



INTERNATIONAL CONSERVATION TREATIES, POVERTY AND DEVELOPMENT: THE CASE OF *CITES*

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The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) aims to protect wild species from the threat posed by international trade. While the original treaty does not acknowledge a positive role for trade, the Parties to CITES have subsequently developed a range of trade measures that implicitly recognise that a regulated trade can have conservation benefits. Nevertheless, there is still considerable uncertainty about the effectiveness of trade measures as a conservation tool, and, in the CITES context, their potential for poverty reduction remains largely unexplored.

Policy conclusions

- The decision on whether to list a species in the appendices of CITES should take into account whether such a listing will benefit the conservation of the species.
- Establishing measurable targets for listed species would assist in evaluation of the convention.
- There is a case for using Appendix II listings as an indicator to consumers of the sustainability of the trade in that species ('green labelling').
- Decisions on the use of trade measures should be linked more closely to the development of management plans in the states where the species originate (the 'range states'). There is a need to strengthen the institutional mechanisms (such as those involved in the 'significant trade process') that enable this link to be made.
- The Parties to CITES should put less emphasis on using CITES to restrict the trade in wild species and more on promoting a regulated and sustainable trade in wild species. This would be more consistent with conservation and, possibly, poverty reduction goals.
- The Parties to CITES should recognise the importance of linking conservation to development, given that many range states are also developing countries. There is scope for expressing this recognition in the decisions and policies adopted by the Parties.
- The Parties to CITES should explore the synergies with the Convention on Biological Diversity with the aim of developing joint programmes on specific issues.
- The Parties to CITES should consider regulating commercially important species, particularly timber and fish, while recognising that this will probably bring about a further shift in the way the treaty functions.

Introduction

First signed in 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was designed to address trade-related threats to the conservation of wild species by restricting that trade. But despite this relatively narrow remit, CITES has frequently been a battleground for wider argument about the nature and goals of conservation. For many years CITES was undoubtedly the most important international convention dealing with wildlife conservation and the subject of high expectations from both Parties and civil society organisations (including large north-based NGOs). More recently, developing countries have come to recognise it as a forum in which they can press their interests with some success. In response to these various pressures, CITES has shown itself to be a flexible instrument and, although it has not always evolved in a consistent direction, it has developed a range of tools and mechanisms for achieving conservation goals. In recent years there have been attempts to assess how effective trade measures are in promoting conservation aims and tentative moves to address the relationship between conservation and development goals.

The original treaty

Appendix I of the original treaty covers the most seriously threatened species and Appendix II the less seriously threatened. As a result of a listing in either Appendix, a species is automatically subject to certain trade measures. Trade in Appendix I species requires both an export and an import permit. These permits can only be issued when various conditions are satisfied and commercial trade in Appendix I species is, in effect, prohibited.

Trade in Appendix II species requires only an export permit. One condition for issuing such a permit is a 'non-detriment' statement, namely that 'a scientific authority of the state of export has advised that such export will not be detrimental to the survival of the species'.

The signing of the treaty in 1973 had been preceded by a decade of debate and negotiation, chiefly among governments and conservationists from the developed world, with little influence from developing countries. In many ways CITES bears the imprint of these origins. One of the specific concerns at that time was with the effect of the luxury fur trade on the populations of big cats and the sole conservation threat addressed by the treaty is international trade. There is no recognition within the treaty that the trade in wild species might either promote conservation or have other benefits. On a wider level, this was a time of decolonisation, particularly in Africa. Many conservationists in the developed world were fearful that decolonisation would lead to a dismantling of the existing model of conservation, which was based on the creation of protected areas, from which local people were largely excluded, and bans on hunting. The establishment of trade restrictions was seen as one way of preventing the anticipated over-exploitation in the newly independent countries.

The treaty has attracted support from NGOs in the developed world whose aims are not purely or even mainly conservationist. For these groups, killing animals for trade is simply wrong. They have used their large membership and considerable resources to lobby Parties to ban trade, particularly in the so-called 'charismatic megafauna', but have not been a decisive voice in the evolution of CITES.

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The evolution of CITES

Since CITES came into force in 1975 there has been a gradual evolution away from the relatively simple structure of controls towards a more complex and nuanced approach (see Hutton and Dickson, 2000). The new measures include the split listing of different populations of the same species in different appendices, the use of quotas for trade, and provision for the ranching (or captive rearing) of wild species. A number of developments have contributed to this evolution. They include:

- A better understanding of the complex threats facing wild species: in many cases degradation or loss of habitat is a much more significant threat than international trade.
- The increased influence of social scientists in general, and economists in particular, on conservation thinking. In devising conservation policy, more attention is now paid to the role of incentives (and disincentives).
- Developing countries have been increasingly vocal in putting their case to CITES. Southern African countries, for example, have had some success in putting the case for the sustainable use of wild species as a conservation strategy, while Kenya and India have provided significant opposition.
- In the wider conservation world, various forms of Community-Based Conservation (CBC) have been championed in place of Protected Area (PA) models of conservation, which have been increasingly seen as elitist, expensive, ineffective and contrary to the interests of rural people in the developing world. CBC is driven by the view that rural people living in the closest proximity to wildlife need to benefit from conservation if it is to be successful. One way to generate such benefits is from trade.
- As CITES has begun to consider listing more timber and fish species (see Box 1), delegations have become more senior, more concerned with commercial criteria, and less patient with purely conservationist approaches.

The influence of the above developments is illustrated by the following examples of changes within CITES.

Crocodiles

When CITES was drawn up in 1973, most crocodylian species were listed on Appendix I and therefore subject to a ban on commercial trade. But during the 1980s mechanisms were developed that allowed the establishment of quotas for trade in ranched crocodiles. Because crocodile ranches are reliant on eggs collected from the wild they have an incentive to ensure the conservation of wild populations of crocodiles. This innovative solution proved to be remarkably successful. In 1969 all 23 species of crocodiles were either endangered or in drastic decline. By 1994 eight species were sufficiently abundant to sustain a well-regulated commercial harvest; eight species were safe from extinction but could not sustain a harvest; and seven remained critically endangered.

Elephants

The species most closely associated with CITES is the African elephant. More time and resources have been devoted to this species than any other. It was listed on Appendix II in 1976. But its numbers continued to decline from more than 1.3 million in 1979 to around 630,000 in 1989. The main cause of this was poaching for ivory. In 1985 a quota system was introduced, but this was widely regarded as ineffective, in part because exporting states were responsible for setting their own quotas and there was insufficient incentive for them to set their quotas at a sustainable level. In 1989, following widespread lobbying by NGOs from the developed world, the Conference of the Parties moved the African elephant to Appendix I, thus imposing a ban on the

commercial trade in ivory. Undoubtedly in this case Parties were influenced by a coalition of those who thought that a ban was necessary for conservation reasons, and those who were opposed to the trade in ivory in any circumstances. However, there was significant dissent to the 1989 decision, particularly from the southern African range states, who argued that their own populations of elephants were well-managed and that ivory from them could be safely traded. They continued to argue against the ban and in 1997 they won a small victory when the populations of elephants in Botswana, Namibia and Zimbabwe were down-listed to Appendix II with agreed quotas for a one-off sale of ivory from the stockpiles held by those three countries. This decision was accompanied by numerous conditions, including the requirement that the ivory could only be sold to one country, Japan. At the most recent COP in 2000, there was an effective stalemate. A move to put the southern African populations back on Appendix I was rejected, but the southern Africans also had to withdraw proposals for more quotas. As this example shows, protectionist and anti-use perspectives continue to have some influence, particularly with regard to high profile 'charismatic' species.

Significant trade process

Not all Parties have taken the need for 'non-detriment' assurances seriously. In 1992, the Parties instituted the 'significant trade process' to address this shortcoming. Although complicated in detail, in essence this process links trade measures with the appropriate management of the species in the range states. It thus exemplifies a shift away from the assumption that import and export controls can be usefully imposed without consideration of how the species is being managed on the ground. Potentially, it marks a move towards using an Appendix II listing as a sort of 'green-label' that would assure consumers that the species is being sustainably managed.

The effectiveness of CITES

One of the factors driving the innovation within CITES has been doubts about the efficacy of the measures provided for in the original treaty, particularly given the growing evidence that, in a number of cases, species that were subject

Box 1 CITES and commercially important wild species

Until now, CITES has focused on the regulation of only a small fraction of the wild species that are traded internationally. TRAFFIC International have estimated that in the early 1990s the value of the annual global trade in wild species was of the order of US\$160 billion. Of this, 65% was accounted for by the timber trade and 25% by fisheries. Most of the species that CITES has dealt with fell within the remaining 10%. In recent years, some of the Parties to CITES have been seeking to extend its reach. There have been several (generally unsuccessful) proposals to list commercially important timber species in the Appendices, which have been vigorously resisted by the timber industry. Many issues are raised by this possible extension of CITES's remit. They include institutional ones: in so far as these industries have been subject to international regulation, this has been done hitherto by organisations such as the Food and Agriculture Organisation (fisheries) and the International Tropical Timber Organisation. Another question is the appropriateness of using CITES trade measures to deal with conservation problems in timber and marine fisheries. Probably the most important issue of all is the qualitative difference in the scale of the economic interests involved. If CITES were to take on the regulation of the trade in endangered commercial timber and fish species it would bring about a significant change in its character, in the direction of greater acceptance of the concept of sustainable resource management. But it is not clear that the Parties to CITES are ready for this.

Box 2 Back to the barriers?

The past two decades have seen the gradual growth of support for various forms of Community-Based Conservation (CBC) as an alternative to conservation based on Protected Areas (PAs). But more recently CBC has itself been subject to criticism. It has been argued that it provides neither effective conservation, nor real development benefits. Concurrently, there has been a re-evaluation and more positive endorsement of PAs (Bruner et al., 2001). What is now needed is a balanced assessment of the merits of both PAs and CBC. Advocates of CBC hold that, whatever its problems, the underlying commitments to the empowerment of rural people and to more equitable forms of conservation should not be lost.

to CITES measures were continuing to decline. By 1994 there was sufficient concern for the Parties to decide to commission an independent study of the convention's effectiveness. However, this study did not involve any new research on whether trade measures were improving the conservation status of the species.

More recently, a study by IUCN (IUCN, 2001) explicitly recognised the difficulty of assessing CITES trade measures. While the authors offered what they described as a ' cursory evaluation' of the effectiveness of listing some species on the Appendices of CITES, they came to a pessimistic conclusion regarding the possibility of conducting a more thorough assessment. A major obstacle in the way of assessing the effectiveness of trade measures is not just the lack of data – although that can be a formidable problem – but the many different factors, of which trade measures are just one, that can affect what is happening to a species.

Faced with this problem, the IUCN study argued that one way forward would be to establish an analytic framework that will identify the key economic factors influencing the effectiveness of trade measures. The authors suggest that the price elasticity of supply and demand, the taste for illegal goods and the costs of enforcement are among the key factors affecting the success of trade bans.

Despite the increasing recognition that trade measures do not necessarily benefit wild species and that it may, in any case, be difficult to assess the consequences of such measures, the criteria used by the Parties in making listing decisions do not provide for any consideration of whether the trade measures consequent upon listing will be effective. This is not because of any lack of interest in the listing criteria. There have been numerous revisions to the criteria, but all proposed so far focus almost exclusively on the biological and trade status of the species. They scarcely touch on the issue of whether the listing will benefit the conservation status of the species. This might not matter if listing did not lead automatically to the adoption of trade measures. But it does. There is now a strong case for introducing a formal requirement on the Parties to consider, when they introduce trade measures, whether those measures are likely to benefit the species. The same considerations also argue in favour of setting measurable targets for what those measures are intended to achieve, and against which they can be monitored. The concern about possible conflict with WTO rules may also push Parties in this direction, since WTO rules draw attention to the issue of how necessary trade measures are to achieving environmental goals (see Box 3).

Conclusions: CITES, poverty and sustainable development

The preceding discussion of the effectiveness of CITES assumed that the goals of CITES are conservationist ones. However, the view that these goals need to be tempered by a commitment to poverty reduction has gained ground, at

Box 3 CITES and WTO

Since CITES and the WTO have largely overlapping membership there could be a conflict between trade restrictions sought by the former, and liberalisation by the latter. A Member of the WTO could appeal to its dispute settlement mechanism on the grounds that a trade measure introduced under the auspices of CITES was contrary to WTO rules. For example, WTO rules prohibit various sorts of discrimination between states, and CITES measures that involve the use of national quotas and split listings appear to contravene these rules. To date, there has been no such dispute but it remains a possibility. Trade measures that are applied to members of the WTO who are not also Parties to CITES (there are a small number of such states) would be more vulnerable to challenge, as would be measures that are linked to the CITES system but have not been endorsed at a Conference of the Parties. Trade measures that are applied to commercially important species (see Box 1) are also more likely to engender disputes, in that Members might feel that their economic interests justified the political risks that bringing such a case would entail. CITES is not the only Multilateral Environmental Agreement (MEA) that employs trade measures, and the relationship between such MEAs and the WTO has been one of the agenda items of the WTO's Committee on Trade and Environment since it first began meeting in 1995. Although no resolution is in sight, WTO Members, at the Fourth Ministerial in Doha, did agree to launch negotiations on the relationship between WTO trade rules and MEAs. The European Community, which pushed for these negotiations, would like to see a formal undertaking that protected MEA trade measures from challenge within the WTO. Most of the rest of the world argues that legitimate environmental trade measures are already allowable under WTO rules. In relation to CITES the European position would be stronger if there was clear evidence that CITES trade measures are effective means for achieving conservationist goals.

least at the rhetorical level, in recent years. A number of factors have contributed to this shift. The increasing profile of developing countries in CITES meetings and the rise of the theory and practice of Community-Based Conservation have already been noted. The emergence of a broader consensus about the importance of combining environment and development, as exemplified by the UNCED conference in 1992, has also been important. Nevertheless, there is still no consensus that equity issues should be addressed within CITES, nor a clear understanding of what this might mean in practice.

One way to look at this issue is through the lens of competing interpretations of the concept of sustainable development. This concept was not in circulation at the time the original CITES treaty was drawn up, but the Parties to CITES belatedly caught up when, in a preface to their Strategic Plan, adopted in 2000, they stated that 'sustainable trade in wild fauna and flora can make a major contribution to securing the broader and not incompatible objectives of sustainable development and biodiversity conservation'. Perhaps significantly, the document does not explain how this contribution can be made or, indeed, how the expression 'sustainable development' is to be understood.

On one interpretation, a commitment to sustainable development is a commitment to pursuing development in a way that is environmentally sustainable. On this view it could be argued that CITES, through its use of trade measures, already contributes to sustainable development, because it provides some of the necessary constraints on development that will allow it to proceed in a sustainable way. Specifically, CITES ensures that the trade in wildlife is not unsustainable.

However, on other interpretations, if a policy is to count as contributing to sustainable development, it must help to reduce poverty. CITES could do so by providing for the transfer of resources from developed to developing countries. However, CITES, unlike the more recent Convention on

Biological Diversity (see Box 4) does not formally recognise the difference between developed and developing countries. Nevertheless, CITES does acknowledge the need for capacity building if all Parties are to fulfil their commitments and, in practice, such capacity building is concentrated in developing countries.

At a second level, CITES could gear its policies towards impacting positively on the rural poor. The Parties to CITES have, on occasion, gone some way towards recognising the possibility that its policies could have this sort of impact, but, as yet, there is no commitment to link CITES policies *systematically* with attempts to address rural poverty. Such a commitment would require a significant change to the criteria employed in CITES decisions. But if CITES is not to be left behind in the search for sustainable and pro-poor development, then such a change may well be necessary.

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Box 4 CITES and the CBD

CITES and the Convention on Biological Diversity (CBD) both have a large number of Parties and both are concerned with the protection of species from potentially all habitats. There is a strong case for strengthening co-ordination between them. But there are significant differences between the treaties and co-operation has, to date, been very limited.

Different origins: By contrast with the CBD (which opened for signature in 1992 – i.e. some 20 years after CITES), CITES was negotiated at a time when the nature of the threats to wildlife were not well understood, when the notion of sustainable development had not been formulated and developing countries were not a significant voice in international environmental governance.

Different goals: CITES focuses on protecting species from international trade, while the CBD has the goal of protecting biodiversity, without reference to any particular threat. The CBD explicitly differentiates developing from developed countries, and envisages both resource transfers and the equitable sharing of benefits from the use of genetic resources.

Different modes of operation: At meetings of the Conference of the Parties to CITES, decisions are made by voting and a decision to list a species on one of the appendices requires a two thirds majority. Agreed trade restrictions have a sophisticated compliance procedure. In contrast, the CBD tends to be exhortatory in nature and has procedures neither for voting nor for ensuring compliance.

Working together? Some links between the two conventions have been established, including a Memorandum of Understanding (originally signed in 1996) and a joint work plan (agreed in 2001). However, in practice the level of co-operation remains low. The best way forward at the present time may be through the development of joint work on specific issues such as the bushmeat trade, incentives for conservation, access to genetic resources and benefit sharing, and the development of funding opportunities for CITES from the Global Environment Fund. The bushmeat trade illustrates the limitations of a 'CITES-only' approach. Many of the species threatened by this trade are on the CITES Appendices. But, as is argued in a paper prepared for the Parties, successful conservation would require effective action at the national and sub-national levels, with the recognition that this is a livelihood issue and an emphasis on management by the resource-users themselves (CITES Secretariat). As on other matters, the potential for synergies between CITES and the CBD are considerable.

International Environmental Governance: In addition to the piecemeal initiatives to improve co-ordination that have been (or might be) undertaken by CITES and the CBD, there have been several broader initiatives to create a stronger and better co-ordinated system of international environmental governance. Most recently UNEP initiated a series of inter-governmental meetings on International Environmental Governance, which may feed into the World Summit on Sustainable Development in Johannesburg in September 2002. One idea emerging from these has been the 'clustering' of multilateral environmental agreements that deal with similar topics, possibly grouping CITES and CBD into a biodiversity cluster. But it is very unclear what such clustering might mean in practice, and some question whether this process has more to do with UNEP promoting its own role than genuine improvements in environmental governance.

(Sources: Cooney, forthcoming; Jenkins, 2001)

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ISSN: 1356-9228

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