

ENDANGERED SPECIES

Technical Bulletin Reprint

Wildland Management Center
School of Natural Resources
The University of Michigan

CITES: Old Problems and New Challenges

By Kevin Bixby

In 1973, representatives from 87 nations gathered in Washington, D.C. to sign the Convention on International Trade in Endangered Species of Wild Fauna and Flora, more commonly known as CITES. The signing marked the beginning of an ambitious attempt to counter, through international cooperation, the growing threat posed by worldwide trade in wild plants and animals.

Today, 14 years later, the effort continues. Next July, representatives from member nations will gather in Ottawa to review implementation of CITES at the biennial Conference of the Parties. The parties will grapple with old problems and new challenges as they try to control a trade worth millions of dollars annually and involving over 30,000 species.

The purpose of CITES is to prevent international trade from threatening the continued survival of species. It seeks to do this by regulating trade rather than prohibiting it altogether. The fact that CITES does not come down squarely on the side of either trade or protection is one reason so many nations have acceded to it.

But as the convention matures, maintaining the delicate balance between trade and preservation seems to be increasingly difficult. In fact, the most recent Conference of the Parties, held in Buenos Aires in 1985, may have signalled the beginning of a new phase for CITES. The meeting was noteworthy for its contentiousness, prompting some nations to consider withdrawing from the treaty altogether.

CITES' main premise — that trade is not incompatible with preservation — is undermined by weak implementation of the treaty. Enforcement requires two things often in short supply

in member nations: information about the status of wildlife populations and their ability to withstand trade pressures, and human and financial resources to enforce CITES' trade controls.

The information requirements imposed by CITES are formidable. The convention stipulates that Appendix II species can be traded only upon a determination by authorities in the exporting nation that trade will not jeopardize the survival of the species. (Controlled species are listed on one of three appendices. Most commercially important species are listed on Appendix II. See box this page.) Not even the United States could initially muster the requisite data to justify continued exports of bobcat skins. (The lack of data led to a lawsuit in 1981 by Defenders

of Wildlife successfully challenging U.S. government approval of bobcat skin exports.) For many species and populations, the information necessary to justify trade is simply not available.

On-the-ground enforcement of CITES poses another monumental challenge, given the volume of trade and the difficulty of distinguishing between similar species. The U.S. enforces CITES as diligently as any nation, but U.S. inspectors still manage to check only a small percentage of the thousands of shipments of CITES species imported into the country each year.

CITES parties have tended to respond to shortfalls in resources and information in one of two ways. One ap-

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How CITES Works

CITES relies upon a relatively simple system of import and export permits to achieve its goals. Species subject to control are listed on one of three lists (called appendices) according to the severity of the threat they face. Those most in need of protection are placed on Appendix I and cannot be traded for commercial purposes at all. Examples of Appendix I species include all apes, lemurs, and giant panda, the great whales, giant salamanders, and some orchids and cacti.

The second appendix includes species which might become endangered if trade is not regulated. Examples include all members of the following groups which are not already listed on Appendix I: primates, cats, otters, porpoises, birds of prey, crocodiles, and orchids.

Appendix II species can be traded commercially, but only if accompanied by export permits issued by the appropriate authority in the exporting country. Under the treaty's provisions, export permits can only be issued following a determination that trade will not be detrimental to the survival of the species.

Adding or removing species from Appendices I and II requires a two-thirds vote of the parties. A species can also be placed on a lesser-used third appendix by unilateral action of the country in which it occurs. The purpose of Appendix III is to enable a country concerned about the status of a species occurring within its borders to enlist the support of other parties in enforcing domestic conservation laws. Appendix III species do not have to meet the more rigorous criteria for listing on the other CITES appendices.

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proach has been to put more emphasis on enforcement considerations, and err on the side of preservation. The other has been to interpret the treaty's provisions conservatively and give protection only to those species and populations demonstrably threatened by trade.

This divergence of approaches has manifested itself in various ways. For example, the parties regularly debate proposals to add taxonomic groups above the level of species to CITES appendices. The justification for such a listing is that it is unrealistic to expect customs personnel to be able to distinguish among related species that even experts have difficulty telling apart.

At the New Delhi Conference of the Parties in 1981, the parties approved a proposal to list virtually the entire parrot family (Psittacine) — over 300 species — on Appendix II. Under the Reagan administration, the U.S. has

usually opposed such wholesale listings, as it did at New Delhi, on the grounds that they go beyond the scope of CITES by regulating trade in species unnecessarily, reduce the credibility of CITES, and needlessly add to enforcement burdens.

Similarly, there have been proposals to switch to a reverse listing process that would allow trade **only** in listed species. These proposals have been promoted and opposed for similar reasons.

One of the items on the agenda for Ottawa is continued trade in Appendix II species for which population data to

species currently traded at levels beyond what existing information would justify (Lazarowitz, 1986). The parties must decide what to do with this list. If they impose more restrictive controls on trade, they run the risk of alienating exporting nations, perhaps to the extent of provoking withdrawals from the treaty. But if they allow trade to continue at current levels, they take the chance that trade may drive some species to extinction.

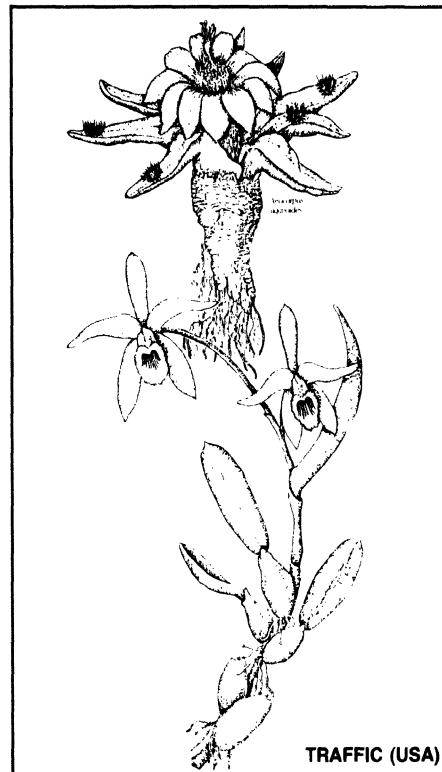
Two other issues that will be debated at Ottawa are CITES exemptions for ranches and so-called "quota" populations. The parties opened a potential can of worms when they began to grant exemptions several years ago for various populations of Appendix I species from normal CITES trade restrictions. At Ottawa, the parties will have to decide whether to renew past exemptions, and whether to grant new ones.

Although CITES generally prohibits commercial trade in Appendix I species, it allows exemptions for captive-bred animals and artificially propagated plants. Unlike captive breeding enterprises, ranching is not a closed system but is based on raising animals taken from the wild, usually as eggs or young, and technically does not qualify for the captive breeding exemption.

In 1981, the parties adopted criteria under which wild populations serving as the source for ranching programs could be transferred from Appendix I to Appendix II in order to permit trade in ranching specimens. Since then, there have been numerous — and usually controversial — proposals to downlist populations of crocodiles and sea turtles used to supply ranching programs.

Proponents contend that ranching provides powerful economic incentives to conserve source populations. Exporting countries that have restored wildlife populations to the point where they can be commercially exploited view ranching as a reward for their conservation diligence.

Opponents argue that ranching operations are potentially detrimental to wild populations, and that allowing ranching specimens to enter trade



justify current trade levels is lacking. This issue exemplifies the challenge facing CITES. Appendix II is the heart of CITES, where most controlled species are listed. At every meeting since 1979, some parties have expressed concern that certain Appendix II species were being overexploited for international trade. In the absence of firm evidence, the parties have been reluctant to take action that would infringe on the sovereignty of exporting countries.

At this year's meeting, however, the parties will be presented with a list compiled by the Technical Committee (one of several standing committees established by the parties — see box Reprint page 3) of 86 Appendix II

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makes enforcement much more difficult because of the need to distinguish between wild and ranched specimens of the same species.

So far, the only ranching proposals approved by the parties have been for Nile crocodiles in Zimbabwe, and saltwater crocodiles in Australia. At Ottawa, France will resubmit a ranching proposal that was rejected at Buenos Aires to downlist green sea turtles on Europa and Tromelin islands. Other countries may resubmit similar proposals, such as Indonesia for sea turtles and saltwater crocodiles.

Export quotas for Appendix I species pose a similar challenge to CITES. The parties have used quotas to avoid downlisting species that arguably could tolerate some level of trade, or as an additional safeguard when controversial downlisting proposals have been approved.

The first quota system was adopted in 1983 when the parties gave permission to several African countries to sell

limited numbers of leopard pelts as tourist items. The leopard (and still is) an Appendix I species. The concept was expanded in 1985 at Buenos Aires when the parties approved downlisting proposals for Nile and saltwater crocodile based on the condition that quotas be established for each exporting nation.

Maintaining the balance between trade and preservation is becoming more difficult.

Opponents of quotas for Appendix I species see them as a way of circumventing the strict protection CITES is supposed to provide for threatened species. Supporters argue that quotas allow healthy wildlife populations to be utilized.

At Ottawa, the parties will reevaluate

for the first time the quota system they established for leopard skins. They will also consider the renewal and increase of other quotas, and perhaps weigh new proposals.

Another issue likely to stir controversy at Ottawa is commercial trade in vicuna cloth. The parties will consider a proposal to allow export of cloth made from Peruvian vicunas. The vicuna, a relative of the llama, is listed on Appendix I. Its fine wool commands high prices on the illegal market. The proposal would downlist certain vicuna populations to Appendix II, clearing the way for the sale of cloth made from wool sheared from live animals. The cloth would be marked to prevent exploitation of populations still listed on Appendix I.

Proponents argue that revenues from the sale of vicuna cloth will provide the Peruvian government with strong incentives for protecting vicunas, which now number about

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Administering CITES

CITES requires that each party prepare an annual report summarizing trade in controlled species. These reports allow the treaty's secretariat and other parties to spot potentially detrimental trade trends as they develop, as well as major discrepancies between reported imports and exports that might indicate enforcement problems.

It is a remarkable achievement that 95 nations have embraced the goals of CITES, one that probably could not have occurred if not for the treaty's mechanism for accommodating disagreement. Parties have the option under CITES of taking reservations on species listings with which they don't agree. This essentially releases the dissenting country from CITES obligations with respect to those species.

Reservations diminish the effectiveness of CITES. Parties must normally comply with the treaty's documentation requirements even when trading with non-members. Reserving parties, however, are free to trade unencumbered by CITES regulations. As of 1984, 13 parties had reservations in effect, generally on species of commercial importance to them. (Lyster, 1985)

The basic decision-making forum for CITES is the Conference of the Parties, held every two years. In contrast to the secrecy that usually cloaks international diplomacy, CITES allows observers from non-member countries, inter-governmental bodies, and even nongovernmental organizations (NGOs) to actively participate in the meetings, although they cannot vote. Conservation, humane, hunting, and com-

mercial organizations have all been well-represented at past meetings.

Responsibility for organizing the biennial meetings, as well as basic administration of the treaty between meetings, lies with the CITES Secretariat located in Lausanne, Switzerland, consisting of a secretary general and approximately 14 staff members.

Although small in size, the Secretariat functions as an efficient nerve center for monitoring international trade in wildlife by analyzing information fed to it by the parties. The Secretariat is funded through voluntary contributions from the parties, and receives administrative support from the United Nations Environment Program.

In addition to the Secretariat, several committees have been established to assist the parties in implementing CITES. The two most important have been the Standing Committee and the Technical Committee. The present committee system has evolved somewhat haphazardly, and is scheduled to be reviewed by the parties at their next meeting with an eye towards making it more streamlined.

The daily business of implementing CITES within member countries is the task of national management and scientific authorities, which parties are required by CITES to designate. In the U.S. these functions are performed by two units within the Fish and Wildlife Service: respectively, the Federal Wildlife Permit Office, and the Office of the Scientific Authority.

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120,000 (IUCN Bulletin, 1986). Opponents counter that allowing trade in vicuna cloth will stimulate market demand for vicuna products, and inevitably lead to greater pressure on all populations of vicunas.

How effective is CITES? Wild plants and animals are still traded on international markets in staggering quantities. To give just one example, over 800,000 wild birds were imported into the United States for the pet trade in 1986 (Traffic (U.S.A.), 1987). The evidence for the success of CITES in regulating this trade is mixed. For example, while the treaty has been responsible for drastically reducing commerce in furs of large cats (such

Momentum for nations to join CITES continues to grow as unregulated markets shrink.

as cheetahs and jaguars), the result has been to shift trade pressure to smaller cat species (such as Geoffrey's cat) (Williams, 1985). CITES has also been fairly successful in bringing the ivory trade under control, though it has been much less effective in curbing the destructive trade in rhino horn.

Certainly the treaty will become more effective as more nations join. To date, 95 nations have ratified CITES.

As the ranks of members grow, so too does the momentum for other nations to join as markets unregulated by CITES shrink. It is encouraging that one of CITES' newest members is Singapore, which previously had been a notorious trading center for wildlife and wildlife products.

Whatever its record to date, CITES has accomplished one thing: it has set up the conditions that encourage continual progress towards attaining its goals. Its unique administrative features — the biennial meetings, its active secretariat, the requirement that parties designate management and scientific authorities to implement the treaty, and the provision for nongovernmental organization participation at meetings of the parties — make it difficult for the parties to ignore their responsibilities under the treaty, thus ensuring that CITES remains a "working" treaty.

References

Bean, Michael. 1986. "International Wildlife Conservation", in Roger Di Silvestro, ed. *Audubon Wildlife Report 1986*. The National Audubon Society. New York, New York.

Hemley, Ginette. 1984. "U.S. Imports Millions of Ornamental Fish Annually." *Traffic (USA)*. Volume 5, No. 4.

IUCN Bulletin. July, September 1986. "Shearing the Wealth." (Anonymous).

IUCN Bulletin. November/December 1980. "CITES Uncovers Fur Trade Scandal." (Anonymous.)

Lazarowitz, Art (Acting Chief, Management Operations Branch, U.S. Fish and Wildlife Service.) Personal Communication. October, 1986.

Lyster, Simon. 1986. "Capitalizing on Vicunas." *Defenders*. Sept./Oct. 1986.

Lyster, Simon. 1985. *International Wildlife La. Grotius Publications*. Cambridge, U.K.

Traffic (U.S.A.). February 1987 (Volume 7, Numbers 2 and 3). "Special Report on the U.S. Bird Trade." (Anonymous.)

U.S. Fish and Wildlife Service. "Provisional Agenda for the Sixth Regular Meeting of the Conference of the Parties to CITES." *Federal Register*. January 13, 1987.

U.S. Fish and Wildlife Service. 1985. *Report of the U.S. Delegation to the Fifth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*.

U.S. Fish and Wildlife Service. 1983. *Report of the U.S. Delegation to the Fourth Conference of the Parties to CITES*.

Williams, Ted. 1985. "Small Cats: Forgotten, Exploited." *Audubon*. November, 1985.

Williams, T. 1984. "The Fur Still Flies." *Audubon*. January, 1984.

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