COUNTRY OF UNITED STATES)
)
PROVINCE OF DISTRICT OF COLUMBIA) ss :
)
MUNICIPALITY OF WASHINGTON)

Affidavit of Joyce Poole

Joyce Poole being duly sworn, deposes and says:

Introduction and Qualifications

1. My name is Joyce Poole. I graduated with a Bachelors of Art with High Honors in Biological Sciences from Smith College in 1979. I received my PhD from the University of Cambridge in 1982 from the Sub-Department for Animal Behaviour, under the supervision of Professor Robert Hinde. I completed a Postdoctoral Research Fellowship from 1984-1988 at Princeton University under the guidance of Professor Daniel Rubenstein. I reside and work in Sandefjord, Norway, and in Il Masin, Kajiado County, Kenya. I run elephant behavior and conservation projects in Maasai Mara ecosystem, Kenya, and in Gorongosa National Park, Mozambique

2. I submit this affidavit in support of The Nonhuman Rights Project, Inc. (NhRP). I have personal knowledge of the facts to which I attest, and am not a party to this proceeding.

3. I have studied wild elephants in Africa and worked toward their conservation and welfare for more than 40 years. My research interests are focused on social and reproductive behavior, acoustic and gestural communication, cognitive science, decision-making, and conservation. I am currently Co-Director of ElephantVoices, a California 501(c)(3) non-profit organization I co-founded in 2002, which aims to inspire wonder in the intelligence, complexity and voices of elephants, and to secure a kinder future for them. We advance the study of elephant cognition, communication and social behavior, and promote the scientifically sound and ethical management and care of elephants through research, conservation, advocacy, and the sharing of knowledge. Specifically, I direct the research, conservation, and welfare work for ElephantVoices.

4. In addition to co-directing ElephantVoices, I have worked and conducted research for a number of organizations, including: (1) as the Research Director of the Amboseli Elephant Research Project from 2002-2007, for the Amboseli Trust for

Elephants, where I oversaw the elephant monitoring, collaborative research projects, and training programs for the then 3 decades-long study of elephants; (2) as a scientific advisor for Discovery in July, 1996 and July, 1997, for the IMAX production *Africa's Elephant Kingdom*; (3) as a Consultant for Richard Leakey & Associates from 1994-1997 performing training, lecturing, and advising for wildlife documentaries; (4) as an Author from 1994-1995 for *Coming of Age with Elephants* (Hyperion Press, 1996; Hodder & Stoughton, 1996); (5) as a Coordinator of the Elephant Program for the Kenya Wildlife Service from 1991-1994, setting and implementing Kenya's elephant conservation and management policy, supervising management-oriented research, reconciling land use and other conflicts between elephants and people, and building local expertise; (6) as a Consultant for the World Bank, from 1990-1991, developing Pre-Project Facility by drafting the Elephant Conservation and Management Policy and Research Policy Framework and Investment Program for the Kenya Wildlife Service; (7) as a Consultant for the International Union for the Conservation of Nature, in 1990, compiling an overview of elephant conservation in Eastern Africa for the Paris Donors Conference; (8) as a Consultant for the Tanzanian Wildlife Department in 1989, drafting a successful proposal to the Convention on Trade in Endangered Species to up list the African elephant to Appendix I of the Convention; (9) as a Consultant to the World Wildlife Fund in 1989, engaging in discussions with Japanese and Chinese government officials and ivory carvers regarding detrimental impacts of the ivory trade on elephant survival; (10) as a Researcher for the African Wildlife Foundation in 1989, assembling data on effects of poaching on East African elephant populations; and (11) as a Researcher for the Amboseli Elephant Research Project from 1975-1980.

5. I have conducted field work as part of my scientific research in multiple sites in multiple countries over my career, including: (1) elephant monitoring, conservation and research as part of the Gorongosa Restoration Project in Mozambique, ongoing since 2011; (2) elephant monitoring and conservation project in the Maasai Mara ecosystem in Kenya, ongoing since 2010; (3) the initiation of Asian elephant monitoring and conservation in the Minneriya-Kaudulla National Parks in Sri Lanka in 2008; (4) the study of elephant communication, cognition, and social behavior, conducting playback experiments, and recording elephant vocalizations and behavior in the Amboseli National Park in Kenya, 1998-2009; (5) recording elephant

vocalizations and behavior in Maasai Mara National Park, Tsavo National Park, and Laikipia District in Kenya in 1998; (6) assessing the numbers and habitat use of elephants in West Kilimanjaro, Tanzania in 1997; (7) overseeing numerous elephant surveys and studies of elephants carried out under my direction by the Kenya Wildlife Service Elephant Program in Kenya from 1990-1994; (8) studying elephant vocal and olfactory communication via vocal, visual, and chemical signaling and assessment between musth males in Amboseli National Park, Kenya from 1984-1990; studying the contextual use of very low frequency calls by elephants (9) assessing the effects of poaching on the age structure and social and reproductive patterns of elephant populations in Amboseli, Tsavo, Queen Elizabeth, and Mikumi National Parks in Kenya, Uganda, and Tanzania in 1989; (10) Focal animal sampling musth and male-male competition among elephants in Amboseli National Park, Kenya from 1980-1982; and (11) participating in Cynthia Moss' long-term studies of elephants in Amboseli National Park, Kenya from 1975-1979.

6. Over the course of my career, I have received several awards and honors related to my research, including; (1) an Outstanding Lifetime Achievement Award from the Jackson Hole Wildlife Film Festival in 2015; (2) a Certificate of Recognition from the California State Legislature and Assembly in 2007, for "tireless efforts in educating people on elephant captivity"; (3) the Smith College Medal in 1996 for elephant research and conservation work "exemplifying the true purpose of a liberal arts education"; (4) an F32 National Research Service Award (NRSA) Individual Postdoctoral Fellowship from the National Institute of Mental Health from 1985-1988; (5) a Research Fellowship from the Harry Frank Guggenheim Foundation in 1984; (6) a Research Fellowship from the New York Zoological Society from 1980-1981; (7) a Graduate Study Fellowship from Smith College in 1981; (8) the Sarah. W. Wilder and Sarah W. Whipple Fellowship from 1979-1980; (9) Sigma Xi from 1979-1980; and (10) the A. Brazier Howell Award in 1979 for my paper on *musth* in African elephants, presented at the 1979 American Society of Mammalogists meetings.

7. I am affiliated with a number of professional organizations and hold several board and advisory memberships, including: (1) member of the Board for the Global Sanctuary for Elephants, from 2014-present; (2) member of the Advisory Board for the Kimmela Center for Animal Advocacy, from 2013-present; (3) member of the

Scientific Advisory Board for Elephant Aid International, from 2010-present; (4) member of the Alliance for Captive Elephants, in 2010; (5) member of the Board of Directors for ElephantVoices, from 2008-present; (6) member of Ethologists for the Ethical Treatment of Animals, from 2002-present; (7) member of the Scientific Advisory Committee for the Amboseli Elephant Research Project, from 2002-present; (8) member of the Science Advisory Board for the Captive Elephant Management Coalition, from 1988-2001; (9) member of the Panel of Experts for the Species Survival Network, in 2004; (10) Trustee for the Amboseli Trust for Elephants, from 2002-2011; and (11) member of the African Elephant Specialist Group, as part of the Species Survival Commission for the IUCN, from 1988-2001.

8. I have written two books concerning my work with elephants, including: (1) *Elephants* (1997, Colin Baxter Photography, Grantown-on-Spey, Scotland), and (2) *Coming of Age with Elephants* (1996, Hyperion Press, New York; 1996, Hodder & Stoughton, London).

9. I have published 28 peer-reviewed scientific articles over my career. These articles have been published in many of the world's premier scientific journals, including: *Nature, Science, Frontiers in Zoology, Biology Letters, Proceedings of the Royal Society B, Immunogenetics, PLoS ONE, The Ecologist, Animal Behaviour, Oryx, Behavioral Ecology and Sociobiology, Behavior, Journal of Reproduction and Fertility, Molecular Ecology, Journal of Consciousness Studies, Current Biology, Journal of the Acoustical Society of America, Etica and Animali,* and *Conservation Biology*. Specific topics of these publications include: Persistence of effects of social disruption in elephants decades after culling, Persistence of early life experiences 40 decades later on survival and success among African elephants, Poaching and wildlife conservation, Leadership in elephants: the adaptive value of age, Elephants, ivory, and trade, Simulated oestrus behavior in African elephants, Major histocompatibility complex variation and evolution in two genera of elephants, Fine-scaled population genetic structure in a fission-fusion society, Do elephants show empathy?, Elephant cognition, Behavioural inbreeding avoidance in wild African elephants, African elephants have expectations about locations of out-of-sight family members, Elephants can classify human ethnic groups by odour and garment colour, Age, musth, and paternity success in wild male African elephants, Wild African elephants discriminate between familiar and unfamiliar conspecific seismic alarm calls, Social

trauma early in life can affect physiology, behavior, and culture of animals and humans over generations, Elephants are capable of vocal learning, Older bull elephants control young males, African elephants assess acoustic signals, The Aggressive state of musth in African elephants, Mate guarding, reproductive success, and female choice in African elephants, Rutting behavior in African elephants, and Musth in the African elephant. Additionally, my research has been published in six non-peer reviewed publications.

10. My scientific work has also been published as chapters in several peer-refereed books, including *Mammals of Africa* (2013, Academic Press), *The Amboseli Elephants: A Long-Term Perspective on a Long-Lived Mammal* (2011, University of Chicago Press), *An Elephant in the Room: The Science and Well Being of Elephants in Captivity* (2008, Tufts University Cummings School of Veterinary Medicine's Center for Animals and Public Policy), *Elephants and Ethics: Toward a morality of Co-existence* (2003, Johns Hopkins University Press), *Behavioral Ecology and Conservation Biology* (1998, Oxford University Press), *The Differences Between the Sexes* (1994, Cambridge University Press), *Primate Social Relationships* (1983. Blackwell Scientific Publications). In addition to these peer-reviewed book chapters, my scientific work has been published in three additional book chapters, which were not refereed.

11. My scientific research has additionally been published in several peer-reviewed symposia proceedings, including "Vocal imitation in African savannah elephants (Loxodonta Africana)" in *Razprave IV* (2006, Rezreda Sazu XLVII-3); "Conservation biology: The ecology and genetics of endangered species," in *Genes in Ecology* (1991, Blackwell Scientific Publications, London, The 33rd Symposium of the British Ecological Society); "Elephant mate searching: Group dynamics and vocal and olfactory communication" and in *The Biology of Large African Mammals in their Environment* (1989, Clarendon Press, Oxford, Proceedings of the Symposium of the Zoological Society of London.

12. In addition to my peer-reviewed scientific publications, I have also published a number of technical reports for various foundations, working groups, and organizations. These reports include: (1) a series of reports relating to our work on elephants in the Maasai Mara from 2012-2015; (2) a series of reports relating to our work on elephants in Gorongosa National Park from 2012-2015 (3) a 2010 critique of

"The status of African elephants (*Loxodonta africana*) in the 2008 IUCN Red List of Threatened Species"; (4) a 1997 Typescript Report describing a survey of elephants and other wildlife of the West Kilimanjaro Basin, Tanzania; (5) a 1996 report in "Decentralization and Biodiversity Conservation" as part of a World Bank Symposium; (6) a 1994 report in the *Proceedings of the 2nd International Conference on Advances in Reproductive Research in Man and Animals* about the Logistical and ethical considerations in the management of elephant populations through fertility regulation; (7) a 1993 report detailing Kenya's Initiatives in Elephant Fertility Regulation and Population Control Techniques in *Pachyderm*; (8) a 1992 survey of the Shimba Hills elephant population for the Elephant Programme, Kenya Wildlife Service; (9) a 1992 report on the Status of Kenya's Elephants by the Kenya Wildlife Service and the Department of Resource Surveys and Remote Sensing; (10) a 1991 Elephant Conservation Plan for the Kenya Wildlife Service, Ministry of Tourism and Wildlife; (11) a 1990 Regional Overview of Elephant Conservation in Eastern Africa, in *Regional Perspectives and Situation Regarding Elephant Conservation and the Ivory Trade,* produced for the Paris Donors Meeting of the IUCN; (12) a 1990 report on Elephant Conservation and Management in *The Zebra Book, Policy Framework and Five-year Investment Programme* for the Kenya Wildlife Service; and (13) a 1989 report on The effects of poaching on the age structures and social and reproductive patterns of selected East African elephant populations in *The Ivory Trade and the Future of the African Elephant* for the 7th CITES Conference of the Parties.

13. In addition to my scientific publications, I have also published 14 popular articles in more general publications, including: National Geographic's blog *A Voice for Elephants, Basecamp Explorer AS, Swara, Care for the Wild News, Sotokoto, Wildlife News, Komba, Animal Kingdom,* and *Natural History.*

14. I have been an invited speaker at international meetings and symposia throughout the world, including: (1) Keynote, Jackson Hole Wildlife Film Festival, 2015; (2) National Geographic Retreat, International Council of Advisors in Stockholm, Sweden, 2014; (3) Chinese Zoo Directors Meeting on Animal Welfare, in Shenzhen, China in 2013; (4) the Royal Geographical Society, Hong Kong, China in 2013; (5) the Explorer's Club in New York, 2013; (6) the Explorer's Symposium for National Geographic, in Washington, DC in 2012; (7) "Nature's great masterpiece: Stories of

Elephants," the 2012 Sabine Distinguished Lecture in Psychology, Colorado College; (8) Panel discussion for the National Geographic Society, Washington DC in 2008; (9) Seminar on Language Evolution and Cognition held by Communication Research Centre, Northumbria University & Language Evolution and Computation Research Unit, University of Edinburgh, Scotland in 2007; (10) Public lecture at the Explorer's Club, New York in 2007; (11) lecture on communication, behavior, and social life among elephants, for the Science Museums of the la Caixa Foundation, Barcelona, Spain in 2006; (12) speaker in series of lectures on Animal Communication, for the Science Museums of the la Caixa Foundation, in Madrid, Spain in 2006; and (13) lecture on Animal Cognition and Communication, at the Tufts Center for Animals and Public Policy in Boston in 1999.

15. In addition to my scientific research, I have also focused extensively throughout my career on public education and outreach. I have utilized many different media formats in pursuit of this goal. I currently maintain three websites, including: (1) www.ElephantVoices.org - about elephant social behavior, communication and welfare; (2) www.facebook.com/elephantvoices; and (3) http://www.theelephantcharter.info – The Elephant Charter, co-written in 2008 by Joyce Poole, Cynthia Moss, Raman Sukumar, Andrea Turkalo and Katy Payne. I also currently maintain five online databases for the general public, including: (1) The Mara Elephants Who's Who Database (on http://www.elephantvoices.org); (2) The Mara Elephants Whereabouts Database (on http://www.elephantvoices.org); (3) ElephantVoices Gestures Database (on http://www.elephantvoices.org); (4) ElephantVoices Call Type & Context-Type Databases (on http://www.elephantvoices.org). I further developed, populate, and maintain elephant databases for the Gorongosa National Park including: (5) The Gorongosa Who's Who Database (on http://www.elephantvoices.org); and (6) The Gorongosa Whereabouts Database (on http://www.elephantvoices.org).

16. My research concerning elephant social behavior and communication, as well as my conservation work, has been featured in a number of printed articles, including publications such as *Readers' Digest, Scientific American, Science, National Geographic Kids, National Geographic Magazine, National Geographic Adventure, New York Times Magazine, National Geographic Explorer, LA Times, Highlights for Children, Scholastic, The New York Times, Science Times, Science, Science News,*

Spektrumdirekt, National Geographic News, Kyodo News Washington Bureau, Daily Telegraph, and the Guardian. Additionally, my life and work have been featured in several books, including: (1) Jodi Picoult's novel Leaving Time; (2) Martin Meredith's 2001 *Africa's Elephant,* a biography, and (3) Doug Chadwick's 1992 *Fate of the Elephant.* My work was also highlighted by Doug Chadwick in his 1992 feature article for National Geographic Magazine. My elephant recordings have featured in (1) Paul Winter's Summer Solstice Concert in New York Cathedral, in 2013 (2) in the Emmy award winning work by Paul Winter, Miho in 2010; (3) in Avatar in 2009; (4) in Pulse of the Planet.

17. I have been interviewed and my research has been featured on a number of radio programs, including: (1) a 2012 Sam Litzinger interview on The Animal House/NPR (WAMU 88.5); (2) Elephant welfare views featured on WBUR's Inside Out Documentary on American Zoos with Diane Toomey in 2009; (3) Elephant communication research featured in Up Front Radio, San Francisco with Sandip Roy Chowdhury in 2008; (4) Elephant communication, cognition, and welfare with Karl Losken Animal Voices 102.7fm in Vancouver, BC Canada in 2008; (5) Science Update, American Association for the Advancement of Science (AAAS) in 2005; (6) BBC Radio Science, the Leading Edge in 2005; (7) German Public Radio (SWR) program Campus in 2005; (8) NPR in 2005 about elephant vocal learning; (9) BBC News Scotland in 2005 about vocal learning in elephants; (10) ABC's Radio 702 with Rory McDonald about elephant welfare in 2005; (11) Elephant communication research featured in BBC's Beyond our Senses program Sounds of Life with Grant Sonnex, in 2004; (12) Elephant communication research featured in NPR program on elephant language in 2004; (13) WETA-FM, News 820's Openline & WNYC in 1996; and (14) Musth in the African elephant, BBC Radio 4, The living World in 1981. In addition to these radio appearances, I have also appeared on the Science and the city Pod cast, in 2007.

18. I have also appeared and been featured in a variety of Television programs, including in: (1) Gorongosa Park: Rebirth of Paradise (2015), a PBS six-part series about the restoration of Gorongosa National Park in which my elephant work is highlighted in episodes 2 and 5; (2) An Apology to Elephants, an award winning 2013 documentary that explores abuse and brutal treatment of elephants; (3) War Elephants (2012), an award winning documentary about the traumatized elephants in Gorongosa

National Park, Mozambique, and their recovery, by National Geographic Wild, worldwide; (4) Elephant communication research is featured in "Elephant having tales to tell" (2008), NHK, Japan (Japanese and English versions); (5) Interview on elephant communication and cognition for Smart Planet for REDES-TVE, Spain (2006); (6) Elephants and vocal learning, Daily Planet Discovery Channel Canada (2005); (7) Elephant cognition and conservation views featured on National Geographic Explorer *Elephant Rage* (2005); (8) Elephant recordings featured in Discovery Channel's Echo III (2004); (9) Elephant communication research, Elephant's Talk, featured in BBC documentary *Talking with Animals* (2002); (10) Work featured on News and Talk shows such as CNN (1993), ABC news Women and Science, The Today Show, (1996), West 57th Street CBS News (1989), PM Magazine (1987). (11) Research featured in *Inside the Animal Mind Part 3 Animal Consciousness, WNET Nature* (1999); (12) Featured on Episode 16, *Elephants*, in series, *Champions of the Wild*, Omni Film Productions, Vancouver, Canada (1998); (13) Life, elephant research, and conservation work subject of National Geographic Special, *Coming of Age with Elephants* (1996); (14) *Wildlife Warriors,* National Geographic Special (1996); (15) *A Voice for Elephants USIA AfricaPIX* (1996); (16) Discovery Channel documentary "Ultimate Guide to Elephants" (1996); (17) *Elephants like us*, Rossellini and Associates (1990); (18) *The language of the elephants*, Rossellini and Associates (1990); (19) Elephant research and conservation work featured in National Geographic Special *Ivory Wars* (1989); (20) Research highlighted in BBC production *Trials of Life* with David Attenbourgh (1988); (21) Work on elephant infrasound featured in *Supersense* BBC Natural History Unit series on animal senses (1988); and (22) Featured in Sports and Adventure, *Women of the World* (1987).

19. I have testified as an expert witness in several court cases in several countries, including: (1) In 1998 in South Africa in the Case of NSPCA v.Riccardo Ghiazza regading the capture, mistreatment of 34 baby elephants. Ghiazza was eventually found guilty of cruelty; (2) In 2005 via video link in International Fund for Animal Welfare, et al. v. Minister for the Environment and Heritage et al., N2005/916 regarding the export of Asian elephants from Thailand to Australia; (3) In 2008 in Washington DC in American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, The Fund for Animals, Animal Protection Institute & Tom

Rider Plaintiffs in ASCPA v. Ringling Brothers and Barnum & Bailey Circus; and (4) In 2012 in Los Angeles in Aaron Leder vs. John Lewis, City of Los Angeles, in a case regarding the welfare of the elephants of Los Angeles Zoo. I am currently involved in another case in South Africa but have not yet appeared in court.

20. My Curriculum Vitae fully sets forth my educational background and experience and is annexed hereto as "Exhibit A".

Basis for opinions

21. The opinions I state in this Affidavit are based on my professional knowledge, education, training, and years of experience observing and studying elephants, as well as my knowledge of peer-reviewed literature about elephant behaviour and intelligence published in the world's most respected journals, periodicals and books that are generally accepted as authoritative in the field, and many of which were written by myself or colleagues whom I have known for several years and with whose research and field work I am personally familiar. A full reference list of peer-reviewed literature cited herein is annexed hereto as "Exhibit B".

Opinions

Premise

22. Elephants are autonomous beings. Autonomy in humans and nonhuman animals is defined as self-determined behaviour that is based on freedom of choice. As a psychological concept it implies that the individual is directing their behaviour based on some non-observable, internal cognitive process, rather than simply responding reflexively. Although we cannot directly observe these internal processes in other beings, we can explore and investigate them by observing, recording and analysing their behaviour, as I have done with elephants for my entire career.

23. I shall indicate which species, African (*Loxodonta Africana*) or Asian (*Elephus maximus*), specific observations relate to. If the general term 'elephants' is used with no specific delineation, it can be assumed the comment relates to the African species, though it is likely that it applies to the Asian species as well.

Brain And Development

24. Elephants are large-brained, with the biggest absolute brain size of any land animal (Cozzi et al 2001; Shoshani et al 2006). Even relative to their body sizes,

elephant brains are large. Encephalization quotients (EQ) are a standardised measure of brain size relative to body size, and illustrate by how much a species' brain size deviates from that expected for its body size. An EQ of one means the brain is exactly the size expected for that body, and values greater than one indicate a larger brain than expected (Jerison 1973). Elephants have an EQ of between 1.3 and 2.3 (varying between sex and African and Asian species). This means an elephant's brain can be up to two and a half times larger than is expected for an animal of its size; this EQ is similar to that of the great apes, with whom elephants have not shared a common ancestor for almost 100 million years (Eisenberg 1981, Jerison 1973). Given how metabolically costly brain tissue is, the large brains of elephants must confer significant advantages; otherwise their size would be reduced. A large brain allows for greater intelligence and behavioural flexibility (Bates et al 2008a).

25. Generally, mammals are born with brains weighing up to 90% of the adult weight. This figure drops to about 50% for chimpanzees. Human baby brains weigh only about 27% of the adult brain weight (Dekaban & Sadowsky 1978). This long period of brain development over many years (termed 'developmental delay') is a key feature of human brain evolution and is thought to play a role in the emergence of our complex cognitive abilities, such as self-awareness, creativity, forward planning, decision making and social interaction (Bjorkland 1997). Delayed development provides a longer period in which the brain may be shaped by experience and learning (Furster 1992). Elephant brains at birth weigh only about 35% of their adult weight (Eltringham 1982), and elephants show a similarly protracted period of growth, development and learning (Lee 1986). This similar developmental delay in the elephant brain is therefore likewise associated with the emergence of similarly complex cognitive abilities.

26. Despite nearly 100 million years of separate evolution (Hedges 2001), elephants share certain characteristics of our large brains, namely deep and complex folding of the cerebral cortex, large parietal and temporal lobes, and a large cerebellum (Cozzi et al 2001). The temporal and parietal lobes of the cerebral cortex manage communication, perception, and recognition and comprehension of physical actions Kolb and Whishaw 2008), while the cerebellum is involved in planning, empathy, and predicting and understanding the actions of others (Barton 2012). Thus, the physical

similarities between human and elephant brains occur in areas that link directly to the capacities necessary for autonomy and self-awareness.

27. Elephant brains hold nearly as many cortical neurons as do human brains: humans: 1.15×10^{10}; elephants: 1.1×10^{10} (Roth & Dicke 2005). Elephants' pyramidal neurons are larger than in humans and most other species (Cozzi et al 2001). Pyramidal neurons are found in the cerebral cortex, particularly the pre-frontal cortex – the brain area that controls executive functions (a set of cognitive processes that are required for choosing and monitoring behaviors that facilitate an individual to reach certain goals, e.g., problem solving, planning, working memory, inhibitory and attentional control and cognitive flexibility). The degree of complexity of pyramidal neurons is linked to cognitive ability, with more (and more complex) connections between pyramidal neurons being associated with increased cognitive capabilities (Elston 2003). Elephant pyramidal neurons have a large dendritic tree, i.e. a large number of connections with other neurons for receiving and sending signals (Cozzi et al 2001).

28. Elephants, like humans, great apes and some cetaceans, possess *von Economo neurons*, or spindle cells – the so-called 'air-traffic controllers for emotions' - in the anterior cingulate, fronto-insular, and dorsolateral prefrontal cortex areas of the brain (Hakeem et al 2009). In humans, these cortical areas are involved - among other things - in the processing of complex social information, emotional learning and empathy, planning and decision-making, and self-awareness and self-control (Allman et al 2001; Allman et al 2002; Allman et al 2011). The shared presence of spindle cells in the same brain locations in elephants and humans strongly implies these higher-order brain functions – the building blocks of autonomous, self-determined behaviour – are common between these species (Butti et al 2009; Hakeem et al 2009).

29. As described below, along with these common brain and life-history characteristics, elephants share many behavioural and intellectual capacities with humans, including: self-awareness, empathy, awareness of death, intentional communication, learning, memory, and categorisation abilities. Many of these capacities have previously been considered – erroneously - to be uniquely human, and each is fundamental to and characteristic of autonomy and self-determination.

Awareness Of Self And Others

30. Asian elephants exhibit Mirror Self Recognition (MSR) using Gallup's classic 'mark test' (Gallup 1970; Plotnik et al 2006). MSR is the ability to recognise a reflection in the mirror as oneself, and the mark test involves surreptitiously placing a coloured mark on an individual's forehead that it could not see or be aware of without the aid of a mirror. If the individual uses the mirror to investigate the mark, the individual recognises the reflection as herself. Besides elephants, the only other mammals that have successfully passed the mark test and exhibited MSR are the great apes (chimpanzees, bonobos, gorillas and orangutans) and bottlenose dolphins (Parker and Mitchell 1994, Reiss and Marino 2001). MSR is significant because it is considered to be the key identifier of self-awareness. Self-awareness is intimately related to autobiographical memory in humans (Prebble et al 2011), and is central to autonomy and being able to direct one's own behaviour to achieve personal goals and desires. By demonstrating that they can recognize themselves in a mirror, elephants holding a mental representation of themselves from another perspective, and thus be aware that they are a separate entity from others (Bates and Byrne 2014).

31. A being who understands the concept of dying and death possesses a sense of self. Based on the research conducted to date, observing reactions to dead family or group members suggests an awareness of death in only two animal genera beyond humans; chimpanzees and elephants (Anderson et al 2010, Douglas-Hamilton et al 2006). Having a mental representation of the self – a pre-requisite for mirror-self recognition – contributes to the ability to comprehend death. Wild African elephants have been shown experimentally to be more interested in the bones of dead elephants than the bones of other animals (McComb et al 2006), and have frequently been observed using their tusks, trunk or feet to attempt to lift sick, dying or dead individuals (Douglas-Hamilton 1972, Moss 1992, Poole, 1996, Payne 2003, Douglas-Hamilton et al. 2006). Although they do not give up trying to lift or elicit movement from the body immediately, elephants appear to realise that once dead, the carcass cannot be helped anymore, and instead engage in more 'mournful' behaviour, such as standing guard over the bodies, and protecting it from the approaches of predators (e.g Douglas-Hamilton 1972, Croze cited in Moss 1982, Moss 1988, Poole, 1996, Payne 2003, McComb et al 2006). Others have observed them covering the bodies of dead elephants with dirt and vegetation (Moss 1992; Poole 1996). In the particular case of mothers who lose a calf, although they may remain with the calf's body for an

extended period, they do not behave towards the body as they would a live calf. Indeed, the general demeanour of elephants who are attending to a dead elephant is one of grief and compassion, with slow movements and few, if any, vocalisations (Poole, 1996.). These behaviours are akin to human responses to the death of a close relative or friend, and illustrate that elephants possess some understanding of life and the permanence of death. Furthermore, elephants' interest in the bodies, carcasses and bones of elephants who have passed is so marked that when one has died, trails to the site of death are worn into the ground by the repeated visits of many elephants over days, weeks, months and even years (Poole, personal observation). The accumulation of dung around the site attests to the extended time that visiting elephants spend touching and contemplating the bones. I have observed that, over years, the bones may become scattered over tens or hundreds of square meters as elephant pick up the bones and carry them away. The tusks are of particular interest and may be carried and deposited many hundreds of meters from the site of death (Poole, personal observation).

32. The capacity for mentally representing the self as an individual entity has been linked to general empathic abilities (Gallup 1982), where empathy can be defined as identifying with and understanding another's experiences or feelings by imagining what it would be like to be in their situation. Empathy is an important component of human consciousness and autonomy, and is a cornerstone of normal social interaction. It goes beyond merely reading the emotional expressions of others. It requires modelling of the emotional states and desired goals that influence others' behaviour both in the past and future, and using this information to plan one's own actions; empathy is only possible if one can adopt or imagine another's perspective, and attribute emotions to that other individual (Bates et al 2008b). Empathy is, therefore, a component of and reliant on 'Theory of Mind' - the ability to mentally represent and think about the knowledge, beliefs and emotional states of others, whilst recognising that these can be distinct from your own knowledge, beliefs and emotions (Premack and Woodruff/Frith and Frith 2005).

33. Elephants clearly and frequently display empathy in the form of protection, comfort and consolation, as well as by actively helping those who are in difficulty, such as assisting injured individuals to stand and walk, or helping calves out of rivers or ditches with steep banks (Bates et al 2008b, Lee 1987, Poole, 1996). Elephants

have been observed to react when anticipating the pain of others (e.g. seen to wince when a nearby elephant stretched her trunk toward a live wire – Poole, personal observation) and have even been observed feeding those who are not able to use their own trunks to eat (Moses Kofi Sam, personal communication) and to attempt to feed those who have just died (Croze, cited in Moss 1982).

34. In an analysis of behavioural data collected from wild African elephants over a 40-year continuous field study, I have concluded that as well as possessing their own intentions, elephants can diagnose animacy and goal directedness in others, understand the physical competence and emotional state of others, and attribute goals and mental states (intentions) to others (Bates et al 2008b), as evidenced in the examples below:

> *'IB family is crossing river. Infant struggles to climb out of bank after its mother. An adult female [not the mother] is standing next to calf and moves closer as the infant struggles. Female does not push calf out with its trunk, but digs her tusks into the mud behind the calf's front right leg which acts to provide some anchorage for the calf, who then scrambles up and out and rejoins mother.'*

> *'At 11.10ish Ella gives a 'lets go' rumble as she moves further down the swamp . . . At 11.19 Ella goes into the swamp. The entire group is in the swamp except Elspeth and her calf [<1 year] and Eudora [Elspeth's mother]. At 11.25 Eudora appears to 'lead' Elspeth and the calf to a good place to enter the swamp — the only place where there is no mud.'*

In addition to the examples analyzed in Bates et al 2008b, in what appeared to be a spontaneous attempt to prevent injury to the newborn, I observed two adult females rush to the side of a third female who had just given birth, back into her and press their bodies to her. In describing the situation I wrote:

> *'The elephants' sounds* [relating to the birth] *also attracted the attention of several males including young and inexperienced, Ramon, who, picking up on the interesting smells of the mother* [Ella], *mounted her, his clumsy body and feet poised above the newborn. Matriarch Echo and her adult daughter Erin, rushed to Ella's side and, I believe, purposefully backed into her in what appeared to be an attempt to prevent the male from*

landing on the baby when he dismounted."

Examples such as these demonstrate that the acting elephant(s) (the adult female in the first example, Eudora in the second, and Erin and Echo in the third) was able to understand the intentions or situation of the other (the calf in the first case, Elspeth in the second; Ella's newborn and the male in the third) – i.e. to either climb out of or into the water, or be trampled on by the male – and they could adjust their own behaviour in order to counteract the problem being faced by the other. Whilst humans may act in this helpful manner on a daily basis, such interactions have been recorded for very few non-human animals (Bates et al 2008b). In raw footage I recently acquired of elephant behavior filmed by my brother in the Mara, Kenya, an allo-mother moves a log from under the head of an infant, in what appears to be an effort to make him more comfortable (Poole, personal observation; Video 1, attached on CD as "Exhibit C"). In a further example of understanding goal directedness of others, elephants appear to understand that vehicles drive on roads or tracks and furthermore they appear to know where these tracks lead. In Gorongosa, Mozambique, where elephants exhibit a culture of aggression toward humans, charging, chasing and attacking vehicles, adult females anticipate the direction the vehicle will go and attempt to cut it off by taking shortcuts *before* the vehicle has begun to turn (Poole personal observation 2012). The roots of empathetic behavior begin early in elephants. Just as in humans where rudimentary sympathy for others in distress has been recorded in infants as young as 10 months old (Kanakogi et al 2013 see http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0065292) young elephants exhibit behavior that indicates that they feel sympathy for others. For instance, during fieldwork in the Maasai Mara in 2011 I filmed a mother elephant using her trunk to assist her one-year-old female calf up a steep bank. Once the calf was safely up the bank she turned around to face her five-year-old sister, who was also having difficulties getting up the bank. As the older calf clambered up the bank with effort the younger calf approached her and first touched her mouth (a gesture of reassurance among family members) and then reached her trunk out to touch the leg that had been having difficulty. Only when her sibling was safely up the bank did the calf turn to follow her mother (filmed by Poole, 2011; Video 2, attached on CD as "Exhibit D").

35. Experimental evidence from captive African elephants further demonstrates that elephants attribute intentions to others, as they follow and understand human pointing gestures - the only animal so far shown to do so spontaneously. The elephants understood that the human experimenter was pointing in order to communicate information to them about the location of a hidden object (Smet and Byrne 2013). Attributing intentions and understanding another's reference point is central to empathy and theory of mind.

36. Our analysis of simulated oestrus behaviours in African elephants – whereby a non-cycling, sexually experienced older female will simulate the visual signals of being sexually receptive, even though she is not ready to mate or breed again – shows that these knowledgeable females adopt false oestrus behaviours in order to demonstrate to naïve young females how to attract and respond appropriately to suitable males. The experienced females may be taking the youngsters lack of knowledge into account and actively showing them what to do; a possible example of true teaching as it is defined in humans. Whilst this possibility requires further investigation, this evidence, coupled with the data showing that they understand the ostensive cues in human pointing, demonstrates that elephants do share some executive skills with humans, namely understanding the intentions and knowledge states (minds) of others. Ostensive communication – refers to the way humans use particular behaviour such as tone of speech, eye contact, physical contact to emphasize that a particular communication is important. Lead elephants in family groups use ostensive communication frequently (e.g. Ear-Flap-Slide and Ear-Slap; Poole & Granli 2011 and Comment-Rumbling; Poole, 2011) as a way to say, "Heads up – I am about to do something that you should pay attention to."

37. Further related to empathy, coalitions and cooperation have been documented in wild African elephants, particularly to defend family members or close allies from (potential) attacks by outsiders, such as when a family group tries to 'kidnap' a calf from an unrelated family (Lee 1987, Moss and Poole 1983) or during the extraordinary teamwork executed by elephants when they defend themselves against predators, particularly, human beings (Poole and Granli 2011; Poole, 2011). These latter behaviors are preceded by gestural and vocal signals typically given by the matriarch and acted upon by family members and have been documented many times amongst the Gorongosa elephants and in elephant behavior footage from there that we

are currently analyzing. These behaviours are based on one elephant understanding the signals, emotions and goals of the coalition partner(s) (Bates et al 2008b).

38. Cooperation is also evident in experimental tests with captive Asian elephants, whereby elephants demonstrated they can work together in pairs to obtain a reward, and understood that it was pointless to attempt the task if their partner was not present or could not access the equipment (Plotnik et al 2011). Problem-solving and working together to achieve a collectively desired outcome involve mentally representing both a goal and the sequence of behaviours that is required to achieve that goal; it is based on (at the very least) short-term action planning.

39. Wild elephants have frequently been observed engaging in cooperative problem solving, for example when retrieving calves that have been kidnapped by other groups, when helping calves out of steep, muddy river banks (Bates et al 2008b), when rescuing a calf attacked by a lion (acoustic recording calling to elicit help from others (Poole, 2011 and see Roaring-Rumbles) by or the vocal and gestural communication used when they are negotiating a plan of action (e.g. when elephants use cadenced-rumbling, Poole 2011, or High-Fiving to lend their "voice" to a proposed or targeted plan of action; Video 3, attached on CD as "Exhibit E") or when they must navigate through human-dominated landscapes to reach a desired destination (e.g. habitat, salt-lick, waterhole) as evidenced in video footage of Selengei and her family filmed in 2015. These behaviours demonstrate the purposeful and well-coordinated social system of elephants, and show that elephants can hold particular aims in mind and work together to achieve those goals. Such intentional, goal-directed action forms the foundation of independent agency, self-determination, and autonomy.

40. Elephants also show innovative problem solving in experimental tests of insight (Foerder et al 2011), where insight can be defined as the 'a-ha' moment when a solution to a problem 'suddenly' becomes clear. (In cognitive psychology terms, insight is the ability to inspect and manipulate a mental representation of something, even when you can't physically perceive or touch the something at the time.) Or more simply, insight is thinking and using only thoughts to solve problems (Richard Byrne, Evolving Insight, Oxford Online Press, 2016[1]). A juvenile male Asian elephant

[1] Available at https://global.oup.com/academic/product/evolving-insight-9780198757078?cc=us&lang=en& (last accessed Oct. 11, 2016).

demonstrated just such a spontaneous action by moving a plastic cube and standing on it to obtain previously out-of-reach food. After solving this problem once, he showed flexibility and generalization of the technique to other, similar problems by using the same cube in different situations, or different objects in place of the cube when it was not available. This experiment again demonstrates that elephants can choose the appropriate action and incorporate it into a sequence of behaviour in order to achieve a goal, which they kept in mind throughout the process.

41. Further experiments also demonstrate Asian elephants' ability to understand goal-directed behaviour. When presented with food that was out of reach, but with some bits resting on a tray that could be pulled within reach, the elephants learned to pull only those trays that were baited with food (Irie-Sugimoto et al 2007). Success in this kind of 'means-end' task is demonstrates causal knowledge, which requires understanding not just that two events are associated with each other but also that there is some mediating force that connects and affects the two which may be used to predict and control events. Moreover, understanding causation and inferring object relations may be related to understanding psychological causation, i.e., the appreciation that others are animate beings that generate their own behaviour and have mental states (e.g., intentions).

Communication and social learning

42. Speech is a voluntary behaviour in humans, whereby a person can choose whether to utter words and thus communicate with another. Therefore speech and language reflect autonomous thinking and intentional behaviour. Elephants also intentionally use their vocalisations to share knowledge and information with others (Poole 2011). Females and dependents call to emphasise and reinforce their social units and to coordinate movement. Male elephants primarily communicate about their sexual status, rank and identity, though like females they also use calls to coordinate movement and interactions in their social groups. Call types (47 have been described by Poole, 2011) can generally be separated into laryngeal calls (such as rumbles, cries, roars) or trunk calls (such as trumpets, snorts), with different calls in each category being used in different contexts (Poole et al 1988; Poole 2011; Poole and Granli 2004; Soltis et al 2005; Wood et al 2005). Field experiments have shown that African elephants distinguish between different call types (for example, contact calls – rumbles that travel long distances to maintain associations between elephants that

could be several kilometres apart, oestrus rumbles – that occur after a female has copulated or musth rumbles that are made by males in the heightened sexual and aggressive state of musth) and these different call types elicit different responses in the listeners. Elephant vocalisations are not simply reflexive, they have distinct meanings to listeners and they are truly communicative, similar to the volitional use of language in humans (Leighty et al 2008; Poole 1999; Poole 2011).

43. Elephants display a wide variety (> 200 described) of gestures, signals and postures, used to communicate information to the audience (Poole and Granli 2011 and ElephantVoices Elephant Gestures Database[2]). Such signals are adopted in many different contexts, such as aggressive, sexual or socially integrative situations, and each signal is well defined and results in predictable responses from the audience. That is, each signal or gesture has a specific meaning both to the actor and recipient. Elephants' use of gestures demonstrates that they communicate intentionally and purposefully to share information with others and/or alter the others' behaviour to fit their own will.

44. Elephants use specific calls and gestures to plan and discuss a course of action. These may involve responding to a threat by a group retreat or mobbing action (including celebration of successful efforts), or planning and discussing where, when and how to move to a new location. I have studied elephant communication for two decades and have field notes, acoustic recordings and raw footage of numerous examples of such communication.

45. In group-defensive situations elephants respond with highly coordinated behaviour, both rapidly and *predictably,* to specific calls uttered and particular gestures exhibited by group members. In other words, these elephant calls and gestures hold specific meanings not only to elephant listeners, but also, through experience, to human observers. The rapid, predictable and collective response of elephants to these calls and gestures indicates that elephants have the capability of understanding the goals and intentions of the signalling individual. For example, as was documented and described by me in Episode 2 of PBS six-part series *Gorongosa Park: Rebirth of Paradise,* matriarch Provocadora's contemplation of us (Listening, J-

[2] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database.html

Sniffing) followed by her purposeful Perpendicular-Walk[3] (in relation to us) toward her family and her Ear-Flap-Slide[4] was a clear indication to her family to begin a Group-Advance[5] (on us). This particular elephant attack is a beautiful example of elephants' use of empathy, coalition and cooperation. Provocadora's instigation of the Group-Advance led to a two and a half minute Group-Charge[6] in which the three other large adult females of the 36-member family took turns to lead the charge, passing the baton, in a sense, from one to the next. Once they succeeded in their goal of chasing us away they celebrated their victory High-Fiving[7] (with their trunks) and engaging in an End-Zone-Dance[8]. High-Fiving is also typically used to initiate a coalition and is both preceded by and associated with other specific gestures and calls that lead to very goal oriented collective behavior. Elephant group defensive behavior is highly evolved and involves a range of different tactical manoeuvres adopted by different elephants. The calls and gestures used are too many to mention here but many are described in Poole 2011 and on ElephantVoices Elephant Gestures Database[9] under Defensive[10] and in Elephant Calls Context Database[11] under the section Group Defense[12].

46. In planning and communicating intentions regarding a movement, elephants use both vocal (see Logistical[13] on the ElephantVoices Elephant Calls Context Database) and gestural communication (see Movement Initiation and Leadership[14] on the

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[3] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/431-defensive/confront-predator/1660-perpendicular-walk.html?layout=gesture
[4] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/411-social-integration/movement-initiation-leadership/1789-ear-flap-slide.html?layout=gesture
[5] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/408-defensive/mobbing/1817-group-advance.html?layout=gesture
[6] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/408-defensive/mobbing/1818-group-charge.html?layout=gesture
[7] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/405-aggressive/escalation/1845-high-fiving.html?layout=gesture
[8] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/406-aggressive/post-conflict-display/1831-end-zone-dance.html?layout=gesture
[9] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database.html
[10] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/306-defensive.html?layout=gesture
[11] https://www.elephantvoices.org/multimedia-resources/elephant-calls-database-contexts.html
[12] https://www.elephantvoices.org/multimedia-resources/elephant-calls-database-contexts/194-group-defense.html?layout=callscontext
[13] https://www.elephantvoices.org/multimedia-resources/elephant-calls-database-contexts/206-social-integration/logistical.html?layout=callscontext
[14] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/411-social-integration/movement-initiation-leadership.html?layout=gesture

ElephantVoices Elephant Gestures Database). For example, I have observed that a member of a family will use the axis of her body to point in the direction she wishes to go and then vocalize, every couple of minutes, with a specific call known as a "let's-go" rumble[15] (Poole et al, 1988; Poole 2011, ElephantVoices Elephant Calls Context Database[16]), "I want to go this way, let's go together." The elephant will also use intention gestures – such as Foot-Swinging – to indicate her intention to move. Such a call may be successful or unsuccessful at moving the group or may lead to a longer (45 minutes or more) discussion (series of rumble exchanges known as Cadenced Rumbles[17]) that I interpret as negotiation. Sometimes such negotiation leads to disagreement and the group may spilt and go different ways for a period of time. In situations where the security of the group is at stake, for instance when a movement is planned through or near to human settlement, all group members are focused on the decision of the matriarch. So while "let's go" rumbles are uttered, others adopt a Waiting[18] posture until the matriarch, after much Listening[19], J-Sniffing[20] and Monitoring[21] decides it is safe to proceed, where upon they bunch together and move purposefully, and at a fast pace in a Group-March (I have an example on film from Maasai Mara, 2015). Elephants typically move through dangerous habitat at high speed and at night in a very goal oriented manner known as "streaking," which has been described and documented through the movements of elephants wearing satellite tracking collars (Douglas-Hamilton et al 2005). The many different signals - calls, postures, gestures and behaviors elephants use to contemplate and initiate such movement (including others e.g. Ear-Flap, Ear-Flap-Slide) are clearly understood by other elephants (just as they can be by long-term study by human observers), mean very specific things and indicate that elephants 1) have a particular plan which they can communicate with others; 2) can adjust this plan

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[15] https://www.elephantvoices.org/multimedia-resources/elephant-calls-database-contexts/214-social-integration/logistical/let-s-go-rumble.html?layout=callscontext
[16] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/411-social-integration/movement-initiation-leadership.html?layout=gesture
[17] https://www.elephantvoices.org/multimedia-resources/elephant-calls-database-contexts/215-social-integration/logistical/cadenced-rumble.html?layout=callscontext
[18] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/411-social-integration/movement-initiation-leadership/1788-waiting.html?layout=gesture
[19] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/424-attentive/listening/1702-listening.html?layout=gesture
[20] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/423-attentive/sniffing/1705-j-sniff.html?layout=gesture
[21] https://www.elephantvoices.org/multimedia-resources/elephant-gestures-database/423-attentive/sniffing/1710-monitoring.html?layout=gesture

according to their immediate assessment of risk or opportunity 3) can communicate and execute the plan in a coordinated manner.

47. Furthermore, elephants have been shown to vocally imitate the sounds they hear around them, from the engines of passing trucks and the calls of other species to the commands of human zookeepers (Poole et al 2005, Stoeger et al 2012). Imitating another's behaviour demonstrates a sense of self, as it is necessary to understand how one's own behaviour relates to the behaviour of others.

48. Experimental evidence demonstrates that African elephants recognize the importance of visual attentiveness of the intended recipient (in this case, human experimenters) of gestural communication (Smet & Byrne 2014), further supporting the conclusion that elephants' gestural communication is intentional and purposeful. Furthermore, the ability to understand the visual attentiveness and perspective of others is crucial for empathy and mental-state understanding.

Memory And Categorisation

49. Elephants have both extensive and long-lasting memories, just as the folk stories and adages encourage us to believe. McComb et al. (2000), using experimental playback of long-distance contact calls in Amboseli National Park, Kenya, showed that African elephants remember and recognize the voices of at least 100 other elephants. Each adult female elephant tested was familiar with the contact-call vocalizations of individuals from an average of 14 families in the population. When the calls were from a familiar family—that is, one that had previously been shown to have a high association index with the test group—the test elephants contact-called in response and approached the location of the loudspeaker. When a test group heard unfamiliar contact calls (from groups with a low association index with the test group), they bunched together and retreated from the area.

50. McComb et al (2001) went on to show that this social knowledge accrues with age, with older females having the best knowledge of the contact calls of other family groups. McComb et al (2011) also showed that older females are better leaders, with more appropriate decision-making in response to potential threats (in this case, in the form of hearing lion roars). Younger matriarchs under-reacted to hearing roars from male lions. Sensitivity to hearing this sound increased with increasing matriarch age, with the oldest, most experienced females showing the strongest response to this

danger. These experimental studies show that elephants continue to learn and remember information about their environments throughout their lives, and this accrual of knowledge allows them to make better decisions and better lead their families as they grow older.

51. Elephants' long-term memory is further demonstrated from data on their movement patterns. African elephants are known to move over very large distances in their search for food and water. Leggett (2006) used GPS collars to track the movements of elephants living in the Namib Desert. He recorded one group traveling over 600 km in five months, and Viljoen (1989) showed that elephants in the same region visited water holes approximately every four days, even though some of them were more than 60km apart. Elephants inhabiting the deserts of both Namibia and Mali have been described traveling hundreds of kilometers to arrive at remote water sources shortly after the onset of a period of rainfall (Blake et al. 2003; Viljoen 1989), sometimes along routes that researchers believe have not been used for many years. These remarkable feats suggest exceptional cognitive mapping skills, reliant on the long-term memories of older individuals who traveled that path sometimes decades earlier. Indeed it has been confirmed that family groups with older matriarchs are better able to survive periods of drought. The older matriarchs lead their families over larger areas during droughts than those with younger matriarchs, again apparently drawing on their accrued knowledge (this time about the locations of permanent, drought-resistant sources of food and water) to better lead and protect their families (Foley, Pettorelli, and Foley 2008).

52. It has recently been shown that long-term memories, and the decision-making mechanisms that rely on this knowledge, are severely disrupted in elephants who have experienced trauma or extreme disruption due to 'management' practices initiated by humans. Shannon et al (2013) demonstrated that elephants in South Africa who had experienced trauma decades earlier showed significantly reduced social knowledge. During archaic culling practices, these elephants were forcibly separated from family members and subsequently translocated to new locations. Two decades later, they still showed impoverished social knowledge and skills and impaired decision-making abilities, compared with an undisturbed population in Kenya. Disrupting elephants' natural way of life can negatively impact their knowledge and decision-making abilities.

53. [redacted]. Elephants demonstrate advanced 'working memory' skills. Working memory is the ability to temporarily store, recall, manipulate and coordinate items from memory. Working memory directs attention to relevant information, and results in reasoning, planning, and coordination and execution of cognitive processes through use of a 'central executive' (Baddeley 2000). Adult human working memory is generally thought to have a capacity of around seven items. In other words, we can keep about seven different items or pieces of information in mind at the same time (Miller 1956). We conducted experiments with wild elephants in Amboseli National Park, Kenya, manipulating the location of fresh urine samples from related or unrelated elephants. The elephants' responses to detecting urine from known individuals in surprising locations showed that they are able to continually track the locations of at least 17 family members in relation to themselves, as either absent, present in front of self, or present behind self (Bates et al. 2008a). This remarkable ability to hold in mind and regularly update information about the locations and movements of a large number of family members is best explained by elephants possessing an unusually large working memory capacity, apparently much larger than that of humans.

54. [redacted]. Elephants show sophisticated categorisation of their environment, with skills on a par with those of humans. My colleagues and I experimentally presented the elephants of Amboseli National Park, Kenya, with garments that gave olfactory or visual information about their human wearers - either Maasai moran (male warriors who traditionally attack and spear elephants on occasion as part of their rite of passage), or Kamba men (who are agriculturalists and traditionally pose little threat to elephants). In the first experiment, the only thing that differed between the cloths was the smell, derived from the ethnicity and/or lifestyle of the wearers. The elephants were significantly more likely to run away when they sniffed cloths worn by Maasai than those worn by Kamba men or no one at all. In a second experiment, we presented the elephants with two cloths that had not been worn by anyone, but here one was white (a neutral stimulus) and the other was red—the color that is ritually worn by Maasai moran. With access only to these visual cues, the elephants showed significantly greater reaction to red garments than white, often including signs of aggression. We concluded that elephants are able to categorize a single species (humans) into sub-classes (i.e. 'dangerous' or 'low risk') based on either olfactory or visual cues alone (Bates et al. 2007). McComb et al. went on to show that the same elephant population

can also distinguish between human groups based on our voices. The elephants reacted differently (and appropriately) depending on whether they heard Maasai or Kamba men speaking, and also when they heard male or female Maasai (where female Maasai pose no threat as they are not involved in spearing events), and adult Maasai men or young Maasai boys (McComb et al 2014). Scent, sounds and visual signs associated specifically with Maasai men are categorized as 'dangerous', while neutral signals are attended to but categorized as 'low risk'. These sophisticated, multi-modal categorization skills may be exceptional among non-human animals.

Summary

55. Scientific knowledge about elephant intelligence has been increasing rapidly in the past decade: what we currently know is only a tiny fraction of what elephant brains are likely capable of, and yet more amazing abilities are still likely to be discovered. But even based on what we know at this stage, including through my own and my colleagues' extensive experience, observations and studies, both African and Asian elephants share many key traits of autonomy with humans and like humans are autonomous beings.

Joyce Poole, Ph.D.

Sworn to before me
this 2nd day of December, 2016

Notary Public

DISTRICT OF COLUMBIA: SS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 2nd DAY OF Dec, 2016.

NOTARY PUBLIC
My Commission Expires 11.14.2020

CLAIRE CHO NOTARY PUBLIC Expiration Nov 14, 2020 DISTRICT OF COLUMBIA