

Domestic trade controls and the reach of the Convention - a brief review of past CITES agreements on regulation of national markets

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A TRAFFIC paper to inform the debate regarding Document 43.2 Proposed revision of Resolution Conf. 12.5 on conservation of and trade in tigers and other Appendix-I Asian big cat species.

The aim of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES is implemented through controls on international trade, delivered primarily via national policy and regulations. However, in cases of serious concern, when the principal trade measures of the Convention have failed to have their desired impact and urgent conservation concerns arise, CITES Parties have taken additional actions, including agreement to halt domestic (or internal) trade, processing and use.

This briefing is intended to inform the debate regarding Document 43.2 *Proposed revision of Resolution Conf. 12.5* on conservation of and trade in tigers and other Appendix-I Asian big cat species. Concerns have been expressed that amendments proposed by the EU calling for strict control of domestic trade and prohibition of commercial breeding for sale of parts and derivatives, may go beyond the mandate of CITES and potentially impinge on national sovereignty.

All international trade begins and ends in a national market. CITES was established on the principle that international co-operation is needed to address unsustainable and illegal wildlife trade. For some Appendix I listings where international trade controls have been judged insufficient to curb illegal trade and serious conservation concerns persist, CITES Parties have agreed to take additional domestic trade measures to help ensure the continued survival of the species in the wild. This is especially true when domestic markets had an impact on the effective implementation of international trade controls by other CITES Parties.

The following resolutions demonstrate agreement by CITES Parties to take such domestic measures within their mandate:

Res. Conf. 11.8 (Rev. CoP13) Conservation of and control of trade in the Tibetan antelope - URGES "efforts to ban the processing of Tibetan antelope wool" (i.e., production at the domestic level)

Res. Conf. 9.14 (Rev. CoP14) Conservation of and trade in African and Asian rhinoceroses - URGES "the consumer States, as a matter of priority, to work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives;"

Res. Conf. 12.7 (Rev CoP14) Conservation of and trade in sturgeon and paddlefish - RECOMMENDS "the uniform labelling system applies to all caviar, from wild and aquaculture origin, produced for commercial and non-commercial purposes, for either domestic or international trade"

Res. Conf. 10.10 (Rev. CoP14) Trade in elephant specimens - RECOMMENDS "that comprehensive internal legislative, regulatory and enforcement measures be adopted."

For the relevant language in each of these resolutions please see Annex.

Given that exceptional trade measures were agreed and taken in the aforementioned cases, the proposal for internal production and trade controls for tigers is not unprecedented. In fact, the Parties have already called for such action in increasing degrees in a series of Resolutions and Decisions on tiger trade dating back to the mid-1990s.

Given the fact that tiger numbers are at their lowest ever with as few as 3,200 individuals remaining in the wild, and that trade is a primary threat, it is not unreasonable, nor beyond the mandate of CITES, to recommend that strong domestic measures are urgently needed to help prevent the extinction of tigers in the wild.



