

# SSN Comments on the Strategic Plan for CITES: 2008-2013

## THE STRATEGIC PLAN FOR CITES: 2008-2013

### Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was concluded on 3 March 1973. It entered into force, after ratification by 10 States, on 1 July 1975.

Since then, the number of countries that have ratified or acceded to the Convention has continued to increase. With 169<sup>1</sup> Parties, CITES is widely regarded as one of the most important international conservation instruments. During this period, the Conference of the Parties has shown itself to be capable of adapting to changing circumstances and, through the adoption of Resolutions and Decisions, has demonstrated an ability to construct practical solutions to increasingly complex wildlife trade and conservation problems.

At its ninth meeting (Fort Lauderdale, 1994), the Conference of the Parties commissioned a review of the Convention's effectiveness. The principal purposes of the review were to evaluate the extent to which the Convention had achieved its objectives and the progress made since CITES came into being and, most importantly, to identify deficiencies and requirements necessary to strengthen the Convention and help plan for the future. At its 10th meeting (Harare, 1997), the Conference agreed to an Action Plan for implementing certain findings and recommendations of the review. A central finding was the need for a strategic plan and, at its 11th meeting (Gigiri, 2000), the Conference of the Parties adopted the *Strategic Vision through 2005*, and an Action Plan.

At its 13th meeting (Bangkok, 2004), the Conference of the Parties adopted Decision 13.1, which extended the Strategic Vision and Action Plan until the end of 2007. It also established a procedure for developing a new Strategic Plan through 2013, particularly to contribute to the achievement of the World Summit on Sustainable Development (WSSD) targets of significantly reducing the rate of biodiversity loss by 2010. The present document is the result of this process.

With this new Strategic Plan, the Conference of the Parties to CITES outlines the Convention's direction in the new millennium and takes into account issues such as:

- meeting the UN Millennium Development Goals;
- significantly reducing the rate of biodiversity loss by 2010;
- ensuring stewardship of natural resources and their use at sustainable levels;
- safeguarding wildlife as an integral part of the global ecosystem on which all life depends;
- achieving deeper understanding of the cultural, social and economic issues at play in producer and consumer countries;
- promoting wider involvement of civil society in the development of conservation policies and practices (including non-governmental organizations concerned with development or environment, community groups, professional associations, trade unions, business associations, coalitions and advocacy groups); and
- placing greater attention on timber and aquatic species.

SSN is supportive of the need to keep CITES in line with the most current developments of the international law on the conservation of species. However, the direction as envisioned in this Strategic Plan relies on concepts not found in the text of the Convention and not fully compatible with its purpose. The CITES Parties agreed to cooperate “*for the protection of certain species of wild fauna and flora against over-exploitation through international trade*” (CITES Preamble). In Decision 13.1, the Parties specifically requested that the Strategic Plan contribute to the WSSD

targets, but made no mention of the UN Millennium Development Goals or the need to achieve a “*deeper understanding of the cultural, social and economic issues at play in producer and consumer countries.*” Consequently, SSN recommends that the references to these two issues (bullet points 1 and 5) be deleted.

To be clear, SSN believes that the eradication of extreme poverty and hunger, the achievement of universal primary education, the promotion of gender equality and the empowerment of women, the reduction of child mortality, the improvement of maternal health, combating diseases such as AIDS and malaria, and the development of a global partnership for development—all part of the UN Millennium Development Goals—are issues of the utmost importance. However, these goals have little to do with the conservation of species in international trade and therefore fall outside the remit of the Convention.

Furthermore, SSN is concerned that the term “sustainable development,” which appears frequently in this document, is vulnerable to misuse. IUCN highlights these concerns in its recent publication, *The Future of Sustainability: Rethinking Environment and Development in the Twenty-First Century*: “*In implying everything sustainable development arguably ends up meaning nothing.*” The report continues by recognizing that the “*environment pillar*” of sustainable development is often not given the same weight as economic and social considerations in government decision making, “*In practice development decisions by governments, businesses and other actors do allow trade-offs and put greatest emphasis on the economy above other dimensions of sustainability. This is a major reason why the environment continues to be degraded and development does not achieve desirable equity goals.*” Instead, SSN would like to suggest a new approach, encompassed by the term “*ecological sustainability,*” which incorporates the concepts of the user-pays principle, the precautionary principle, the ecosystem approach, and the resurrection of traditional conservation principles.

SSN therefore recommends amending bullet point 3 to read “*ensuring stewardship of natural resources and their use at ecologically sustainable levels*”.

#### Purpose

The two-fold purpose of the Strategic Plan is:

- to improve the working of the Convention, so that international trade in wild fauna and flora is consistently conducted at sustainable levels; and

This sentence could imply that the Convention should promote wildlife trade instead of eliminating unsustainable trade.

SSN suggests the following modification: “*to improve the working of the Convention, so that international trade in wild fauna and flora does not exceed ecologically sustainable levels.*”

- to ensure that CITES policy developments are aligned with changes in international environmental priorities and take into account new international environmental initiatives.

The necessity and significance of “align[ing]” CITES policy “with changes in international environmental priorities” is unclear. The fundamental goal of CITES policy developments is to more fully achieve the purpose of the Convention, as set forth in the Convention text. CITES is a specific instrument designed to safeguard biodiversity from the threat posed by illegal or unsustainable international trade. This objective remains an international environmental priority, recognized as such in the 2010 targets (see our comments on the proposed Mission Statement, below). CITES, therefore, is already aligned with current environmental priorities.

The Convention is neither intended nor equipped to address other environmental issues, except as they relate to regulating wildlife trade. Any commitment to “align” CITES policy with marginally relevant environmental initiatives could result in significant uncertainty in the implementation of the Convention and the waste of scarce resources, to the detriment of the Convention’s core purpose.

SSN, therefore, recommends adding the following words at the end of the phrase: “*to the extent these are consistent with the primary purpose of CITES as set out in the Convention text.*”

The Strategic Plan confirms the recognition by the Parties that sustainable trade in wild fauna and flora can make a major contribution to achieving the broader objectives of sustainable development and biodiversity conservation.

This statement is far broader than any language currently recognized by the Parties to CITES. Resolution Conf. 8.3 (Rev. CoP13) recognizes only that “*commercial trade may be beneficial to the conservation of species and ecosystems and/or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question.*” The Strategic Plan should not alter the language of specific resolutions adopted by the Parties, but should reflect existing language. Furthermore, Resolution Conf. 8.3 (Rev. CoP13) should not be construed as having changed the primary purpose of CITES from protecting the world’s biodiversity from over-exploitation through international trade to the promotion of wildlife trade for the purpose of economic development.

Consequently, SSN recommends that the sentence read as follows: “*The Strategic Plan takes into account the recognition by the Parties that commercial trade may be beneficial to the conservation of species and ecosystems and/or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question.*”

It also recognizes that the Convention must continue to ensure that proper trade mechanisms are put in place. These depend upon the availability of and access to reliable scientific data and to information generated by effective monitoring systems to counter over-exploitation. But information by itself is not enough and such trade mechanisms also require strong national capacity backed by good cooperation at national, regional and global levels. However the purposes of the Strategic Plan will be achieved only if CITES maintains a high political profile.

While this last sentence may be at least partially true, it should not be taken to imply that CITES must compromise its fundamental principles or depart from the Convention text simply in order to curry favor in the current political climate.

SSN suggests a more appropriate phrasing, as follows: “*However, the success of the Strategic Plan and of CITES depend ultimately on the political will of CITES Parties to adhere to and advance the Convention, including allocating the resources necessary to implement and enforce it.*”

## Structure

In order to achieve this purpose, four broad goals have been identified as the key components of the Strategic Plan:

- Goal 1: Ensure compliance with and implementation and enforcement of the Convention
- Goal 2: Secure the financial basis for the Convention
- Goal 3: Adopt balanced wildlife trade policies compatible with human well-being, livelihoods and cultural integrity

Goal 3 has no basis in either the text of the Convention or the previous strategic vision agreed to by the Parties. Moreover, SSN believes that the language in Goal 3 is too broad and relies on concepts which do not have an internationally recognized definition. Parties to CITES should not be expected to come to a consensus about what constitutes a “*balanced*” wildlife trade policy or to assess if it is compatible with “*human well-being, livelihoods and cultural integrity*”. That is an equation best left to each country to solve as part of its broader ecological and development policies. Indeed, the Secretariat’s current engagement in reviewing national wildlife trade policies has been controversial among Parties who believe it is an unwarranted interference in national affairs; it should therefore not be elevated to one of the goals in the Strategic Plan.

SSN’s objections to Goal 3 are detailed further within that section.

– Goal 4: Reduce the rate of global biodiversity loss.

The first two of these goals are aimed at consolidating the existing strengths of the Convention. The second two are forward-looking and provide a framework for the evolution of CITES.

Within the framework provided by each of these goals, this Strategic Plan identifies a number of objectives to be achieved. And, as a basis for determining success of the Plan, when the Parties meet at their 16th meeting, in 2013, a number of specific indicators are listed under each objective.

This document is not an action plan. It does not try to prescribe how the goals or objectives are to be achieved. Rather this is left to the Parties, the committees or the Secretariat to decide for themselves, or for the Conference of the Parties to specify the required actions through Resolutions or Decisions. For example, it does not indicate what kind of capacity building is required to achieve the objectives, or how scientific advice is to be provided. These sorts of determinations must be made on the basis of this agreed strategy. They are the next step.

## CITES MISSION STATEMENT

TO CONSERVE BIODIVERSITY AND PROMOTE HUMAN DEVELOPMENT  
THROUGH SUSTAINABLE AND REGULATED INTERNATIONAL WILDLIFE TRADE

### Explanation of the Mission Statement

This statement of the Mission of CITES provides the context for the Strategic Plan that follows. It provides a vision of the aim of CITES in the modern world, taking account of developments in the international community since the Convention was concluded in 1973. These include, in particular: the conclusion of several multilateral environmental agreements, notably the Convention on Biological Diversity; the adoption of the Millennium Development Goals; and the outcomes of the World Summit on Sustainable Development.

In light of this Mission, the Strategic Plan through 2013 has been designed to take into account the experience of implementing the Strategic Vision through 2007, to build on that experience and to set out a number of new directions for the CITES Parties and bodies.

SSN strongly objects to adopting a mission statement of any kind, and in particular to the one proposed here. CITES is an international convention, and as such it already has a mission statement which reflects the purpose for which the Convention was negotiated. This is set out in the Preamble to the Convention text, in particular the language reading:

*“Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;*

*Convinced of the urgency of taking appropriate measures to this end;”*

That this is the core object and motivating principle behind CITES is borne out by the Convention’s

operative paragraphs, which establish a comprehensive system not for promoting human development, but for protecting wild fauna and flora against over-exploitation through international trade. SSN certainly would not agree that this language is either outmoded or inappropriate in today's world. We note that target 4.3 of the 2010 goals and sub-targets adopted by the Convention on Biological Diversity states specifically:

*“Target 4.3: No species of wild flora or fauna endangered by international trade.”*

SSN regrets that, in a document claiming to be a forward-looking strategic plan for this Convention, this target is nowhere mentioned or referred to.

In general, a mission statement set out in a document of this kind cannot, and should not, override the fundamental principles set forth in the Convention text. There is nothing in the Convention text that refers to promoting either human development or wildlife trade, and while the former may be a worthwhile goal (SSN would disagree on the subject of promoting wildlife trade as opposed to non-consumptive alternatives), neither reflects either the fundamental purpose or language of CITES itself. Adopting such a statement, which appears to contradict the text of the Convention, in a document whose legal status is unclear can only cause confusion, and could impede the implementation of the Convention.

SSN recommends that the entire section of the Strategic Plan on a “*CITES Mission Statement*” be deleted.

## THE STRATEGIC GOALS

The Conference of the Parties has identified four primary goals to provide the framework for the implementation of the Strategic Plan. These have been divided thematically into two categories.

### THEME 1 – WORKING EFFECTIVELY

#### GOAL 1 ENSURE COMPLIANCE WITH AND IMPLEMENTATION AND ENFORCEMENT OF THE CONVENTION

##### Introduction

The effectiveness of the Convention depends upon its full implementation by all Parties, whether they are consumers or producers of wild animals and plants. Full implementation relies, in turn, upon each Party's:

- commitment to the Convention and its principles;
- national legislation and law enforcement capability;
- access to scientific expertise and analyses; and
- access to and understanding of the Convention's requirements.

Overall, implementation of the Convention should be aimed at promoting and regulating the sustainable management of and responsible trade in wild fauna and flora and promoting the effective enforcement of the Convention.

As the Convention text says nothing about promoting trade, and the Parties have repeatedly stated that domestic management of species is not an issue directly concerned with CITES, it is difficult to see what these issues have to do with the implementation of the Convention. Further, these aims ignore species listed on Appendix I, for which no legal trade is allowed.

SSN recommends that this last be modified to read as follows: *“Overall, implementation of the Convention should be aimed at ensuring that international trade in wild fauna and flora is sustainable and promoting the effective enforcement of the Convention.”*

In addition, SSN recommends the inclusion of a fifth bullet: *“—political will to adequately resource, fully implement and effectively enforce the Convention”*.

Many activities that take place under the Convention are aimed at enhancing Parties' ability to implement CITES. Such capacity building is a common thread throughout this Strategic Plan and an aspect of virtually every objective. Improved national capacity, in turn, should enable a better management of wild animals and plants, and thus reduce the need to include species in the CITES Appendices.

In its present form, this paragraph places a stronger emphasis on avoiding CITES listing than on the fundamental goal of protecting wildlife from overexploitation through international trade. SSN agrees that improved national capacity for CITES implementation will benefit species already included in the CITES Appendices and, by preventing overexploitation, help to avoid population declines that would necessitate tighter controls on trade in those species or their look-alikes. We further agree with the implicit assumption that increasing national capacity for CITES implementation might, in some cases, benefit non-listed species by improving national wildlife management as a whole. By reducing the number of threatened species potentially affected by international trade, such improvements could potentially mitigate the need for new CITES listings. For purposes of clarity, this assumption should be more explicitly stated.

SSN recommends revising the final sentence to read as follows: *“By enabling better management of CITES-listed species, improving national capacity to implement CITES can reduce the impacts of trade on those species and thereby reduce the risk that greater trade controls will be required. At the same time, improving CITES capacity may benefit national wildlife management as a whole and, in so doing, protect species not currently listed on CITES from the need for future listing.”*

It is also important to consider the potential of regional coordination and collaboration for national capacity-building efforts.

The need for a coordinated process of implementation has grown as the Convention faces up to trade issues involving species that often fall beyond the direct reach of the Management and Scientific Authorities. It is also recognized that, for trade to be carried out in a responsible manner and based on sustainable use, social and economic incentives are needed to bring local communities and local authorities into partnership with government under an appropriate policy, legislative and financial framework.

The use of social and economic incentives in the implementation of CITES is controversial. Several Parties find they are not relevant to the core business of CITES and should be dealt with under the Convention on Biological Diversity or other more relevant instruments. It is particularly inappropriate here because most CITES trade is carried out by commercial operators, not local communities.

SSN therefore recommends deleting the second sentence.

Excessive and illegal trade, in wild animals and plants for commercial gain are major factors in the depletion of some of the world's natural resources. These activities undermine countries' conservation efforts, affect the income of rural populations and have driven several species to the brink of extinction. Species therefore are listed in the CITES Appendices on the basis of relevant scientific information and comprehensive criteria, in order to regulate their trade and ensure that it is not detrimental to the survival of the species.

In addition to the regular monitoring and inspection of CITES trade, timely and proportionate enforcement responses to detected violations are essential for effective implementation of the Convention. This requires the development or enhancement of strong multi-agency coordination mechanisms involving both CITES authorities and enforcement agencies, parity between wildlife enforcement officers and other law enforcement officers, increased priority for wildlife offences and heightened awareness among prosecutors and judges regarding their role in deterring wildlife crime. Although enforcement of the Convention is primarily a matter of national competence, bilateral, regional and global cooperation to combat wildlife crime is essential. CITES implementation and enforcement depends to a large degree on efficient border and trade controls. Consequently, the involvement of ICPO-Interpol and the World Customs Organization in enforcement of the Convention is critical.

SSN strongly supports the language in this paragraph. These efforts could be facilitated by the development of national enforcement action plans envisioned in Resolution Conf. 11.3 (Rev. CoP13). SSN recommends the insertion of “*national enforcement action plans*” after “*both CITES authorities and enforcement agencies*”.

Several regional initiatives to combat wildlife crime merit reference here, including the Lusaka Agreement Task Force and the Wildlife Enforcement Network of the Association of Southeast Asian Nations.

To ensure Parties’ compliance with the Convention, there should be continued efforts to simplify implementation requirements, to correct misperceptions and promote greater understanding of the Convention and to obtain broader recognition of the beneficial contribution which sustainable trade management can make to conservation. The support and participation of the trade community and the public must also continue to be enhanced.

SSN does not believe that a reference to the “*beneficial contribution which sustainable trade management can make to conservation*” should be included in a paragraph focused on securing Parties’ compliance. The degree to which sustainable trade can positively contribute to conservation, relative to other, non-consumptive conservation tools, remains a matter of considerable debate within the scientific and conservation communities generally, and within CITES specifically. This debate is reflected in the cautious and heavily-qualified wording of Resolution Conf. 8.3 (Rev. CoP13) (see above). In the absence of any mandate within the text of the Convention to actively promote trade, there is neither reason nor authority for the Strategic Plan to enter into this debate. This paragraph also fails to acknowledge the critical conservation role of trade prohibitions for Appendix I species.

SSN recommends revising the first sentence to read only: “*To ensure Parties’ compliance with the Convention, there should be continued efforts to simplify implementation requirements, to correct misperceptions and promote greater understanding of the Convention*”.

Parties should be encouraged to report any implementation difficulties that they may be experiencing, so they can be provided with appropriate assistance. The CITES Standing Committee can continue to play an important role in promoting compliance and addressing non-compliance.

Not only *can* the Standing Committee play an important role in promoting compliance and addressing non-compliance, but it is of vital importance that it does so. SSN recommends replacing “*can*” with “*should*” in the last sentence.

**Objective 1.1** Parties comply with their obligations under the Convention through appropriate legislation, policies and procedures.

Indicators

All Parties have appropriate legislation, policies and procedures to implement the Convention.

The National Legislation Project provides a good measure of whether Parties have adopted appropriate legislation to implement the Convention. Consequently, SSN recommends that this indicator reads as follows: “*All Parties are included in Category I of the National Legislation Project, indicating that they have adequate and appropriate legislation, policies and procedures to implement the Convention.*”

The wildlife trade policies of each Party have been assessed and are coherent with other relevant national policies.

CITES has no role to play in determining whether a country’s domestic policies are coherent.

SSN recommends deleting this indicator.

Parties have management programmes for the conservation and recovery of CITES-listed species with the objective that the species may be removed from the Appendices.

Removal from the Appendices is not and should not be the objective of proper wildlife management—recovery of the species and restoration to its proper role in the ecosystem should be. Further, even the best domestic management may not remove international pressures, including illegal trade, which may require that a species continue to receive CITES protection. Also, management cannot affect the status of species listed under Article II.2(b).

SSN therefore recommends rewording this indicator to read: “*Parties have management programmes for the conservation and recovery of CITES-listed species with the objective that species may recover to a level at which they might qualify for removal from the Appendices, should other factors permit.*”

All Parties have established Management Authorities, Scientific Authorities and enforcement authorities that have the skills and resources necessary to undertake their Convention obligations to a high standard.

SSN strongly supports this indicator. For purposes of greater clarity, SSN recommends that the term “*high standard*” be replaced by more measurable or quantifiable language, such as “*globally acceptable standard*”, which could be related to specific Convention targets.

Trade in CITES-listed species is authorized on the basis of sound and relevant scientific information, appropriate risk assessment, and monitoring so as to ensure that such trade is not detrimental to the survival of the species.

All Parties provide their staff responsible for implementing CITES with access to adequate training and information resources.

#### **Objective 1.2** Regulatory procedures are practical, simplified, updated and made user-friendly.

##### Indicators

Standard procedures for the issuance of permits have been adopted by each Party, in consultation with the trade sector, which ensure that permits are issued in a timely fashion.

In view of the importance of public participation to the full and effective implementation of CITES, SSN recommends inserting “*and interested public*” after “*trade sector.*” SSN also recommends that a reference to conformity with CITES be added. The new sentence would read: “*Standard procedures for the issuance of permits have been adopted by each Party, in consultation with the trade sector and interested public, which ensure that permits are issued in a timely fashion and in conformity with CITES.*”



SSN recommends an additional sentence as follows: “*Procedures should include meaningful opportunity for public input to be solicited and taken into account as part of the permitting process.*”

A majority of Parties have established electronic systems for information management, permit issuance, marking of specimens and generating annual, biennial or other reports.

Parties are to the fullest extent possible making use of the simplified procedures provided for in Resolution Conf. 12.3.

As Resolution Conf. 12.3 (Rev. CoP13) has already been amended, and could be further amended or replaced in future, this language should read: “*provided for in Resolution Conf. 12.3 (Rev. CoP13) and other relevant resolutions and decisions.*”

Officers of CITES Parties responsible for enforcement of the Convention and related national legislation have access to specialized training for this purpose.

**Objective 1.3** Parties are enforcing the Convention to reduce illegal wildlife trade.

Indicators

SSN suggests the inclusion of an additional indicator to reflect the recommendation in Resolution Conf. 11.3 (Rev. CoP13): “*All Parties have developed national enforcement action plans incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies*”.

A wildlife enforcement coordination network is established by each Party with representation from all relevant national enforcement bodies.

SSN recommends that the words “*and other bodies*” be added to the end of this sentence.

Mechanisms are developed to quantify more precisely the levels of illegal trade in species in high demand and the effectiveness of the enforcement measures applied.

The language of this indicator is too limiting. The indicator should also address species at serious risk from trade because of small initial populations, for which demand need not be high to be damaging, as well as species in Appendix I.

SSN recommends replacing “*species in high demand*” with “*vulnerable or heavily traded species*”.

Cooperation exists between national, regional and international law enforcement agencies and Management Authorities to effectively combat illegal trade in wild fauna and flora.

**Objective 1.4** The Standing Committee has the primary role in promoting compliance and addressing non-compliance.

Indicator

Resolution Conf. 11.1 (Rev. CoP13) is amended to strengthen the role of the Standing Committee regarding compliance issues.

SSN proposes replacing “*strengthen*” with “*more accurately reflect*”. The role of the Standing Committee in compliance issues is already recognized. Resolution Conf. 11.1 (Rev. CoP13) needs only to be updated to reflect current practice and other Resolutions on compliance.

## GOAL 2 SECURE THE FINANCIAL BASIS FOR THE CONVENTION

### Introduction

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Successful implementation and enforcement of the Convention requires an appropriate level of funding at the national and international levels.

SSN recommends changing “*national and international levels*” to “*national, regional and international levels.*”

At the national level, a number of countries make charges for issuing permits and certificates in order to cover the costs of processing them. Others however, find it increasingly difficult to cover the costs of implementing the Convention, but following the user-pays principle is one way to offset or cover these costs.

SSN strongly believes that the cost of regulating the trade in wild animals, plants and their products on the national level should be paid by those who benefit from the trade, according to the user-pays principle. “*Getting the prices right,*” which requires that the environmental cost is included in the price of a product, is a prerequisite for an ecologically sound trade regime.

At the international level, an appropriate level of funding, as well as efficient fiscal management, is needed to meet the requirements of operational effectiveness of the Convention, to provide a platform for international coordination and cooperation. Moreover, when the Conference adopts a Resolution or Decision requiring specific activities to be undertaken, in the past these have often been subject to external funding. Many donors have been very generous and this has been deeply appreciated. Nevertheless, if the Conference decides that an action needs to be carried out, it would be appropriate to make provision in the budget to cover the costs, rather than letting the implementation of Conference decisions be dependent on the priorities, interests and generosity of others.

In the last sentence, the words “*which requires funding*” should be added after the words “*carried out.*”

When the Parties collectively adopt the CITES budget, it is also the responsibility of the Parties collectively to ensure that contributions are made to cover the agreed costs. The Standing Committee, as the senior committee, representing the Conference of the Parties between its meeting, is the appropriate body to take action to try to ensure that all Parties do pay their agreed contributions.

### **Objective 2.1 Financial resources are sufficient to ensure full implementation of the Convention.**

#### Indicators

Cost recovery through, for example user-pay procedures, is established to fund the implementation of the Convention.

The Standing Committee is empowered to take appropriate measures in relation to Parties that repeatedly fail or have failed to meet their obligations with regard to their assessed contributions to the Trust Fund.

### **Objective 2.2 The funds to implement Resolutions and Decisions that require funding for their implementation are provided in the CITES Trust Fund budget.**

Following this objective would require the Parties to reject Resolutions and Decisions calling for such things as conferences and workshops specifically funded by external sources. Moreover, it prevents Parties or the Secretariat from obtaining funding after the Conference of the Parties. SSN recommends deleting this objective and its indicator.

## Indicator

Resolution Conf. 4.6 (Rev. CoP13) is revised to indicate that the Conference of the Parties will not consider draft resolutions or draft decisions that do not comply with this Resolution.

SSN strongly objects to this indicator, which is narrower than the objective it appears to implement. The objective refers only to Resolutions and Decisions that require funding, whereas this indicator would apply to all Resolutions and Decisions. Furthermore, the practice at Meetings of the Conference of the Parties has always been to consider the possibility of reworking submitted draft texts. An amendment to Resolution Conf. 4.6 (Rev. CoP13) such as that proposed would prevent this collaborative approach by barring draft texts from being considered in the first place.

## THEME 2 – MOVING FORWARD

### GOAL 3 ADOPT BALANCED WILDLIFE TRADE POLICIES COMPATIBLE WITH HUMAN WELL-BEING, LIVELIHOODS AND CULTURAL INTEGRITY

As mentioned above, SSN objects to the inclusion of this goal in the CITES Strategic Plan. It is an inappropriate intrusion on the national affairs of CITES Parties regarding their domestic policies and obligations under other international agreements. Furthermore, it has no basis whatsoever in the text of the Convention. As such, SSN believes Goal 3 should be deleted in its entirety.

In the event, however, that this goal is retained SSN recommends it be amended to read “*Adopt wildlife trade policies designed to strengthen implementation and enforcement of CITES.*” SSN further elaborates our concerns in the comments below.

## Introduction

### *Consistent wildlife trade policies*

For international conventions to function as intended, consistency of implementation is an important element. Parties should have an assurance of equitable treatment by other Parties. With respect to CITES, Parties should implement the provisions of the Convention, Resolutions and Decisions in a way that is consistent with national policies and regulations and positions in other MEAs.

SSN is unclear about the reference to the need for Parties to have “*an assurance of equitable treatment by other Parties*”. This language is far too vague and undefined to serve any useful purpose, and may result in misinterpretation by the Parties. SSN is also concerned about the assessment of compatibility with “*national policies and regulations and positions in other MEAs*”. SSN believes that this is an inappropriate interference in a nation’s sovereign right to develop positions in different fora where different conditions may apply. Furthermore, CITES is not equipped, nor is it the proper body, to engage in this type of assessment.

For these reasons, SSN recommends that this paragraph be deleted.

Parties should also review their domestic measures to bring them into line with their international obligations under the various conventions and agreements to which they are party.

This paragraph represents an infringement on national sovereignty. It is not a goal of CITES to ensure that its Parties are complying with other agreements such as the Convention on Biological Diversity, however desirable such goals may be in general. More troublingly, this provision could suggest that Parties should subordinate their implementation of CITES to their obligations under international trade agreements—a proposition which the Parties have repeatedly and explicitly rejected and which the World Trade Organization does not require.

SSN recommends that this sentence be deleted, or in the event Goal 3 is retained and/or amended as proposed, be changed to read “*Parties should review their domestic measures to bring them into line with their obligations under CITES*”.

While Article XIV of CITES specifically recognizes the right of Parties to adopt domestic measures stricter than those required by the Convention, the objective should be that no new such measures are introduced. Parties should as far as possible refrain from introducing new stricter measures. However, should they wish to introduce such measures, Parties should maintain close collaboration with the Secretariat throughout the legislative process so as to ensure that their stricter measures are in line with the principles of the Convention.

SSN strongly objects to this paragraph. At the 54th meeting of the Standing Committee, a number of Parties raised objections to placing any limits on the right of Parties to introduce stricter domestic measures. Article XIV is not a right created by the Convention. It is the recognition of a pre-existing, sovereign right which the Parties expressly refused to sacrifice. This right is absolute and may not be limited except by amending the Convention itself. Further, stricter domestic measures provide an important safeguard in circumstances in which the CITES Parties have not yet acted collectively. In some cases, the robust implementation and enforcement of the Convention may obviate the necessity for a stricter domestic measure, but that is a decision best left to the Party which enacted it.

Stricter domestic measures have been adopted not only by importing countries, but also by exporting countries that have decided, for reasons of their own, to prevent the export of their wild flora and fauna. It would be highly inappropriate for CITES to attempt to require any country either to accept imports about which it has serious national concerns or to place its wildlife in international markets against its national political will. SSN recommends that this paragraph be deleted.

#### *Financing wildlife conservation and sustainable trade in wildlife*

In the event Goal 3 is retained and/or amended as proposed, SSN recommends this sub-title should read “*Financing wildlife conservation and the elimination of unsustainable trade in wildlife.*”

SSN further suggests that one avenue for funding that should be explored for financing implementation of the Convention is gaining access to the Global Environment Facility (GEF), both on a multilateral level and nationally, for example through incorporation of CITES implementation and enforcement into National Biodiversity Strategies and Action Plans (NBSAPs).

Parties appear to be increasingly unwilling to approve increases in the budget for the administration of the Convention.

SSN shares the view that the CITES Parties should support the budget increases necessary for the effective administration of the Convention and the implementation of Resolutions and Decisions the Parties have adopted. At the same time, SSN notes that one repeated source of disagreement has arisen from the Parties’ objections to paying for initiatives undertaken by the Secretariat without authorization from the Conference of the Parties or the Committees.

Other avenues must therefore be explored to finance the implementation of the Convention, such as cost recovery by Parties from those people or bodies undertaking international trade in wildlife and the direct investment of those funds in wildlife conservation. In order to demonstrate the value of international trade in wildlife specimens to local communities Parties should seek to return at least a proportion of the funds collected to those local communities in the areas from which the wildlife is taken.

SSN strongly objects to the last sentence. If a proportion of revenues is to be provided to local communities, it should be because it is equitable to do so, not as part of an attempt to sell them

on the virtues of international trade in wildlife. Without a mechanism to ensure that the benefits are in some way tied to the contribution the community makes to wildlife conservation, the incentive is created to overexploit species for economic gain. Further, this objective raises questions which CITES is not competent to address, such as which communities should benefit, how they should benefit, and to what extent. In addition, this sentence overlooks the possibility that local communities might benefit even more from alternate uses of wildlife, including non-consumptive uses such as ecotourism.

SSN recommends the deletion of this last sentence.

This should act as encouragement to local communities to value endangered wildlife in their area as a resource that should be conserved as it could assist with their economic well-being.

Efforts to increase local support for conservation through economic tools have met at best with mixed success, and have actually fomented social disruption in some areas. Improperly pursued, such programs may also encourage communities to support or engage in illegal trade. Even if this were not the case, CITES should not be in the business of promoting international trade as opposed to other wildlife uses that may be preferable for conservation, social and/or economic reasons.

Responsible international trade in wildlife should always have regard to the sustainability of this trade and this should be considered especially when establishing non-detriment findings. Case studies should be produced and considered showing the applicability or not of the CBD's Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity to international trade in wildlife conducted under the provisions of CITES.

The case studies suggested here have already been considered by the Parties during a joint meeting of the Animals and Plants Committees, many of whom found that the Addis Ababa Principles and Guidelines were not applicable or useful in the making of non-detriment findings.

SSN recommends that, if Goal 3 is not deleted, only the first sentence of the paragraph, which in effect restates Convention language, be retained with the insertion of “*ecological*” before “*sustainability of this trade*”.

**Objective 3.1 National wildlife trade policies are consistent with policies and regulations adopted at the international level.**

As pointed out above, this objective conflicts with the sovereign right of Parties to adopt stricter domestic measures including bans on the export of their wild species. This objective and its indicators should be deleted.

Indicators

Parties are implementing the Resolutions relating to Article VII exemptions and special provisions in an equitable way.

SSN strongly opposes reference to equity—a vague and undefined concept—as a standard for the implementation of CITES Resolutions. Without further explanation, its utilization in the context of CITES implementation may weaken the Convention and its enforcement. SSN recommends the deletion of this indicator.

Stricter domestic measures are not adopted in cases where the problems that they are intended to solve can be addressed through existing multilateral CITES processes.

As pointed out above, SSN believes that neither the Secretariat nor the Conference of the Parties has the mandate or the competence to prohibit stricter domestic measures. Article XIV is an express reservation of sovereign rights and can be modified only by an amendment to the Convention adopted by a Conference of Plenipotentiaries. SSN considers this indicator to be inappropriate as it stands, and further believes that the measure should not be whether problems can be addressed but whether in fact they *are* being addressed. Moreover, there may be many other factors involved in the retention of stricter domestic measures.

This indicator should therefore be deleted.

Coherent environment and trade positions are established by the CITES Management Authority of each Party with the national bodies representing the State in other international fora.

SSN believes that coherence of positions between a CITES Management Authority and national bodies representing the State in other international fora falls outside the remit of CITES and is a matter of national sovereignty. CITES does not have the competence, the capacity, or the mandate to evaluate the positions adopted by a Party in other international agreements and their compatibility with the positions adopted by the national Management Authority of the same Party.

This sentence should be deleted to ensure that the Strategic Plan respects the limits of the mandate of the Convention.

**Objective 3.2** The financial returns from international trade in wildlife contribute to poverty alleviation and livelihoods of local communities and indigenous peoples.

SSN believes that the allocation of the financial returns garnered from international wildlife trade is a decision best left to each Party. Because the mission of CITES is to protect species from over-exploitation through international trade, it might have been more appropriate to suggest that the returns go toward wildlife conservation. However, even that suggestion would unduly interfere in a Party's sovereign right to distribute or re-distribute financial resources. Poverty alleviation and support of local communities and indigenous peoples is a laudable goal, but one that is completely outside the jurisdiction of the Convention and is more appropriately addressed in other fora.

SSN recommends that this objective and its indicators be deleted.

Indicators

Social and economic instruments are in place to provide benefits to local communities from wildlife trade, to an extent commensurate with the value of the specimens traded.

Costs involved in regulating wildlife trade are recovered and used to reinvest in wildlife conservation.

**Objective 3.3** CITES contribution to sustainable development is strengthened.

For reasons argued above under the Introduction, SSN recommends that, in the event Goal 3 is retained and/or amended, "*sustainable development*" be replaced by "*ecological sustainability*".

Indicators

Case studies are available addressing the applicability to CITES of the CBD's Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity.

SSN questions the relevance of this indicator in the context of the Strategic Plan, particularly since case studies have shown the Addis Ababa Principles and Guidelines to be of questionable relevance, and suggests that this sentence be deleted.

Indicators of sustainability have been developed and are applied.

Indicators of sustainability are already being developed in other international fora. CITES should not duplicate these processes. If CITES attempts to do so, the indicators should be specifically related to international trade and “*ecological sustainability*”.

#### GOAL 4 REDUCE THE RATE OF GLOBAL BIODIVERSITY LOSS

SSN believes that this should, in fact, be Goal 1, with the addition of the words “*through international trade*” after “*loss*”, reflecting the language of the Convention text.

Introduction

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The World Summit on Sustainable Development (Johannesburg, 2002) called for a significant reduction by 2010 in the current rate of loss of biological diversity, and called for actions at all levels. The Millennium Ecosystem Assessment and the Global Biodiversity Outlook highlighted once again in 2006 the need for considerable additional efforts to achieve by 2010 a significant reduction in the current negative trend. Significantly reducing the rate of biodiversity loss is also essential for the achievement of the Millennium Development Goals and WSSD objectives relating to poverty eradication, food security, health, environmental sustainability and water. To achieve these goals requires the provision of sustainable conditions for life and opportunities for sustainable development, including trade in sustainably harvested products of biodiversity.

SSN agrees that reducing the loss of biodiversity will contribute to poverty eradication, food security, improved human health, and access to clean water. The mission of CITES as set out in the preamble of the Convention—protection of species from over-exploitation through international trade—aims to reduce the loss of biodiversity and in this way contributes to achieving the 2010 target and Millennium Development Goal 7, ensuring environmental sustainability. There is no need for the Strategic Plan to create a new mission.

SSN recommends the deletion of the last sentence.

Mutual supportiveness of Multilateral Environmental Agreements and enhanced cooperation among biodiversity-related conventions and processes is considered to be an important condition for effective measures to halt the loss of global biodiversity. CITES plays a key role in this process.

CITES has proven to be an effective instrument for agreeing on objectives, targets and measures that prevent over-exploitation as result of trade in threatened, commercially important species. In light of the high political commitment to the 2010 challenge, it is opportune to extend this role now to all species of animal and plant subject to trade that are vulnerable, threatened with extinction or likely to become endangered if current levels of exploitation are maintained. In this way CITES, will become an instrument for enhancing sustainable management of natural stocks and sustainable trade in such commodities.

SSN believes that this paragraph does not adequately take into account the role of Appendix I and the fact that prohibiting trade in some species for the foreseeable future is necessary for their survival. More broadly, it confuses the role of CITES as an instrument for the protection of threatened and endangered species with that of a body dedicated to trade promotion.

SSN recommends that this paragraph be deleted.

There are several ways in which CITES can fulfil this role. Firstly, there is a need to define appropriate, scientifically underpinned criteria to identify the species that are in danger of (commercial) extinction in the short term or the long term.

This task is already being carried out, and has been for many years, by IUCN. Further, SSN believes that there is more to sustainability than merely preventing extinction, commercial or otherwise. For example, many species are properly listed on Appendix II pursuant to Article II.2(a), which provides for the listing of species that are not currently threatened but which might become so, because they require the attention of the Convention before they become in danger of extinction.

SSN believes that this paragraph should be deleted.

On the basis of these criteria, lists can be drawn up that serve as advice to all stakeholders involved, including governments, managers and users.

It is not clear what this advice would consist of, what its purpose might be, and how it would be an improvement over the information provided by IUCN.

Secondly, governments should strictly adhere to and Resolutions

The word “*and*” should be deleted.

and other Decisions adopted by the Conference of Parties. Thirdly, CITES can advise on, and if necessary elaborate, instruments to regulate trade and prevent harmful trade. Furthermore it will initiate cooperation between Parties, environmental and trade organizations.

SSN recommends inserting “*strategic*” before “*cooperation*” to bring the text in line with Objective 4.5.

**Objective 4.1** Species are appropriately listed in the Appendices on the basis of the agreed biological and trade criteria.

#### Indicators

The Appendices correctly reflect the conservation and management needs of species, having been regularly reviewed by the Animals and Plants Committees.

A programme exists to review species included in the Appendices before the adoption of the criteria in Resolution Conf. 9.24 (Rev. CoP1 3) and to amend the Appendices where appropriate.

SSN recommends that, if this indicator is referring to the Periodic Review of the Appendices, this should be made explicit. If the indicator is recommending that a new process be created to review species in the Appendices, it should explain how it would be different from and an improvement on the Periodic Review.

Proposals to amend the Appendices that do not contain the information required in Resolution Conf. 9.24 (Rev. CoP1 3) are not considered by the Conference of the Parties.

Not all proposals require every category of information included in Resolution Conf. 9.24 (Rev. CoP13). More importantly, Parties submitting incomplete but otherwise meritorious proposals



should not be penalized by having the proposal discarded, but rather should be provided with assistance to locate any necessary missing information. This information may, of course, be supplied by other Range States during the existing consultation process.

SSN recommends that this indicator be deleted.

A mechanism exists for identifying CITES species that are not at risk from trade and should be considered for removal from the Appendices.

This indicator ignores species listed under Article II.2(b) for look-alike purposes.

**Objective 4.2** A mechanism exists for identifying non-CITES species that are at risk from trade and should be considered for inclusion in the Appendices and a procedure developed for submitting listing proposals for these species.

SSN strongly supports this objective and has argued for many years that a candidate review of species should be instituted without delay in order that the Appendices may be truly representative of species requiring protection as a result of international trade.

#### Indicators

A resolution has been adopted specifying the procedure for the submission of amendment proposals regarding the species identified through this mechanism.

This procedure could be very similar to that currently used in the Periodic Review and similar processes, under which the Depository Government can submit any necessary proposals.

Information management tools have been developed for monitoring trade in non-CITES species.

Species subject to intensive commercial exploitation are considered for inclusion in the Appendices before they become commercially extinct.

SSN notes that several heavily-traded taxa have no representatives in the CITES Appendices. These include Crustacea, Echinodermata and a number of insect orders. SSN, therefore, proposes adding the following indicator: “*The CITES Appendices are broadly representative of animal and plant taxa currently in international trade.*”

**Objective 4.3** Parties cooperate in managing shared wildlife resources.

#### Indicators

Cooperative recovery plans are in place for all shared populations of Appendix-I species.

Cooperative management plans are in place for all shared populations of Appendix-II species.

As many Appendix II species are, in fact, under threat, the words “*recovery and/or*” should be added before the word “*management.*”

**Objective 4.4** An integrated communication strategy exists for conveying concise, accurate and objective information about the Convention and its achievements.

#### Indicators

Awareness of CITES is increased and it is recognized globally as the Wildlife Trade Convention.

CITES, by the language of its text, is not a trade convention, but a conservation convention for the protection of species in trade. It is—and should be—recognized as such. Moreover, SSN recalls that a Secretariat proposal to adopt “*CITES – The Convention on Trade in Wild Fauna and Flora*” as a working title for the Convention was defeated at CoP12. SSN, therefore, recommends that the sentence end after “*globally*”.

A list has been developed of CITES accomplishments and lessons learned.

The words “*and failures*” should be added after the word “*accomplishments*”.

CITES permits are considered as a certification of sustainable trade.

SSN believes this indicator is too broad and needs to be considerably qualified or deleted. Sustainability must include access to the information upon which the necessary non-detriment and legal acquisition findings are based so that they may be independently verified. We believe that it should be an objective of CITES that the process of permit issuance should be internationally transparent, and that the basis for non-detriment findings should be available on request so that the reliability of permits can be assured.

**Objective 4.5** Strategic alliances are forged with environmental and trade organizations.

#### Indicators

Common biodiversity conservation goals, objectives and programmes of work are integrated with those of relevant multilateral environmental agreements (such as the Convention on Biological Diversity) and related conventions, agreements and associations.

Scientific and technical programmes of the Convention are coordinated with those of relevant technical partners and other competent organizations and agencies, particularly the biodiversity-related multilateral environmental agreements.

Certification bodies such as the Marine Stewardship Council or the Forest Stewardship Council should be part of the constellation of strategic organizational alliances that CITES considers.

CITES has observer status in the formal trade negotiation forum of the WTO and a Memorandum of Cooperation has been concluded between the two bodies.

## Annex A

### **Preliminary Comments on SC54 Doc. 6.1: The CITES Strategic Plan: 2008-2013, report of the Strategic Plan Working Group. Distributed at the 54<sup>th</sup> Meeting of the Standing Committee.**

SC54 Doc. 6.1, The CITES Strategic Plan: 2008-2013, Report of the Strategic Plan Working Group, was submitted well after the deadline for documents to be considered by this meeting of the Standing Committee. SSN feels that this important document requires full review and consideration. Had the document been distributed in time, SSN would have provided detailed comments on many fine points in its text. Under the circumstances we can, at this time, offer only some preliminary observations expressing our serious concerns about certain aspects of the proposed plan.

SSN supports the UN Millennium Development Goals, and recognises the importance of promoting poverty alleviation, human development and community participation. However, CITES has a very specific, unique and highly restricted mandate. Its objective, as published by the CITES Secretariat, is “to prevent international trade in specimens of wild animals and plants from threatening their survival.” SSN believes that CITES makes its greatest contribution to human development by concentrating on this, its core function, as mandated by the text of the Convention itself.

We are therefore disturbed by language in the new strategic plan that appears designed to move CITES away from this core function towards broader development goals it is neither intended nor equipped to address. CITES is, as its preamble clearly indicates, a conservation treaty. It is not as a development initiative, of which there are many. The conservation paradigm should come first; sustainable development should be a result of this.

In accordance with the conservation goals of CITES, SSN believes that the often-misused word “sustainable” should be modified, in the Strategic Plan, to read “ecologically sustainable”, a term carefully selected for inclusion in the recent Kinshasa Declaration as part of GRASP.

#### Mission Statement

The proposed new mission statement reads: “to conserve biodiversity and promote human development through sustainable and regulated international wildlife trade”.

We question whether CITES requires a new mission statement at all. Its mission is already set out in the Convention Preamble. Except insofar as it fulfills that mission, CITES cannot and should not give human development the same level of importance as the conservation of biodiversity. Furthermore, the implication of the proposed new mission statement is that CITES will actively promote trade. The explanatory text of the proposed plan repeatedly reflects a shift in emphasis from preventing unsustainable trade to promoting so-called “sustainable” trade.

CITES was designed to regulate trade; it has no language requiring its Parties to promote it. We are in favour of retaining the purpose in the Strategic Vision through 2005 which reads “to ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade”. This wording was extensively debated and carefully formulated to reflect the core objective of CITES – which remains unchanged.

#### Strategic Goals and Objectives

In general, SSN supports goals 1, 2 and 4, but has serious concerns about Goal 3: “adopt balanced wildlife trade policies compatible with human well-being, livelihoods and cultural integrity.” We are not sure what “balanced” means here. Fulfilling the three conditions may be incompatible with the regulation of wildlife trade that CITES requires. We propose, at the very least, modifying this goal by adding the words: “provided that these policies are also compatible with the survival of wild species.”

SSN objects to the second indicator for Objective 3.1, which reads: “Stricter domestic measures are not adopted in cases where the problems they are intended to solve can be addressed through existing multilateral CITES processes”. This represents an unwarranted interference in the sovereign right of parties to adopt stricter domestic measures, a right recognised in Article XIV. It has no place in a CITES Strategic Plan.

Objective 3.2, “the financial returns from international trade in wildlife contribute to poverty alleviation and livelihoods of local communities and indigenous peoples,” is a national development policy objective well beyond the mandate of CITES. It is, however, acceptable at the national level when it is the direct result of CITES core activities such as the reduction of illegal trade.

Objective 3.3, “CITES contribution to sustainable development is strengthened,” also represents a development policy objective. Further, it is far too broad and ambiguous to be a useful or measurable objective for CITES planning.