NATURE NEEDS MORE

THE NEW WAY OF WILDLIFE CONSERVATION

Sunday, 9 September 2018

Secretary General
c/o Officer-in-Charge: David Morgan (Chief of Governing Bodies and Meeting Services)
CITES
International Environment House
Chemin des Anemones
1219 Châtelaine
Geneva, Switzerland

Ensuring CITES Remains Relevant and Effective

Dear Mr Morgan,

We are writing this open letter to ask all CITES Parties and the Secretariat to fix long-standing issues in the trade and permit system that put the survival of Appendix I and II listed species at risk.

The continuing extraordinary loss of wildlife populations, as documented in the Living Planet Report, means that we are running out of time in protecting vulnerable species and populations across the globe.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a critical international treaty that can make a decisive difference in reversing this decline and halting the over-exploitation of wildlife populations.

Though this has been part of the CITES mission since its inception, there is significant and well-published evidence that the CITES permit and trade system is fatally flawed and no longer fit for this purpose.

As the next CITES Conference of the Parties in May 2019 approaches, we urge all parties and invited observers to make a concerted push to fix these long-standing and well-known shortcomings of the Convention and its implementation. Instead of pursuing a piecemeal approach to solving these, we propose:

1. Change CITES listing procedures to a reverse-listing approach, i.e. the default position on any species is that it is not to be traded; and

2. Charge a levy on all trades approved and carried out under CITES rules to put CITES funding on a sound and sustainable foundation adequate to the task of assisting all parties in creating a transparent, traceable and tamper-proof trade system.

Under the current approach of listing species with trade restrictions in Appendix I, II and III of the

Convention, there are over 35,000 species listed, making identification and enforcement an impossible task for national law enforcement and customs bodies.

For example, even in a wealthy country like Australia, with the ability to invest in strong border protection and national laws in relation to CITES, customs officials receive a total of just 3 hours training in wildlife identification and enforcement matters. It is self-evident that this level of training is completely inadequate in view of the massive number of species passing through the borders of parties to the Convention and not all Parties will have the resources to conduct even this minimal level of training.

With the continued pressure on wildlife populations it should also be taken as a given that the push to list more species on Appendix I and II of the Convention will continue, making the identification and enforcement tasks ever harder.

The solution to this escalating problem is well-known – change the listing regime to default to a 'reverse listing' mode, i.e. listing only species in which trade is permitted. This is not a new idea, in fact it was first put forward by Australia in 1981 to the CITES Conference of Parties in New Dehli. At the time only 700 species were listed on Appendix I and II and it was perhaps unsurprising that the proposal failed to garner sufficient support.

Today, with over 35,000 species listed, we are in the opposite position in relation to identification and control procedures under CITES, it would be more practical and wiser from the point of the **Precautionary Principle** to carefully select and list only those species that are demonstrably not under any threat and where trade can be proven to be **ecologically** sustainable, not just in relation to the species, but also in relation to the ecosystems it resides in. The burden of proof in relation to allowing trade should be at the expense of those who will benefit from the species being considered for trade.

We urge the parties to revisit the reverse listing proposal at CoP18 and to commission an urgent study into the potential consequences and practical implications of implementing it.

CITES was conceived and implemented as a non-self-executing convention, meaning it relies on national laws and national enforcement for its decisions to be carried out. This may have been a reasonable approach in the mid-70s, but today with 183 Parties of vastly different GDP/capita and a legal global trade in the order of USD $320 billion per annum, this leads to shortcomings that render many provisions and decisions of the Convention ineffective. Examples abound, but some shall suffice to illustrate the point:

1. The permit system is hopelessly out-of-date and still allows for paper-based permits, lacks a real-time interface to international customs systems and lacks compatibility with standards,
2. Permits are accepted with missing or contradictory information and are not reconciled with customs records,
3. Very little progress has been made on long-standing proposals for e-permits and traceability due to lack of funding,
4. The CITES trade database suffers from terrible data quality issues and late or missing submissions from Parties,
5. Permits are not in the public domain, making it difficult for NGOs to hold traders accountable.

In combination these (and many more) issues in relation to permits and trade records mean that we cannot truly judge if the trade in any species is sustainable and in compliance with CITES quotas and decisions. Any permit system that is this flawed is counterproductive – it creates the illusion of traceability and control, whilst offering nothing but a false sense of security in the minds of the concerned public.

Within the current funding framework and with the ongoing lack of access to external funding to support national initiatives to roll out e-permits and traceability applications, progress to fix these long-standing issues has been glacially slow, putting species at risk of ongoing overexploitation.

It should be self-evident that a global trade in the order of USD $320 billion per annum cannot be monitored and regulated by an agency with some USD $6 million in core funding. This disparity extends to the budgets available to range countries with low GDP/capita and even many rich countries have been unwilling to invest heavily in their national CITES implementation and enforcement activities.

We urge the Parties to enable CITES to assist in the roll out of modern, interconnected and compatible e-permit, traceability and reporting systems to all Parties by instituting a levy on all trades carried out under the Convention. For example, a levy of 1% per trade transaction should raise around USD $3billion per annum, covering both the expense of collecting it and giving CITES and the Parties the means to implement trade and control systems that are transparent, tamper-proof and fit for purpose.

We have reached a point where the glaring holes in the current CITES trade framework can no longer be ignored and the existing pace of fixing them is inadequate given the scale of abuse. We would welcome a dialogue with CITES and parties wishing to engage in a serious discussion on our proposed solutions.

Yours sincerely,

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