Conference or Workshop Item

Title: To trade or not to trade: relaxing the ban on the trade in endangered species

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

Dr Simon Sneddon
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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.”
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.”
TO TRADE OR NOT TO TRADE:
RELAXING THE BAN ON THE TRADE IN ENDANGERED SPECIES

EXTINCT AND VANISHING MAMMALS
of the
WESTERN HEMISPHERE
with the
MARINE SPECIES OF ALL THE OCEANS

by
GLOVER M. ALLEN

NATURE PROTECTION AND WILDLIFE
PRESERVATION IN THE WESTERN HEMISPHERE

Convention opened for signature at the Pan American Union October 12, 1940, and signed for the United States October 12, 1940; amends
Senate advice and consent to ratification April 7, 1941
Ratified by the President of the United States April 15, 1941
Ratification of the United States deposited with the Pan American Union April 28, 1941
Entered into force April 30, 1942
Proclaimed by the President of the United States April 30, 1942

56 Stat. 1394; Treaty Series 931

CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

PREAMBLE

The governments of the American Republics, wishing to protect and preserve their natural habitat representatives of all species and genera of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to assure them from becoming extinct through any agency within man’s control; and
Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention; and
Wishing to conclude a convention on the protection of nature and the preservation of flora and fauna to effectuate the foregoing purposes, have agreed upon the following Articles:

ARTICLE I

Description of terms used in the wording of this Convention.
1. The expanseal NATIONAL PARKS shall denote:
Areas established for the protection and preservation of superb landscape, flora and fauna of national significance which the general public may enjoy and from which it may benefit when placed under public control.

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

Sir Peter Scott
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 irrereplaceable 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:
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, 5th 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
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.
Endangered Species (Import and Export) Act 1976

An Act to restrict the importation and exportation of certain animals, plants and items and to restrict certain transactions in respect of them or their derivatives; to confer on the Secretary of State power to restrict by order the places at which live animals may be imported; to restrict the movement after importation of certain live animals; and for connected purposes.

[22nd November 1976]

Penalty:

£400 fine on summary conviction

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

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 fauns 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*
Import to the UK of CITES-listed Endangered Species 1975-2013
Although often considered to be a single species, elephants are actually three distinct species and several subspecies:

*Loxodonta Africana*  African bush elephant;

*Loxodonta cyclotis*  African Forest elephant; and

*Elephas Maximus*  Asian Elephant, includes the subspecies:

  *E. maximus indicus*  (Indian);
  *E. maximus maximus*  (Sri Lankan);
  *E. maximus sumatranus*  (Sumatran); and
  *E. maximus borneensis*  (Borneo or Asian pygmy)
Import into the UK of Elephant derivatives
Import into the UK of Elephant derivatives by type

<table>
<thead>
<tr>
<th>TYPE OF DERIVATIVE</th>
<th>NUMBER</th>
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<tbody>
<tr>
<td>Ivory Carving / Ivory Pieces</td>
<td>3463</td>
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<tr>
<td>Tusks</td>
<td>625</td>
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<td>Carvings (Miscellaneous)</td>
<td>357</td>
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<tr>
<td>Leather</td>
<td>244</td>
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<tr>
<td>Skin</td>
<td>181</td>
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<td>Feet</td>
<td>121</td>
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<td>Trophy</td>
<td>75</td>
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<tr>
<td>Unspecified Derivatives / Specimens</td>
<td>65</td>
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<tr>
<td>Hair / Hair Products</td>
<td>38</td>
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<td>Ears</td>
<td>34</td>
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<tr>
<td>Tail</td>
<td>32</td>
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<tr>
<td>Bones / Bone Carving / Skulls</td>
<td>24</td>
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<tr>
<td>Teeth (not incl. tusks)</td>
<td>20</td>
</tr>
<tr>
<td>Shoes</td>
<td>18</td>
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<tr>
<td>Bodies</td>
<td>11</td>
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<td>Garments</td>
<td>3</td>
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Breakdown by Species of UK elephant derivative imports 1975-1989
Breakdown by Species of UK elephant derivative imports 1990-2013
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.
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
Trade Routes for >500kg seizures of ivory (2012-13)
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;
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).
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.
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.