

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

Introduction

- 3.1 The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a multilateral treaty to which Australia has been a party since 1976. The Convention regulates international trade in endangered species, thereby aiming to protect species of wild flora and fauna from overexploitation.¹
- 3.2 The Committee was advised that lists to the Convention, contained in three Appendices, are the means by which trade (import, export and transit) is regulated and monitored.² These lists are amended from time to time as required, to ‘address the impacts of international trade on the conservation and sustainable use of the species listed’.³ The amendments being considered at this time, done at Santiago in November 2002, relate only to Appendices I and II.
- 3.3 Appendix I listing provides strict regulation of trade in species threatened with extinction, for which commercial trade is generally

1 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 23.

2 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 23, and National Interest Analysis, para. 7.

3 NIA, paras 28-29.

prohibited; Appendix II listing means that international trade is permitted but monitored.⁴

3.4 The amendments⁵ to Appendices I and II have resulted in:

- the addition to Appendix I of a Madagascan chameleon, which is highly endangered and under significant threat from international trade;
- the transfer from Appendix II to Appendix I of one species and six sub-species of parrots, a tortoise species, a tree species, a cactus species and an orchid species, which are all continuing to decline;
- the transfer from Appendix I to Appendix II of two plant species, the populations of vicuna⁶ (in Argentina, Bolivia and Chile) and the Chilean population of a bird species, which are considered to have recovered from past over-exploitation and to be no longer threatened with extinction;
- the addition to Appendix II of two shark species, all Hippocampus species of seahorses, fourteen freshwater turtle species, one frog species, one genus of chameleon, nine species of plant and two species of butterflies, which are known to be traded in significant volumes, and for which regulation and monitoring of trade is considered necessary in order to prevent further threat to the conservation status of wild populations;
- the deletion from Appendix II of one plant and one lizard, which are considered to be no longer under threat from international trade; and
- changes to specifications (called “interpretative annotations”) relating to listed orchids, the Black Sea bottlenose dolphin and the African elephant, to define more accurately those products that are subject to trade controls, and define controls specific to the species.

3.5 The proposed Amendments have already entered into force on this occasion, without the usual tabling requirements having been met. This will be discussed later in this Chapter.

4 NIA, para. 6.

5 Information on the specific amendments is contained in the NIA, paras 9-14.

6 A vicuna is a mammal, similar to a llama.

Impact of the Amendments

- 3.6 The Committee understands that of the species listed in the amendments to the Appendices, the only species in which Australia has a trade interest is seahorses. The seahorse industry in Australia is authorised and permitted by Environment Australia for the purposes of export, and regulated through the Environment Protection and Biodiversity Convention Act.⁷ The Act operates in a similar way to the CITES Convention, in that ‘there is a list of species which is unregulated, and any species not on that list are de facto regulated’.⁸

Seahorses

- 3.7 The National Interest Analysis acknowledges that while seahorses are ‘in trade’ in Australia, their listing does not impose any additional obligations on Australian business, as Australian laws regarding these species already complement CITES obligations.⁹
- 3.8 The Committee was informed that the seahorse trade is comprised of live specimens for aquaria, and both live and dead specimens for use in complementary and traditional medicines.¹⁰ The Committee was also advised that there is a substantial trade, particularly in South-East Asia, and that Australia ensured that it was supportive of conservation efforts.¹¹ Environment Australia advised that ‘Australia has been concerned ... for the conservation of the range of species of seahorses’ and had supported an international meeting which addressed trade in and conservation of seahorses in South-East Asia during 2003:

When the proposals were put forward, Australia did work with international governments on whether or not we would ourselves nominate. But, in fact, other parties chose to nominate.¹²

7 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

8 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

9 NIA, para. 6; Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

10 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

11 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

12 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24.

Other issues arising

African elephants

- 3.9 The NIA states that many of the species listed on the Appendices to CITES have interpretative annotations which specify the populations and / or parts or products derived from these taxa (scientific groupings) which are subject to the CITES' trade controls.¹³ The changes to the annotations relating to African elephants were of concern to the Committee because of any effect on the potential trade of ivory which could have been obtained in an improper manner.
- 3.10 Annotations for African elephants set out a range of steps that the parties named in the annotation (in this case Botswana, Namibia and South Africa) have to address before any trade occurs.¹⁴ The annotations also set maximum amounts of ivory which can be traded and despatched in a single shipment.¹⁵
- 3.11 Ms Delahunt advised that, in general, elephant ivory is kept in authorised warehouses and inspected regularly by two international organisations: Monitoring the Illegal Killing of Elephants (MIKE) and Elephant Trade Information System (ETIS), which monitors trade in ivory. The Committee was advised that the convention was spending a significant amount of its enforcement funds and capacity building funds to provide an opportunity for these nations to have controlled trade. The Committee was advised that there is some potential for countries, such as South Africa, to use the ivory trade to support conservation actions. For example, each year the national parks service in South Africa undertakes limited culling because of the impact on biodiversity; ivory taken from Kruger National Park is then stockpiled.¹⁶
- 3.12 Environment Australia acknowledged that while there are significant concerns for particular species during CITES meetings, it should be recognised that there are sensitive issues surrounding trade and

13 NIA, para. 14.

14 These measures include: trade only occurring between authorised parties; and a tight control on trade to cut off illegal poaching or stocks. See *Transcript of Evidence*, p. 25.

15 These limits were 20 000 kg for Botswana, 10 000 kg for Namibia and 30 000 kg for South Africa. Environment Australia advises that, using a conservative weight of 5kg per tusk, 1,000 elephants, sourced from natural mortality and existing conservation management plans, would yield approximately 10 000 kilograms of tusk.

16 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 24-5.

conservation: for developing nations which have developing national status, potential trade could be substantial and could be used to alleviate poverty within those areas.¹⁷

Consultation

- 3.13 An annex prepared by Environment Australia was tabled in the Parliament. The Committee is satisfied with the range and extent of consultation and that all relevant parties have been adequately involved in the process. The Committee notes that representatives from the Australian fishing industry, state governments and non-government organisations were involved in the delegation to the meeting in Santiago. Submissions from the Governments of Victoria and Queensland were in favour of the amendments.¹⁸

Entry into force

- 3.14 The NIA states that, generally, amendments to Appendices I and II automatically enter into force ninety days after the meeting of the Conference of the Parties at which they were adopted.¹⁹ The Committee was advised in September 2002 by the Minister for the Environment and Heritage, the Hon Dr David Kemp, that entry into force for Australia would occur on this occasion without the usual treaty tabling requirements having been met.
- 3.15 As Australia lodged no reservations to these amendments, most entered into force automatically on 13 February 2003. The two exceptions to this date were caused by the Conference of the Parties' decision to delay implementation of the listing of seahorses for 18 months (entry into force on 15 May 2004) and of mahogany for 12 months (entry into force 15 November 2003).

Delayed entry into force for seahorses and mahogany

- 3.16 The Committee sought clarification of the Conference of the Parties' decision to delay implementation of the listing of seahorses and mahogany and was advised that part of the rationale was to ensure that some of the export nations have sufficient time to deal with implementation issues:

17 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 25.

18 Government of Queensland, *Submission 25*, and Government of Victoria, *Submission 26*.

19 NIA, para. 3.

Certainly some of the South American nations, particularly Brazil, wish to have more time to ensure that their certification standards are sufficient in order to have an easy transition for the industry.²⁰

3.17 The Committee was advised that this was the first occasion on which a significantly important commercial timber species was listed on CITES, 'so there were a number of implementation issues that countries that are particularly involved in the export and import of mahogany wish to work through'.²¹

3.18 Ms Bromley advised the Committee that, in the case of seahorses:
once again it was an implementation issue. A lot of countries involved in the trade are developing countries, once again there were capacity building issues and issues regarding making sure that regimes are set up and in place well before the listing came into effect.

Concluding observations

3.19 The Committee concurs with views expressed in the NIA that the amendments are consistent with Australia's commitment to international cooperation for the protection and conservation of wildlife that may be adversely affected by trade.

20 Ms Anne-Marie Delahunt, *Transcript of Evidence*, p. 26.

21 Ms Robyn Bromley, *Transcript of Evidence*, p. 26.