

THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

Communication from the CITES Secretariat

1. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), also known as the "Washington Convention", was adopted in 1973 and came into force on 1 July 1975. It is an intergovernmental treaty with 142 State Parties that provides the necessary framework for regulating trade in threatened species of wildlife.

I. ENVIRONMENTAL OBJECTIVES OF THE CONVENTION

2. The overriding goal of the Convention is to ensure that international trade in specimens of wildlife does not affect the survival of species, and to demonstrate that the effective and sound management of resources may be beneficial to the conservation of species and ecosystems and to the development of local communities.

II. MECHANISMS FOR IMPLEMENTATION

3. Each Party designates one or more Management Authority to be responsible for administering the Convention and one or more Scientific Authorities to advise them on technical issues. Parties must also establish legislation which prohibits international trade in specimens in violation of the Convention, penalizes such trade; and allows for confiscation of specimens illegally traded or possessed. The Convention classifies threatened species in three categories:

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| Appendix I  | Species threatened with extinction that are or could be affected by trade;   |
| Appendix II | Species not necessarily in danger of extinction but which could become so if trade in them were not strictly regulated, as well as those for which trade must be strictly regulated in order to render effective the measures taken on behalf of the former; and |
| Appendix II | Species that are protected by the states that list them and for which those states seek cooperation of the other Parties in ensuring that illegal exports do not take place.   |

Explicit guidelines, or biological criteria, are used to determine if the species are threatened with extinction prior to considering any proposal to list a taxon.

III. THE CONFERENCE OF THE PARTIES

4. To assess the implementation of the Convention and make recommendations to improve its effectiveness, as well as enter the list of species into the Appendices, the Parties meet every two and a half years at the regular meetings of the Conference of Parties (COP). Leading up to the COP, Parties submit proposals for interpretative resolutions and amendments to the Appendices of the Convention. Species may be added to the appendices, transferred between appendices, or removed from the

appendices. These proposals are usually debated in meetings of the COP although possibility for discussion through correspondence is also possible. At the COP, procedures for control of the trade in species of fauna and flora listed in the appendices are examined and adapted where necessary. While the majority of decisions are made by consensus, for the number of contentious issues which are voted on, a two thirds majority is required for proposals to be accepted.

#### IV. SYSTEM OF PERMITS

5. Any international trade, meaning any export, re-export, import or introduction from the sea of animals or plants, or any part or derivative of a species included in the appendices of the Convention, requires the issuance of a permit or certificate, issued by a Management Authority. The period of validity of export permits or certificates may not exceed 6 months but import permits may be valid for up to one year. The procedures for issuance and use of the permits/certificates vary according to the Appendix, in which the species concerned is listed.

#### V. REGULATION OF TRADE

6. The following steps represent how trade in species listed in CITES Appendices I and II are generally conducted. Some countries may have stricter procedures with regard to implementation of the Convention. Despite perceptions to the contrary, the permit procedures in CITES are not complex. They equate closely with the bill of lading requirements which international traders are familiar with.

- (a) The exporter applies to the national Management Authority for a permit to export specific specimens. The exporter indicates the species, the type and quantity of specimens, the source of origin, the purpose of the export and the proposed destination.
- (b) The Management Authority reviews the request and consults with the Scientific Authority to determine if the proposed trade is acceptable within the framework of CITES and is not detrimental to the survival of the species. The Management Authority also checks to see if the specimens were legally obtained and determines if the proposed export is in accordance with national legislation. In the case of shipment of live animals, the Management authority requires proof that the specimens will be transported in accordance with IATA regulations regarding the welfare of animals or within the CITES guidelines on transport of live animals.
- (c) If all is in order, the Management Authority issues a permit to the exporter. In some cases, a copy of the permit is sent to the CITES Secretariat. In cases involving trade in Appendix I species an import permit from the Management Authority in the country of destination is required before the export permit may be issued. If all is not in order, the permit may be refused, the shipment may be confiscated or the exporter may be penalised.
- (d) The exporter declares the shipment to Customs with the permit. Customs checks the shipment against the permit. If all is in order, the specimens are shipped along with the permit. For Appendix I species, the intended importer must apply for a permit to import the specimens. In some cases, issuance of an import permit is required before the specimens can be shipped.
- (e) The shipment is declared to the customs authority of the country of destination. Customs checks the permits against the shipment and consults with the Management Authority.

In the case of Appendix I specimens, an import permit is also required in order to clear Customs. In cases involving alien species, the Scientific Authority may check to ensure that the shipment poses no threat to the welfare of indigenous species.

- (f) If all is in order, the shipment is ready for delivery to the importer. If the permits are found to be faulty, or if the shipment is in violation of CITES, the specimens may be confiscated (or returned to the country of origin) and penalties imposed.

7. The Convention guards against the risk of injury, damage to health or cruel treatment of live animals transported across national boundaries. In all cases, to authorize trade, the Management Authority should be satisfied that live specimens will be transported and handled in accordance with IATA regulations on the transport of live animals or in accordance with CITES guidelines.

## VI. TECHNICAL SUPPORT

8. The Standing Committee provides policy and direction for the convention and technical guidance required to implement the Convention is provided to the Parties by four permanent committees: the Plants Committee; the Animals Committee; the Nomenclature Committee; and the Identification Manual Committee.

## VII. EXEMPTIONS AND SPECIAL PROVISIONS

9. Exemptions and special provisions are provided for "pre-Convention" specimens, those in transit or trans-shipment, those bred in captivity or artificially propagated, those intended for non-commercial exchanges between scientists and scientific institutions, those included in travelling exhibitions, and also personal objects and household effects. Exceptions from the general provisions of the Convention are made under special circumstances and under strictly limited conditions, as laid down in Article VII.

## VIII. DOMESTIC MEASURES MAY BE MORE STRICT

10. The Convention provides minimum controls for conservation purposes, for trade in certain species of wildlife but the Parties are free to reinforce the protection provided. Stronger measures may even include the forbidding of all trade in species of wildlife.

## IX. NON-DETRIMENT FINDINGS

11. The Conference of the Parties to CITES recognizes that commercial trade may be beneficial to the conservation of species and ecosystems when carried out at levels that are not detrimental to the survival of the species in question. The non-detriment finding is at the core of CITES and it is a requirement enunciated in Article III and IV of the Convention. In classifying species and determining if the populations are robust enough to be traded internationally, the Scientific Authority determines through scientific procedure if international trade will jeopardize the survival of the species.

12. The sturgeon is one such case where international trade was determined to be a significant factor in the drastic decline of the population. The combined impact of overfishing and pollution on sturgeon, valued mainly for caviar, led to the proposal at COP10 to list all 23 species of the fish in Appendix II except for those which were already listed in Appendix I. In many cases where caviar was traditionally harvested in a sustainable manner, sturgeons were being killed in large numbers to

extract caviar and supply meat and fins. The proposal that was accepted by the 10th meeting of the Conference of the Parties is intended to assist range states in regulating the trade in caviar and to limit it to a sustainable level. Regulation of international trade in sturgeon will enter into force on 1 April 1998 and the Parties are called on to conduct scientific research on the sustainability of sturgeon fisheries, curtail illegal fishing, promote regional agreements between States and establish mechanisms to enforce the Appendix II listing. International organizations, United Nations Specialized Agencies, intergovernmental and non-governmental organizations and industry have been asked to provide financial assistance for projects on sturgeon species.

13. Amendments that result in a loosening of CITES controls are possible when it can be demonstrated that trade may be carried out in a sustainable manner. The vicuña, a small South American relative of the camel which is valued for its wool was considered to be endangered at the advent of the Convention with more than half a million of the animals being killed since World War Two. At the 8th, 9th and 10th meetings of the Conference of the Parties, amendments were made to allow nations with populations of vicuña which achieved conservation success to be transferred to Appendix II. Limited international trade in wool shorn from these vicuña is permitted and closely regulated under CITES. In the case of the Nile crocodile, success in ranching this species led to the transfer of several national populations to Appendix II and there is important commercial trade in crocodile leather and other products, that benefits the countries concerned.

14. The success of CITES may also be measured by the number of Appendix II listed species which have never been moved to Appendix I. Numerous species including several cats and foxes have been maintained on Appendix II with continued commercial trade permitted at a level which is not detrimental to the species.

## X. ENFORCEMENT

15. Enforcement of the Convention is the responsibility of the Parties and their respective Management Authorities, Customs and police services. Enforcement is also an important focal activity of the CITES Secretariat, which regularly publishes reports on infractions or the types of fraud/smuggling employed. Where serious infractions exist, the Standing Committee may take appropriate measures to remind States of their obligations.

16. The extent of illegal trade in CITES-listed species is by nature difficult to evaluate. One of the Secretariat's priority activities is to combat illegal trade, in cooperation with the national authorities designated by the Parties to the Convention, Interpol and the World Customs Organisation.

## XI. CAPACITY BUILDING

17. Programmes are in place to raise the capacity of the Parties to implement the Convention. Detailed reviews have been carried out to determine the status of national legislation for CITES implementation and the CITES Secretariat puts a great emphasis on training the staff of Management Authorities and Scientific Authorities worldwide. Bilateral training between Parties is promoted and capacity building efforts include the development of projects with the Parties and liaison with donor agencies.