

**THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES:
30 YEARS LATER**

WORKING TOWARD A SUSTAINABLE CITES

EXECUTIVE SUMMARY

School of Public Affairs
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PREFACE

This report was prepared by the policy analysis workshop at the School of Public Affairs of the University of Maryland. The policy analysis workshop is a course in the master's program of the School. Each student devotes a full semester of course work to the study of an important public policy issue. This year there were seven students with undergraduate majors ranging from environmental science to international affairs to history. Two members of the class are also completing a joint program in law with the Law School of the University of Maryland. The seven students include a diverse range of viewpoints including international perspectives of individual students from South Korea, Namibia and Puerto Rico.

The combined efforts of the students amounted to more than 500 hours, including review of the literature, meetings with experts, and other methods of study. The environmental section of the policy analysis workshop is supervised by Professor Robert H. Nelson of the environmental policy program of the School of Public Affairs.

The Executive Summary presents the principal findings, conclusions and recommendations. The report is available on the web under "faculty papers" and "Robert Nelson" at www.puaf.umd.edu. The table of Contents from the full report is shown in Appendix I.

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LIST OF ACRONYMS

CBD – Convention on Biological Diversity

CCAMLR – Commission for the Conservation of Antarctic Marine Living Resources

CITES – Convention on International Trade in Endangered Species

COP – Conference of the Parties

ESA – Endangered Species Act

FAO – United Nations Food and Agriculture Organization

IUCN – International Union for the Conservation of Wildlife

MOU – Memorandum of Understanding

NGO – Non-governmental Organization

SDM – Stricter Domestic Measure

EXECUTIVE SUMMARY

The Convention on International Trade in Endangered Species (CITES) was approved in 1973 and, after 30 years, it is appropriate to take a close look at the results achieved. It is notable that there have been few successes in the protection of internationally endangered wildlife. Most populations of critical wildlife species have declined, in many cases severely, but the declines might have been even greater in the absence of CITES. Nevertheless, it is fair to say that CITES has not yielded a stable or improving situation for many of the most important wildlife of the world. This is partly because CITES affects only one of the threats impacting wildlife – the trade in endangered species. It is also because CITES has a number of features that may be counterproductive to the goals of long-run species protection and preservation. This report offers a number of recommendations for basic reform of the Convention.

The benefits of CITES are largely realized by the developed nations of the world, while the costs are largely borne by the developing nations of the world. In other words, the rich benefit the most and the poor pay the most. This is a fundamental problem facing CITES. In the absence of a more equitable distribution of benefits and costs, there is little prospect that CITES will achieve the objectives for which it was created. It is not only a matter of social equity, but also effectiveness. The poorer nations of the world will not take the steps necessary to protect their wildlife until they see a greater benefit for themselves. With large numbers of people living on the edge of survival, they have higher priorities than maintaining the “existence” or “intrinsic” value of world wildlife – a value that is highest in countries such as the United States and the member states of the European Union.

It is the developed countries that at present have the money and resources to conduct scientific studies, send large delegations to Conferences of the Parties (COPs), monitor trade, and undertake other activities related to the purposes of CITES. Yet, it is the less developed countries of the world that contain many of the most valuable wildlife populations from a worldwide standpoint. During the colonial era, these poorer countries had their policies for wildlife management imposed by their colonial overlords. Since the end of the colonial era, matters have not changed as much as one might have assumed. Today, many developing nations still find that the United States, the European Union and other richer nations are dictating their wildlife policies.

Until the governments and the peoples of the developing nations of the world develop a greater internal commitment to the preservation of world biodiversity, based on their own values and self-interest, the efforts of CITES and other international instruments will be swimming against the tide. A sustainable CITES -- and sustainable wildlife populations -- must reflect the political and economic objectives of the developing world as well as the desires of the richer countries. The developed countries, for their part, must make a greater commitment to meeting the wildlife needs of the poorer nations of the world.

A Vision of Sustainable World Wildlife

The conservation of endangered species cannot effectively take place without a mechanism to regulate international trade. However, trade regulations should be considered as only a small part in an overall international effort for conservation. Even though CITES plays a small part in the international conservation of species, it is nonetheless critical that it be properly and fairly implemented. CITES certainly has some technical problems -- for example, defining the non-detriment standard or implementing enforcement in poor countries. Besides dealing with the practical problems of CITES, it is necessary to rethink the basic philosophy of CITES -- and to address the underlying conflict between the North and South. For the South, the very economic survival of human populations is often at issue; wildlife conservation necessarily takes second place to this concern. Yet, through CITES and their own stricter domestic measures, the developed nations often impose a priority of wildlife conservation over human well-being. This prioritisation is not intentional, but rather an unintended consequence of the clash between two different philosophies on conservation. In the long-run, this cannot be a sustainable strategy either for wildlife or the future existence of CITES.

The problems of the CITES regime are not the result mainly of deficiencies within the treaty itself, but rather the fact that countries that are economically powerful continually act outside the provisions of CITES. There is a basic tension among the involved Parties: one group believes that species should be preserved for their own sake, and another group believes that species should be utilized through sustainable use programs that aid the local economy. Unfortunately, the process of globalisation and the subsequent imposition of outside ideals on poorer countries of Africa, Asia and Latin America have often forced these countries to act according to the values of outside groups. Before western interests entered the scene, for example, Africans engaged in what, by western standards, was an informal regime of subsistence and effective utilization of their resources. Now, they are heavily subject to NGO influenced, funded, and controlled agendas. While the newer idea of community-based wildlife conservation is undeniably more aligned with African-style conservation than is wildlife prohibitionism, sustainable use programs are more often than not still dominated by western NGOs.

CITES will only be effective when it genuinely works in concert with national states rather than against them. There needs to be a higher degree of mutual respect for sovereign rights of nations and a tolerance of a wider variety of conservation approaches. In addition, the Parties need to determine ways for developing nations to have the economic means necessary to protect their wildlife while providing for the development of their own people. This report contains a number of detailed recommendations for specific changes in CITES. These recommendations are based on six broader principles that should guide the reform of CITES in the years to come.

Principles for Reform

CITES should adopt a philosophy of sustainable use for wildlife

CITES should adopt a philosophy of sustainable wildlife use. Despite the good intentions of those who want to protect animals and plants for their intrinsic value, unless a species has economic value there is little motive for people to conserve it. Elephants may appear valuable to some, but certainly not to the subsistence farmers of Africa whose crops are trampled. However, if the communities that live next to elephant populations can benefit economically from the elephants, they will value them. This also gives people incentives to work together to stop poachers.

If CITES is to be successful at protecting threatened and endangered species, it will need to consider resolutions such as the one proposed by Norway at COP12. At this meeting, the delegation of Norway introduced a document which stressed the importance of placing CITES in the context of sustainable development (Doc. 17). The document also highlighted the importance of the synergy between CITES, the World Summit on Sustainable Development, the Convention on Biological Diversity and other multilateral environmental agreements through the development of guidelines that define sustainable use. The proposal included a “sunset clause” for automatic review of CITES Appendices for species not threatened by trade. Norway also introduced amendments to the proposal that included language on cooperation between CITES and the United Nations Food and Agriculture Organization (FAO), the application of the listing criteria in a manner that supports sustainable use, and considerations on sustainable trade and sustainable development. However, these measures encountered resistance and were not adopted.

To truly be a key player in the recovery of wildlife species, CITES needs to evolve towards a management regime. This report recommends the creation of a World Recovery Plan, under which individual nations would be responsible for creating and implementing their own National Species Recovery Plans. The CITES Secretariat would have authority to review these individual plans, and would be responsible for evaluating the success of the plans. In this way, CITES can contribute to a world management system that encourages individual countries in their wildlife restoration efforts. The individual countries, in turn, can create management plans that are compatible with their views on sustainable development and the needs of their people.

CITES should provide means by which the developed countries pay directly for wildlife protection measures in developing countries

Developing countries should not have to incur the majority of the costs associated with species protection. These countries are often unable to incur such costs; therefore, expecting them to do so is unrealistic and detrimental to the overall effectiveness of the treaty. CITES needs to establish a stronger mechanism through which developed countries bear significantly more of the financial burden associated with the decisions of the Convention. This would make developed countries less willing

to impose unworkable trade restrictions on species found in developing countries. Furthermore, if all of the Parties collectively paid the costs associated with species protection, CITES would become a more cooperative and more focused institution. If everyone shares the costs associated with CITES, the Parties would be more likely to work together, and to impose trade restrictions that are truly meant to protect species from overexploitation through international trade. In sum, the CITES process would be less likely to be excessively influenced by narrow western politics and values if the developed countries were forced to pay more of the costs associated with wildlife protection in developing countries.

CITES should recognize and support genetic rights to endangered world wildlife

While there is great interest worldwide in the preservation of biodiversity, this concern often fails to translate into substantial economic benefits for the nations that are host to many of the world's most important wildlife populations. This suggests that it may be desirable to create property rights – or the practical equivalent – to the biodiversity of the world. If nations, or individuals, are able to profit directly from enhanced wildlife populations, there will be a much greater incentive to preserve the world's endangered species. Accordingly, the United Nations Convention on Biological Diversity (CBD) has proposed that financial benefits derived from the research and development of a nation's natural genetic resources (such as development of pharmaceutical products from native plants) be shared equitably with the country possessing the resource. In a similar fashion, CITES should devise a strategy for animals that rewards nations that possess important genetic resources of endangered wildlife species. For example, the financial benefits from captive breeding operations might be transferred in part (perhaps through a royalty) to the species' home country. By promoting genetic property rights for commercially-bred animals, it would be possible for biodiversity-rich nations to benefit not only from their plant genes, but from their animal gene pool as well.

CITES should play a more proactive role in encouraging species recovery, including the writing of a “World Species Recovery Plan” as part of each new Appendix I animal species listing, and over time Recovery Plans should also be written for all animal species previously listed under Appendix I

CITES should include a “World Species Recovery Plan” as part of each new animal species listing under Appendix I, and over time the Recovery Plans should be developed for all previous Appendix I animal species listings. The Plans would go well beyond the non-detriment standard of CITES. At present, the standard has no inherent criteria that look to the future of the population, nor does it have plans for an eventual down-listing of the species. The Recovery Plans should be designed for individual species, providing a recovery objective as well as a list of measurable criteria that indicate success. Success would be measured based on the determination that populations have achieved a self-sustaining level. A recovery plan may include different options, including reintroduction, habitat acquisition, captive breeding, habitat restoration and protection, population assessments, research and technical assistance

for landowners, and public education. The development of such a Plan by CITES for species of world importance would follow after the model of the Endangered Species Act (ESA) in the U.S., where recovery plans must be prepared by the Fish and Wildlife Service for domestic-listed species.

CITES should integrate its work more closely with other international wildlife conservation efforts

The workings of CITES should be integrated closely with other international wildlife efforts, such as those taken under the Convention on Biological Diversity (CBD) and the UN Food and Agriculture Organization (FAO). This integration would require a harmonization of the procedures that these regimes have in common, such as reporting and permit requirements. It would also require that CITES take advantage of those mechanisms and policies available in other international regimes that would further the goal of sustainable management of the world's biodiversity. For example, CITES should utilize the experience gained by the FAO in establishing sustainable use policies; the experience gained from the establishment of financial mechanisms for the CBD; the information obtained by the genetic, species, and ecosystem inventories required by the CBD; and the experience and information obtained by the CBD's National Strategy and Action Plans. In addition, the CITES Secretariat should work more closely with these international efforts. One example of the type of close collaboration needed is that between the CBD and CITES to address the threats to bushmeat. This type of collaboration and integration recognizes that international trade in endangered species is just one component of the problem of worldwide biodiversity loss. A fuller integration of CITES and these international efforts will provide a more effective solution to the problem than the patchwork approach currently in place.

CITES should ban unilateral imposition of stricter domestic measures

Stricter domestic measures (SDMs) have the potential of undermining the goals outlined in the CITES treaty. They remove or weaken the authority in a range state to develop its own plan to manage a CITES protected species. Also, they create a disincentive for conservation, particularly if the country imposing the measures could potentially comprise a large share of the market in that species. If the market share held by the consumer state is large enough, then SDMs can, in effect, render an Appendix II listing meaningless.

Stricter domestic measures, when used to advance a political agenda (as has been the case in punishing range states under a dictatorship), or to attempt to protect trade in a native species (as was the case with the U.S.'s ban on Nile crocodile imports), should be banned unless a democratic consensus can be reached at the COP. Member states should be required to establish that the imposition of SDMs is not merely a unilateral action, but rather an attempt to better implement the treaty. Likewise, member countries should adjust their own national legislation to reflect a new approach of increased oversight of stricter domestic measures by CITES.

CHAPTER SUMMARIES

The main body of this report consists of eight chapters that examine various aspects of CITES in greater detail. After 30 years in which CITES has failed to achieve many of the objectives that it sought, it is appropriate to consider making basic changes in many elements of the workings of CITES. Each chapter of the report to follow, as briefly summarized below, contains an analysis of an important area of CITES policy and administration and makes specific recommendations for the reform of CITES in this area.

Chapter 1 – Stricter Domestic Measures

One of the major obstacles limiting CITES ability to support the sustainable use of biodiversity is its provision allowing stricter domestic measures (SDMs). This provision allows CITES Parties to unilaterally impose restrictions on wildlife trade that may be considerably stricter than those imposed by the Convention. SDMs have been a major source of conflict among CITES Parties since they may be used in ways that often diverge from CITES species conservation objectives. SDMs have been used to further political agendas, to discriminate in trading in order to benefit domestic constituencies, and to impose outside ethical values on developing countries. Although some Parties, and even the CITES Secretariat, have recently attempted to prohibit the use of SDMs, these efforts have been frustrated by the opposition of the United States and the European Union, among others.

In the United States, CITES is often superseded by the provisions of the Endangered Species Act (ESA), and by other domestic laws including the African Elephant Conservation Act, Eagle Protection Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Wild Bird Conservation Act, and Rhinoceros and Tiger Conservation Act. These acts impose stricter standards than CITES regarding the import of a number of Appendix II species. For example, the ESA imposes an “enhancement” standard for approving trade of Appendix II argali sheep, whereas the purpose of the CITES standard is only to show that trade will not be a “detriment” to the species’ survival. Another example is the Namibian cheetah; the U.S. rejects its importation altogether, even though there are appropriate import quotas approved by CITES. Also, the import of the Nile crocodile was banned under the ESA for many years even when the species had been down-listed from Appendix I to Appendix II of CITES. This chapter recommends that CITES should:

- Give guidance on stricter domestic measures in the form of *requirements*, not *recommendations*, to member nations.
- Require that plans to impose stricter domestic measures be announced at COP meetings, giving other member states the opportunity for debate and/or to be better prepared for the economic effects of a trade ban by another nation.

- Require Parties proposing to institute SDMs to provide guidance that mirrors the procedure for changes to the Appendices in the sense that proposals are subject to debate and consultation, and appropriate economic or scientific data must be presented to support the proposal.
- Adopt a standard for permissible trade under CITES so that such trade supports the sustainability of the species, thus discouraging countries from establishing SDMs.

Chapter 1 also recommends that each country – including the U.S. – should follow the European Union’s example in harmonizing its laws to make them consistent with the provisions in CITES. In the U.S.’s case, this nation should:

- Eliminate the unilateral imposition of stricter domestic measures.
- Adopt legislation similar to measures that have already been adopted by the European Union. This legislation will more closely align domestic policy with the goals of CITES by reforming the institutional framework by which the United States implements and makes decisions regarding CITES. This framework should be outlined in the new legislation, but should include the decision-making agencies currently involved.
- Change the “enhancement” standard of the current ESA to show that trade “supports the sustainability” of the species.

Chapter 2 – Setting Export Quotas

Nations that are home to species listed on Appendix I may be permitted a limited number of exports through the CITES mechanism that allows such export quotas. While either CITES or the importing state sets the number of exports to be allowed, the sole responsibility to provide the scientific documentation supporting the quota lies with the range state. However, because CITES has yet to impose a requirement specifying precisely what the scientific basis must be, there is a considerable degree of uncertainty and confusion with the process. Aside from the technical issues, many range states see the imposition of quotas as newly colonial behaviour by powerful developed countries. Through the use (or misuse) of export quotas, developed countries can attempt to dictate a range state’s habitat and wildlife conservation efforts. The recommendations of Chapter 2 include the need for CITES to:

- Develop a scientifically based management program to establish, amend, and monitor national export quotas.
- Set up an enforcement agency that would enforce compliance amongst party countries with enforcement quotas.

- Instead of an Appendix I listing, afford certain populations of an Appendix II species a similar but more flexible protection by maintaining the species in Appendix II and adopting a zero export quota for certain countries.

Chapter 3 – Ranching and Captive Breeding

Given the potential benefits of ranching and captive breeding, there is a need for greater flexibility in CITES and the Endangered Species Act regarding the control over the creation of captive breeding and ranching facilities. Greater opportunities for experimentation would be desirable. Conditional approval of facilities for the purpose of testing an operation's impact on illegal trade, as well as benefits to wild populations, would be an important step in ascertaining the viability of such operations as conservation tools. If successful, captive breeding and ranching could prove valuable as a tool for preserving species, especially if used in conjunction with other methods of wildlife conservation. Certification of products raised in these facilities would enable consumers to purchase products raised in a sustainable manner. Under the proposal for an international wildlife royalty, as made elsewhere in this report, they would know that a portion of the price of the product may be returned to funding habitat and species conservation efforts in range states.

Thus, as one member of the SSC/IUCN Crocodile Specialist Group states, “while crocodylians are sometimes thought to be a rather special case in conservation and sustainable use, we argue that the general principles and experience derived within the context of the Convention for crocodylians has wide application for other organisms and the Convention in general.” CITES should incorporate the applicable principles of sustainable use into future species listings as they may affect ranching and captive breeding. This chapter recommends that:

- Trade in ranched and captive bred species should be permitted, thus enabling developing countries to utilize their resources, giving more value to both the animal and its habitat.
- There should be greater flexibility in transferring species from CITES Appendix I to Appendix II in order to facilitate ranching and captive breeding.
- CITES should establish education programs and eco-labeling in order to counter the image that all trade harms threatened and endangered species.
- CITES should include provisions for experiments to be conducted to assess the viability of ranching or captive breeding, including species commonly used to produce products for the traditional medicine trade.

Chapter 4 – Learning from the CBD

Chapter 4 discusses the Convention on Biological Diversity (CBD) and some of the innovative approaches it takes to protect wildlife. The chapter suggests that CITES

should learn from and adopt some of these CBD approaches. Especially relevant to CITES are the funding and strategic planning mechanisms used by the CBD. In this way, CITES would come a long way towards overcoming certain impediments to compliance and enforcement. Each country would be provided with clearer, measurable goals and a means for achieving them.

CITES should learn from and adopt some of the funding and strategic planning mechanisms used by the CBD. A Biodiversity Fund can help developing countries pay for the incremental costs associated with CITES compliance. CITES should also adopt the principle of “equitable benefit sharing” of genetic resources as promoted by Article 15 of the CBD, applying this principle to the genetic resources of endangered wildlife.

CITES could benefit from a requirement that each Party engage in strategic planning. This planning, like the CBD’s action plans, could help the CITES Parties begin to actually promote the recovery of listed species. The process could also work to set goals and a strategy for overcoming certain impediments to CITES compliance and enforcement. Chapter 4 recommends that CITES should:

- Create a biodiversity Fund to help developing countries pay for the incremental costs associated with CITES compliance.
- Adopt the principle of “equitable benefit sharing” of genetic resources as promoted by Article 15 of the CBD.
- Require each Party to engage in strategic planning to promote the recovery of listed species.

Chapter 5 – A Vision of Sustainability

Besides addressing the specific problems of CITES, it is important to deal with the underlying conflict between richer and poorer countries. For the developing nations, the economic survival of human populations is often an issue; wildlife conservation necessarily takes second place to this concern. Yet, through CITES and stricter domestic measures, the developed nations of the world often impose a priority of wildlife conservation over human well-being. In the long-run, this cannot be a sustainable strategy either for wildlife or for the future existence of CITES.

CITES should not be a tool used by Western nations and environmental NGOs to impose their interests and values on poorer countries. The stated goal of CITES is to protect species from overexploitation through international trade. It should not, therefore, be used primarily as a tool to ban all trade in species towards which Westerners have a particular emotional affinity. CITES will only be effective when there is greater respect for the sovereign rights of nations and tolerance of varying conservation approaches. This chapter recommends that:

- CITES should adopt a philosophy of sustainable wildlife use, and should consider implementing a plan similar to document 17 introduced by Norway at COP-12.
- CITES should evolve into an institution that is responsible for assisting in the recovery of species at risk. For each Appendix I species, CITES should adopt a World Recovery Plan that includes the following components:
 - Range countries should create restoration plans for listed species on Appendix I, which would be approved by the CITES Secretariat. Each country would be responsible for creating and implementing its Species Recovery Plan.
 - Developing nations should receive funding from CITES and from donor assistance programs to help carry out their Species Recovery Plans.
 - If a country's Species Recovery Plan is deemed inadequate or a country does not follow its plan, this country could face penalties of increased trade restrictions or a withholding of donor money.

Chapter 6 – Genetic Rights to Wildlife

Concern for wildlife in the developed nations often does not translate into tangible economic benefits for the nations that are home to many important wildlife populations. Biodiversity has the quality of a “public good”; everyone may benefit, but there is inadequate incentive for any one party to provide the good in “socially optimal” amounts. However, if nations, or individuals, are able to profit directly from enhanced wildlife populations, there will likely be a much greater incentive for the conservation of biodiversity. The CBD has promoted this idea in the form of genetic property rights: sales of pharmaceuticals, pesticides, phytochemicals or cosmetics derived from plant resources of developing nations should be subject to royalty payments to the nation of the genetic material's origin. This idea is promising; corporations, such as Merck, Bristol-Myers Squibb, INDENA, Phytera, British Technology Group AMRAD, ICBG and Shaman, have voluntarily entered into financial agreements with Costa Rica and other biodiversity-rich Southern nations to develop natural resources. This funding has the potential to be substantial (in the many millions of dollars) and may prove to be a significant method to raise capital for conservation.

Following the model of property rights for plant genetic resources, genetic property rights could also be extended to CITES-listed animals, for example, an international tax on the sale of ranchered or wild-caught specimens could be assessed on the purchaser, with benefits accruing to an international fund for conservation of the individual species. A CITES administered “International Elephant Fund” could collect a royalty on all ivory imported into any country in the world. The revenues from this ivory royalty could be used and benefits returned: 1) to the country of origin, and 2) to conservation and enforcement programs in Range countries by way of a CITES grant process. This chapter thus recommends:

- Imports of species regulated in international trade by CITES should be subject to a royalty or tax that is collected by the importing country. The royalty would be voluntary for each importing country but no imports would be permitted under CITES, absent an agreement by the country to collect the appropriate royalty (to be set by CITES). These royalties should be distributed to the country of origin and to other countries, and would be utilized to fund conservation projects and enforcement efforts.
 - Taxes should be imposed on the sale of parts and derivatives of Appendix I species that are ranched or subject to an export quota, to be split between the country of origin and other Range states of the species to fund conservation and enforcement.
 - A portion of these royalties and taxes should also go toward a non-traded species fund, to be distributed by CITES in the form of worldwide conservation grants for highly endangered, non-traded species. Additional contributions to the fund by consumer nations should be encouraged.
 - CITES should include a requirement that a portion of wildlife taxes and royalties be utilized at the local level, so that citizens living near the wildlife will benefit economically, through jobs in enforcement and conservation, and mitigation or prevention of damages caused by wildlife. This would create a greater incentive for rural people to protect—rather than harm—the animal resources and habitat that generates these funds.
- To complement the new tax, CITES should also implement eco-labeling, to reflect the new sustainable nature of production, with royalties returning to the country of origin. This technique may be employed to offset the inevitable increase in product price; the possession of an eco-label, provided by CITES, may stimulate “green good” purchases by consumers willing to pay higher prices for a sustainably-raised good, with royalties returning to the country of origin.

Chapter 7 – Reforming CITES Governance

NGOs, and some Parties to CITES, are opposed to the use of secret ballots. An open voting system is beneficial to developed countries; however, it does not benefit developing countries, which are legitimately concerned that a public record of their vote could lead to the loss of financial aid from the developed world. So far, a secret ballot has been used for only a few votes. At COP12, Chile attempted to change the Rules of Procedure by requiring a super-majority vote to approve the use of secret ballots on any given vote. The issue was not resolved, and the requirement is still only 10 votes. Similar attempts to change the Rules may be made in the future, but these attempts are likely to face strong resistance.

CITES decisions should not be based on how much pressure large nations and NGOs are able to exert on smaller nations. Allowing such pressure to play a role takes the focus of CITES away from species protection and allows parochial politics and values to play a prominent role in the process. NGOs should truly be “observers” to CITES.

One problem with CITES is that individual Parties are forced to incur most of the costs associated with species protection. That is, if the Convention as a whole decides to ban the trade in a certain species, the costs of the ban are typically borne mostly by the nations that trade in that species. This means that the Parties are often at odds with one another about which species need to be protected and how to protect them, and the Party that incurs the costs is typically reluctant to agree that a given species needs protection. Overall, this leads to disagreement and a lack of cooperation when it comes to policy enforcement.

This discrepancy could be resolved in part by requiring all of the Parties to collectively pay a larger share of the costs associated with species protection. Any listing on Appendix I, or change in listing of a species, should be preceded by an economic assessment that lays out the costs associated with such an action. This might be part of a Species Recovery Plan. The Parties, given this information, could then decide whether or not they feel that the action was justified, given the costs. This would make the Parties less likely to force unrealistic demands on individual nations and could make the whole Convention more effective. It would also encourage the Parties to focus on protection measures that are practical and worthwhile. This chapter recommends that:

- The right to use secret balloting should be preserved.
- The role of NGOs in the detailed decision-making of CITES should be reduced.
- The Parties to CITES should collectively pay more of the costs associated with species protection in the host countries of wildlife.

Chapter 8 – Learning from the Fisheries Model

CITES has an important role to play in the management of commercially valuable marine species and will continue to be an important player in this realm, especially where other international mechanisms fail or are absent. CITES’ role in monitoring international trade strengthens the Convention’s importance in the management of commercial fisheries. However, neither the international fisheries organizations nor CITES alone can address the full range of conservation issues faced by the world’s marine species. Thus, the establishment of formal collaboration of CITES with the FAO and other organizations is necessary to fill the gaps between fisheries, trade and conservation measures.

CITES is also needed when it is determined that the international organization with management authority over a fish stock is not preventing the species from becoming threatened or endangered. For example, the whale and basking shark were listed under CITES Appendix II when the Parties to COP12 agreed that the FAO was not making enough headway in the conservation of the shark species.

With increased proposals for the listing of marine species, the Secretariat will need new resources to deal with these issues. If COP12 is any indication, COP13 will bring many new proposals for marine species, and CITES would benefit from expanded capacity for handling these new proposals. A proposal for a Working Group on Marine Fish Species was voted down at COP10, but the formation of such a group should be reconsidered. A Working Group on Marine Fish Species could greatly benefit CITES because it would increase the Convention's capacity for dealing with marine species. Chapter 8 recommends that:

- A Working Group on Marine Fish Species should be established within CITES.
 - This working group should strengthen the Memorandum of Understanding (MOU) with the FAO, and identify and address the scope of implementation issues posed by the listing of marine fishes and invertebrates.
 - The working group should determine how CITES can handle the new fisheries proposals without overburdening the convention.
- CITES needs to strengthen collaboration with the FAO and other management entities. By working with a management entity such as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), CITES can become a more effective management regime in the realm of marine species of commercial value.
- CITES should consider fish on a stock-by-stock basis rather than on a species-by-species basis. This will require more flexibility in the ability to split-list marine species under CITES.
- CITES should provide more flexibility in the down-listing and de-listing of commercial fish species to respond to fluctuations in stock status. Such issues could also be addressed in a Working Group on Marine Fish Species.

CONCLUSION

Protection of the remaining rare and endangered wildlife is one of the most important tasks for the people of the world. This wildlife represents a priceless heritage whose loss would be a great human tragedy. Yet, current strategies for protecting world wildlife are not working well. The developed nations state that they give a very high priority to preserving wildlife, but then expect developing nations – where most of the

wildlife are located – to pay the largest burden of the costs. This discrepancy is fundamentally inequitable and cannot work as a long-term strategy for wildlife protection and preservation. Because of the ways in which it regulates international trade in endangered wildlife, CITES contributes to the imbalance between the nations that most strongly promote the conservation of endangered species and the nations that bear the majority of the costs of world wildlife preservation. CITES will only be effective when it genuinely works in concert with those national states that possess the majority of world wildlife, rather than against them.

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