

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

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates trade in specimens of over 38,000 species. It contains strict conditions under which international trade can be authorized through the issuance of export permits or licences. The Convention was adopted in 1973 and entered into force on 1 July 1975. At the time of writing, CITES has 184 parties and regulates all major markets of the world.

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement that aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species.

Annually, international wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of plant and animal specimens.¹ This trade is diverse, ranging from live animals, such as pets, and live ornamental plants to a vast array of wildlife products derived from them, including food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines. Levels of exploitation of some animal and plant species are high, and the trade in them, together with other factors such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction. Most wildlife species traded are not endangered, and an agreement to ensure the sustainability of the trade is important to safeguard these resources for the future. Today, CITES accords varying degrees of protection to more than 38,000 species of animals and plants, some of them subject to significant commercial trade as live specimens, parts and derived products.

As an international agreement, CITES is legally binding on the states parties and provides a set of common minimum standards for international trade in the specimens of species regulated by it. These need to be complemented by national legislation to ensure that the provisions can be applied and enforced at the national level by the designated CITES management authorities and mandated enforcement agencies, such as the police and customs authorities.

The ultimate decision-making body of the Convention is the Conference of the Parties (CoP), established by Article XI. The CoP meets every three years to review the implementation of the Convention and to consider any proposals put forward by parties to amend the Convention appendices containing the species of animals and plants covered. In the years between the CoP, the CITES Standing Committee provides guidance to the CITES Secretariat, oversees implementation and manages compliance matters. It also prepares the meetings of the CoP. The Animals Committee and the Plants Committee comprise experts serving in their individual capacity who provide scientific advice and guidance to parties, the CoP and the Standing Committee. The CITES Secretariat, based in Geneva and hosted by the United Nations, provides support to the parties, governing bodies and their working groups.

CITES and the WTO have been connected since the General Agreement on Tariffs and Trade (GATT)². The exceptions contained in Article XX of GATT on measures necessary to protect human, animal or plant life or health (para. (b)) and on measures relating to the conservation of exhaustible resources (para. (g)) are particularly relevant. The importance of CITES is evident in the landmark *US–Shrimp* dispute, which involved measures to protect the endangered species of marine turtles.³

Trade measures

The species covered by the Convention are included in three different appendices:

- (1) Appendix I includes species that are considered to be in danger of extinction and for which international trade is generally prohibited to not further endanger the species. In accordance with Article III, trade may be authorized in exceptional circumstances for non-commercial purposes (e.g. for scientific purposes) and under strict conditions. Approximately 3 per cent of the species covered by the Convention are included in Appendix I (ca. 700 fauna species and 400 flora species).
- (2) Appendix II includes species that are not necessarily at this point endangered but could become so unless international trade is strictly regulated and controlled. Trade in specimens of these species may be authorized by nationally designated CITES management authorities under certain conditions, set out in Article IV. About 97 per cent of the species covered by the Convention are included in Appendix II (ca. 5,000 fauna species and 33,000 flora species).
- (3) Appendix III includes species that are not endangered or threatened at the global level but for which a party seeks the support of other countries in the control and monitoring of trade by including the species in the Convention unilaterally. Such species must be protected under national law in order to qualify for inclusion in Appendix III (Article V). Less than 1 per cent of the species covered by the Convention are included in Appendix III.

Substantive provisions

Articles III–V regulate international trade in specimens of species included in Appendices I–III of the Convention. Trade is defined as export, import, re-export and introduction from the sea.⁴ Introduction from the sea means that the specimen has been taken in an area not under the jurisdiction of any state (i.e. outside the territory and outside the exclusive economic zone of any country).⁵ The specimens may have been taken in the air, water or seabed.

Specimens include live, dead, parts, derivatives and final products, as well as specimens produced through biotechnology.⁶ However, for certain species – in particular for plant species – the specimens included or excluded by the Convention are further defined in annotations or footnotes.

As mentioned above, most species are included in Appendix II and only those may be subject to trade for commercial purposes. A nationally designated CITES management authority may authorize the export of such specimens under the following conditions, set out in Article IV:

- The specimens must have been legally acquired (not poached or illegally logged). It is responsibility of the trader to prove the legal origin of the goods presented for trade.

- The trade must not have a detrimental impact on the survival of the species in the wild. The nationally designated scientific authority must make a non-detriment finding to confirm that the taking of the wild animals or plants is sustainable. The finding is provided to the nationally designated CITES management authority before the trade can be authorized.
- Live specimens to be traded must be prepared and shipped in a manner that minimizes risks of injury, damage to health or cruel treatment. In practice, parties have agreed that live animals and plants must comply with the relevant regulations agreed by the International Air Transport Association.⁷

When these conditions are met, the nationally designated CITES management authority may issue a CITES export permit.⁸ The parties have agreed on the information that must be included on the permit (e.g. species name, quantity, type of specimen, source, purpose of the trade). They have also agreed on a standard form for this permit that most parties use, with small variations (see Figure 1).⁹


An export permit is valid for a maximum of six months from the date of issuance. A shipment must reach the country of import before the export permit expires in order to be compliant with the Convention. The importing party can only clear a shipment if it is accompanied by a valid export permit. The Convention does not require importing parties to issue import permits for trade in specimens of species included in Appendix II of the Convention. Some parties have, however, adopted stricter domestic measures requiring an import permit to be issued prior to the shipment of the goods from the exporting country. To authorize re-export, the CITES management authority must ensure that the specimens were legally imported before issuing a re-export certificate.

In the case of introduction of specimens of species from the sea, the CITES management authority of the state of introduction (where the specimens will be first landed) must ensure that the taking of the species is sustainable and in accordance with any international or regional agreements applicable in the geographical location to the species concerned (e.g. regional fisheries management agreements). The parties have agreed that in the case the vessel registered in one state is landing the specimens taken in the high seas in another state, it is not to be considered as introduction from the sea under the Convention, but regulated as trade.¹⁰ In this situation, the state in which the vessel is registered is considered to be the state of export; and the state into which the specimens are transported is considered to be the state of import. Parties have also made certain provisions to be applied in the case of chartering operations.¹¹

The implementation of introduction from the sea requires coordination between the national fisheries authorities and the CITES management authorities. The CITES Secretariat is collaborating with the Food and Agriculture Organization of the United Nations to facilitate this. The Secretariat has also compiled a list of questions and answers on CITES and fisheries.¹²

Figure 1: Standard form for a CITES export permit

Standard CITES form

 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		PERMIT/CERTIFICATE No. <input type="checkbox"/> EXPORT <input type="checkbox"/> RE-EXPORT <input type="checkbox"/> IMPORT <input type="checkbox"/> OTHER:		Original	
				2. Valid until	
3. Importer (name and address)			4. Exporter/re-exporter (name, address and country)		
3a. Country of import					
5. Special conditions			6. Name, address, national seal/stamp and country of Management Authority		
If for live animals, this permit or certificate is valid only if the transport conditions comply with the IATA <i>Live Animals Regulations</i> ; if for live plants, with the IATA <i>Perishable Cargo Regulations</i> ; or, in the case of non-air transport, with the <i>CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants</i>					
5a. Purpose of the transaction (see reverse)		5b. Security stamp no.			
7./8. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (age/sex if live)	10. Appendix no. and source (see reverse)	11. Quantity (including unit)	11a. Total exported/Quota
A	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
B	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
C	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
D	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
* Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export) ** Only for specimens of Appendix-I species bred in captivity or artificially propagated for commercial purposes *** For pre-Convention specimens					
13. This permit/certificate is issued by:					
_____		_____		_____	
Place		Date		Security stamp, signature and official seal	
14. Export endorsement:			15. Bill of Lading/Air waybill number:		
Block	Quantity				
A					
B					
C					
D		Port of export	Date	Signature	Official stamp and title

CITES PERMIT/CERTIFICATE No.

Exemptions and special provisions

Article VII contains several important exemptions and special provisions that allows international trade to occur under different conditions and are described below.

Transit and transshipment

If a shipment is in transit through a territory and remains in customs control, no export permit is needed for the transit country. However, an export permit is required for the final destination (import country). If the shipment is transiting over land, it is unlikely that it remains in customs control and therefore it must be considered as import into the country of transit and re-export from this country and documents must be issued accordingly.¹³

Pre-Convention specimens

As noted above, new species are added to the Convention at every meeting of the CoP. If the CITES management authority has proof that a specimen was legally acquired before the provisions of the Convention applied to the species concerned, the authority may issue a pre-Convention certificate to allow trade to occur in that specimen without verifying that trade will not be detrimental to the survival of the species.¹⁴

Personal and household effects

The Convention allows for individuals to travel or undertake an international household move with personal or household effects of species included in the appendices without an export permit; this could include live pets, such as parrots. A special “certificate of ownership” exists to allow frequent cross-border movement of personally owned live animals (used particularly for falcons). However, in order to avoid any misuse of this exemption, parties have agreed on a number of limitations and conditions for its application.¹⁵ In addition, some parties have adopted stricter domestic measures and do not allow any trade cross-border movement of personal and household effects without a CITES document.

Captive-bred animals and artificially propagated plants

The Convention contains special provisions for specimens that originate from artificial propagation (plantations) or from captive breeding (wildlife farms). If the nationally designated CITES management authority has proof that the specimen has been produced under certain specified conditions and in a controlled environment, this may be sufficient to authorize trade in that specimen. If the species concerned is included in Appendix I and the production is commercial (i.e. the artificial propagation of species listed in Appendix I or the rearing of falcons for falconry), the trade must be authorized under Article IV. This means that the trade for commercial purposes may be authorized under conditions applicable to trade in species listed in Appendix II. In addition, the facility must be registered in the CITES Registers¹⁶ by the nationally designated CITES management authority.

Scientific exchanges and non-commercial loans between scientific institutions

Scientific institutions, including herbaria, laboratories and museums, can exchange herbarium specimens or other dried or embedded museum specimens or live plant material without CITES permits for non-commercial scientific purposes if they are included in the CITES Registers by the CITES management authority. There are about 900 scientific institutions currently registered.

Travelling exhibitions

It is possible for the nationally designated CITES management authority to give multi-year and multi-entry permits to travelling exhibitions (e.g. plant exhibition, travelling zoo) under certain conditions.

Stricter domestic measures

Parties to the Convention may adopt stricter domestic measures in accordance with Article XIV. Many parties have done so (e.g. to require import permits as a condition for accepting imports of species listed in Appendix II). This includes, *inter alia*, China, the European Union and the United States. Other parties have adopted measures to limit the use of some of the exemptions and special provisions mentioned above (e.g. with regard to personal and household effects or with regard to specimens produced under controlled conditions). Information on stricter domestic measures that has been communicated to the CITES Secretariat is available in the country profiles on the CITES website.¹⁷

National implementation

National laws for implementing CITES is critical to ensure that trade in protected species is legal, sustainable and traceable. Although the Convention is legally binding on states, it is essential that CITES parties have adequate legislation, which is permanently up to date and efficiently enforced. Adequate national legislation is key to effective wildlife trade controls by the state agencies charged with implementing and enforcing the Convention. It is also a vital prerequisite for ensuring that a party complies with the provisions of the Convention.

Parties' national legislation for the implementation of the Convention should provide them with the authority to:

- designate at least one CITES management authority and one scientific authority;
- prohibit trade in specimens in violation of the Convention;
- penalize such trade;
- confiscate specimens illegally traded or possessed.

The CITES National Legislation Project provides the Secretariat with a mandate to analyse parties' legislation and place it in one of three categories, depending on whether these four criteria are met. Some parties have incorporated CITES into broader biodiversity laws and supplemented with regulations on international trade, whereas others have adopted specific laws on trade in endangered species. In some jurisdictions, the Convention has direct applicability which influences the nature of the national implementing legislation.

The status of the national legislation can be found on the CITES website.¹⁸ To date, over 100 of the 184 parties have adopted adequate legislation and submitted this for analysis by the Secretariat. Legislation of a few parties is available on the CITES website in their original language. Additional legislation can be found in the ECOLEX database.¹⁹ A significant portion of the parties that do not yet have adequate legislation in place are least-developed countries.

Compliance measures

The Convention takes a supportive and non-adversarial approach to compliance matters with the aim of ensuring long-term compliance.²⁰ Compliance matters may relate to a lack of submission of annual reports, a lack of progress in adopting national implementing legislation, a lack of implementation of the requirement to produce non-detriment findings under Article IV as well as a lack of sufficient efforts to combat illegal trade of elephant ivory or specimens of other species. In most cases of non-compliance, the CITES Standing Committee adopts recommendations to assist the party concerned in addressing the identified shortcomings. Sometimes, such recommendations may be accompanied by a recommendation to other parties not to accept any exports from the party concerned until such time as the party has complied with the recommendations. Such recommendations to suspend trade are only put in place or withdrawn by the CITES Standing Committee and are always notified to the parties.²¹ Currently, about 30 parties are subject to such recommendations.²²

Trade data and species identification

Each year, parties must submit an annual report to the Secretariat comprising data on all authorized trade (import, export, re-export and introduction from the sea) in accordance with Article VIII(7)(a). Since 1975, the data have been compiled in the CITES Trade Database, managed on behalf of the CITES Secretariat by the United Nations Environment Programme World Conservation Monitoring Centre.²³ The Trade Database contains almost 25 million entries and is the only complete record of international trade in specimens of wild species of animals and plants.

To understand whether the Convention applies to a certain product, it is important to understand what species was used in the product and whether the species is included in one of the three appendices. Species identification tools and materials are rapidly evolving with the development of mobile apps and other tools.²⁴

Recent developments and future prospects

Electronic licensing and customs control

At the time of its conception, there was no need to consider electronic and paperless permit systems, and so the Convention envisaged that each shipment of specimens listed in CITES is accompanied by a paper permit and that each shipment is inspected at the point of export to ensure that the shipment corresponds to the permit in terms of species and quantities. However, modern trade practices make it very complicated for some parties to ensure inspection of each shipment of CITES species and to wet stamp a paper permit. This was further exacerbated during the COVID-19 pandemic.

Many parties have initiated processes to move to electronic permitting systems, sometimes based on the Automated System for Customs Data (ASYCUDA). More recently, parties have agreed on work on risk assessment and analysis for border control of species listed in CITES. The Secretariat is mandated to develop guidance for a risk-based analysis related to the process of inspection under the CITES permit system – basically helping parties develop a system to prioritize the inspection efforts.

Illegal trade and wildlife crime

While legal, sustainable and traceable trade can have great benefits, illegal trade in wildlife undermines conservation efforts and has devastating economic, social and environmental impacts. The serious nature of wildlife crime is recognized and reflected in resolutions and decision adopted at the highest levels by CITES parties and in other forums. The Sustainable Development Goals specifically address illegal trade in wildlife through targets under Goal 15, and the United Nations General Assembly adopted the first resolution in 2015 on tackling illicit trafficking in wildlife.²⁵ A number of species listed in CITES are high value items targeted by organized crime groups and includes rosewood, elephant ivory, rhino horn, various reptiles and pangolin scales (UNODC, 2020). It is estimated that illegal trade in wildlife is worth up to US\$ 20 billion per year (Nellemann *et al.*, 2016), and wildlife is trafficked by some of the same organized crime groups that are also trafficking drugs, humans and weapons.

Endnotes

- 1 CITES Secretariat (2022): "In this analysis we estimate the financial value of direct global exports of CITES-listed species over the period 2016-2020 was approximately USD 1.8 billion for animal exports and USD 9.3 billion for plant exports."
- 2 See WTO/CITES (2015).
- 3 *United States – Import Prohibition of Certain Shrimp and Shrimp Products: AB-1998-4*, WTO document WT/DS58/AB/R, 12 October 1998, paras 132 and 135.
- 4 Article I(c).
- 5 Article I(e).
- 6 See *Trade in Readily Recognizable Parts and Derivatives*, Resolution Conf. 9.6 (Rev. CoP19), para. 2(b).
- 7 See *Transport of Live Specimens*, Resolution Conf. 10.21 (Rev. CoP19), para. 2.
- 8 See <https://cites.org/eng/parties/country-profiles/national-authorities> for contact information.
- 9 See *Permits and Certificates*, Resolution Conf. 12.3 (Rev. CoP19), Annexes 1 and 2.
- 10 See *Introduction from the Sea*, Resolution Conf. 14.6 (Rev. CoP16).
- 11 More information on Introduction from the sea is available here: <https://cites.org/eng/prog/ifs.php>.
- 12 See <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-51.pdf>.
- 13 *Transit and Transshipment*, Res. Conf. 9.7 (Rev. CoP15).
- 14 *Implementation of Article VII, Paragraph 2, Concerning 'Pre-Convention Specimens'*, Resolution Conf. 13.6 (Rev. CoP18).
- 15 *Control of Trade in Personal and Household Effects*, Resolution Conf. 13.7 (Rev. CoP17).
- 16 See <https://cites.org/eng/resources/registers.php>.
- 17 See <https://cites.org/eng/parties/country-profiles>.
- 18 See <https://cites.org/eng/legislation>.
- 19 See <https://www.ecolex.org/result/?type=legislation>.
- 20 *CITES Compliance Procedures*, Resolution Conf. 14.3 (Rev. CoP19).
- 21 It is possible to subscribe to CITES Notifications to the parties at <https://cites.org/eng/newsletter/subscriptions>.
- 22 See <https://cites.org/eng/resources/ref/suspend.php>.
- 23 See <https://trade.cites.org>.
- 24 The CITES community is gathering this information at https://cites.org/eng/imp/identification_materials/index.php.
- 25 *Tackling Illicit Trafficking in Wildlife*, resolution 69/314, UN document A/RES/69/314, 19 August 2015.