



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

葛珮帆立法會議員辦事處
Legislative Council Office of the Hon. Elizabeth QUAT



8th December, 2017

Mr. Karmenu Vella
Commissioner for Environment, Maritime Affairs and Fisheries
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Dear Mr Vella,

Re: Banning Pre-Convention Ivory Exports from Europe to Hong Kong

I understand that the European Commission is currently considering its approach to ivory trade in and from the European Union and that it has launched a public consultation gathering information and views on this topic.

I am writing to you as a member of Hong Kong's Legislative Council and would like to request you to consider my comments as part of the above mentioned consultation.

As I am sure you are aware, Africa's elephants are in deep crisis. Recent reports show that poaching for the ivory trade has severely decimated elephant populations and that illegal ivory trade continues to thrive in many parts of the world. It is increasingly acknowledged that the continued legal trade in ivory, whether domestic or international, threatens the very existence of African and Asian elephants in the wild. Legal domestic markets do not only fuel demand, they also enable illegal trade by serving as a cover for illegal ivory.

For this reason the Hong Kong Special Administrative Region government has proposed an amendment Bill to largely ban its domestic ivory trade by 2021 and this Bill is currently being discussed in the Hong Kong Legislative Council (LegCo). What is becoming clearer from the discussions in LegCo is that the Hong Kong ivory traders have been using the legal ivory trade as a front for illegal activities. Their credit, the Hong Kong government has recognized this problem and are acting to fix it, for which I applaud them. Once passed, the proposed law will ban the domestic sale of ivory by 31 December 2021 and ban the import and re-export of pre-Convention ivory three months after commencement of the amended legislation. This will greatly facilitate enforcement actions by Hong Kong's wildlife and customs enforcement agencies as they will no longer need to ascertain whether the ivory belongs to the pre-Convention or post-Convention categories. A clear message will be sent to the international and local communities that Hong Kong is committed to the conservation of elephants.

The Pre-Convention ivory loophole in Hong Kong must be closed as soon as possible because it has been revealed that old 1970's CITES paperwork is being assigned and re-assigned, time and again, to the ivory tusks of elephants poached since the 1989 global ivory ban. Such illegal activity is rife in the Hong Kong ivory trade. Further, some Hong Kong ivory traders are alleging that new ivory illegally obtained from freshly killed elephants is being mixed with bona fide Pre-convention ivory at source – that means in the European Union. In particular, Germany and Portugal have been highlighted as two problem EU states for pre-Convention ivory.

Most of the ivory imported to Hong Kong with permits in recent years originated in European Union Member States. I understand the European Commission has recently issued a recommendation suspending the export of ivory tusks and other unworked ivory. However, export of worked ivory and the sale of raw and worked ivory within the EU are obviously continuing – an approach that seems to lack consistency.

I am deeply concerned that the continued sale and export of ivory from the EU – whether worked or unworked – may undermine other countries' and regions' efforts to reduce trafficking and demand.



There is evidence that in Hong Kong, ivory imported from the EU ended up in the same markets and with some of the same traders that are selling illegal ivory. It is also worth noting, that the Hong Kong authorities have seized some ivory shipments originating in EU Member States.

According to the Hong Kong government¹, “[...] *the Agriculture, Fisheries and Conservation Department (AFCD) inspected, over the last decade, a total of some 5 500 pre-Convention certificates for import shipments covering about 13 tonnes and 20 000 pieces of pre-Convention ivory. Irregularities regarding 92 (1.7%) certificates involving around 1 tonne and 42 pieces of ivory were uncovered, and the exporting countries concerned were the United Kingdom (UK), Belgium, Portugal, France, Germany, Austria, Italy, the United States, Spain, Switzerland and Canada. The irregularities uncovered included expiry of the certificates; errors or omissions of information (e.g. acquisition date, export endorsement after inspection, endorsement date, the CITES Appendix and the quantity of ivory); discrepancies in ivory details (e.g. the measurements, description or marking number); and the missing or loss of original certificate copies. [...] Though few pre-Convention certificates were found to be invalid, the existing ivory retail market in Hong Kong might provide a front for possible laundering of illegal ivory. Therefore, we have proposed in the Bill to ban the import and re-export of pre-Convention ivory three months after commencement of the amended legislation. This will greatly facilitate LC Paper No. CB(1)288/17-18(02) -2- enforcement actions by enforcement agencies as they no longer need to ascertain whether the ivory belongs to the pre-Convention or post-Convention categories. A clear message will also be sent to the international and local communities that Hong Kong is committed to the conservation of elephants.*”

As highlighted above, it is clear that during the ongoing discussions of the Hong Kong Legislative Council, irregularities were highlighted with regard to CITES permits issued in the EU - the major exporter of legal ivory to Hong Kong. Moreover, comparison of the trade records for ivory in the Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES) trade database, reveals inconsistencies between the number of permits issued by the exporting countries and Hong Kong as importer.

Finally, it is worth noting that estimates by many law enforcement experts relating to the scale of the global illegal wildlife trade suggest that most governments only intercept approximately 10% of all illegal wildlife trade shipments entering their jurisdictions. Since 2003, Hong Kong has intercepted around 40 tonnes of illegal ivory, which would mean that around a massive 360 tonnes of ivory has entered the Hong Kong SAR illegally.

As I am sure you are aware, an increasing number of motions and resolutions adopted by the international community call for a closure of domestic ivory markets. Failure on the part of key players such as the EU to close its domestic ivory market could potentially undermine progress on this important issue. Some governments with significant domestic ivory markets might use it as an excuse for their own lack of action.

In conclusion, I would kindly like to urge the EU to end the export, import and domestic sale of ivory.

Yours sincerely,

Dr Hon. Elizabeth Quat, Hong Kong Legislative Councillor

1 <https://www.legco.gov.hk/yr16-17/english/bc/bc06/papers/bc0620171129cb1-288-2-e.pdf>