



NATURE NEEDS MORE

THE NEW WAY OF WILDLIFE CONSERVATION

Media Release: 20 April 2020
For Immediate release

1981 Submission To CITES Pointed Out Dangers In Legal Trade System

In 1981, the Australian Government made a submission to *CITES CoP3* proposing a change to a reverse-listing model. In 1981 CITES had been in enforcement for only 6 years, but already Australia predicted that there could be a *loss of control of the legal trade*.

An extract from the proposal, which can be seen via: (<https://natureneedsmore.org/wp-content/uploads/2019/05/E03-30-Australia-1981-Reverse-Listing-Proposal.pdf>)

This resolution identifies the problems* arising from continuing additions to appendices and recommends that the principle of "reverse or clean" listing be adopted by CITES to replace the present appendices. Such lists would comprise only those species which have been proposed for commercial trade by a Party and for which there is agreement that a sufficient level of knowledge, management and control exists to ensure that the proposed trade will not threaten the species survival. The onus would be on the proponent to provide these data to the Conference of the Parties and a proposal would be dealt with in a manner similar to that presently adopted for appendix listings.

In response to Australia's submission, the USA commissioned research in 1982 to review a reverse-listing approach. The 1982 paper rejected the idea as 'unnecessarily complex' given the small number of CITES listed species (then 700). This 1982 paper can be viewed via: <https://natureneedsmore.org/wp-content/uploads/2019/05/International-Trade-in-Endangered-Species-under-C.I.T.E.S.-Direc.pdf>

Guys: I completely agree with your analysis of my 1982 article on whether reverse listing made sense. The times have changed.

Marty Ditkof (January 15, 2020)

I appreciate the opportunity to comment on my 1982 Note published by the Cornell International Law Journal in 1982 discussing whether reverse listing in endangered species would be a viable alternative to direct listing. At the time, my recommendation was to continue with direct listing given the difficulty in implementing reverse listing and the existing costs and technology.

The goal has always been to identify and protect all potentially endangered species within the resources which governments and others are willing to allocate to this protection. Reverse listing would certainly best fulfil the ultimate goal of protection in that direct listing risks missing either species not often traded or which have become endangered over time. In 1982, the technology to satisfy that goal was in an infant stage. As an example, my Physics class at the University of Michigan in 1975, shortly after CITES became operational, was the very first time that students in that class were allowed to use calculators on exams. Prior to then, the class only allowed Slide Rulers which, of course, anyone interested in a hard science learned to use prior to college.

With today's technology available to identify the necessary elements of whether a species is endangered and then communicate that information over the Internet to all who are interested or otherwise need to know, this has become a non-issue. In summary, the current technology is powerful and the cost negligible. The biggest obstacle that I can see would be for those "close calls" which likely will overlap with political implications about whether a particular animal should be considered endangered.

As I mentioned, this was not my chosen field after law school and, as such, I have not been in the trenches on this issue for quite some time. However, I have 4 kids and 2 grandkids for which this and other environmental related issues, and the legacy which my generation leaves them, are critical. I very much support the discussion on your website on the 1981 Reverse Listing Proposal and wish you well in perusing it.

Marty Ditkof (February 15, 2020)

Now there are nearly 36,000 species listed under CITES and this continues to grow. All the problems predicted in the Australia's 1981 submission, as the reason to move to a reverse listing early in CITES, have occurred.

The author of the 1982 research (Martin Ditkof) approached Nature Needs More in December 2019 to tell us that he now fully agrees with our analysis that we need to move to positive/reverse listings for CITES. We asked if he would like to put a statement on our website about his change of thinking. You can see his statement to the left.

After years of researching and working on the demand for illegal wildlife 'products', in 2017 Nature Needs More came to the conclusion that the illegal trade cannot be tackled until the loopholes in the legal trade in endangered species are closed. CITES needs modernising to cope with current trade volumes.

Following our research into the system that manages trade, we first sent an email to the **CITES acting Secretary General on the 9th September 2018 calling for a review**

of the CITES system. You can see the letter here: <https://natureneedsmore.org/ensuring-cites-is-relevant-and-effective/> *This letter asked that CITES revisited the reverse-listing approach*, which means only after an upfront analysis of all the risks of trade is done and this analysis confirms that risks can be mitigated, the companies that want trade are committed to investing the resources to ensure that all risks are managed and the trade is ecologically sustainable can it go ahead.

A reserve listing approach is what is used in the pharmaceutical industry to risk assess new medicines (as we are seeing now in response to COVID-19), it is also used in other industries such as the aircraft sector.

Since early 2019, together with our collaborative partner For the Love of Wildlife, we have met with representatives of over 30 CITES signatory countries to discuss the need to modernise CITES to a reverse listing approach. Given what has happened now with COVID-19, this is probably the best time to start a strategic review of CITES and the international wildlife trade.

An 8 April 2020 article by John Vidal: Human impact on wildlife to blame for spread of viruses: <https://www.theguardian.com/environment/2020/apr/08/human-impact-on-wildlife-to-blame-for-spread-of-viruses-says-study-aoe> highlights CITES Secretariat flat-out rejected any responsibility for biosecurity issues as a result of the trade. From the article:

“In a growing sign that global organisations are embarrassed by the emergence of zoonotic diseases in traded animals, Cites, the body which regulates the international trade of animals, refused to be drawn into the growing debate about the origins of Covid-19.

In a terse statement it said: “Matters regarding zoonotic diseases are outside of Cites’s mandate and the Secretariat does not have the competence to make comments on the recent news on the possible links between human consumption of wild animals and Covid-19.”

Since CITES is the only regulator of the trade, surely, they can’t just deny responsibility and go back to business-as-usual?

It is time for the modernisation of CITES, we propose a 3 Step Process:

1. CITES Modernisation Part I – Electronic Permit Implementation Via Cost Recovery
2. CITES Modernisation Part II – Reverse Listing
3. CITES Modernisation Part III – Industry Contributing To The Costs Of Trade

More information on modernising CITES can be found at: <https://natureneedsmore.org/trade/>

About Nature Needs More

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