

## **Strengthening CITES by Promoting Sustainable Development**

Wigtil, in his essay “Strengthening CITES by Promoting Sustainable Development” (2015), claims that the CITES regime can better fulfill its explicit conservation goals while simultaneously contributing to sustainable development goals by supplementing or even replacing its primary trade control mechanisms with alternative trade schemes. Wigtil supports this idea by evaluating the conservation effectiveness of the CITES regime to date, examining how the exceptional use of alternative trade schemes within CITES has proven successful, and finally by suggesting ways to incorporate the lessons learned from the alternative trade schemes into CITES’ primary trade mechanisms. His purpose is to identify possible policy improvements in order to convince policymakers and MEA negotiators of the changes that could be made to the CITES regime to improve its effectiveness.

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## *I. Introduction*

The negotiations concerning the text of the CITES treaty occurred in 1973 and the treaty came into force in 1975 (CITES 2015d). This treaty predates, by over a decade, the 1987 Brundtland Commission report that popularized the idea of sustainable development (Chasek et al. 2014; Conca & Dabelko 2014). Thus, it should come as no surprise that the original text of the treaty and the regulatory mechanisms contained therein bear no connection to the ideas and concepts related to sustainable development (Martin 2000; Dickson 2008). It has only been in the ensuing negotiations that the regime has come to address ideas related to sustainable development, though largely in a piecemeal fashion (Thorbjarnarson 1999; Swanson 2000; Dickson 2008; Abensperg-Traun 2009; Velázquez Gomar & Stringer 2011; Challender et al. 2015). Here, I attempt to answer the following research question: does CITES' engagement with and incorporation of sustainable development goals support or hinder the regime's ability to achieve its primary conservation objectives? I find that the regime's piecemeal incorporation of policies aimed to achieve sustainable development has proven generally successful in achieving both conservation and development goals, but that the default regulatory framework of the regime remains in opposition to sustainable development goals. Reconfiguring the mechanisms of the treaty to accommodate sustainable development would strengthen the ability of the regime to achieve its explicit conservation goals. To clarify, consider the naive scenario wherein the CITES regime flatly refused to concern itself with the normative goals of sustainable development. In this case, the optimal policies for achieving conservation goals would still also be policies that achieved sustainable development goals.

This paper is organized into a number of sections to facilitate the development of this thesis. First, I will examine several of the political concepts relevant to this discussion. These concepts will be used throughout the remainder of the paper to analyze the facts of the present case. Broadly, I will examine the concepts of sustainable development, sovereignty, and the global North-South divide, among others. Second, I will provide a summary and overview of the CITES regime, including: a discussion of the historical and paradigmatic context in which it emerged; an identification of the actors, coalitions, and their various roles and interests; and an explanation of the existing regulatory mechanisms of the regime. Third, I will assess the effectiveness of the CITES regime to date. It can claim credit for some conservation successes but many challenges remain. Fourth, I will examine CITES' engagement with the concepts of sustainable development in greater detail. CITES has focused on some elements of the sustainable development agenda, namely on sustainable utilization and on supporting livelihoods. While there may be limits to how far CITES can advance the sustainable development agenda generally, it has incrementally evolved and can continue to adjust its primary regulatory mechanisms in order to better achieve some sustainable development goals. Finally, I will recommend policy changes that could improve the effectiveness of the CITES regime.

## *II. Literature Review - Political Concepts*

Several theoretical concepts will be used throughout the course of this paper, and here I will provide a brief discussion of their development in the literature. Generally, the problem of species endangerment as a result of international trade is viewed as a tragedy of the commons. Hardin argues that in the absence of adequate property rights, government control, or "mutual coercion mutually agreed upon" (2014, p. 43), common pool resources are likely to be overexploited as a result of rational action in the pursuit of individual gains. Thus, the CITES

regime aims to resolve this problem of the commons through the use of mutual coercion, mutually agreed upon in the form of an international environmental agreement. In this treaty, states agree to control their use of endangered species for the benefit of the world. One of the main criticisms of the CITES regime, however, is that it views all instances of trade in endangered species as singular. This demonstrates the panacea analytical trap, that “it treats all resources as having basic similarities. ... [which] has often led to a recommendation of a preferred institutional solution as a simplified blueprint” (Basurto & Ostrom 2014, p. 54). Challender et al. (2015) note that CITES reduces the complex nature of international wildlife trade to a simple issue of law enforcement. In reality, different endangered species subject to international trade are subject to very unique circumstances and may require very different remedies. The challenge, however, in constructing international agreements, is that they are often constrained by the practicalities of politics, which often require solutions to be distilled down to the lowest-common denominator (Chasek et al. 2014). This results in the simplification of solutions to those that are the most politically tolerable.

International agreements are likely most politically tolerable when they respect state sovereignty. Conca (2014) delineates three axes of state sovereignty: international norms, state capacity, and state legitimacy. CITES has interacted with sovereignty issues in a number of ways. It has established new international norms by establishing a framework in which endangered species are traded between nations. It has provided some states the capacity to address the international trade in wildlife in ways that they may have been previously unable to (Arroyo-Quiroz et al. 2005). As states implement the CITES regime within their own domestic borders, it may challenge state legitimacy. Peluso (2014) writes about how in Kenya, indigenous peoples have been marginalized because of efforts to limit their ability to derive income from wildlife products. Conca makes it clear that sovereignty is reshaped in different ways, for different states, and at different times, and that in sum, the effects are often “unevenly distributed” (2014, p. 99).

The global North-South divide is a theoretical mechanism used to example the inequalities of our social, political, and economic systems. This mechanism is useful for examining CITES. Biodiversity is unequally distributed across the planet with much of it falling within the borders of the developing world (Jetz & Fine 2012). Generally, trade in endangered species has followed a South to North trajectory, “mainly driven by consumer demand from affluent developed countries and their profitable fashion and food industries but also from other uses of rare animals and plants for medical and pharmaceutical research, exhibition, or collection purposes” (Sand 1997, p. 19). Some perceive this trade as furthering the accrual of benefits to the elite (Lavigne et al. 1996) while others suggest that trade provides an opportunity for the developing world to derive economic benefits (Thorbjarnarson 1999; Stiles 2004; Abensperg-Traun 2008; Carpenter 2011; Duffy 2013; Challender et al. 2015). Whether or not the trade in endangered species benefits the developed or the developing world, the regulations affecting the trade may place a greater burden on developing nations, inasmuch as they bear the burden of enforcement, implementation, and lost economic opportunities (Challender et al. 2015). Favre (1993) writes that “While the whole world receives the benefits of a species’ continued existence, others do not share in the cost of protecting the species or the cost of economic opportunities lost” (1993, p. 897). International political norms can exacerbate the inequalities of the global North and South.

The precautionary principle, as espoused in Principle 15 of the Rio Declaration states that, “Where there are threats of serious or irreversible damage, lack of full scientific certainty

shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation” (Chasek et al. 2014, p. 43). This principle focuses on the ecological sustainability of systems. A form of the precautionary principle was adopted into the CITES regime in 1994 with Resolution Conf. 9.24 (Challender et al. 2015). Taking a precautionary approach to international trade in wildlife is viewed as “both feasible and necessary—not only to avoid aggravating a multiple-cause ecological problem, but also to avoid a ‘free-rider’ dilemma lest unilateral bans penalize individual importing or exporting countries *vis-à-vis* their less scrupulous competitors” (Sand 1997, p. 19). Some have questioned whether the precautionary approach has been applied to all species equally within the CITES regime, or if only charismatic megafauna have been at the receiving end of this precaution (Velázquez Gomar & Stringer 2011). I will return to this concept specifically in the section assessing CITES’ engagement with sustainable development. The decisions that follow from this precautionary approach, however, fail to fully consider the sustainability of human economic and development systems. A narrow focus on ecological sustainability may in turn lead to its undoing.

Sustainable development is a complex idea. Far too often in the realm of international environmental agreements, ecological sustainability has been used as a substitute for sustainable development (Lélé 2014). Velázquez Gomar and Stringer (2011) refer to sustainable development as mutual interdependence between ecological sustainability and human sustainability. Thus, if either part of the system is failing, the system as a whole is failing. Regarding the ability of CITES to achieve sustainable development, they note that the sustainable use of wildlife “is conducive to sustainable development when it aims to enhance to condition of people and the ecosystem” (Velázquez Gomar & Stringer 2011, p. 245). Sustainable development must respect various cultures. Applied at the international level, this will result in the respect of state sovereignty. Applied at the domestic level, this will result in a concern for the development of people. Sustainable development should ultimately prioritize people over profit. Peluso writes how the pursuit of protection and preservation strategies in Africa to fulfill economic terms interferes “with local or customary forms of resource management” (2014, p. 349). Clearly defining sustainable development in a way that recognizes the complexity of our world, and then seeking out ways to achieve it will benefit both people and the environment.

### *III. Overview and Summary of the CITES Regime*

To date, one-hundred and eighty nations have acceded to the treaty (CITES 2015b). Sand (1997) and Fischer (2010) identify earlier wildlife conservation agreements, including the 1900 and 1933 London Conventions (though the 1900 London convention never entered into force) and the 1940/1942 Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere. Importantly, these earlier attempts contained regulatory elements that persist in the CITES regime, including the use of trade restrictions and lists of species (Sand 1997).

These earlier agreements were negotiated during the time of major colonial powers, especially affecting the African continent, and Swanson (1999) articulates a theory for why specific trade restrictions and regulations were preferred (rather than policies that promoted the trade and utilization of species). He argues that the human-caused Pleistocene extinction affected the global North more dramatically than the global South (e.g. megafauna of the North became extinct, while megafauna of the South persist). These environmental changes, in turn, affected the worldviews and paradigms of the various cultures evolving within these particular geographic regions. Thus, the colonial powers of the North, recognizing the demise of their own

species, assumed that intervention was needed to ensure that species did not go extinct. Humans needed to actively manage other species in order to ensure their continued existence.

This historical interpretation helps to situate the two dominant perspectives held by stakeholders in the CITES regime: humans-*and*-ecosystems or humans-*in*-ecosystems (Velázquez Gomar & Stringer 2011). The former perspective lends itself to the belief in market mechanisms and technocratic interventions to solve environmental problems, while the latter likely advocates for the integration of ecosystem and human needs. The early wildlife conservation agreements, and in turn CITES, rely more heavily on management interventions. This demonstrates that the framers of the treaty held a humans-*and*-ecosystems perspective. This perspective is analogous to, if not simply a rephrasing of, the exclusionist paradigm, which holds that human beings are excluded from the laws of nature (Chasek et al. 2014). Had the framers taken a human-*in*-ecosystems perspective, the CITES treaty could have possibly been envisioned to accommodate a facilitative approach to wildlife trade. These two perspectives persist to the present among CITES stakeholders, and have emerged in many of the debates about incorporating sustainable development goals into the regime.

CITES is primarily “concerned with intervention mechanisms to control trade rather than positive measures to facilitate sustainable trade” (Abensperg-Traun 2009, p. 951). CITES achieves this through three appendices on which species are listed, each with its own set of regulations (Chasek et al. 2014). Species on Appendix I are only allowed to be traded when both the importing and exporting states grant permits, and the trade must not be for commercial purposes. Trade in species listed on Appendix II is allowed when the export state grants a permit, though only after concluding that the trade in that particular specimen is non-detrimental to the survival of the species. States individually list species on Appendix III in an effort to receive international support for the management of particular species. Species listed on appendices I and II must receive a two-thirds vote of approval from among the contracting parties. Any state can issue a reservation regarding any species listing, however, which allows them to preserve their own individual interest. This also, in effect, prevents the use of veto power, though large vetoing blocks have emerged with regard to highly controversial listings (e.g. African elephants). States are expected to legislate national laws implementing the treaty, and are to designate scientific and management authorities to carry out the responsibilities of treaty implementation and enforcement.

There are a number of different actors in the CITES regime. As with all international treaties, individual states are the contracting parties. The CITES Secretariat convenes the bi- to triennial Conference of the Parties and is administered by UNEP (CITES 2015a). NGOs play an important role, both in lobbying, but also as service organizations providing trade records analysis (e.g. TRAFFIC; Breitmeier & Rittberger 2010). States have been classified as producers/consumers or exporters/importers (Chasek et al. 2014), though a more holistic grouping of coalitions in this regime might taken into consideration groupings of states with their allied interest groups. Heres, two major factions have been constructed along the previously identified attitudinal perspectives. These have been labeled the conservationist or utilitarian coalition and the preservationist coalition (Stoett 2002). These coalitions, in no way to be construed as having official or inflexible rosters, often shift depending on the species or issue in question (Chasek et al. 2014).

Though the regime largely reflects the policy preferences of the preservationist coalition, the conservationist coalition has, at times, attempted to assert its power, though with limited success. In the debate regarding elephant ivory in the late 1980s, the preservationists prevailed in

listing the African elephant on Appendix I, though in subsequent negotiations, individual states' elephant populations have been downlisted to Appendix II (Stiles 2004; Abensperg-Traun 2009; Duffy 2013; Chasek et al. 2014). The preservationist coalition, often led by the US, has influenced non-contracting parties to accede to the treaty. Arroyo-Quiroz et al. (2005) note that part of Mexico's decision to accede to the treaty may have been based on free trade negotiations with the US. Chasek et al. (2014) describe an example of the preservationist coalition using its influence to convince Japan to not oppose the ivory trade ban. This evidence may suggest that parts of the CITES regime exemplify an imposed, rather than a negotiated, order (Young 1982). The distribution of power within the CITES regime perhaps explains some of its inability, reluctance, or hesitancy to more comprehensively address issues of sustainable development.

#### *IV. Assessment of CITES' effectiveness generally*

The effectiveness of the CITES regime in fulfilling its goals can be measured in various ways. How many nations have acceded to the treaty? How well have national regulations been implemented? How many species have been added to the appendices? Has CITES prevented species from going extinct as a result of international trade? Have endangered species population numbers recovered as a result of being listed and regulated by CITES? Just by examining this breadth of possible questions, we see how difficult it is to determine if the CITES regime has been effective. It is also possible for CITES to have fulfilled some of its goals while failing to meet others. Thus, some have argued that CITES is a success while others have designated it a failure.

Chasek et al. write that "CITES is widely considered to be among the more effective global environmental regimes" (2014, p. 207), despite the fact that some individual cases have presented mixed results. Dickson (2008) also concludes that results have been mixed, and notes that specific outcomes may have been impacted by a wide variety of factors, many exogenous to the regime. Thus, CITES controls may or may not be solely responsible for the changes associated with endangered species population changes. This is related to the panacea analytical trap. Basurto and Ostrom (2014) caution analysts to examine the whole suite of variables impacting common pool resources before making assumptions about causal relationships. Thus, in the case of CITES, individual species cases need to be examined in-depth to determine the effectiveness of the treaty. To do this effectively and comprehensively would require data and resources perhaps currently outside of the abilities of the treaty, the CITES Secretariat, individual nations, or NGOs. Some general hypotheses can be examined, however, which generally cover broad political and economic variables.

Trexler (1990) concludes that international trade is only detrimental for only a subset of CITES-listed species. Why then have so many species been added to the appendices? For some, the uplisting of a species to an appendix may represent a conservation success in and of itself. Weber et al. (2015) describe the US-led effort to uplist the polar bear to Appendix I despite its failure to meet the biological criteria required for uplisting. The authors argue that the polar bear is not threatened by unsustainable international trade and that it is in fact well-managed, at least with regard to utilization and trade. Rather, the attempt to uplist may have been a political maneuver to draw attention to other factors threatening the species, such as climate change. The effort to uplist the polar bear failed, and the US unilaterally implemented its own import ban. These state-led policies can impact conservation efforts and may be detrimental to the survival of species in specific cases. Individual nations retain their own interests with regard to international wildlife trade regulations, which may often conflict with sustainable development practices.

States, like the US, have often implemented even more stringent regulations, while others have failed to institute the basic legislation required by CITES. The imposition of more stringent regulations could be viewed as a sort of imposed order. Prior to CITES, the US' Lacey Act and Endangered Species Conservation Act prohibited the importation of certain species (Sand 1997). The US was a lead state throughout the development of CITES in an attempt to internationalize these regulations. Throughout the history of CITES, the US has continued to impose its interests on other states. Prior to the uplisting of the African elephant to Appendix I in 1989, the US passed a law banning ivory imports (Favre 1993). Other states have failed to implement the basic national regulations required by CITES (Challender 2015). States may lack the capacity to legislate these regulations, or they may have difficulty negotiating the international agreement into the domestic sector. International agreements require a two-stage level of negotiation: international and domestic (Young 1982). Perhaps many of the producer states, where some local livelihoods are tied to the production of wildlife products, are unable to convince their constituents to give up some of their own, individual interests for the sake of the international interest in preserving biodiversity. Thus, the implementation of CITES is far from singular. Compliance with and implementation of CITES affects its ability to be effective.

From an economic standpoint, the basic framework of CITES may or may not deal with the issue of unsustainable trade effectively. Fischer (2010) channels Hardin (2014) by arguing that weak institutions lead to "open-access" problems, wherein wildlife traders extract resources in an unsustainable manner by failing to consider the impact of their individual gain on the resource as a whole. She argues that the combination of open access harvesting and trade has the potential to lead to complete species extinction. Thorbjarnarson uses the example of crocodylians to demonstrate the opposite however: "in any one region commercial hunting usually was no longer productive long before populations reached levels close to biological extinction, so no species has gone extinct as a result of hunting" (1999, p. 466). This view places greater stock in the nuances of supply and demand, perhaps in perfect market conditions. By changing market conditions, CITES may cause some unforeseen problems.

Swanson (2000) argues that an Appendix II listing, in light of the various levels of national implementation, leaves each state, effectively, operating independently (recall that Appendix II listings require only an export permit; these are issued if trade of the specimen in question is non-detrimental to the species as a whole, as determined by the export state). With various levels of national implementation, states have differing capacities to accurately determine non-detrimental findings. Going from Appendix II to Appendix I, states are unable to derive any economic value from species. The restriction in trade may cause consumers to find substitute products, which reduces the pressures on the endangered species in question. On the other hand, some have argued that trade restrictions may hasten the conversion of habitat for other, next best uses, from which economic value could be derived (Stiles 2004; Fischer 2010). In Mexico, the trade in wildlife was largely uncontrolled in the 1980s, partially because there were no economic incentives to conserve wild species (Arroyo-Quiroz et al. 2005). The CITES regime must be viewed in light of global institutions, such as the expanding capitalist economic system, which increasingly emphasizes the commodification of private goods.

Beyond basic political and economic variables, CITES may be ill-suited to dealing with contemporary and future challenges. CITES fails to consider the interconnectedness between the international trade in commodities generally and biodiversity. Lenzen et al. (2012) associate internationally traded commodities with their impact on biodiversity. For example, the spider monkey in Mexico and Central America is endangered as a result of the destruction of habitat

associated with the growth of coffee and cocoa plantations. Thus, endangered species are threatened by international trade in various ways. They are directly impacted by trade, but also indirectly by the trade in other commodities. The authors conclude that implementing policies regulating this indirect trade could be more effective at protecting endangered species than CITES regulations. It is critical to consider these future scenarios as CITES works to address issues of sustainable development. Proponents of sustainable development must take these biodiversity implications into consideration when examining whether the human-ecological system as a whole is improving or declining.

#### *V. CITES and Sustainable Development*

As noted earlier, the CITES regime was negotiated prior to the popularization of the concept of sustainable development. The ecological concept of sustainability is incorporated in the preamble of the treaty, however (Velázquez Gomar & Stringer 2011). Species are to be protected “for this and the generations to come” (CITES 2015c). Subsequent resolutions and decisions have elaborated on the conceptions of sustainable use and sustainable development. Resolution Conf. 8.3 first recognized the benefit that commercial trade in species could accrue to species and/or the economic development of local people (Dickson 2008). This resolution, however, did not obligate CITES’ parties to take this benefit into consideration when making policy decisions. Only later were listing decisions obligated to take into consideration the impact on the livelihoods of the poor. Resolution Conf. 8.3 was replaced with Resolution Conf. 16.6, which “explicitly recognizes implications of decision-making on local livelihoods and the need to involve local communities in implementation” (Challender et al. 2015). When the regime has considered concepts related to sustainable development, the focus of the regime has been primarily targeted at issues of sustainable utilization and local livelihoods, rather than on sustainable development broadly. Here, I argue that the regime would benefit from a more comprehensive focus on sustainable development.

Dickson (2008) writes that the trade in CITES-listed species supports local livelihoods in only a small number of cases. He notes that some may question whether the regime even has the capacity or opportunity to deliver poverty reductions. Others have questioned whether any form of consumptive use can be sustainable (Lavigne et al. 1996). They suspect that the benefits of sustainable utilization will only accrue to the North and wealthy elite in the South. Generally, I will argue from a holistic conception of sustainable development, one that respects the diversity of cultures, the sovereign right of self-determination, and one that recognizes the historic and contemporary issues of injustice and unequal power distributions. I believe, and will argue, that CITES can more effectively support these goals while simultaneously promoting and protecting biodiversity.

Thorbjarnarson (1999) presents the case of African crocodiles as one that instigated the discussion of sustainable use within the CITES regime. This established that the idea “of sustainable use as a conservation tool is based largely on the creation of incentives that make the conservation of wildlife populations and their habitat in the best interest of those who benefit from the harvest” (Thorbjarnarson 1999, p. 468). The crocodile example provided two important caveats to the idea of sustainable use as a conservation tool, however. The first is that sustainable use is less effective as a conservation tool when species are critically endangered, especially as a result of other contributory factors, such as habitat loss. The second is that wildlife farming or ranching, especially when exported from producer states to consumer states, does little to help support local livelihoods and may further degrade incentives for protecting endangered species in

the wild (Swanson 2000). CITES was willing to incrementally adjust species-specific policies for crocodiles in Africa, which was a good first step toward promoting sustainable use and sustainable development goals. This case provided some of the precedent for adopting species-specific policies within the CITES regime. This is likely why Chasek et al. (2014) call CITES an umbrella regime comprised of miniregimes, each regulating a particular species.

Abensperg-Traun (2009) provides the example of the use of trade quotas for Appendix I listed species, such as the leopard and the cheetah, as a CITES success story. Prior to the use of quotas, landowners had no incentive to protect or otherwise tolerate these species, and their populations declined. Following the institution of trade quotas, the populations provided value to local communities in the form of hunting and exportation, and their populations recovered. Dickson (2008) discusses how the proposal to list the Devil's claw, a medicinal plant, on Appendix II elicited a number of objections over the impact this listing would have on the harvesters of the plant. The listing proposal was withdrawn, yet CITES continued to provide technical support for the study of the issue. Abensperg-Traun suggests that sustainable utilization of the Devil's is limited by "difficulties in effectively monitoring populations and enforcement of management plans..., inadequate tenure security, poor business, management and organizational skills at the community level, and the fact that foreigners hold virtually all of the existing patents for the processing of Devil's claw" (2009, p. 958).

Challender et al. (2015) notes that the downlisting of species, or populations, from Appendix I to Appendix II, and thus, the relaxation of regulations regarding trade has proven successful in achieving sustainable development goals. They cite the case of the vicuña, whose populations improved after the local communities in Peru were brought into the conservation conversation. The locals were given tenure rights which led to reduced poaching and the development of schools, jobs, and income from the proceeds derived from vicuña products. These cases present a number lessons for the successful implementation of sustainable development goals under the auspices of CITES. The establishment of property rights that are locally controlled by local people is essential for getting adequate community buy-in. CITES could shift from being a trade regulator to a trade facilitator with a few adjustments to its overarching policies. Finally, perhaps precaution should not always be practiced in the face of uncertainty, but science learning should always and continually inform adaptive management practices.

One of the biggest hindrances to the development of sustainable development policies under CITES stems from the social construction of species. Species are treated differently based on the social construction-political power assigned to them (Czech et al. 1998). Charismatic megafauna (e.g. elephants) are often provided a disproportionate amount of the resources and attention than their endangered status might otherwise require (Stoett 2002; Velázquez Gomar & Stringer 2011). Stoett (2002) notes that these charismatic megafauna are conducive for NGO fundraising campaigns. These NGO ally groups exhibit influence at the domestic and international level to convince to preservationist coalition to adopt the animal protectionist worldview for some species [according to Favre (1993), this worldview is even more restrictive regarding the use of wildlife than the environmentalist, or preservationist, worldview]. These attitudes are developed largely in the global North and the resulting policies implemented through CITES represent a type of ecological coercion.

Peluso (2014) provides an example of how CITES regulations banning the trade in ivory have been used to restrict access to historical hunting grounds in Kenya by the Maasai people. When poaching occurred, it was viewed with moral contempt by environmental communities of

the global North. Those communities, however, failed to examine how the Maasai livelihoods had been disrupted as a result of their displacement and how this may have been a contributory factor in their decision to take desperate actions, like poaching. In this situation, local livelihoods were disrupted in order to establish game parks and reserves, perhaps redistributing benefits to local tourism operators. I would label this a failure to achieve sustainable development goals.

NGOs promoting the animal protection attitude have used scientific and technical knowledge to further drive a wedge between the global North and South (Duffy 2013). These NGOs viewed the African elephant population as singular, rather than as populations existing within the boundaries of different states. Even though elephant populations are migratory, the failure of NGOs, and in turn the CITES regime, to consider the different management strategies of states was, in effect, a failure to recognize the sovereignty of each state. Thus, the ivory poaching crisis of the late 1980s was viewed as a continent-wide problem, rather than isolated to the few nations in central and eastern Africa that were experiencing the greatest population declines. The CITES policy to ban ivory thus constrained the ability of southern African states to use their elephant populations for economic development purpose (Stiles 2004). Given the escalating poaching crisis in Africa (Orenstein 2013), one has to wonder whether any changes to CITES policies regarding elephants could help incentivize conservation while also providing for local livelihoods.

What lessons can be learned from the African elephant example? First, there must be recognition of the different attitudes and beliefs of stakeholders. NGOs play an important role in the CITES regime, both as advocacy and as service organizations (Breitmeier & Rittberger 2010). Inasmuch as states are afforded equal rights as sovereign nations, so too should no NGO be afforded a greater role in the process than any other. Breimeier and Rittberger note that NGOs of the global south, “although in favour of measures for the protection of elephants and rhinoceroses, had a preference for protection measures that take into account the needs of developing countries and the living conditions of their population” (2010, p. 141). Thus, different NGOs advocate for different cultural values. Second, perhaps there is some greater room for CITES to consider species populations on a state-by-state basis, rather than as singular. This has been accommodated to some degree with the use of split-listings of species between Appendix I and Appendix II, but this has been the exception rather than the rule. While I would not advocate that individual range states be given veto power, as the consumptive use block has argued (Favre 1993), the regime would benefit from greater consultation with range states. Were range states given veto power over the listings of species within their borders, this would infringe upon the precautionary principle. In this instance, state sovereignty must be limited by the value that species provide as a global resource. This is not a further degradation of state sovereignty, however, as states still retain the right to enter reservations regarding species listings as has already been established in CITES.

## *VI. Recommendations*

CITES can become a vehicle for facilitating sustainable development. Given the vast uncertainties about its success to date and the high profile cases where CITES policies are not obviously contributing to species’ improvements, it seems reasonable to suggest a renegotiation of the basic policy mechanisms of the regime. First, trade bans should only be considered as a last resort, and should only be used for short durations of time while more comprehensive actions plans are developed (Weber et al. 2015). Given the reduced need for trade bans through Appendix I listing, the system of multiple appendices could be simplified to a single appendix

(Martin 200). To accommodate the rare need for trade bans, the quota system should be institutionalized for all listed species, with zero quotas being used to facilitate the extreme and temporary case of trade bans. Using a single list would simplify the implementation requirements regarding export/import permits, making implementation and compliance simpler at the individual state level. Removing trade bans as the primary trade control mechanism allows stakeholders to realize value from resources, allowing them to develop in ways that they best see fit. Relying on *in situ*, non-consumptive uses of wildlife, such as ecotourism and photo safaris, may be the top priority for animal protectionists, but this idealized solution is a non-starter given current realities. Reformation, rather than transformation (Elliott 2004) might be the only option.

Some may argue that encouraging trade will only lead to overexploitation (Lavigne et al. 1996). Fortunately, the current realities of the world also provide opportunities for ensuring that trade is done sustainably. Lenzen et al. note that Article XX of the GATT “allows ‘measures relating to the conservation of exhaustible natural resources’, thus providing a framework to support measures regulating biodiversity-implicated goods” (2012, p. 111). However, this framework is tempered by WTO rules that only allow for the multilateral regulation when production processes are the object of the regulation (Swanson 2000). This provides CITES with the opportunity to perhaps become the world’s provider of comprehensive ecolabeling (Swanson 2000; Velázquez Gomar & Stringer 2011). Swanson (2000) suggests that in order to preserve the individualized development choices of producer states, CITES can act as an information distributor to consumers about the production processes related to wildlife products. This follows from Stoett who argues that if we are to recognize “that local control of resources is a vital aspect of cultural survival... [then] the international community must temper its demands for complete solutions... with trade bans, and focus instead on providing as much scientific expertise on wildlife populations as possible” (2002, p. 205).

CITES must recognize that the devolution of power to local communities, in light of suitable governance structures, affords them the greatest opportunity to achieve sustainable development. Fischer (2010) recommends that CITES support resource management institutions and the development of adequate and enforceable property rights. Community-based natural resource management is lauded as an institutional framework with the opportunity to achieve both conservation and human development successes (Abensperg-Traun 2009; Carpenter 2011; Velázquez Gomar & Stringer 2011; Duffy 2013; Challender et al. 2015; Weber et al. 2015).

Finally, I would argue that communication between all parties is the key to achieving sustainable development through CITES. Without the complete and honest sharing of individual needs and desires, the regime has no chance of evolving into one that can accommodate sustainable development. CITES has slowly begun to implement incremental changes in response to some tough challenges. The way forward will not always be clear, but the problems are not insurmountable. CITES truly be strengthened, and it must, not only for the benefit of our ecosystems, but also for the people in them.

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