope (paleo) ecology. <i>Proceedings of the National Academy of Sciences</i>, 110(29), 11736-11741. Article http://www.pnas.org/content/110/29/11736.abstract and supporting information http://www.pnas.org/content/110/29/11736/suppl/DCSupplemental</p> <p>(2) Pro Wildlife, et al. (2017). EU ivory trade: the need for stricter measures. Paper submitted to the European Commission, January 2017. https://www.prowildlife.de/wp-content/uploads/2017/08/EU_IvoryTradeBrief.pdf</p> <p>(3) Environmental Investigation Agency. (2017). Illegal trade seizures: Elephant ivory in Europe. Mapping the crimes. https://eia-international.org/illegal-trade-seizures-elephant-ivory-europe</p>
S3 Q7 Should any additional exemptions be considered for New Zealand?	<p>ADI does not support exemptions which allow the import or sale of ivory for the following reasons:</p> <ul style="list-style-type: none"> - Ivory must be "de-commercialised". Anyone profiting from ivory places a value on the product, contributing to demand, providing a cover for the illegal market to operate, and fuelling poaching. (1)(2) - Exemptions are difficult to police, require more resources, and leave an opening for illegal markets to operate. Documentation providing proof that the item falls within an exempted category can be faked and items tampered with, such as staining ivory with tea to make it appear older than it is. (3)(4) - Items of artistic, cultural or historic significance should not have any commercial value if they contain ivory, and should be used, loaned, gifted and bequeathed only.

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	<p>- With increasing ivory trade in New Zealand recognised by the Department of Conservation, it is vital that potential illicit trade does not increase as other countries implement bans. (5)</p> <p>References</p> <p>(1) Environmental Investigation Agency. (2017). Illegal trade seizures: Elephant ivory in Europe. Mapping the crimes. https://eia-international.org/illegal-trade-seizures-elephant-ivory-europe</p> <p>(2) Yu, Y., Wetzler, A., Yang, X., Tang, R., & Zhang, L. (2017). Significant and timely ivory trade restrictions in both China and the United States are critical to save elephants. <i>Conservation Letters</i>, 10(5), 596-601. http://onlinelibrary.wiley.com/doi/10.1111/conl.12279/pdf</p> <p>(3) IFAW. (2017). Ivory seizures in Europe: 2006-2015. http://www.ifaw.org/sites/default/files/ifaw_ivory_seizures_europe_proof_4.pdf</p> <p>(4) Independent. (2017). Ivory stained with tea to make it look older and bypass the law sold in UK, WWF says. http://www.independent.co.uk/news/uk/home-news/ivory-tea-stained-1947-law-uk-parliament-debate-a7564171.html</p> <p>(5) Environmental Investigation Agency. (2017). Illegal trade seizures: Elephant ivory in Europe. Mapping the crimes. https://eia-international.org/illegal-trade-seizures-elephant-ivory-europe</p>
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	<p>ADI believes that there should not be any exemptions to allow certain imports of elephant ivory. Where there is the opportunity to profit from ivory sales, there is a risk that documentation to prove the legitimacy of an item may be faked (1). Ivory items can also be manipulated to make them appear to be exempt, such as being passed off as antique (2). Only a full ban on import and sales can prevent the trade in illegal ivory and help protect and restore elephant populations. To help facilitate this, we urge the government of New Zealand to take immediate legislative action to “de-commercialise” ivory and tackle the illegal trade, introducing a full ban on ivory imports, as well as sales, without exemptions that would give monetary value to items, reducing global demand.</p> <p>References</p> <p>(1) IFAW. (2017). Ivory seizures in Europe: 2006-2015. http://www.ifaw.org/sites/default/files/ifaw_ivory_seizures_europe_proof_4.pdf</p> <p>(2) Independent. (2017). Ivory stained with tea to make it look older and bypass the law sold in UK, WWF says. http://www.independent.co.uk/news/uk/home-news/ivory-tea-stained-1947-law-uk-parliament-debate-a7564171.html</p>
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand’s permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	The definition of PHE should not allow the commercial trade of any wildlife items, and permits should not be granted for any commercial trade.
S5 P2 Q1a Do you agree with the description of the problem?	No
S5 P2 Q1b If not why not?	Permits should not be granted for any species that are listed on CITES Appendices where they are traded for commercial gain. In order for regulations to have an impact on species at risk or potentially at risk (Appendices I-III), their trade needs to be de-commercialised, with no option to profit from their trade. Any commercial trade Appendices I-III listed species gives them value, creating demand, incentivising poaching, and offering a route for illegal trade
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	Yes
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodilia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	

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S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	
S8 Q1 How should the proposals considered in this document be monitored?	

Submitter 4

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	
S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	Rhino horn
S3 Q4a Do you agree with the impact analysis for these options?	Yes
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	No
S3 Q7 Should any additional exemptions be considered for New Zealand?	No
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	

S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	
S5 P1 Q2 Are there any other options we should be considering?	
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	
S8 Q1 How should the proposals considered in this document be monitored?	

Submitter 5

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	No
S1 Q2 Are we considering the right objectives?	Yes
S1 Q3 Should we consider any other criteria when assessing options?	No
S2 Q1 Are there any other factors that should be considered?	No. the TIES act should reflect the objectives of CITES.
S3 Q1 Have we correctly identified the problem?	More than likely not. Depends on the motivation and who is driving the review.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	I doubt it.
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	No
S3 Q3b If so which species and why?	
S3 Q4a Do you agree with the impact analysis for these options?	No
S3 Q4b If not, why not?	Not enough information is known on how the information has been gathered
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	Yes
S3 Q7 Should any additional exemptions be considered for New Zealand?	Yes
S3 Q8a Should importing elephant ivory be banned?	No
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	

S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	When CITES authority officers misplace documents OR wildlife officers misunderstand the process.
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	Change the TIES act to reflect correct process.
S6 Q3a Do you agree with the impact analysis of our combined option?	No
S6 Q3b If not, why not?	The existing TIES act is not fit for purpose and does not reflect industry practice or processes.
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	When MPI, Customs or DOC misplace the original documents.
S7 Q1a Do you agree with this description of the problem?	No
S7 Q1b If not, why not?	There is cost recovery! MPI & Customs recover costs at the moment.
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	No
S8 Q1 How should the proposals considered in this document be monitored?	A full report on submission process and results.

Submitter 6

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	The TIES Act 1989 is focused on implementing CITES. I believe this is the correct policy to review and it's timely.
S1 Q2 Are we considering the right objectives?	Yes, elephants have been under continued extreme pressure since 2008/9 and NZ is behind several major countries in stopping the trade in ivory.
S1 Q3 Should we consider any other criteria when assessing options?	We need to play our part in stopping the slaughter of elephants, however, rhino, lion, giraffe, pangolins are also accelerating towards extinction and the enforcement of the act needs to be flexible & agile to monitor and adjudicate for these and additional wildlife.
S2 Q1 Are there any other factors that should be considered?	Not at this time
S3 Q1 Have we correctly identified the problem?	I believe you have done a very good job identifying the scope and possible solutions of the ivory problem.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	Yes & no. The known amount has been reasonably defined through the IFAW report but the regulated sale of non-native endangered species within New Zealand is not formally monitored.
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	rhino, lion, giraffe, pangolins should be included with elephant parts immediately.
S3 Q4a Do you agree with the impact analysis for these options?	Yes
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	yes, I support NZ adopting the UK's leadership in conservation.
S3 Q7 Should any additional exemptions be considered for New Zealand?	I believe a minimum approach this time is to implement the UK regulations. We need to deliver supporting CITES, CoP and non-native endangered species.
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	No
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	New Zealanders travelling with taonga made from protected species will continue to require CITES permits to enable the item to enter another country.

S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	certification and formal accreditation of taonga by the New Zealand's Scientific Authority as described on page 9
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	We are a leader in conservation in the international community. Taonga leaving NZ should be certified like any other items created with endangered species body parts and kiwis do not need to be internationally exceptional.
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	I don't believe so.
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	I am not qualified to comment on these items described. My expertise is Africas wildlife
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	I am not qualified to comment on these items described. My expertise is Africas wildlife
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	I am not qualified to comment on these items described. My expertise is Africas wildlife
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	I am not qualified to comment on these items described. My expertise is Africas wildlife
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	fair consideration by customs or DOC officials
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	I'm not qualified to respond
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	I'm not qualified to respond
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	I'm not qualified to respond
S7 Q1a Do you agree with this description of the problem?	Yes
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	Yes
S8 Q1 How should the proposals considered in this document be monitored?	feedback to the participants by email

Submitter 7

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	

S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	
S3 Q3b If so which species and why?	
S3 Q4a Do you agree with the impact analysis for these options?	
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	
S3 Q7 Should any additional exemptions be considered for New Zealand?	
S3 Q8a Should importing elephant ivory be banned?	
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	
S5 P2 Q1a Do you agree with the description of the problem?	Yes
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	Yes
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	yes as the option isn't above but quantitative (no more than 3?)per person or group/family
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	Yes
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	Both
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	Yes
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	500

S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	where genuine attempt was made by importer to comply and not in their control human data entry error, damage to cert, etc
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	where minor error is identified then this can be recorded for follow up to management authority that issues permit
S6 Q3a Do you agree with the impact analysis of our combined option?	Yes
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	Yes
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	Yes
S8 Q1 How should the proposals considered in this document be monitored?	

Submitter 8

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	No
S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	<p>Yes.</p> <p>The company I run, Dunbar Sloane Ltd, has been auctioning elephant ivory objects for the last 100 years. We are probably the largest auctioneers of ivory in the country. However, in saying that, we would auction approximately only 100 to 200 elephant ivory items per year. The total domestic public market trading in ivory I would estimate to be approximately 300 to 500 items per year (not including musical instruments). At an international level we are a tiny, insignificant market. Eugenie sage wisely stated last year that DOC has far bigger issues trying to save New Zealand's fast disappearing flora and fauna than spending precious resources trying to regulate the tiny domestic ivory market.</p> <p>If NZ wants to make a symbolic stand against elephant ivory, why not simply ban the trade in unworked elephant ivory, ie tusks and part tusks, whether mounted or not and of any age. The definition of unworked could mean where 30% or less of the tusk surface is carved.</p> <p>This is relatively unambiguous, not age specific.</p> <p>Along with the banning of all post convention importation of elephant ivory, this is a relatively straight forward, cost efficient stand.</p> <p>The domestic trade in post CITES ivory I would estimate to be approximately 15% of the total NZ market. ie. approximately 40 to 60 items per year (Not including musical instruments). The cost in trying to regulate the trade in this very small sub group would be ridiculously prohibitive when compared to the size of the market. It is also fraught with ambiguity and conjecture as to what is pre and post CITES. By banning the importation of post CITES ivory, this sub market is kept very small and insignificant. Importers would have to prove that the ivory was obtained or manufactured pre CITES, thereby removing any doubt as to age.</p>
S2 Q1 Are there any other factors that should be considered?	No
S3 Q1 Have we correctly identified the problem?	The problem with the so called "problem" is that NZs domestic market is so incredibly small that the cost of trying to regulate it far outweighs the benefit. Having sold antique ivory for the last 100 years in a very public arena, I have never had one objection from any NZer. This is quite remarkable.

	The collectors of worked ivory purchase it because it has been sculptured into a work of art, not because they want to own a piece of an elephant. The fact is, the older and more intricately carved, the higher the price. There is virtually no demand for post convention ivory, which tends to be crudely carved and fresh looking.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	My estimate based on what we sell and the other auction houses, combined with the steadily declining number of antique shops, would be 400 to 600 pieces total per year. (Not including musical instruments). I would estimate the average price now to be \$200 to 300 per item. therefore total market value \$80,000 to \$180,000.
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	No
S3 Q3b If so which species and why?	
S3 Q4a Do you agree with the impact analysis for these options?	No
S3 Q4b If not, why not?	<p>Option 1. A total ban on the domestic ivory market will only drive the market underground where it will be virtually impossible to regulate. Collectors of antique ivory are not going to simply destroy their collections. Also, I believe that this will have no impact whatsoever on poachers supplying the Asian market.</p> <p>Option 2. The UK model is far too cumbersome for the tiny New Zealand domestic market. It is open to all sorts of interpretation as to what is rare and significant - who will decide? At what cost to regulate 500 odd items a year?</p> <p>Option 3. A registration system is pointless. We currently administer the registration system for our sales of Maori taonga, but this is to prevent the export of such items. Approximately 95% of Maori artefacts are registered now with provenance unknown. I would assume this would be a similar situation with ivory as most pieces come through the disposal of estates. What happens when the provenance is unknown?</p> <p>It seems to be a pointless system in bureaucracy that will achieve nothing.</p> <p>Option 4. Yes, ban the importation of post convention ivory. Place the burden of proof on the importer.</p>
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	No
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	Please see section 1, question 3 for the most cost effective solution.
S3 Q7 Should any additional exemptions be considered for New Zealand?	
S3 Q8a Should importing elephant ivory be banned?	No
S3 Q8b If so should there be exemptions. If yes write these in below.	All pre convention worked ivory should be allowed . Burden of proof falling on the importer.
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	
S5 P1 Q2 Are there any other options we should be considering?	
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	

S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	
S8 Q1 How should the proposals considered in this document be monitored?	

Submitter 9

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	
S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	
S3 Q3b If so which species and why?	
S3 Q4a Do you agree with the impact analysis for these options?	
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	
S3 Q7 Should any additional exemptions be considered for New Zealand?	

S3 Q8a Should importing elephant ivory be banned?	
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	
S5 P1 Q2 Are there any other options we should be considering?	
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	
S8 Q1 How should the proposals considered in this document be monitored?	

Released by the Minister of Conservation

Submitter 10

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	
S1 Q2 Are we considering the right objectives?	
S1 Q3 Should we consider any other criteria when assessing options?	
S2 Q1 Are there any other factors that should be considered?	
S3 Q1 Have we correctly identified the problem?	
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	All species. Stop the use of other sentient beings for material objects
S3 Q4a Do you agree with the impact analysis for these options?	
S3 Q4b If not, why not?	
S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	No exemptions, as these items still promote the trade of ivory
S3 Q7 Should any additional exemptions be considered for New Zealand?	
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	Have to have a government agency certificate specifying it's exemption
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	Ban all trade/importation of PHE of things from any animal product.
S5 P2 Q1a Do you agree with the description of the problem?	
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	No
S5 P2 Q2b If not, why not?	No, make it easy for people to not value or want coral at all. Allowing some makes people thinks it's OK.
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	No, a total ban is what is required to get the message to people that they should not be collecting these types of things
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	No
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	

S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	Yes
S6 Q1b If so under what circumstances?	Completely out of their control
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	Strict
S6 Q3a Do you agree with the impact analysis of our combined option?	
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	
S7 Q1a Do you agree with this description of the problem?	
S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	Yes
S8 Q1 How should the proposals considered in this document be monitored?	

Submitter 11

Question	Answer
S1 Q1 Should DOC be considering any other policy areas for review?	The number of animals endangered and facing extinctions as a result of habitat encroachment by growing population and global warming are increasing. Severe penalties and custodial sentences for those caught illegally trading, smuggling of ban products of endangered species is a start.
S1 Q2 Are we considering the right objectives?	Include Rhino horn and Mammoth tusks under same policy
S1 Q3 Should we consider any other criteria when assessing options?	Severe penalties and custodial sentences for those caught illegally trading, smuggling of ban products of endangered species is a start.
S2 Q1 Are there any other factors that should be considered?	Submissions alleged a sophisticated market involving forged documents, false declarations and antique dealers who instruct buyers to hide illicit objects in their luggage or declare it as plastic. Other objects are blatantly traded in online marketplaces. offenders modify the appearance of horns, tusks and trinkets to make them appear aged.
S3 Q1 Have we correctly identified the problem?	Examine and stop online traders, auction houses and antique dealers in NZ, trading in a lucrative illegal domestic market for ivory and rhinoceros horn. Sellers are presently not legally required to provide evidence at the point of sale demonstrating the lawfulness, provenance or age of items containing elephant ivory or rhinoceros horn, meaning newer items can easily be passed off as antique.
S3 Q2 Has the size of the domestic elephant ivory market been correctly described?	Yes
S3 Q3a Should New Zealand ban the domestic trade of any other species in possible regulation?	Yes
S3 Q3b If so which species and why?	Rhino horn Mammoth tusks To close the domestic trade of elephant ivory and rhino horn. Ban the cross-border sale of some endangered animal and plant species bringing NZ in line with Britain, the United States, China, Hong Kong, France and Taiwan.
S3 Q4a Do you agree with the impact analysis for these options?	Yes
S3 Q4b If not, why not?	

S3 Q5 Should New Zealand ban the sale of elephant ivory on the domestic market?	Yes
S3 Q6 If it is banned should there be any exemptions for example like the UK exemptions?	Total ban, no exemptions
S3 Q7 Should any additional exemptions be considered for New Zealand?	
S3 Q8a Should importing elephant ivory be banned?	Yes
S3 Q8b If so should there be exemptions. If yes write these in below.	
S4 Q1 In what other ways can DOC support New Zealanders and in particular Māori to minimise the risk of having taonga made from protected species seized at international borders when travelling?	Provide certification of exemption for cultural practices
S4 Q2 What changes to New Zealand's permitting system would make it easier to move taonga across international borders?	Exemptions for use in museums and cultural institutions or antique musical instruments
S4 Q3 How could the TIES Act give effect to the principles of the Treaty of Waitangi?	NZ is at the forefront of protecting whales. Indigenous people must be able to practice their ways of caring or using particular species within their own belief systems, while understanding western logic and legal systems, in order to work together efficiently.
S5 P1 Q1 Should the definition of PHE change to mean a trade cannot qualify for a PHE exemption if it is for commercial purposes and/or is not part of personal or household effects?	Yes
S5 P1 Q2 Are there any other options we should be considering?	antique musical instruments
S5 P2 Q1a Do you agree with the description of the problem?	No
S5 P2 Q1b If not why not?	
S5 P2 Q2a Do you think allowing a limited number or amount of worn eroded beached washed hard corals qualifying for exemption would facilitate the taking of coral from coral reefs?	Yes
S5 P2 Q2b If not, why not?	
S5 P2 Q3a Should there be quantitative exemptions from permitting for importing giant clam shells and farmed crocodylia into New Zealand as PHE	
S5 P2 Q3b If not, why not?	
S5 P2 Q4a Should coral that are personal or household effects be exempt from permitting with limits?	No
S5 P2 Q4b Should this exemption include coral fragments worn eroded beach washed hard coral or both?	Both
S5 P2 Q5 Should personal and household exemptions be considered for the other species listed in by Resolution 13.7?	No
S5 P2 Q6 What is a reasonable weight limit for worn eroded beach washed hard coral?. Answer in grams	0
S5 P2 Q7 Are there any other options that should be considered?	
S6 Q1a Should people with minor errors on their permits or permits not presented at the right time due to unforeseen circumstances have their items returned to them?	No
S6 Q1b If so under what circumstances?	
S6 Q2 Should there be a way to address permits with minor issues, or should DOC take a strict approach?	Strict approach. TOTAL BAN
S6 Q3a Do you agree with the impact analysis of our combined option?	Yes
S6 Q3b If not, why not?	
S6 Q4 Are there any other situations where minor errors on permits should be accepted?	No
S7 Q1a Do you agree with this description of the problem?	Yes

S7 Q1b If not, why not?	
S7 Q2 Should DOC cost-recover for services provided to commercial users and commercial consignment inspections?	Yes
S8 Q1 How should the proposals considered in this document be monitored?	MPI - Biosecurity Investigators

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