

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.



Annex Language relating to domestic trade measures used in the example resolutions

Res. Conf. 11.8 (Rev. COP13) Conservation of and control of trade in the Tibetan antelope
RECOMMENDS

d) all Parties and non-Parties in whose territory stocks of Tibetan antelope parts and raw materials exist, adopt a registration system and national measures to prevent such stocks from re-entering into trade;

URGES:

a) the processing countries of the products of the Tibetan antelope to continue their efforts to ban the processing of Tibetan antelope wool;

Res. Conf. 9.14 (Rev. CoP14) Conservation of and trade in African and Asian rhinoceroses

URGES:

b) all Parties to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, aimed at reducing illegal trade in rhinoceros parts and derivatives;
f) 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, with regard to regulating trade in sturgeon products, that:

m) Parties implement the universal labelling system for caviar outlined in Annexes 1 and 2 and importing Parties not accept shipments of caviar unless they comply with these provisions; (p. 3)

Annex 1 CITES guidelines for a universal labelling system for the trade in and identification of caviar

a) 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, and is based on the application of a non-reusable label on each primary container.

Res. Conf. 10.10 (Rev. CoP14) Trade in elephant specimens

Regarding control of internal ivory trade

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
b) establish a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and
c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
i) compulsory trade controls over raw ivory; and
ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;
- Regarding compliance with control of internal trade

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) to identify those Parties with an ivory carving industry and internal ivory trade whose domestic measures do not provide them with the authority to:
i) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
ii) assert compulsory trade controls over raw ivory; and
iii) establish a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;
b) to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly effect the recommendations regarding internal ivory trade; and
c) to report its findings, recommendations or progress to the Standing Committee, which shall consider appropriate measures, including restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties;