

CITES and Museums

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ABSTRACT.—The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement among some 134 countries that controls the international commerce (imports and exports) of endangered plants and animals. Implementation of CITES is administered by national agencies in each signatory country. The U.S. Fish and Wildlife Service administers CITES in the United States of America (USA). The Convention lists species in three appendices and imposes different degrees of regulation and permit requirements for imports and exports. Species listed in Appendix I are prohibited in commercial trade, and permits from both exporting and importing countries are required for scientific and educational purposes. Species listed in Appendix II may be traded commercially and require an export permit from the country of origin. In the USA, however, stricter domestic legislation like the Endangered Species Act may require additional permits.

A special exemption for CITES permitting requirements is provided for the transfer of scientific specimens between institutions that have been registered for this purpose by their national management authority. This exemption applies only to museum specimens exchanged between registered institutions and requires a defined labeling procedure. Any other exchanges of CITES listed specimens, for example, the collection and importation of new specimens, or importation from non-registered institutions, requires the full permitting procedure.

RESUMEN.—La Convención sobre el Tráfico Internacional de Especies en Peligro de la Flora y la Fauna Silvestres (CITES) es un acuerdo internacional entre casi 134 países para controlar el comercio internacional (exportación y importación) de plantas y animales en peligro. La implementación de CITES está a cargo de agencias nacionales en cada país signatario. El Servicio de Pesca y Fauna Silvestre del EE.UU. [U.S. Fish and Wildlife Service] administra CITES en los Estados Unidos de América (EE.UU.). La Convención enumera especies en tres apéndices e impone diferentes grados de regulación y requerimientos para la emisión de permisos de exportación e importación. Las especies listadas en el Apéndice I tienen su tráfico comercial prohibido y permisos de los dos países, importador y exportador, son necesarios para propósitos científicos y educacionales. Las especies listadas en el Apéndice II pueden ser comercializadas pero necesitan el permiso de exportación del país de origen. Sin embargo, en los EE.UU., legislación doméstica más estricta como la Ley de Especies en Peligro requiere permisos adicionales. Una excepción especial para los permisos requeridos de CITES es permitida para la transferencia de ejemplares científicos entre instituciones que están registradas para ese propósito por la autoridad de manejo nacional. Esta excepción se aplica solamente a ejemplares de museos de intercambio entre instituciones registradas y necesita un procedimiento definido de etiquetado. Cualquier otro intercambio de ejemplares listados en CITES, por ejemplo, la colección e importación de nuevas ejemplares o la importación a partir de instituciones no registradas, requiere del procedimiento de permisos completo.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) originated at a conference in Washington, D.C., in 1973 and came into effect in July 1975. It currently counts 134 parties or member states. The treaty is administered by a secretariat and functions through the activities of designated management authorities and scientific authorities in each member state. The treaty regulates international commercial trade of wildlife (plants and animals) and their parts, products, and derivatives. The treaty identifies species that occur in international commerce and establishes three appendices listing organisms and imposing different levels of regulation of trade on them. The treaty provides a framework to coordinate the issuance of permits by national management authorities and also monitors trade volumes. The Secretariat of CITES is quite small, with a staff of about 25 based in Geneva, Switzerland.

The treaty is defined by its original text; it is periodically refined, and implementing regulations (called "resolutions") are developed at biannual conferences of the parties. The text of the treaty and the more recent resolutions are available on the World Wide Web at <http://www.unep.ch/cites.html>. In addition to the treaty text and the appendices, the body of non-binding resolutions adopted by the parties at their biennial conferences increasingly constitutes the substance of the treaty, establishing numerous rules and interpretations for regulating wildlife trade.

The Convention is implemented by the national laws of each member state and the national management authorities and scientific authorities established in each. In the USA, the management authority and scientific authority are both the U.S. Fish and Wildlife Service (FWS).

CITES provides the framework for a system of interlocking permits for the export and import of specimens that affirms the legal origin of the materials, and monitors the volume and patterns of trade. CITES does not seek to eliminate or even reduce trade in wildlife but does attempt to regulate trade to ensure that it is conducted in manner that does not endanger species. The effectiveness of the Convention is entirely dependent upon the effectiveness of the national management and scientific authorities; CITES lacks the ability to enforce or coerce its members, relying instead on persuasion and consensus governance to encourage international cooperation.

The CITES appendices list several hundred species of plants and animals and impose regulations restricting their international trade. Species listed in Appendix I are considered to be threatened with extinction and are or may be threatened by trade. Commercial trade in Appendix I species is prohibited. International transport (import and export) for scientific and educational purposes requires special permitting from both the exporting and importing country.

Species listed in Appendix II may become threatened with extinction unless trade is subject to regulation. Appendix II also includes species that are not easily distinguished from threatened species. Appendix II species can be traded internationally with a permit from the country of origin based on a scientific finding that the trade is not detrimental to the species.

Appendix III is a little-used mechanism that allows individual countries to impose unilateral permitting and monitoring requirements. The treaty also allows the parties to establish more stringent national legislation for wildlife-trade control that may create contradictions between national and international requirements. There are numerous species in

Appendix II that may be traded (with an export permit) under CITES but are prohibited from import by the U.S. Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty, and other domestic legislation.

CITES affects natural history museums because most countries use CITES as a basis for national regulation of wildlife imports and exports. Although the Convention applies to international commercial trade, the definition of commercial trade is sufficiently loose that scientific materials and museum specimens generally fall under CITES control; this is particularly true in the USA. In its simplest form, any museum specimen that is of a species listed in the Appendices requires the appropriate permits for export from its country of origin and import. The treaty applies to whole organisms, whether alive or dead, and to parts and derivatives; thus, samples, anthropological material, cultural material, archeological specimens, and artistic objects may fall under CITES requirements if they include, for example, tissues, blood, shells, feathers, bones, furs, or scales of a listed species.

Permit considerations fall into two broad areas, exchange or transfer of existing accessioned specimens, and acquisition of new specimens. The convention provides a simple exemption for the exchange of accessioned specimens between institutions that have been approved and registered by their national management authority, requiring only some straightforward labeling and reporting. The exemption is based in the original text of the treaty, Article VII, Paragraph 6:

“The provisions of Articles III, IV and V (permits etc.) shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material which carry a label issued or approved by a Management Authority.”

The three vital components of this ruling are that the exchange is (1) of museum specimens between (2) registered institutions and (3) an approved label is applied. This article was further refined by Resolution Conference 2.14, which provides a process for management authorities to register their institutions. A list of registered institutions is available in CITES notifications numbers 924 and 939 [available at <ftp://ftp.wcmc.org.uk/services/species/trade/cites> (CITES notifications 924, 939)]. The FWS has approved all U.S. Postal Service customs declaration and parcel post dispatch notes as approved labels. The following information should appear on the label:

The words, “Museum/Herbarium Specimens.”

Name, address, and CITES registration number of the sending institution.

Name, address, and CITES registration number of the receiving institution.

The scientific name(s) to highest level possible of the contents.

The number of specimens of each.

The FWS registers institutions by issuing them with a “scientific exchange certificate” and also requires that museum materials follow their standard inspection and clearance procedures upon import or export, which are described elsewhere in this Proceedings. International museum loans are not exempt from this process. Both the outgoing loan (export) and incoming loan return (import) should follow the procedure. A guide to this process, “What you need to know about Importing and Exporting Scientific and Museum Specimens,” is available from the Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington VA 22203 (see Anderson et al., this volume).

New specimens of appendix-listed species require full CITES documentation, which involves application to the authority of the country of origin for an export permit and (for Appendix I material) a corresponding import permit. Regrettably, a few institutions have been found deliberately circumventing CITES import requirements, for example, illegally importing sportsmen’s safari trophies as “museum specimens,” so that full permit applications are required even for *bona fide* museums. Successful permit application can be greatly facilitated and accelerated by carefully adhering to the application requirements and opening direct communication with the permit office of the FWS, the regional offices, and the FWS inspector services at the designated ports of entry for wildlife.

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