

**URGENT**

**TRANSMITTED BY EMAIL**

Date: 24 August 2021

Your ref:

**TO: The CITES Secretariat**

ATT: Thomas De Meulenaer  
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CITES Secrétariat

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**AND TO: Chair of CITES Standing Committee**

ATT: Carolina Caceres

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**AND TO: Chair of CITES Animals Committee**

ATT: Mathias Lörtscher

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**AND TO: Legal Officer, Legal Affairs and Compliance, CITES Secretariat**

ATT: Sofie H. Flensburg -

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FROM: Sarah Kvalsvig sarah@greencounsel.co.za

Total pages: 5 Our ref: SDK/E040-009

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Dear CITES officials

**REQUEST FOR URGENT INTERVENTION BY THE CITES SECRETARIAT TO STOP THE IMMINENT CAPTURE OF YOUNG ELEPHANTS IN ZIMBABWE FOR EXPORT TO CAPTIVE FACILITIES**

**Introduction and background**

1. We act for the Pro Elephant Network (PREN), an international community of diverse individuals and organizations, comprising specific expertise on wild and captive African and Asian elephants, including in the fields of science, health, conservation, welfare, economics, community leadership, social justice and the law.
2. We are instructed that during July 2021 PREN was reliably informed about the imminent capture by Zimbabwe authorities of live young elephants for export from Zimbabwe to captive locations overseas, most likely China. There are also allegations that the elephants would be sent through an African range state before proceeding towards a final destination overseas.
3. PREN therefore wrote a [letter](#) to CITES and the Zimbabwean and Chinese governments on the 10th July 2021 detailing its concerns.
4. In his reply to the letter on 30th of July 2021 Thomas De Meulenaer, Chief of the Science Unit of the CITES Secretariat stated that the CITES Management Authority of Zimbabwe in its response to the Secretariat, “firmly refutes the allegations brought forward by Pro Elephant Network. Zimbabwe states it is not considering the export of live African elephants to Nigeria or any such exports anytime soon”.
5. While our client is grateful for the actions taken by Mr Meulenaer to date, the purpose of this letter is to highlight that:
  - 5.1. we are instructed that our client is continuing to receive new intelligence that another wild elephant capture is being planned;
  - 5.2. capture and export of wild elephants has long-term adverse effects on the elephants welfare;
  - 5.3. the export of live elephants from Zimbabwe is only permitted to appropriate and acceptable destinations which the Parties have agreed are “in-situ conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa”, except in exceptional and limited circumstances;
  - 5.4. it is our client’s experience that live elephant exports from Zimbabwe have taken place regularly since 2012 in the face of ongoing denials from Zimbabwe’s CITES Management Authority that this is happening; and
  - 5.5. that therefore no purpose would be served by engaging with the Zimbabwean authorities as suggested in Mr Meulenaer’s letter.
6. Accordingly, our clients strongly believe that a precautionary approach requires CITES to make its own investigation and, in the meanwhile to take urgent measures to prevent the wild elephant capture from taking place.

### Continued intelligence regarding imminent capture

7. Despite [assurances made by the spokesperson](#) for Zimbabwe Parks and Wildlife Management Authority, on the 4th of August 2021, that PREN's concerns were "speculative" and "baseless" and that Zimbabwe is not considering any live African elephant exports our instructions are that PREN has continued to receive reliable intelligence that its concerns are legitimate. The intelligence indicates that arrangements to capture the elephants are underway and that there are Chinese citizens on the ground making the necessary arrangements with the help of infrastructure and logistics from another Southern African country.

### Legal framework

8. We are sure it is unnecessary to remind you that Zimbabwe may only export live elephants in compliance with the provisions of CITES, including applicable Resolutions. This limits exports to *appropriate and acceptable* destinations, the latter term having a having been defined as *"in situ conservation programmes or secure areas in the wild within the species' natural and historical range in Africa"*.
9. Our client also wishes to draw your attention to the terms of the CITES Standing Committee [Memorandum of Understanding](#) with the Executive Director of the United Nations Environment Programme (UNEP) and the UNEP [Delegation of Authority](#) Policy and Framework for the management and administration of Multilateral Environmental Agreement Secretariats.

### Zimbabwe's history of non-compliance with CITES

10. Our instructions are that baby elephants were exported from Zimbabwe in 2012, despite denials from both the Zimbabwe and Chinese governments. These images were taken at the Taiyuan zoo in China. Image Credit: Change for Animal Foundation Published in National Geographic.
11. Mr De Meulenaer recommended that PREN handover the information and intelligence our client receives to the Zimbabwe Authorities. We suggest that the CITES Secretariat needs to take note of [developments and concerns about Zimbabwe's compliance with its international human rights obligations under the administration of President Emmerson Mnangagwa](#) and [State violence against government critics](#).
12. Our client's strongly held view is that, based on [similar patterns](#) of denial and secrecy by the responsible authorities in Zimbabwe and the Zimbabwean government, in [2012, 2015, 2016, 2017 and 2019](#) and from the [Zimbabwean embassy in China](#) – which all proved to be false – and assurances from the new Zimbabwe administration in 2018 that it had [turned over a new leaf](#) - the CITES Secretariat and the Parties to CITES have sufficient cause to propose urgent remedial action so as to ensure that no export or import permits are issued until an urgent, transparent and independent investigation has been undertaken. Our client would be happy to work with such an investigation.

13. Our client's view is that the Zimbabwean conservation system was conceived during the period of colonialism and reflects the authoritarian norms of those eras, which victimized humans and other animals. Zimbabwe is also [well known](#) for its stance on the [commercial exploitation of wildlife](#). Despite the country's utilitarian views regarding animals, it is nevertheless, unconscionable that the practice of abducting elephant calves from their families is still permitted. Removing young elephants will certainly not address the wider issue of Zimbabwe's financial or wider governance and corruption problems.
14. Considering the continuing high profile international focus on elephants, and the wealth of scientific data pointing to the extreme sociality and intelligence of elephants, it is also astounding that any government would allow the capture of these calves. Our instructions are that between 2012 and 2019 Zimbabwe has exported [more than 140](#) juvenile elephants aged from under two years to seven years, all destined for captivity in China.

#### **Capture process is traumatic and has long term effects on elephant welfare**

15. For the reasons set out in the paragraphs following our instructions are that the capture process is traumatic and has adverse effects on the elephants involved, throughout their lives. The capture process involves the abduction of elephant calves from their families in an operation lasting many hours and involving a helicopter, guns and electric prods to separate youngsters from their mothers and families. Based on well-documented scientific knowledge of elephants, their social and emotional complexity and cognitive abilities, this undoubtedly causes immense trauma to the elephants and their families and is unquestionably cruel. Our client's experts confirm that elephants are renowned for their memories, intelligence, and sociality. Similar to humans, these traits also make them particularly vulnerable to stress and trauma and their long-term consequences (Bradshaw et al., 2005).
16. Years of scientific studies and observations of elephants show that calves who are orphaned become listless and depressed. Separating young elephants from their mothers and all other family members can cause lasting trauma (Slotow et al., 2000; Bradshaw et al., 2005; Lee & Moss, 2006). Data shows that orphaned elephants have higher risk of mortality throughout life - some form of physiological or psychological vulnerability results even when orphaned calves remain in their close families (Lee & Moss, 2006).
17. Young elephants learn normal behaviour in a social context (Lee, 1986, Lee & Moss, 1999). If removed from a context where they have an older, experienced individual (or a teacher), they are likely to engage in inappropriate responses to their physical environment, to take foraging risks, or possibly even to starve (Lee, 1987). In addition, the trauma of social loss may be even more significant. Young elephants rely on their social companions to learn appropriate behavioural responses to others (Lee & Moss 1999).

They are in continual olfactory and vocal contact with mothers and others and remain within two meters of their mothers or another caretaker for most of the first five years of their life (Lee, 1986). They follow their mothers' social responses and learn who are their relatives and friends, and who represents potential threats. In the complex social world of an elephant, the presence of older family members ensures normal friendly social behaviour and reduced levels of aggression. It allows for observation of sexual behaviour between adults, and the practice of appropriate actions during play - a non-threatening context for learning about size, strength and the level of physical contact that is appropriate (Lee, 1986; 1991). Contact with other infants during play or care taking provides vital

experience in rearing calves, essential to subsequent reproduction and non-abusive care taking of infants (Lee, 1987, 1989).

18. These complex biological and emotional responses of calves (and their mothers) to separation have evolved for a reason. Every elephant calf is biologically extremely important to its mother because she must invest so much time, energy and effort in producing and rearing a calf to adulthood: 22 months of gestation, four years of lactation, at least 12 years of rearing and protection. As a consequence, elephants have evolved extraordinarily developed behaviours of caring and bonding with their calves (Lee & Moss, 1986). If a calf is to survive to adulthood it too must form intense close bonds with its mother and other family members. These bonds involve extreme emotional attachment, which if broken cause individuals extreme suffering (Moss, 2000; Poole, 2000).

### **Urgent Request**

19. In the light of the above considerations, we are instructed to request that the CITES Secretariat, the Standing Committee and the Animals Committee, takes urgent measures to ensure that:
- 19.1. no capture of live elephants in Zimbabwe takes place; and
  - 19.2. no export or import permits are issued until an urgent, transparent, independent, inclusive and comprehensive investigation has been undertaken by the Standing and Animals Committees.

Kindly acknowledge receipt of this letter.

We look forward to hearing from you as soon as possible.

Yours sincerely



**CULLINAN & ASSOCIATES INC.**

per: SD Kvalsvig