CITES World

Official Newsletter of the Parties

Convention on international Trade
in Endangered Species of Wild Fauna and Flora (CITES)

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In 2003: 30 years of international agreement

An international Convention… requiring governments to control the export and import of wild species through a regulatory system whereby such trade may only occur if accompanied by permits issued by a competent authority, for specimens that have not been obtained in contravention of the laws of that State for the protection of fauna and flora. Specimens are to be subjected to different levels of control according to which annex to the Convention it is listed under, and trade without a permit or not in accordance with the Convention will result in confiscation and possibly other penalties. Import/export may only take place where Customs is present, and governments shall take measures to intruct Customs officers in the methods of identification of listed species (and their parts and derivatives).

These provisions are not from CITES but from the *Convention Relative to the Preservation of Fauna and Flora in their Natural State*, signed in London in 1933 by nine States, primarily for the conservation of African game species. And Customs officers had then a much easier task of identifying the 42 species covered by that treaty than the more than 30,000 species found in the CITES Appendices today.

The London Convention of 1933 and many regional agreements were the precursors to CITES. The 20th century saw several attempts to bring trade in wild species under some form of control for conservation purposes, but none was developed that was sufficiently robust, visionary and relevant to the global community – until CITES was formally signed into being on the 3rd of March 1973.

INSIDE

This date marks a significant event for the CITES community: the Convention on International Trade in Endangered Species of Wild Fauna and Flora is 30 years old. The last three decades have seen a growing international acceptance of the need to regulate international trade in wild species for conservation and trade benefits. For the original 21 signatories on the 3rd of March 1973, to the current near-global participation of 161 Parties as of February 2003, the Convention has provided a workable legal framework and a series of procedural mechanisms to ensure wild species in international trade are not exploited unsustainably.

Photo: CITES Management Authority of Thailand

Paphiopedilum bellatulum: Included in the Appendices since 1975, and in Appendix I since 1990. In its 30 years of existence CITES has been addressing the most immediate conservation issues of the day.

Many are familiar with events in CITES since it entered into force on 1 July 1975, but the path leading to the adoption of the text is less well known. As detailed in 'A brief history of CITES' in this special edition of *CITES World*, a multinational gathering of scientists and environmental managers in 1963 called for "an international convention on regulation of export, transit and import of rare or threatened wildlife species or their skins and trophies". While the basic premise was not new (as the London Convention shows), the desire to have a globally effective treaty certainly was. Riding the wave of a new environmental awareness, the United Nations Conference on the Human Environment, held in Stockholm 1972, adopted an Action Plan for the Human Environment

that called for a meeting of government representatives to agree on a treaty. That meeting was held in 1973 and CITES was the result of it — but few could have foreseen how effective and truly global the Convention would become in a short time. With its clear role and focus, CITES has become one of the main pillars of international conservation efforts.

The strength of the Convention comes from the many layers of agreement made possible by its structure and approach. For 30 years Parties have been reaching agreement on the need to act, the ways in which to act, and on what species must be covered by the provisions of the Convention. This high degree of agreement in CITES has been achieved and maintained through a consistently strong spirit of collaboration and cooperation between its member States.

Photo: Courtesy IISD/Andrei Henry

Voting at CoP11 (Gigiri, Kenya, 10-20 April 2000). For 30 years Parties have been reaching agreement on the need to act, the ways in which to act, and on what species must be covered by the provisions of the Convention.

To commemorate 30 years of CITES, this special edition of *CITES World* looks at the history of the Convention from its conception to its present form. To place this evolution of CITES in a perspective, Mr Jeff A. McNeely of IUCN provides an overview of the changes in conservation priorities that have occurred during the past decades. However, one must keep in mind that the 30-year anniversary of implementation of CITES does not arrive until 2005, when *CITES World* will look in depth at the successes of CITES and the impact the Convention has had on the natural environment.

The Editor

A brief history of CITES

Global concern over the conservation impact of exploitation of and international trade in wild species was first expressed at the seventh General Assembly of the International Union for Conservation of Nature and Natural Resources (IUCN – now IUCN- the World Conservation Union), held in Warsaw, Poland, in 1960. In light of increasing information on the threatened status of many species, delegates urged Governments to restrict imports of animals in accordance with export regulations of countries of origin. However, such regulations were far from uniform and Governments did not have the means to know the regulations of other countries, or have the legal provisions to support them even if they did. To address this problem, the eighth IUCN General Assembly, held in Nairobi, Kenya, in 1963, called for the creation of an international convention to regulate export, transit and import of rare or threatened wild species or the skins and trophies thereof.

Earlier agreements, such as the *London Convention Designed to Ensure the Conservation of Various Species of Wild Animals in Africa which are Useful to Man or Inoffensive* (1900), the *London Convention Relative to the Preservation of Fauna and Flora in their Natural State* (1933), the *Washington Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere* (1940), and the *Algiers African Convention on the Conservation of Nature and Natural Resources* (1968), were limited regionally or in their impact, or the political will was insufficient to make them work effectively, or they simply became outdated as the world moved away from colonial rule.

Photo: Peter Dollinger

White rhinoceros *Ceratotherium simum*. One subspecies was listed in Appendix I when the Convention entered into force in 1975, and the entire species was included in Appendix I in 1977.

A first draft of a convention to regulate trade in certain wild species appeared in 1964, and formal drafts were sent by IUCN to all members of the United Nations in 1967, 1969 and 1971. At the 10th IUCN General Assembly, held in New Delhi, India, in 1969, a proposed list of species to be covered by the convention first appeared. By 1971 several revisions to the draft text had occurred, with input from 39 Governments and 18 non-governmental organizations (NGOs).

Commercial Photography Professional Laboratories

Origins: The Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife, hosted by the United States of America in Washington D.C. from 12 February to 2 March 1973.

Progress towards making the convention a reality accelerated in 1972, when the United Nations Conference on the Human Environment, held in Stockholm, Sweden, adopted its Action Plan for the Human Environment. This plan included Recommendation 99.3, proposing that "a plenipotentiary conference be convened as soon as possible, under appropriate governmental or intergovernmental auspices, to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants". A further revision of the draft convention was put forward by the United States of America, serving as the basis for discussion at the *Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife*, hosted by the United States of America in Washington D.C. from 12 February to 2 March 1973.

Representatives from 80 countries attended the plenipotentiary conference, and a further eight countries and six international organizations attended as observers. After three weeks of debate, the delegates agreed on the final text of the Convention, comprising the Preamble and the 25 Articles, and the creation of three species lists (Appendices I, II and III) and a permit model (Appendix IV). Switzerland offered to act as the Depositary Government for the new Convention. On Saturday 3 March 1973, 21 countries signed the Convention, amid general recognition that something quite remarkable had happened. Afterwards, Canada, Chile, Cyprus, Ecuador, Nigeria, Sweden, Switzerland, Tunisia, the United States of America and Uruguay were the first countries to ratify the Convention, and after the 10 ratification (Canada) the Convention entered into force on 1 July 1975.

The new Convention brought together the concepts of trade regulation and conservation found in the earlier agreements, but it also, innovatively, established the Conference of the Parties as the decision-making body responsible for making recommendations and periodically adjusting the Convention and its species lists. This has proven to be the formula for success in regulating international trade in wild species, and it has ensured that 30 years on, CITES remains adaptable and assuredly capable of meeting new conservation challenges.

The Secretariat

CITES, an evolving Convention

Much has happened inside and outside CITES since the Convention was first signed, but the text itself has remained largely intact. This is a testimony to the wisdom and vision of the early drafters of the text and to the representatives who, 30 years ago, finalized the Convention much as we know it.

While the text has largely remained constant, the Convention as a whole has been continuously evolving and the CITES world has been, to say the least, growing. The number of Parties has steadily increased to 161 at the time of writing, and several more States may accede before the next meeting of the Conference of the Parties. The participation of civil society has also increased significantly, from eight non-governmental organizations attending the first meeting of the Conference of the Parties (CoP1) in 1976, to 127 non-governmental organizations actively participating at CoP12. To be relevant to such a large membership, the Convention is naturally complex and comprehensive.

The Appendices have steadily grown from the original listing in 1973, which was based on the best available knowledge at that time, to the current coverage of almost 600 animal species and some 300 plant species in Appendix I, more than 1,400 animal species and more than 22,000 plant species in Appendix II, and some 270 animal species and about 30 plant species in Appendix III. This number is likely to grow in the years ahead.

The Parties have adopted quite a number of measures to set priorities and to provide guidance and clarification, usually in the form of Resolutions adopted at meetings of the Conference of the Parties. Since the ninth meeting of the Conference of the Parties held in Fort Lauderdale, United States of America, in 1994, Parties have differentiated between long-term advice and short-term instructions, the latterbeing recorded as Decisions. Of the 235 Resolutions adopted by the Parties since its first meeting in 1976, 71 are still in effect.

The following are some highlights in the evolution of CITES:

• The first meeting of the CoP, held in Berne, Switzerland, in 1976; established the first criteria for amending Appendices I and II.

• The second meeting took place in San José, Costa Rica, in 1979, where a permanent Standing Committee was established to steer the work and performance of the Convention in the periods between the meetings of the Conference of the Parties. The Parties at this meeting also formalized the relationship between CITES and the International Whaling Commission. As UNEP's Governing Council had confirmed that it would end its regular funding to CITES after 1983 and that henceforth funding for meetings and for the Secretariat would be the responsibility of the Parties, an extraordinary meeting was called to establish how this would be accomplished and to amend the Convention text accordingly. The Parties requested the establishment of a trust fund to provide financial support for the Convention, and in September 1979 the United Nations established the CITES Trust Fund.

• The extraordinary meeting was held in Bonn, Germany, in June 1979, to provide a legal basis for specifying the levels of contributions by the Parties to the Secretariat's budget. This 'Born amendment' entered into force on 13 April 1987.

• The third meeting of the Conference of the Parties was held in New Delhi, India, in 1981, where the Technical Committee, the forerunner of the Animals and Plants Committees, was established. The Parties adopted the first harmonized permit form, and this meeting also saw the first use of the CITES 'elephant' logo.

• The fourth regular meeting was held in Gaborone, Botswana, in 1983. Immediately afterwards the Parties held the second extraordinary meeting, to amend Article XXI of the Convention, to permit the accession to the Convention of any organization of regional economic integration constituted by sovereign States, such as the European Economic Community (EEC). The requisite two-thirds majority of Parties present adopted this amendment, but an insufficient number of Parties have since accepted it, and this amendment has not yet entered into force.

• The fifth meeting was held in Buenos Aires, Argentina, in 1985, where procedures were adopted for including species in Appendix III. The sixth meeting (Ottawa, Canada, 1987) saw the formation of the Animals, Plants and Nomenclature Committees. The seventh (Lausanne, Switzerland, 1989) and eighth (Kyoto, Japan, 1992) meetings of the CoP were largely focused on species issues and improving procedures on ranching, captive breeding and artificial propagation. At its eighth meeting the CoP also, launched the deve-lopment of new criteria to amend Appendices I and II, and these were adopted at the ninth meeting (Fort Lauderdale, United States of America, 1994), along with revised guidelines for inclusion of species in Appendix III.

• The ninth meeting was also significant for adopting Resolutions on species not included in the Appendices (sharks and edible-nest swiftlets). At the 10th meeting (Harare, Zimbabwe, 1997) a Resolution was adopted on the relationship with the Convention on Biological Diversity. The 11th meeting (Gigiri, Kenya, 2000) again focused mainly on species issues, and the recent 12th meeting (Santiago, Chile, 2002) saw the adoption of a Resolution on cooperation with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and a Decision on the establishment of a Memorandum of Understanding with the Food and Agriculture Organization of the United Nations (FAO).

Photo: Jesús Inostroza

Seahorses *Hippocampus* spp. are amongst the newest additions to Appendix II. The listing enters into effect on 15 May 2004.

How then can the last 30 years of development be summarized? The Convention was created with vision and foresight, making it a flexible Convention for its time – then as well as now – and the foreseeable future. Having the regulatory procedures within the text has ensured that these are followed, thus making CITES an efficient mechanism. In its 30 years of existence CITES has been addressing the most immediate conservation issues of the day, periodically adjusting its procedures and building its internal structure of committees and established processes. Its member States, with support and input

from civil society, have accomplished this through the consistently high level of active participation in its work and development. The Convention has also been establishing relationships with other biodiversity-related Conventions and agreements, to assist further with implementing its unique mandate. Overall, CITES is in healthy shape for embarking on its next 30 years of development.

At the conclusion of the 1973 plenipotentiary conference, one delegate expressed the wish that the new Convention be "a living memory of the wishes of the peoples of the Earth...". The Convention has indeed proven to be a living agreement, steadily expanding its membership and evolving to meet new challenges, while still retaining its focus on and relevance to the issues that justified its creation.

The Secretariat

Global conservation priorities: then and now

In the decades since CITES came into force, the human population has more than doubled and the gross global product has increased more than tenfold, putting far more pressure on natural resources. We simply are consuming far more goods and services than ever before. Along with this consumption has come a growth in international law (such as the Convention on Biological Diversity, the Framework Convention on Climate Change, the Convention to Combat Desertification, and so forth) and a parallel (and sometimes convergent) growth of non-governmental conservation organizations working at the international level. Some of these NGOs have budgets far larger than most government conservation agencies; The Nature Conservancy in the United States, for example, had a budget of over USD 700 million in 2001, and total assets of almost USD 3 billion.

So while CITES was extremely important in focusing international conservation efforts when it entered into force 30 years ago, have species issues become passé, or even irrelevant? For me the answer is a resounding no, and I am convinced that CITES still plays a fundamental role in focusing on the most tangible aspects of the nature conservation movement, namely the species about which people often care the most.

So what has changed the face of global conservation over the past 30 years? What were the priorities then, and what are the priorities now?

The Stockholm era

CITES was born in the blossoming of environmental activism that arose from the focus on post-war recovery and economic growth that followed World War II. With the environment receiving insufficient attention on the government agenda, conservationists stepped in to fill the gap. In the 50's and 60's, wildlife trade appeared to be reaching epidemic proportions, with rural people in developing countries being forced to harvest their resources for sale abroad, even at the expense of driving species to extinction. The so-called charismatic mega-fauna – rhinos, whales, elephants, tigers, spotted cats, as well as crocodiles and sea turtles – were prominent subjects of this concern and demonstrated the species-based conservation approach of the times. Governments, in those days led by an environmentally-enlightened United States of America, were anxious to erect a framework for international cooperation, with which to battle this growing threat to the species that the public cared most about.

Photo: Jim Armstrong, CITES Secretariat

Processing sturgeon caviar in the Caspian Basin. Moving towards ecosystem approaches: catch quotas must be agreed amongst States that provide habitat for the same stock, and these must be based on an appropriate regional conservation strategy and monitoring regime.

CITES was one of the 'first-generation' conventions that arose from the 1972 Stockholm Conference on the Human Environment, along with theWorld Heritage Convention and the Ramsar Convention; all three of these contained provision for

lists, and the listing process often provided the most serious focus for discussions about them. The 'first-generation' conventions put the emphasis on conservation objectives, with budgets generally constrained to the operations of the Secretariat and the Conferences of Parties. Unsurprisingly, they did not reflect well the later sensitivities about issues of poverty, rural development, equity, and so forth. Most of the negotiations of the 'second-generation' conventions that emerged from the 1992 United Nations Conference on Environment and Development, on the other hand, have remained mired in the discussions of who is going to pay how much for what, and how can each party get the best deal for itself. The scientific basis of such discussions sometimes gets left behind as naked national priorities compete for the substantial funding that has become available from the Global Environment Facility (about USD 1 billion per year).

Photo: Jesús Inostroza

Management and Scientific Authorities and civil society actively participate in CITES decision-making processes.

While CITES has focused on its listing process, some of its key provisions provided the groundwork upon which the subsequent biodiversity-related conventions could be built such as the establishment of a national Management Authority and a Scientific Authority and active participation of civil society in conservation decision-making processes. While CITES Management and Scientific Authorities now seem commonplace, in the early days relatively few developing countries had agencies with the capacity to implement the Convention adequately. CITES helped to establish the principle that a modern Government needed to have a scientific basis for determining the status of its own species, and addressing the implications of trade in them. CITES also made it apparent that the responsibility for managing species laid squarely with the State, thereby helping to establish the current structure of biodiversity management agencies around the world. In addition, in those early days, relatively few non-governmental conservation organizations were active internationally, and CITES provided a rallying point for them.

Rio and the Convention on Biological Diversity (CBD)

When CITES entered into force, Governments had not yet accepted the environment as an essential element of sustainable development; indeed, the idea of sustainable development did not receive legitimacy even in the conservation movement until the 1980 publication of the *World Conservation Strategy*; and it was only recognized by Governments in the 1986 report of the Brundtlund Commission, *Our Common Future*. But the linkage of the environment to sustainable development codified at the 1992 Earth Summit in Rio de Janeiro meant greatly increased budget allocations for conservation, though often in forms that were much more socially-conscious than the early conservation projects that focused more on establishing protected areas and controlling poaching. Greatly increased public awareness also contributed to the increased public support for conservation, covering the full political spectrum from animal protection to sustainable use, from excluding people from nature to recognizing people as part of natural ecosystems.

Another major change in the conservation field since the conclusion of CITES has been a much greater emphasis on economics. While resource economics had long addressed issues such as forests and fisheries, during the 1980s, more economists began to look at the importance of existence values, tourism-related income, and the importance ecosystems may have, such as watershed protection. Economists such as Herman Daly, Colin Clark, John Dixon, David Pearce and John Krutilla contributed to ma-king environmental economics a mainstream element of the conservation movement, incidentally helping to enhance its legitimacy among government policy-makers. CITES, with its impact on trade issues, was an important stimulus to this welcoming of econo-mics in conservation efforts.

The 'second-generation' conventions which developed during this time, such as CBD, have tended to shy away from specific listing, avoiding the CITES approach dealing with each taxon separately, and favour a more holistic approach that involves agreement on broad objectives and leaves implementation up to each individual country. In addition, the species-based conservation paradigm was replaced by the ecosystem approach, taking into account not only the units of biodiversity but the interactions among them.

Some of the CITES ideas that were revolutionary in the early days have now received greater legitimacy, or at least little appreciated. Perhaps most prominent among those was the concept of sustainable use. While this had long been a foundation for foresters and fisheries managers, the concept had not been applied to wildlife species that may be seriously threatened by international trade. Nor has the experience from the continuing depletion of both fisheries and forests inspired great confidence that sound science is sufficient to lead to effective management decisions. But sustainable use is one of the three objectives of CBD, and is now receiving much more attention from both Governments and conservation organizations.

The World Summit on Sustainable Development (WSSD), livelihoods and the future of CITES

The world now has a mature set of conservation agreements, with different sets of law affecting different issues or even different groups of species. Over 40 international agreements, for example, address the problem of invasive alien species. Virtually every Government now has conservation agencies, and most countries have private conservation organizations that reflect public interest in conservation concerns. Far more scientific work is being done in conservation, numerous biodiversity-related journals are now being published, and the environment has become a mainstream concern.

In September 2002, at the World Summit on Sustainable Development, Governments once again confirmed the importance of biodiversity to human livelihoods and stressed their concern for the fate of that biodiversity in the text of paragraph 42. At the 12th meeting of the Conference of the Parties to CITES, significant decisions were taken by the Parties involving management of trade in commercial species – specifically with the listing of mahogany and basking sharks – thereby bringing CITES into the realm of sustainable livelihoods.

All of this points to substantial progress since CITES entered into force 30 years ago. On the other hand, biodiversity is no longer the latest hot topic for public concern. The danger now is that more topical issues – water, climate, genetic engineering, security – will deflect creative thinking about biodiversity-related issues and the productive energy that should be generated by the perception of serious conservation problems at both species and ecosystem levels may be dissipated into more mundane organizational issues such as fighting for budgets. We may need more dramatic new threats to stimulate the decisive actions that are going to be needed to respond to the challenges of the 21st century.

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