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# To trade or not to trade: Relaxing the ban on the trade in endangered species

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University of Northampton

SLSA 2015

31 March 2015

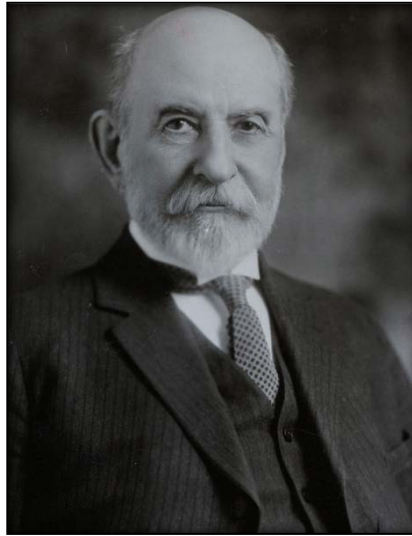
# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

1857, Ohio State Legislature Report:

“The passenger pigeon needs no protection. Wonderfully prolific, having the vast forests of the North as its breeding grounds, traveling hundreds of miles in search of food, it is here to-day and elsewhere to-morrow, and no ordinary destruction can lessen them, or be missed from the myriads that are yearly produced.”

By April 1900, they were extinct in the wild

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



William T Hornaday

Director of the Bronx Zoo

“The existing legal system for the preservation of wild life is fatally defective. There is not a single state in our country from which the killable game is not being rapidly and persistently shot to death, legally or illegally, very much more rapidly than it is breeding, with extermination for the most of it close in sight. This statement is not open to argument; for millions of men know that it is literally true. We are living in a fool's paradise.”

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



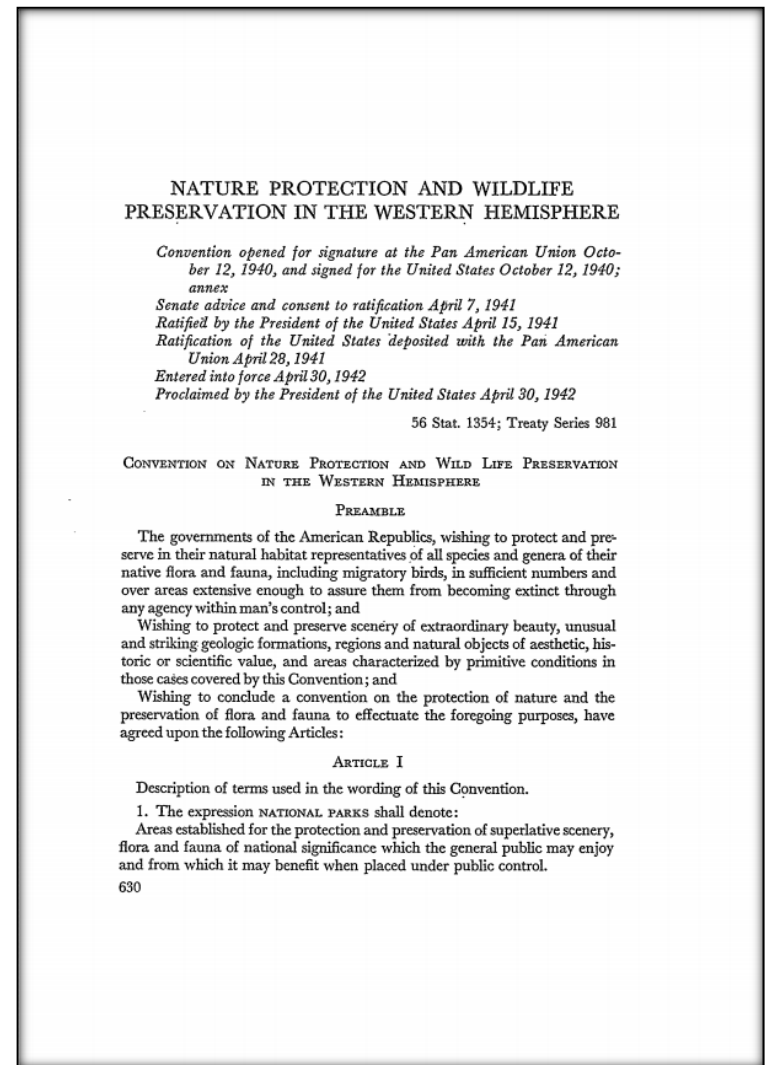
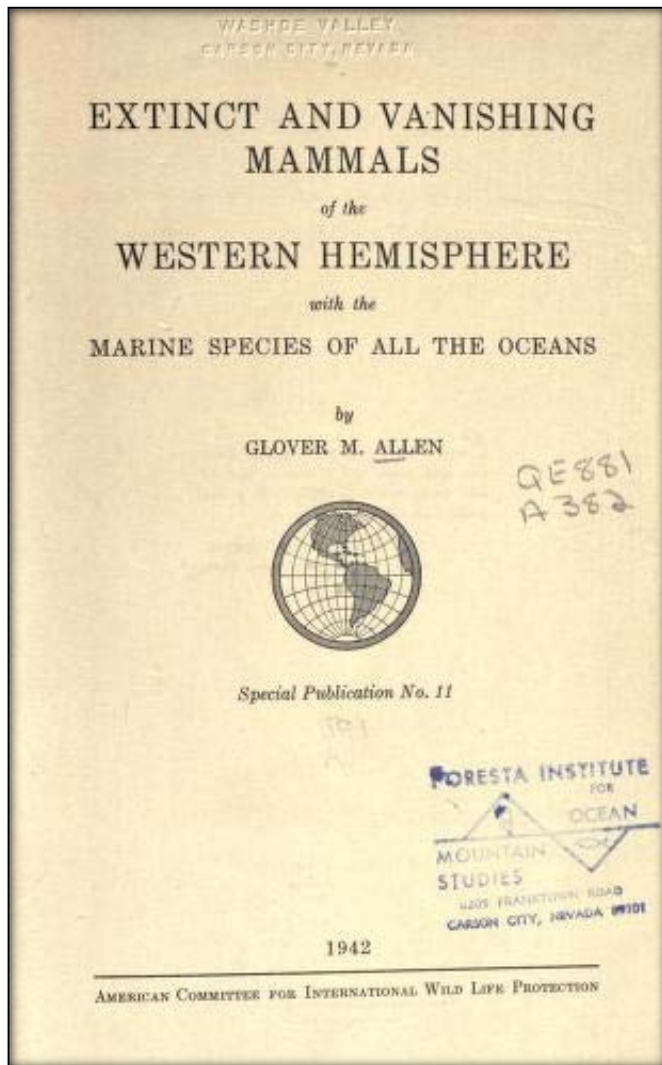
Dr John C Phillips

American Committee for International Wildlife Protection

1936 Study:

*"invaluable to the work of the Committee in helping to determine those species of mammals most urgently in need of protection and, at the same time, to estimate factors that might have caused the extinction of species."*

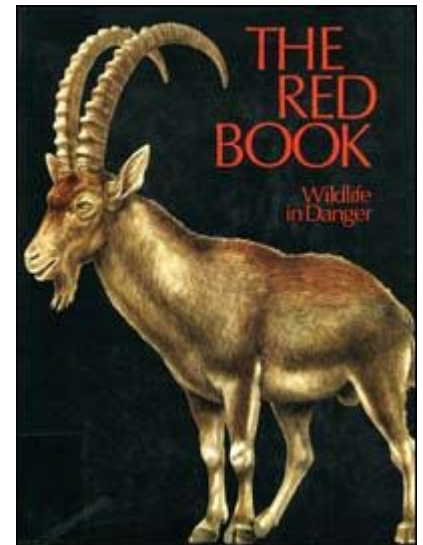
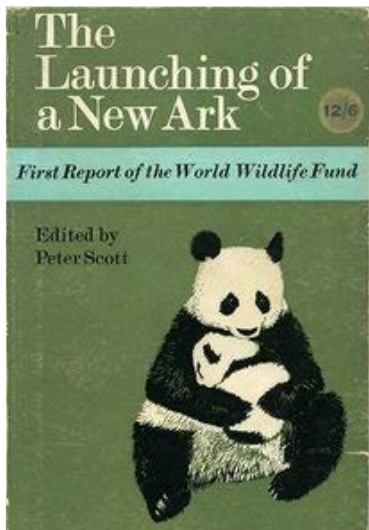
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# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Sir Peter Scott



# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

## **Convention on International Trade in Endangered Species of Wild Fauna and Flora**

**Signed at Washington, D.C., on 3 March 1973  
Amended at Bonn, on 22 June 1979**

The Contracting States,

*Recognizing* that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

*Conscious* of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

*Recognizing* that peoples and States are and should be the best protectors of their own wild fauna and flora;

*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;

*Have agreed* as follows:



# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

Initial membership of CITES was only 21 (mainly non-Western) countries when it came into force at the beginning of 1975

Currently 180 countries (latest: Iraq, 5<sup>th</sup> February 2014)

Membership still biased/skewed towards developing countries

After 1983, regional economic blocs were able to sign CITES as well as countries

CITES Article 8:

1. *The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:*
  - (a) *to penalize trade in, or possession of, such specimens, or both; and*
  - (b) *to provide for the confiscation or return to the State of export of such specimens*

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

## **Appendix I**

All species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances

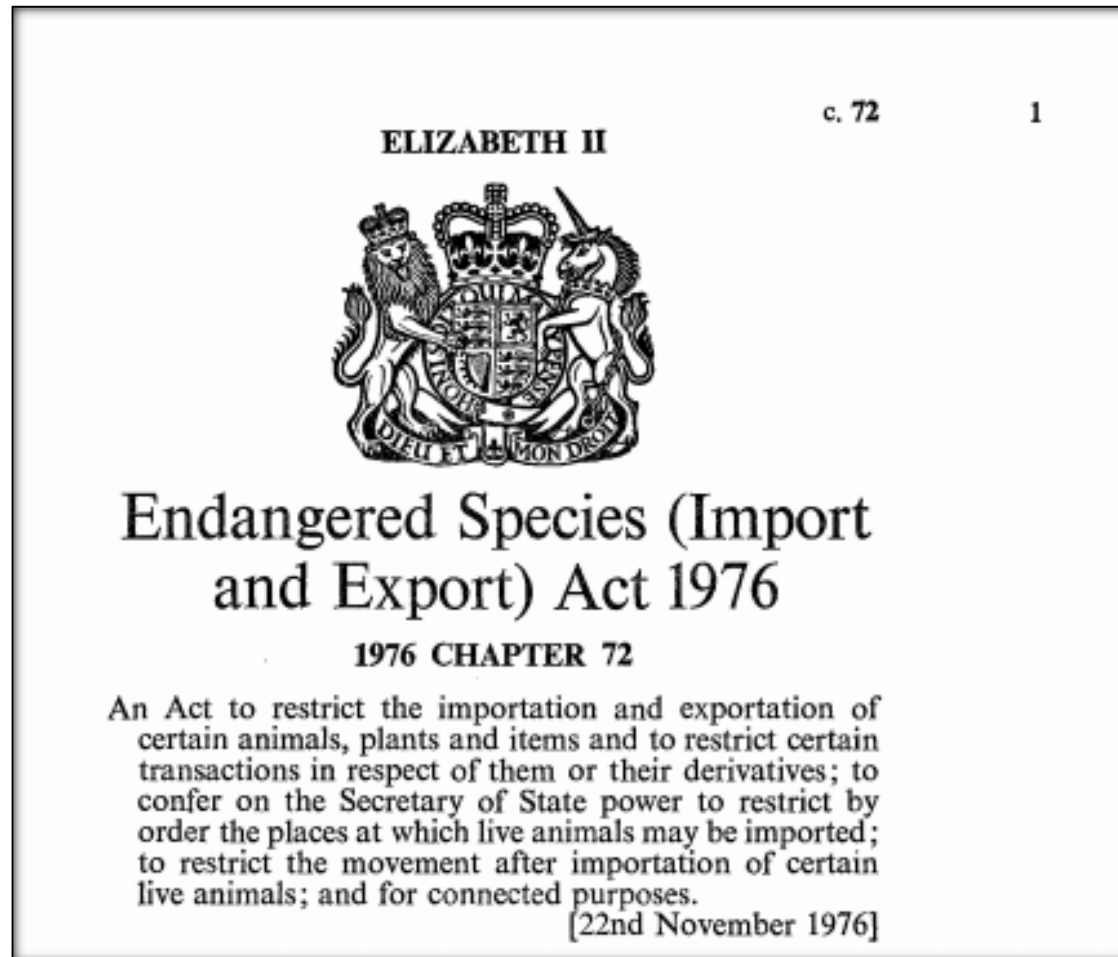
## **Appendix II**

All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival

## **Appendix III**

All species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Penalty:

£400 fine on summary conviction

Fine and /or up to 2 years' imprisonment for conviction on indictment

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

Council Regulation (EEC) No 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Control of Trade in Endangered Species (Enforcement) Regulations  
1985

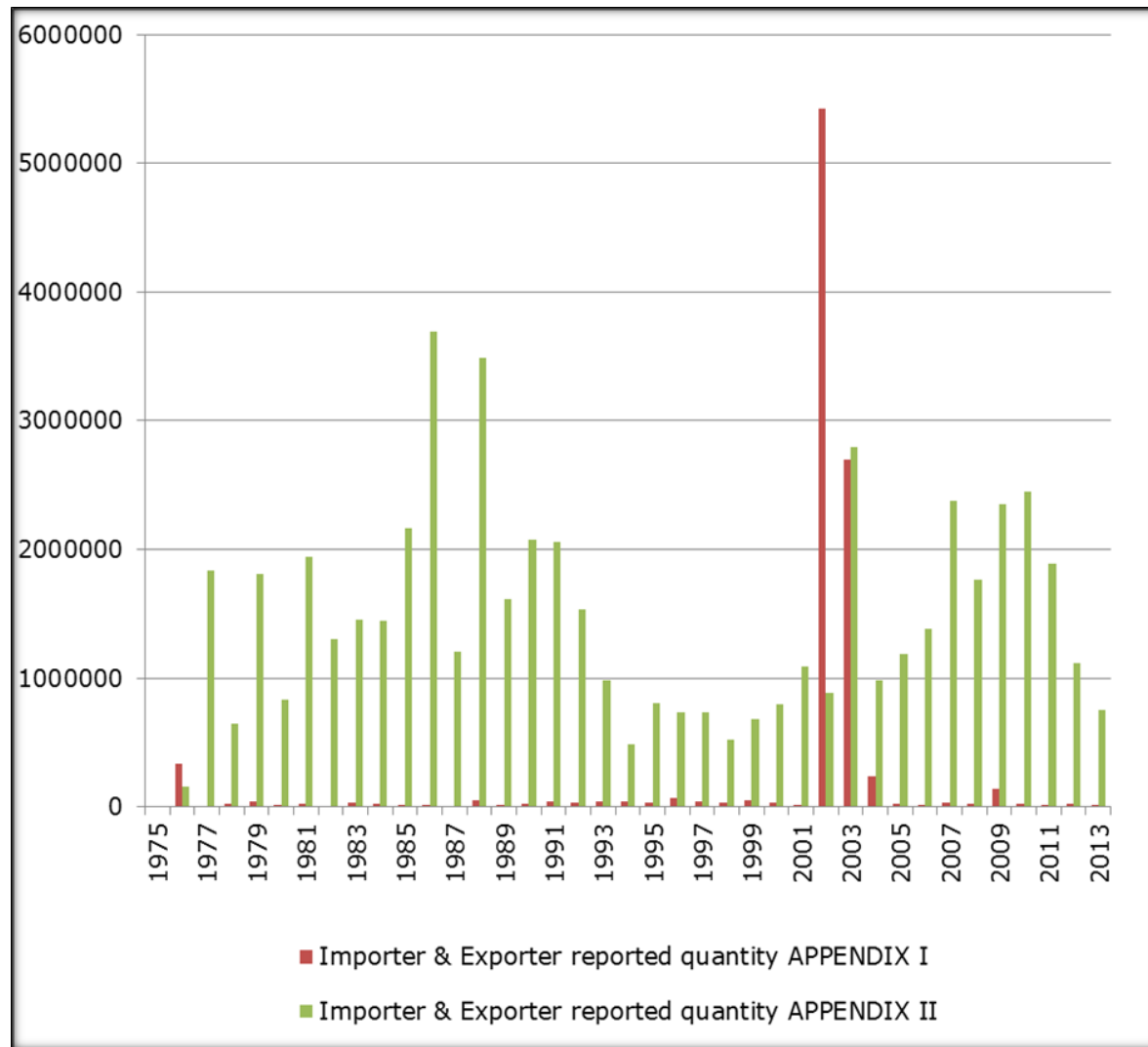
*Penalty increased to £2,000 fine on summary conviction*

Council Regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein

Control of Trade in Endangered Species (Enforcement) Regulations  
1997

*Penalty increased to a fine not exceeding level 5 on the standard scale, or to a term of imprisonment not exceeding three months, or to both on summary conviction*

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



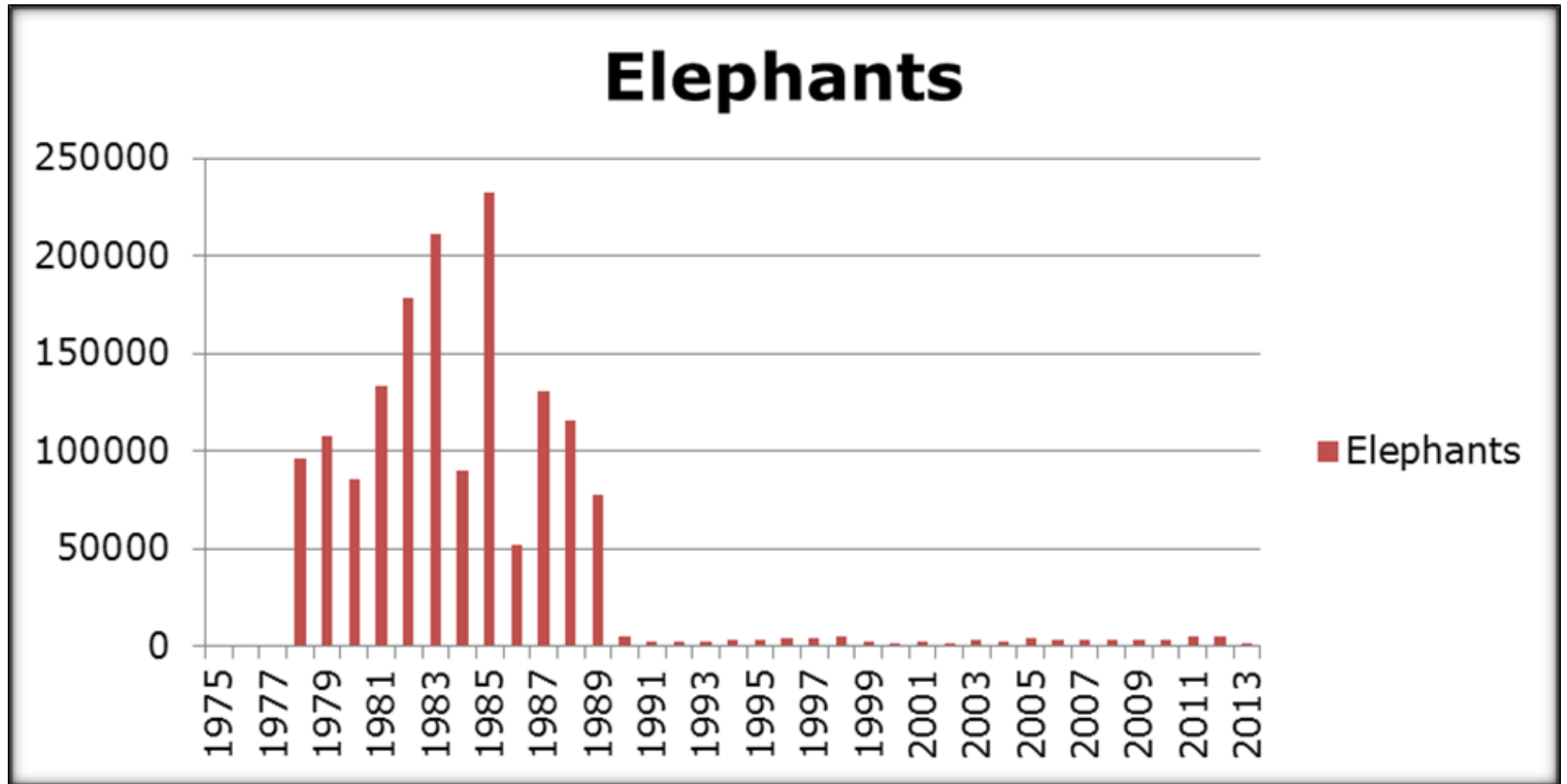
Import to the UK of CITES-listed Endangered Species 1975-2013

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

Although often considered to be a single species, elephants are actually three distinct species and several subspecies:

- |                           |  |
|---------------------------|--|
| <i>Loxodonta Africana</i> | African bush elephant;                               |
| <i>Loxodonta cyclotis</i> | African Forest elephant ; and                        |
| <i>Elephas Maximus</i>    | Asian Elephant, includes the subspecies:             |
|                           | <i>E. maximus indicus</i> (Indian);                  |
|                           | <i>E. maximus maximus</i> (Sri Lankan);              |
|                           | <i>E. maximus sumatranus</i> (Sumatran); and         |
|                           | <i>E. maximus borneensis</i> (Borneo or Asian pygmy) |

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Import into the UK of Elephant derivatives

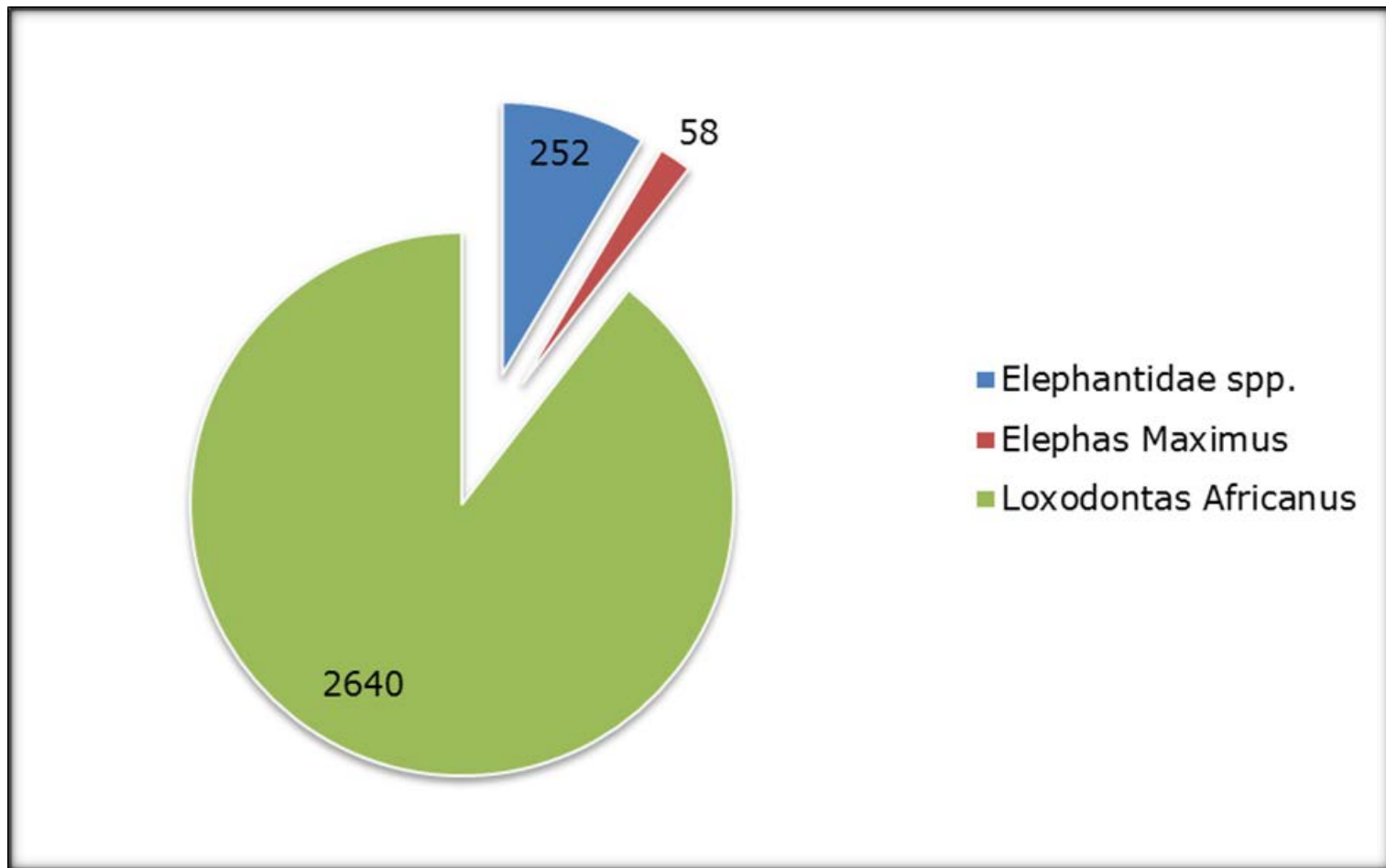
# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

TYPE OF DERIVATIVE	NUMBER
Ivory Carving / Ivory Pieces	3463
Tusks	625
Carvings (Miscellaneous)	357
Leather	244
Skin	181
Feet	121
Trophy	75
Unspecified Derivatives / Specimens	65
Hair / Hair Products	38
Ears	34
Tail	32
Bones / Bone Carving / Skulls	24
Teeth (not incl. tusks)	20
Shoes	18
Bodies	11
Garments	3

Import into the UK of Elephant derivatives by type

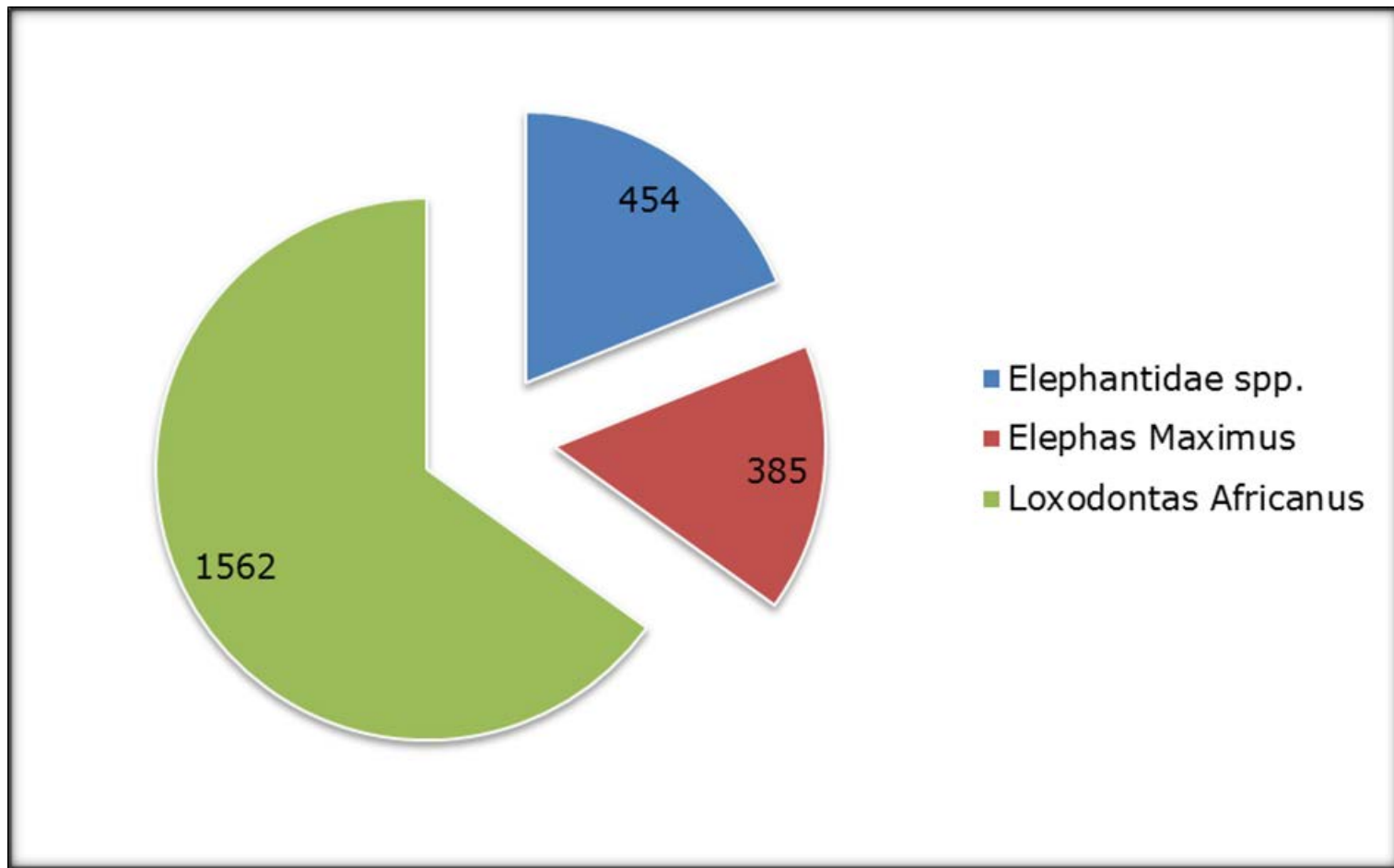


# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Breakdown by Species of UK elephant derivative imports 1975-1989

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Breakdown by Species of UK elephant derivative imports 1990-2013

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

2008:

CITES authorises one-off series of auctions of 104 tonnes of ivory to China and Japan. Ivory could be worked and resold with proper certification.

Raised £15m

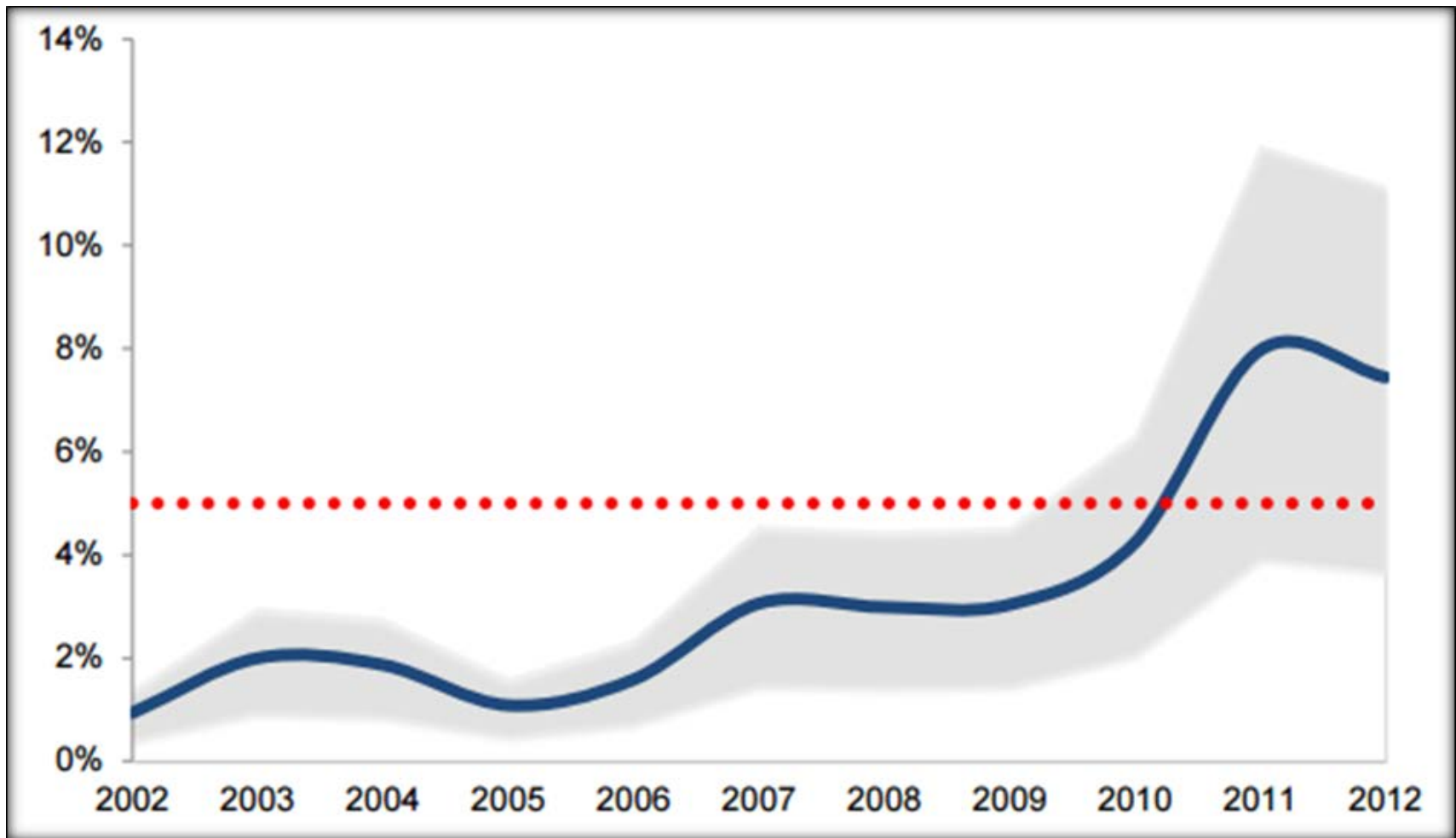
Ivory “was bought for an average price of \$157 a kilogramme by approved buyers such as the Chinese State Forestry Administration, which sold its ivory to traders for up to \$1,500 a kilogramme”

Since 2008:

Forging certificates has now become almost as profitable for organised criminals as the trade in ivory itself

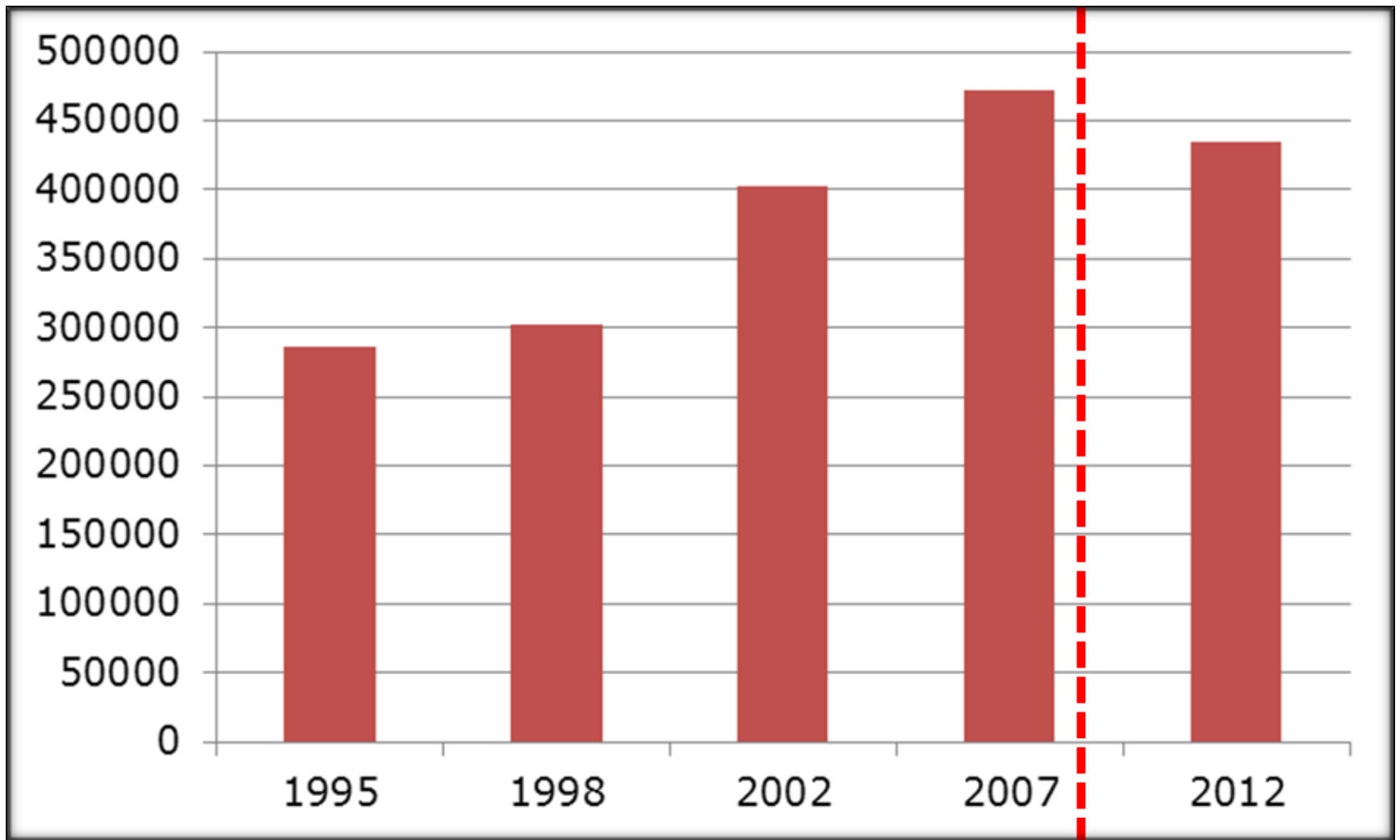
Sharp rise in poaching in Africa, and up to 90 per cent of the ivory currently being sold in China is illegal.

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



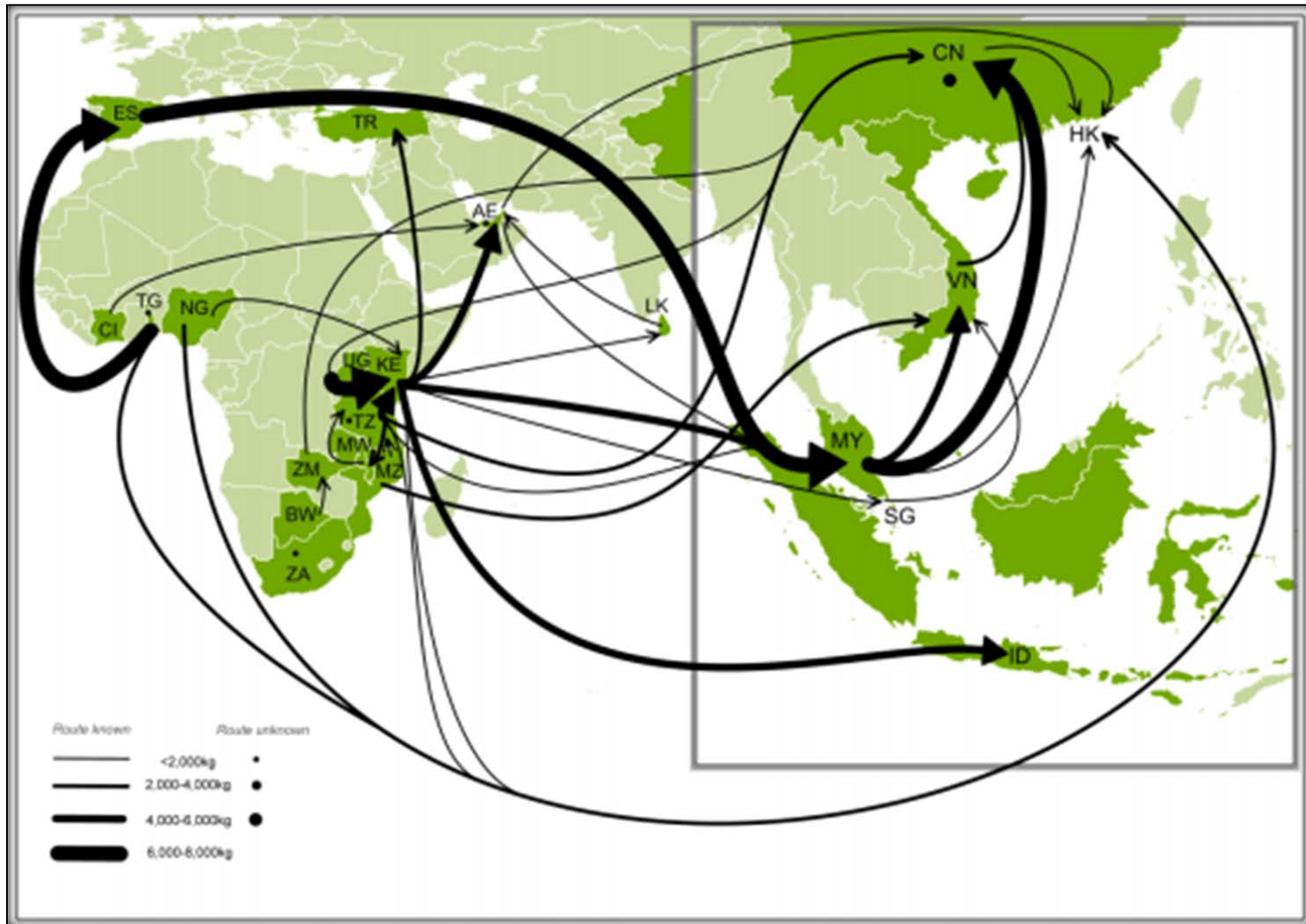
CITES / IUCN /TRAFFIC estimated absolute poaching rates

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Total Definite African Elephant Numbers 1995-2013

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES



Trade Routes for >500kg seizures of ivory (2012-13)

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

Martin et al. proposed 7 areas of compliance which would be needed before any widespread ivory trade could be reintroduced:

1. Elephant population must have been stable / increasing long enough for it to be considered as a trend;
2. Local law enforcement needs to be at a sufficient level to detect and contain threats of illegal killing of elephants and illegal trade in ivory;
3. Ivory stocks are secure, registered and on database which is open to inspection by CITES Secretariat;
4. Appropriate mechanisms for the return of benefits to landholders from the sale of ivory have been established;
5. Ivory can only be exported to countries whose national legislation and controls meet the criteria of CITES;
6. Procedures for secure transit of ivory shipments are in place;
7. Implementation of CBD and African Elephant Action Plan

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

## RECOMMENDATIONS

One-off sales of stockpiled ivory to be introduced legally into the market place lead to increase in the illegal trade.

Elephants die of old age and natural causes, so stockpiles are going to continue to increase, leading to problems of storage and security for the host nation.

All of the 37 states in Africa which are populated by elephants are ex-colonies of European powers, primarily France (14) and the United Kingdom (13).



# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

## RECOMMENDATIONS

The solution is for the colonial powers to purchase the stockpiled ivory from the countries which have seized it, and for the money raised to go directly to wildlife bodies charged with protecting the remaining elephant stocks.

Two condition of such a sale would be:

- a) The vendor country must not reduce funding to its conservation bodies to take into account any extra funding generated by the sale.
- b) The purchasing state must not reduce any extant aid provisions to take into account any extra funding generated by the sale.

# TO TRADE OR NOT TO TRADE: RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

## RECOMMENDATIONS

Amendment to COTES 1997 Regulation to allow for exemption to embargo and purchase and storage by Environment Agency of stockpiled ivory

This solution differs from the 2008 auction to China and Japan  
The purchasing states would be free to securely store or destroy the ivory once purchased

Fundamental premise is richer nations helping poorer nations for the benefit of all.