

Marginal Policy Change in the CITES Regime:  
Power Domination by the Preservationist Coalition

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17 March 2014

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PS 571

Economic value is derived from the international trade in wildlife and wildlife products, estimated at nearly \$160 billion worldwide in the early 1990s (Broad, Mulliken, & Roe, 2003). As we are recognizing the economic value of wildlife, we are simultaneously experiencing one the greatest extinction events in the history of the world. This convergence of events has led to the identification of a problem needing policy solutions. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty, is one of the earliest and most enduring efforts to address this problem. Using the Advocacy Coalition Framework (ACF), a policy framework well-suited to environmental policy issues, this paper will address the major components of the international wildlife trade policy subsystem, the coalitions formed during the debate of the issues, and the exogenous and endogenous factors that have influenced changes in policy. Competing visions of how to address concerns of wildlife overexploitation have arisen in the process of developing and implementing CITES. A preservationist coalition, which aims to restrict the use of wildlife and its products, has successfully had its policy solutions implemented into the primary policy mechanisms of the treaty, while a conservationist coalition, which aims to sustainably utilize wildlife, has struggled to have its policy preferences enacted. The marginal advance of the conservationist agenda is explained by examining external factors, internal shifts in power, and policy-oriented learning. Over the course of nearly four decades, the CITES treaty provides an interesting and informative case study of the applicability of the ACF for analyzing policy.

The international trade in endangered species and their derivative parts is largely governed by CITES, a treaty drafted in 1973 and entered into force in 1975 (*What is CITES*, n.d.). One of the oldest and most acceded to environmental treaties in the world, CITES regulates trade between 180 countries, or parties. Utilizing three lists, or appendices, of species of increasing threatenedness, CITES requires various levels of trade control, monitoring, reporting, and documentation. While the role and

interpretation of CITES has changed over the past four decades, little of significance has changed in the regime policy structure. Parties meet every two or three years for a Conference of Parties (COP) at which resolutions are debated, species are added to or removed from the appendices, and general business is conducted. Several committees deal with nuanced policy issues, though the Standing Committee is perhaps the most powerful and holds some disputable executive powers (Reeve, 2006). A Secretariat coordinates COPs, collects and distributes information between parties, and assists in implementation of the treaty. As one might expect, beyond this basic scope, the transformation of the CITES regime over the past forty years has been fraught with tension and controversy in its attempt to achieve the goal of protecting “wild fauna and flora against over-exploitation through international trade” (The Treaty, 1994).

This policy subsystem, the regulation of international trade in endangered species, specifically as it is found in the CITES regime, will be evaluated in light of the Advocacy Coalition Framework (ACF) (Sabatier & Weible, 2007). This policy framework stresses the coalescence of coalitions around values and belief systems and concerns itself with policy change and policy learning over time. ACF is well suited to deal with issues of environmental policy because of the multiple levels of government involvement, the need for technical and analytical knowledge, and because of the core values embedded in these policy subsystems (Litfin, 2000, p. 238). Sabatier and Weible (2007) define the key elements of the ACF and also lay out twelve hypotheses for the framework, which will help illuminate the historical and narrative account of this policy subsystem. While it may be unconventional to view this issue as a policy subsystem per se, Litfin (2000) argues that the “twin phenomena of economic globalization and the internationalization of environmental affairs are blurring the distinction between at least some policy subsystems and the international arena” (p. 236). Elaborating on the role of international policy subsystems and the appropriateness of using the ACF to analyze such subsystems,

Sewell (2005) notes that “the international relations ... literature suggests that international treaty negotiations can [be] treated as occurring within subsystems analogous to those at the national level” (p. 41). Continuing, Sewell argues that these subsystems, while linked to many national policy subsystems, are disparate enough that they can withstand scrutiny of their own. Thus, for the purposes of this evaluation, the emergence, development, and implementation of CITES as the key mechanism for regulating wildlife trade contains the necessary components for analysis as outlined by the ACF.

Several actors will take the stage in this analysis. Centrally, the country parties will be treated singularly, though Favre (1993) notes that “individuals representing various governments may hold personal views” (p. 883) which may often conflict with the views they are obligated to espouse as official government representatives. The CITES Secretariat can potentially be seen simultaneously as a policy broker and as an instrumental actor in the policy learning process (Sewell, 2005). NGOs are delegated with special observer status at the COPs and since 2003 some have even been allowed to participate in CITES Standing Committee meetings (Reeve, 2006). Sewell (2005) states that NGOs “provide an important oversight function, monitoring implementation and flagging instances of non-compliance” (p. 47). NGOs, more often than government representatives, represent extreme views at the COPs, with arguments ranging from complete economic utilization of wildlife to complete protection of individual animals (Favre, 1993, p. 882). This clearly represents the ACF hypothesis that less moderate beliefs are expressed by interest group allies (Sabatier & Weible, 2007, p. 220). Finally, as with any policy subsystem, journalists, researchers, and others are also key actors, though for the purpose of this paper, their role will not be examined in detail.

Beyond the basic actors, and partially influencing the set of policy opportunities available to the actors, are what the ACF terms “relatively stable parameters” (Sabatier & Weible, 2007, p. 193). In the case of CITES, these parameters are partially based on international commodity trading systems.

Sand (1997) argues that the CITES regime respects these systems and the duly created regulatory controls rather than imposing “a supranational regulatory mechanism of its own” (p. 24). Beyond this however, and perhaps even more important to the the policy decisions that have arisen in the CITES regime, is the distribution of species across the planet. With biodiversity concentrated in the tropics (*About Biodiversity*, n.d.), we see a natural delineation between what have come to be called “producer” and “consumer” states. The limitations imposed by and the interactions of these parameters with other components of the policy subsystem have helped frame the CITES policy outputs.

Even as the issue of international trade in wildlife emerged onto the political radar, we see the roots of the belief systems distinguishing our conservationist and preservationist coalitions. At the beginning of the twentieth century, two “attempts [were launched] to regulate wildlife management among colonial powers” (Sand, 1997, p. 19). Although these conventions failed to take hold, Sand’s mention of the colonial powers demonstrates how, on average, the trade in wildlife and their parts has tended to take a producer state-to-consumer state path, with affluent, developed countries in the north being the largest consumers of wildlife and wildlife products. Swanson (1999) provides the clearest explanation for how these consumer states represent the causal story associated with wildlife overexploitation and thus how they became advocates for technocratic trade regulation. The value system embedded in CITES is based on a “‘backward looking’ perspective on resource utilization by Northerners, that is Europeans and North Americans” (Swanson, 1999, p. 189). This view recognizes the megafauna destruction starting with the Pleistocene extinction and continuing into the present, in which wildlife species of the northern hemisphere have been destroyed or decimated. This same level of destruction has not yet occurred in the tropics and southern hemisphere, perhaps due to a more balanced existence with wildlife. Thus, in the hopes of avoiding duplication of the events that occurred in the north, these colonial powers aimed to enact technocratic measures in order to protect wildlife. The

deep core beliefs reflected here are revealed to be fundamental ones about the role of humans in nature. Preservationists see humans as separate and distinct from the rest of nature while conservationists hope to enact policies under a humans-*in-nature* worldview (Velázquez Gomar & Stringer, 2011). These constitute important deep core beliefs splitting the coalitions into two camps.

After the two failed conventions, some domestic policy helped spur the movement to regulate wildlife trade internationally. The United States' Lacey Act and Endangered Species Act allowed it to regulate trade in endangered species coming from other countries. Favre (1993, p. 876) argues that the CITES treaty was based primarily upon North American and European ideals of wildlife management at the time, which was more in line with the technocratic approach. Thinking about another United States domestic environmental policy of that era, we see the Wilderness Act, which set aside land for non-use. The first drafts of CITES utilized a somewhat predetermined list of species approach, for which "trade was to be controlled or banned" (Sand, 1997, p. 20). Due to opposition from commercial exporters, the draft of the treaty was revised to allow some country determination of tradable species, which is seen in the process of how species are proposed for appendix listing. Thus, while a core belief concerning trade control mechanisms (in line with preservationist policy) was not abandoned, there was some relaxation and compromise even to get a draft acceptable for international consideration. The dominant mechanism (trade control) in the final CITES treaty language is not very different from policies advocated by the preservationist coalition, perhaps led most strongly by the United States.

External forces play an important role in parties' decisions to accede to the treaty. CITES entered into force in 1975 with nine original parties (*List of Contracting Parties*, n.d.). Sand (1997) points out that a major shock, "one of the largest cases of illegal wildlife imports in New York [added] a high degree of publicity and urgency" (p. 20). While public attention is certainly not the only requirement for significant policy change, Sabatier and Weible (2007) argue that it may be critical. Additionally,

while not only avoiding negative attention for policy inaction with regard to species exploitation, Sand (1997) notes that states may accede to the treaty in light of the positive attention they might receive from the public. Even if it has not been expressed universally, Dickson (2003) argues that in many countries, the public perceives the trade in certain species as immoral; public pressure is an essential shock in forcing policy action.

The power exerted by the dominant coalition stimulates parties' accession to CITES. Power is a political resource of policy coalitions (Sabatier & Weible, 2007; Sewell, 2005). In this case, coercive power has been sufficient to disturb policy core beliefs of conservationist coalition members. Political sovereignty can be operationalized as a policy core belief for many states, yet "in agreeing to become a member of CITES, states give up some of this sovereign independence" (Favre, 1993, p. 891). The rationale for this concession may be seen as a tradeoff with perceived improvements in economic conditions. The regulation of wildlife trade reduces economic free rider problems (Sand, 1997, p. 19). Trade sanctions and suspensions have been issued under CITES against several states, even some non-parties, which has ultimately prompted these states to comply with the treaty and accede (Reeve, 2006). Unilaterally, the United States has taken steps to enact even more stringent sanctions and suspensions of trade against certain states, again, leading to the adoption of CITES and its policies (Sand, 1997). According to Sewell's (2005) application of the typologies of power to the ACF, the United States example can be seen as the exertion of the powers of contingent inducements and of deference. To date, only a handful of nations have yet to accede to the treaty. ACF posits that self-interested motivations trump those of ideology (Sabatier & Weible, 2007, p. 197), in this case demonstrating the higher value that states place on broader economic and political interests as compared to wildlife management sovereignty. Economic tools have been used throughout the history of the CITES regime to force actors to give up secondary aspects of their belief systems (sovereignty) in

order to maintain deep core beliefs (economic competitiveness) (Sabatier & Weible, 2007).

The foundational policies of CITES reflect the shared beliefs of the preservationist coalition. This demonstrates the power held by this coalition during the formation of the CITES regime and subsequently. A central assumption in the CITES model is that wildlife trade is one of the leading global causes of the loss of wildlife. Here, succinctly, is how the treaty regulations operate: commercial trade in Appendix I listed species is generally banned; commercial trade in species on Appendix II is allowed but only with export permits and findings that the trade will not cause detriment to the species; and species listed on Appendix III merely require an export permit (*How CITES Works*, n.d.). Favre (1993) argues that CITES, especially the regulation on Appendix II species, is framed more strongly than the precautionary principle; caution is not simply just to be exercised in the absence of information, but trades are only allowed once there is evidence demonstrating no-harm (p. 895). These policies reflect parties' desire to manage trade to avoid overexploitation without considering ways in which wildlife trade can improve species, and human, welfare (Velázquez Gomar & Stringer, 2011, p. 253). This is consistent with the humans-*and*-nature conception of the world.

There is an alternative conception of how international policy might achieve species survival. The conservationist coalition argues that the sustainable economic use of wildlife can provide incentives for species conservation (Velázquez Gomar & Stringer, 2011). This is rooted in a different "philosophy, economic reality, and social needs" (Favre, 1993, p. 876) as experienced by the producer states. By restricting producer states' ability to derive value from their natural resources, a negative externality is imposed on them, as they bear the burden of protecting species, a service that is valued by affluent, developed countries, yet for which there is no direct payment (Favre, 1993). On another level, the sustainable utilization argument recognizes a certain degree of sovereignty, that states containing wildlife populations are better suited to make wildlife management decisions. Largely however, these policy

core policy preferences of the conservationist coalition are not reflected in central CITES control mechanisms.

While the initial framing of the CITES regime subsumed policies of sustainable utilization in favor of strict regulations limiting trade, there have been efforts by the conservationist coalition to change course. One focusing event, the politicization of the African elephant, a species in dubious need of endangered species protection, is likely responsible for a slightly shifted power structure in continuing CITES negotiations (Favre, 1993; Mofson, 2000; Sabatier & Weible, 2007). Listed on Appendix I in 1989, trade in the African elephant, and perhaps most importantly elephant ivory, was banned in response to increased poaching (‘t Sas-Rolfes, 2000). The political power of the dominant coalition, as exhibited through persuasiveness, is likely responsible for this policy development (Sewell, 2005, p. 56). Environmental NGO representatives spoke at the COP about the failure of CITES to control the illegal ivory trade (*CITES COP7 Opening Speeches*, 1989), and a year prior, the United States passed a law allowing it to ban ivory imports (Favre, 1993, p. 909). This global ban was seen as a blow to the successful elephant conservation programs in some states, notably Zimbabwe (Mofson, 2000). This motivated Zimbabwe to become a leader within the conservationist coalition and to work to change the policies of CITES (Mofson, 2000, p. 114). Skillful leadership is recognized as key resource for coalitions in the ACF (Sabatier & Weible, 2007, p. 203). Rallying around Zimbabwe and other African countries impacted negatively by the ivory trade ban, the conservationist coalition was provided with the ammunition to push for policy change.

Starting in the early 1990s, there was a shift in the policy preferences of CITES negotiations. While the treaty language itself does not address issues of compliance and implementation, these policies have arisen through resolutions and decisions at COPs (Reeve, 2006, p. 882). Policy change is thus best examined through the negotiations and debates surrounding compliance and implementation. At the

ninth COP, in 1992, the first since the ivory trade ban, a resolution was placed on the agenda to incentivize conservation at the local level (Carpenter, 2011, p. 34). Research demonstrated that trade was not the greatest threat to species, and that far more species were most threatened by habitat destruction; Trexler (1990) notes that trade in CITES listed species was detrimental only for a subset of species. Two major external shock to the CITES regime came on the heels of these developments: the Rio Declaration on Environment and Development (which prioritizes human concerns in sustainable development) and the Convention on Biological Diversity (which encourages sustainable use of wildlife) (Birnie, 1996; Mofson, 2000). These shocks, while not displacing the dominant coalition, allowed the conservationist coalition to challenge the policy core beliefs of the preservationists. Experiments with sustainable trade in timber and fisheries demonstrate the parties' willingness to move beyond strict regulatory control measures for ensuring threatened species survival (Velázquez Gomar & Stringer, 2011, p. 252). By the eleventh COP in 2000, the idea of sustainable use was well-ingrained in CITES policy preferences: member states rejected two proposed resolutions that disparaged the use of sustainable trade as a conservation tool (Velázquez Gomar & Stringer, 2011, p. 248). The conservationist coalition achieved marginal success in changing CITES implementation policy, even if only for a subset of policies and for a subset of species.

In addition to the politics that helped reshape parts of CITES, policy-oriented learning helped bolster the strength of the conservationist coalition. Some of this learning questions the effectiveness of CITES policy implementation at the international level (Dickson, 2003). One of the earliest changes in CITES implementation as a result of policy evaluation was the allowance of commercial trade in endangered species that are specifically bred and raised in commercial operations (Swanson, 2000). Other adaptations to CITES followed, notably the use of species-specific quota systems. Inasmuch as the parties' are unwilling to change the paramount structure of the appendix regulations, they have been

flexible in accommodating variances when the facts have clearly demonstrated that economic utilization can occur without further endangerment (Favre, 1993). CITES applicability has changed as a result of this learning process; rather than focusing exclusively on controlling wildlife trade, CITES is now, at least in specific cases, focusing additionally on issues of habitat conservation and wildlife management (Mofson, 2000, p. 121). Velázquez Gomar and Stringer (2011) note that this is a significant policy core change: “The conventional technocratic approach to sustainability, which confers science a prominent role in policy decisions, is here replaced by a more holistic perspective that recognizes the reliability and consistency of alternative types of knowledge applied in wildlife management projects” (p. 250). They do acknowledge however, that this implementation has not occurred regime-wide, and that technocratic regulatory measures for Appendix I listed species still prevail. The reluctance of CITES to wholeheartedly reject the ingrained technocratic approach is probably a result of the challenge that science faces in attempting to predict ecological processes far into the future (Favre, 1993, p. 889). This perhaps pointedly illustrates a hypothesis of the ACF, that subjective data (in this case, yielded from ecological systems) is less conducive to inspiring policy-oriented change.

The ACF is a useful policy framework for uncovering many of the complexities in the international wildlife trade subsystem. There are, however, some intricacies of the subsystem that are left unanswered by the framework. The differential treatment of species has been previously noted; human development concerns are rarely addressed in the conservation of charismatic fauna (Dickson 2003; Velázquez Gomar & Stringer, 2011, p. 254). Again, one exceptional example is the African elephant, whose majority population is listed on Appendix I, despite controversy over whether it is truly endangered or not. Incorporating ideas from social construction theory, this differential treatment of endangered species is explained through the social construction-political power matrix (Czech et al, 1998). Beyond the scope of this paper, Sewell (2005) recognizes the nested and overlapping policy

subsystems inherent in international treaty implementation. The regulation of wildlife trade is highly dependent upon acceptance, compliance, and implementation of the regulations by member states, therefore, examination of domestic wildlife trade and management subsystems is necessary for understanding CITES success or lack thereof. A comprehensive look at the CITES domestic-international frontier across member states would be a laborious undertaking. One critique of ACF is that it “does not attend to patterns of decisions or to particular policy adoptions” (Schlager, 2007) thus perhaps providing a rationale for utilizing an additional approach such as policy diffusion or even large-N comparative studies. While the ACF has adequately addressed many components of the international wildlife trade policy subsystem, recognition of additional explanatory theories strengthens the analysis of the policy.

The ACF provides insight into the development of policies guiding the regulation of the international wildlife trade, specifically through the development and implementation of CITES. Two primary coalitions are identified, differentiated primarily by their causal and moral beliefs about the issue of wildlife exploitation and endangered species decline. These beliefs in turn lead to preferred policy preferences. The preservationist coalition, generally made up of affluent, developed countries, environmentalist and animal welfare NGOs, and typically led by the United States, has powerfully advocated for strict technocratic control of wildlife trade. These strict control measures are expressed in the primary policy tools of CITES. Alternatively, the conservationist coalition, representing most wildlife producer states as well as sustainable development advocates, lobbies for the incorporation of sustainable utilization policies in CITES. This coalition has achieved some moderate success in changing CITES policy, due in part to several important focusing events as well as policy-oriented learning. The near complete domination of fundamental CITES policies (specifically those related to appendix-listed species regulations) by the preservationist coalition however, reveals the long-term hold they maintain

over the regime, and speaks to the unequal distribution of economic and political power. Already a mature treaty, changes to CITES in the future are inevitable, and the path it follows will continue to depend in large part on which coalition holds power. Given the nearly universal concerns about the survival of wildlife populations and the differing beliefs about how to solve the problems, debate within CITES is likely to continue into the future.

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