

INTERNATIONAL TREATIES, CONVENTIONS, INITIATIVES, AND AGREEMENTS AS THEY RELATE TO STATE FISH AND WILDLIFE AGENCIES



The more knowledge that the state fish and wildlife agencies have to provide input into international treaties, conventions and other forums and the more our international partners understand and respect the role of the state fish and wildlife agencies, the better able the better able we will be to influence decisions and reduce negative impacts on the state fish and wildlife agencies.



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International treaties, agreements, and initiatives offer opportunities and challenges to state fish and wildlife agency management. They often supersede state authority and can limit how states manage wildlife. They also can increase federal oversight of and reporting requirements by state agencies. Added regulations and oversight that results from restrictions adopted through international treaties (e.g., Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)) have had significant impact on state resources and management.

Experience has demonstrated that a general knowledge of the international arena on the part of the state agencies would significantly enhance the effectiveness of the state fish and wildlife agencies' ability to address these treaties and conventions. Understanding issues and developing working relationships with international colleagues over a sustained period are essential for effectively resolving issues and developing a working knowledge of these forums.

Increasing our international partners' understanding of the vital role state agencies play in fish and wildlife management in the U.S. is also critical to our success in influencing policies and decision. Protectionist viewpoints are becoming more prominent in international meetings and conventions. This, combined with the substantial funding to support their agenda, has increased our need to understand, engage and influence international actions. The more knowledge that the state fish

and wildlife agencies have to provide input into international treaties, conventions and other forums and the more our international partners understand and respect the role of the state fish and wildlife agencies, the better able we will be to influence decisions and reduce the impact of decisions on the state fish and wildlife agencies.

For example, state management and harvest decisions for bobcats stem from federal restrictions resulting from CITES actions more than 40 years ago. The recent collapse of the Caspian sturgeon fishery, proposed reactions by the European Union, and possible Federal regulatory actions may have significant impact on states' regulatory authority and harvest of paddlefish. Both are examples of international actions that have significant impact on states' authority. Additionally, discussion and resolutions accepted at international forums such as the International Union for the Conservation of Nature (IUCN) and Convention on Migratory Species of Wild Animals (CMS) can impact discussions in the U.S. and pressure U.S. agencies to make significant policy changes.

This document provides an overview of the conventions, treaties, agreements and initiatives that can have an impact on the state fish and wildlife agencies' ability to manage and conserve wildlife. The objective is to increase general knowledge about them and how they function, and how they can impact state fish and wildlife agencies.



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

DATE SIGNED: 3 March 1973

DATE ENTERED INTO FORCE: 1 July 1975

U.S A SIGNATORY/PARTY: Yes

RESPONSIBLE U.S. FEDERAL AGENCY: U.S. Fish and Wildlife Service,
Offices of the Scientific Authority and Management Authority

In the United States, the Endangered Species Act is the implementing legislation for Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The responsibilities of the Management and Scientific Authorities are carried out by the Office of Management Authority and the Office of Scientific Authority in the U.S. Fish and Wildlife Service in the Department of the Interior.² The mission of the Division of Scientific Authority (DSA) is to serve as the U.S. Scientific Authority for the CITES. They provide scientific advice on the issuance of permits for international trade; the listing of native and foreign species under CITES; implementation of the Wild Bird Conservation Act; and other policy matters, particularly as they may relate to international wildlife trade and exotic species.

The Division of Management Authority (DMA) implements domestic laws and international treaties to promote long-term conservation of global fish and wildlife resources. The office dedicates its efforts to conserving species at risk from trade and implementing policies that have a broad impact on conservation overall.

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: Yes, CITES Technical Work Group

On the CITES Technical Work Group, the state fish and wildlife agencies have 4 representatives, with one representative from each region that represent SEAFWA, NEAFWA, WAFWA, and MAFWA.

BACKGROUND/PURPOSE: The Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES) was established as a response to growing concerns that over-exploitation of wildlife through international trade was contributing to the rapid decline of many species of plants and animals around the world.¹

The aim of CITES is to ensure that international trade of wild animal and plant species does not threaten their survival. The Convention's conservation goals are to: monitor and stop commercial international trade in endangered species; maintain species under international commercial exploitation; and assist countries toward sustainable use of species through international trade. CITES parties regulate wildlife trade through controls and regulations on species listed in three appendices. Appendix I lists species endangered due to international trade. Trade in such species is permitted only in exceptional circumstances. Appendix II species are those that may become endangered if their trade is not regulated, thus they require controls aimed at preventing unsustainable use, maintaining ecosystems and preventing species from entering Appendix I. Appendix III species are those subject to domestic regulation by a party requesting the cooperation of other parties to control international trade in that species.¹ There are approximately 5,600 fauna species and 30,000 flora species listed under the three CITES appendices.

STRUCTURE: As of September 2014 there are 180 Parties that are signatures to CITES. The Conference of the Parties (COP) is the governing body of CITES. Other operational bodies of CITES include the Standing Committee, the Plants Committee and the Animals Committee. The CITES Secretariat interprets Convention provisions and assists CITES parties and committees.¹

In order to list a species in Appendix I or II, a party needs to submit a proposal for approval by the COP, supported by scientific and biological data on population and trade trends. The proposal must be adopted by a two-thirds majority of parties present and voting. As the trade impact on a species increases or decreases, the COP decides whether or not the species should be transferred or removed from the appendices.¹

Parties regulate international trade of CITES species through a system of permits and certificates that are required before specimens listed in its appendices are imported, exported or introduced from the sea. Each party is required to adopt national legislation and to designate two national authorities, namely, a Management Authority responsible for issuing these permits and certificates based on the advice of the second national body, the Scientific Authority.¹ Qualifications for granting or denying a permit vary according to the Appendix.

In general, the Party must determine that:²

1. The specimen was not obtained through the violation of any domestic laws,

2. a living specimen will be prepared and shipped in a manner not detrimental to its health or welfare,
3. an import permit has been granted for Appendix I species before an export permit can be granted, and
4. import of specimens on Appendix I is not primarily for commercial purposes.
5. the necessary advice from the Scientific Authority has been issued.

Management Authorities are also responsible for confiscated live illegal shipments of specimens (plants and animals). The specimens are to be sent to the State of origin, a rescue center, or some other suitable site, such as a zoo. Furthermore, to help prevent forgery of documents, Management Authorities must supply copies of stamps, seals, etc. used on its permits to any Party that requests a copy.²

The Scientific Authorities advise the Management Authorities about whether trade will endanger a species' survival. Management Authorities may not issue an import or export permit without first obtaining this information. In addition, the Scientific Authorities advise whether the person or entity receiving the specimen will be able to care for it properly. The Scientific Authorities also recommend to the Management Authorities measures to limit issuance of permits to avoid listing specimens on Appendix I. Advice is to be based on information on the population status, distribution, harvest, population trends, other ecological or biological information, and the

possibility for trade. The Scientific Authorities are further directed to review the qualifications of scientific organizations pursuing registration for scientific exchanges.²

STANDING COMMITTEE

The Standing Committee provides policy guidance to the Secretariat concerning the implementation of the Convention and oversees the management of the Secretariat's budget. It also coordinates and oversees, where required, the work of other committees and working groups; carries out tasks given to it by the COP; and drafts resolutions for consideration by the COP.¹

ANIMALS AND PLANTS COMMITTEES

The Animals and Plants Committees were established at COP-6 (1987, Ottawa, Canada) to fill gaps in biological and other specialized knowledge regarding species of animals and plants subject to CITES trade controls. Their role is to provide technical support to decision making about these species. Their terms of reference include: providing scientific advice and guidance to the COP, the other committees, working groups and the Secretariat; dealing with nomenclatural issues; undertaking periodic reviews of species in order to ensure appropriate categorization in the CITES appendices; advising when certain species are subject to unsustainable trade and recommending remedial action (through a process known as the "Review of Significant Trade"); and drafting resolutions on animal and plant matters for consideration by the COP. The Animals and Plants Committees meet twice between COP meetings. They report to the COP

and, if so requested, provide advice to the Standing Committee. Their members are experts from the six major geographical regions (Africa, Asia, Europe, North America, Central and South America and the Caribbean, and Oceania) as well as a specialist on nomenclature.¹

CONFERENCE OF THE PARTIES

The first CITES COP was held in Bern, Switzerland, in November 1976, and subsequent COPs have been held every two to three years. The COP meets to, inter alia: review progress in the conservation of species included in the appendices; discuss and adopt proposals to amend the lists of species in Appendices I and II; consider recommendations and proposals from parties, the Secretariat, the SC and the scientific committees; and recommend measures to improve the effectiveness of the Convention and related to the functioning of the Secretariat. The COP also periodically reviews the list of resolutions and decisions, as well as the species listed in its appendices.¹

IMPACT OF TREATY TO STATE FISH AND WILDLIFE AGENCIES:

The United States government, acting through the U.S. Fish & Wildlife Service (USFWS), is a signatory to CITES. The Treaty and its implementation directly impact state fish & wildlife agencies. Because this is a treaty, state fish & wildlife agencies do not have direct negotiation powers or voting authority. Some of the species which are listed in the CITES Appendices are abundant game species in the United States, including bobcats, river otters, black bears, and paddlefish.

Since the United States is a signatory to CITES, state fish and wildlife agencies are bound by the terms of the treaty. This can impact the ability of state fish and wildlife agencies to manage fish and wildlife if harvested species are in international trade. Examples include the requirement to tag bobcat pelts and the monitoring of native turtle harvest to meet the food demand in China. In order to effectively provide input into CITES, the state agencies must participate on a regular basis in the decision meetings of the federal government and attend CITES meetings, which are typically outside of the United States.

The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

DATE SIGNED: 2 February 1971

DATE ENTERED INTO FORCE: 21 December 1975

U.S. A SIGNATORY/PARTY: Yes

RESPONSIBLE U.S. FEDERAL AGENCY: U.S. Fish and Wildlife Service,
International Affairs Division, Wildlife without Borders Global program.

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: Yes

AFWA has a representative on the U.S. National Ramsar Committee and on
the U.S. Delegation to the Ramsar Conference of the Parties.

BACKGROUND/PURPOSE: The Convention on Wetlands of International Importance especially as Waterfowl Habitat, called the Ramsar Convention, provides a framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.³ As of September 2014, 168 parties have signed. The convention has a total of 2,177 wetland sites, covering over 208 million hectares, that are in the Ramsar List of Wetlands of International Importance.⁴

The Convention's mission is "the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world." The Convention uses a broad definition of the types of wetlands covered in its mission, including lakes and rivers, swamps and marshes, wet grasslands and peatlands, oases, estuaries, deltas and tidal flats, near-shore marine areas, mangroves and coral reefs, and human-made sites such as fish ponds, rice paddies, reservoirs, and salt pans.⁴

At the centre of the Ramsar philosophy is the "wise use" concept. The wise use of wetlands is defined as "the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development." "Wise use" therefore has at its heart the conservation and sustainable use of wetlands and their resources, for the benefit of humankind.⁴

Originally emphasizing the conservation and wise use of wetlands primarily to provide a habitat for waterbirds, the Convention

has subsequently broadened its scope to address all aspects of wetland conservation and wise use. This shift in focus reflects the increasing recognition of the importance of wetlands as ecosystems that contribute to both biodiversity conservation and human well-being.³

STRUCTURE: The Conference of the Parties (CoP) occurs every three years to assess progress in implementing the Convention and wetland conservation, share knowledge and experience on technical issues, and plan for the next triennium. In addition to the COP, the Convention's work is supported by a Standing Committee, a Scientific and Technical Review Panel, and the Ramsar Bureau, which carries out the functions of a Secretariat.⁴

Parties to the Convention commit themselves to: designating at least one site that meets the Ramsar Criteria for inclusion in the Ramsar List and ensuring maintenance of the ecological character of each Ramsar site; including wetland-conservation within national land-use planning in order to promote the wise use of all wetlands within their territory; establishing nature reserves on wetlands and promoting training in wetland research and management; and consulting with other parties about Convention implementation, especially with regard to transboundary wetlands, shared water systems, shared species and development projects affecting wetlands.⁴

The Standing Committee, made up of Parties representing the six Ramsar regions of the world, meets annually to guide the

Convention between meetings of the COP. The Scientific and Technical Review Panel provides guidance on key issues for the Convention. The Ramsar Secretariat, in Gland, Switzerland, manages the day-to-day activities of the Convention. Nationally, each Contracting Party designates an Administrative Authority as its focal point for implementation of the Convention. Countries are encouraged to establish National Wetland Committees, involving all government sectors dealing with water resources, development planning, protected areas, biodiversity, tourism, education, and development assistance. Participation by NGOs and civil society is also encouraged. Ramsar Sites facing problems in maintaining their ecological character can be placed by the country concerned on a special list, the "Montreux Record," and technical assistance to help solve the problems can be provided. Eligible countries can apply to a Ramsar Small Grants Fund and Wetlands for the Future Fund for financial assistance to implement wetland-conservation and wise use projects.⁴

IMPACT OF CONVENTION ON STATE FISH AND

WILDLIFE AGENCIES: The U.S. joined the Ramsar Convention on 18 April 1987 and as of September 2014 has successfully nominated and received the Ramsar designation for 37 sites. Ramsar has no regulatory teeth in the U.S. Wetland-conservation in the U.S. is regulated by the Clean Water Act. As a result, the Ramsar Convention does not directly impact state fish and wildlife agency ability to manage resources. However, the Convention does offer opportunities to help

protect and conserve wetlands in the U.S. through designations of wetlands of international importance and through state agency input into convention decisions.

The U.S. Ramsar National Committee (USNRC) was established around 1990 as a voluntary organization devoted to promoting the goals and objectives of the Ramsar Convention on Wetlands. The USNRC provides support and advice to initiatives that promote the conservation and wise, sustainable use of domestic and international wetlands. In particular, the USNRC and its member organizations promote the designation and conservation of Wetlands of International Importance within the U.S. (also known as Ramsar sites), foster linkages among different sectors of domestic and international wetland communities, and support wetland education and public awareness efforts.

More information about the USNRC is available at <http://usnrc.net/>



Convention on Migratory Species of Wild Animals (CMS)

DATE SIGNED: 1979

DATE ENTERED INTO FORCE: 1 November 1983

U.S. A SIGNATORY/PARTY: No

RESPONSIBLE U.S. FEDERAL AGENCY: n/a

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: No

BACKGROUND/PURPOSE: As a result of international concern over the threats faced by migratory species on their nonbreeding, migration, and breeding areas, the Convention on Migratory Species of Wild Animals (CMS), also known as the Bonn Convention, aims to conserve terrestrial, marine and avian migratory species throughout their ranges.⁵

STRUCTURE: As of September 2014 CMS has 120 parties.⁵ Migratory species threatened with extinction are listed on Appendix I of the Convention. CMS Parties strive toward strictly protecting these species, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Migratory species that need or would significantly benefit from international cooperation are listed in Appendix II, and CMS encourages the Range States to conclude global or regional agreements. These agreements may range from legally binding treaties (Agreements) to less formal instruments (Memoranda of Understanding (MOU)), and can be adapted to the requirements of particular regions. The Agreements and MOUs are open to all Range States of the species, regardless of whether they are parties to the Convention.⁵

To date, seven Agreements have been developed under the auspices of CMS. They include ACAP (Albatrosses and Petrels), EUROBATS (European Bats) and AEWa (African-Eurasian Migratory Waterbirds). Some Memoranda of Understanding (MOU) concluded to date aim to conserve Birds of Prey (Raptors) in Africa and Eurasia, Siberian Crane, West African Elephant, Cetaceans of Pacific Island States, Sharks and High Andean Flamingos.

In addition, the CMS Secretariat has launched a number of Action Plans for certain species or flyways. Examples of Action plans include Central Asian Flyway, Sahelo-Saharan antelopes, and White-headed Duck.⁵

CMS operational bodies include the Conference of the Parties (CoP), the Standing Committee, the Scientific Council and a Secretariat provided by the United Nations Environment Programme (UNEP). The CoP is the decision-making body of the Convention. It meets every two to three years to review the conservation status of migratory species and the implementation of the Convention, and provide guidance and make recommendations to the parties.⁵

IMPACT OF CONVENTION ON STATE FISH AND WILDLIFE AGENCIES:

The U.S. is not a Party to CMS. However, it has signed some of the side agreements such as the MOU on shark conservation. Because the U.S. is not a party to CMS, decisions made at the CoP do not directly impact state fish and wildlife agencies. However, CMS does have the opportunity to impact state management indirectly. Two examples include the CMS Minimizing Poisoning Working Group and the CMS Global Flyways Working Group. The poisoning working group is addressing lead and has developed resolutions and recommendations reducing lead ammunition use, which could impact state authority to manage lead in ammunition if global pressure is exerted on the U.S. government. The Global Flyways Working Group provides an opportunity for U.S. state agencies to be a partner in the Western Hemisphere on full lifecycle conservation of migratory birds that are a shared priority.

Convention on Biological Diversity (CBD)

DATE SIGNED: June 1992

DATE ENTERED INTO FORCE: 29 December 1993

U.S. A SIGNATORY/PARTY: No

RESPONSIBLE U.S. FEDERAL AGENCY: n/a

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: No

BACKGROUND/PURPOSE: The Convention on Biological Diversity (CBD), negotiated under the auspices of the United Nations Environment Programme (UNEP) is a legally binding instrument that aims to promote “the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.”⁶

A landmark in international law, the CBD establishes the principle of national sovereignty over natural resources. It recognizes for the first time that the conservation of biological diversity is a common concern of humankind and an integral part of the development process. It covers all ecosystems, species and genetic resources, and also addresses the field of biotechnology, including technology transfer and development, benefit sharing and biosafety.⁶

Sustainable use of biological diversity is one of the three objectives set out in the Convention. Various measures are to be undertaken by signatories to promote sustainable use of biological diversity. These include integrating consideration of the conservation and sustainable use of biological resources into national decision-making; adopting measures for the use of biological resources which avoid or minimize adverse impacts on biological diversity; supporting local populations to develop and implement remedial action in degraded areas; and encouraging co-operation between governmental authorities and the private sector in developing methods for the sustainable use of biological resources.

The Convention also adopted the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (AAPGs), a set of fourteen practical principles and operational guidelines, designed

to ensure and enhance the sustainability of uses of the components of biodiversity.

At the tenth meeting of the Conference of the Parties (CoP), held in 2010, Parties adopted a revised and updated Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the 2011-2020 period.

Some examples of the Aichi Biodiversity Targets are:

- At least halve and, where feasible, bring close to zero the rate of loss of natural habitats, including forests
- Establish a conservation target of 17% of terrestrial and inland water areas and 10% of marine and coastal areas
- Restore at least 15% of degraded areas through conservation and restoration activities

STRUCTURE: The CBD has 194 Parties as of September 2014. The CoP, the CBD's governing body, consists of all governments and regional organizations that have ratified the Convention. The CoP reviews progress, identifies new priorities and adopts work programmes, advancing implementation of the Convention through its decisions.⁶

The CoP has initiated work on a number of thematic work programmes, addressing topics such as marine and coastal biodiversity, agricultural biodiversity, forest biodiversity, and mountain biodiversity.⁶

At the same time, the COP has addressed a number of other items covering key cross-cutting issues of relevance to all thematic areas, including: access to genetic resources and benefit-sharing; invasive alien species; traditional knowledge; biodiversity and tourism; climate change and biodiversity; incentive measures; protected areas; and sustainable use.⁶

The Convention's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) is an intergovernmental advisory body established to provide the COP with "timely advice" relating to implementation of the Convention. Its functions include: assessments of the status of biological diversity, and of the effects of the types of measures taken in accordance with the Convention; identification of technologies relating to the conservation and sustainable use of biodiversity; and response to questions that the COP may put to the body.⁶

Parties to the Convention are required to develop a National Biodiversity Strategies and Action Plans (NBSAPs). NBSAPs are national strategies, plans or programmes for the conservation and sustainable use of biological diversity that integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

IMPACT OF CONVENTION ON STATE FISH AND WILDLIFE AGENCIES: The U.S. is not a party to the CBD; therefore, the state fish and wildlife agencies are not directly impacted by decisions made by the CBD. However, the strong stance on sustainable use of biodiversity makes this convention potentially useful to the state fish and wildlife agencies as they promote and advocate for sustainable use of wildlife.



INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE (IUCN)

DATE FOUNDED: 1948

U.S. A SIGNATORY/PARTY: No

RESPONSIBLE U.S. FEDERAL AGENCY: N/A

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: Yes

The Association of Fish and Wildlife Agencies (Association) is a member of IUCN on behalf of the state fish and wildlife agencies. State fish and wildlife agency and Association staff have contributed to IUCN specialists groups in the past such as the Amphibian Specialist Group and Sustainable Use and Livelihoods Specialist Group (SULi). The work of SULi includes highlighting the importance of wild species for providing community benefits; analyzing and communicating best-practice in aspects of sustainable use; promoting innovation in adaptive responses to the challenges of sustainable use; and developing practical tools and approaches to support sustainability and resilience in resource use. Association staff also participate in IUCN meetings when needed.

BACKGROUND/PURPOSE: The International Union for Conservation of Nature (IUCN) is the world's oldest and largest global environmental organization (<http://www.iucn.org/>). IUCN's vision is a just world that values and conserves nature. Its mission is to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.⁸

The IUCN Red List is an information source on the global conservation status of animal, fungi and plant species and their links to livelihoods. It provides information on population size and trends, geographic range and habitat needs of species.⁸

STRUCTURE: Today the IUCN has more than 1,200 member organizations. These include more than 200 government and 900 non-government organizations and almost 11,000 voluntary scientists and experts, grouped in six Commissions in some 160 countries. IUCN's work is supported by over 1,000 staff in 45 offices and hundreds of partners in public, NGO and private sectors around the world. The Union's headquarters are located in Gland, near Geneva, in Switzerland. It is a neutral forum for governments, NGOs, scientists, business and local communities to find practical solutions to conservation and development challenges. The organization is governed by a Council elected by member organizations every four years at the IUCN World Conservation Congress. IUCN funding comes from governments, bilateral and multilateral agencies, foundations, member

organizations and corporations.⁸

Members meet every four years at the IUCN World Conservation Congress to express their views, guide IUCN's policy and approve its program of work. The six Commissions, networks of volunteer scientists and experts, are principal sources of guidance on conservation knowledge, policy and technical advice, and implement parts of IUCN's work program. The priorities and work of the Commissions are also set every four years at the IUCN World Conservation Congress.⁸

The Commissions are:

- *Ecosystem Management* guiding the management of natural and modified ecosystems
- *Education and Communication* promoting sustainability through education and communication
- *Environmental, Economic and Social Policy* advising on economic and social factors that affect natural resources
- *Environmental Law* advancing environmental laws and its application
- *Protected Areas* advising and promoting terrestrial and marine reserves, parks and protected areas
- *Species Survival* supporting species conservation and protecting endangered species

All of IUCN's work is framed by a Global Programme, developed with and approved by IUCN member organizations every four years. The current programme runs from 2012 to 2016. IUCN's Global Programme is coordinated by IUCN's Secretariat and delivered in conjunction with IUCN member organizations, Commissions and IUCN's theme-based programmes which include topics such as Ecosystem management, Environmental law, Gender, Global policy and Science and Knowledge.⁸

IMPACT OF ORGANIZATION ON STATE FISH AND WILDLIFE AGENCIES: Although IUCN is not a treaty or convention it is an important ally of the state fish and wildlife agencies in promoting sustainable use principles around the globe.

Photo credit: Tim Torrell





U.S./European Union Agreed Minute related to Humane Trapping Standards

DATE SIGNED: 18 December 1997

DATE ENTERED INTO FORCE: N/A

RESPONSIBLE U.S. FEDERAL AGENCY: USDA APHIS Wildlife Services

Authority to regulate traps and trapping methods for U.S. terrestrial and semi-aquatic mammals resides in the State fish and wildlife agencies. Therefore, the state fish and wildlife agencies work closely with APHIS Wildlife Services as the lead federal agency on trapping issues.

STATE FISH AND WILDLIFE AGENCIES REPRESENTED: Yes

The state fish and wildlife agencies are represented on the U.S. Delegation to the Joint Management Committee (JMC). The U.S. Delegation is an observer at the JMC meetings. State fish and wildlife agencies are also represented on trapping issues by the AFWA Sustainable Use of Wildlife Committee.

BACKGROUND/PURPOSE: In 1991, the European Economic Community (now the European Union (EU)), with the encouragement of animal rights groups, promulgated a trade regulation banning fur imports from countries using "inhumane traps." This regulation was subsequently modified (through negotiations by the U.S. Trade Representative with the full and active leadership and participation of the Association of Fish and Wildlife Agencies (Association), including official membership on the U.S. negotiation team) to permit imports from countries using traps evaluated using international humane standards. The major fur exporting countries — the United States, Canada, and Russia — worked with the EU to develop such standards. Canada, Russia, and the EU subsequently signed an agreement, the Agreement on International Humane Trapping Standards (AIHTS), to formalize the standards and to require the use of non-conforming traps to be phased out. The AIHTS ultimately entered into force in July 2008.

The United States, while a full party in the negotiations, did not sign the AIHTS because primary authorities for management of resident wildlife rest with the individual states and tribes, not with the Federal Government. Rather, a cooperative effort among the state wildlife agencies, the Association, and the U.S. Department of Agriculture was devised to improve animal welfare in U.S. trapping programs and to avoid the threatened EU trade ban. This effort was designed to build upon existing state agency efforts in maintaining trapping programs in the face of increased pressure from animal rights groups. In December 1997, with the EU regulation about to come into force, the United States and the

EU developed a non-binding understanding, memorialized as an "Agreed Minute," referencing the international humane standards in the AIHTS, and noting the similar standards subsequently certified by the International Organization for Standardization (ISO). In brief, the Agreed Minute committed the competent authorities (the states) to develop best management practices (BMPs) and to phase out certain conventional foothold traps. The U.S. Government conveyed the plans and existing programs of state wildlife agencies and stated its good faith intent to encourage and support the study, research, testing, and monitoring of the use and application of humane traps for 23 species of furbearing mammals. As documented in annual meetings held with the European Union and the other countries, the United States has faithfully fulfilled these commitments.

The ensuing U.S. program, led by the Association, began development of BMPs to advance the goal of sustaining and improving trapping and furbearer management in the United States, while concurrently meeting the non-binding commitments made in the Agreed Minute. The BMPs concentrate on animal welfare issues and identify the most effective tools and techniques relevant to trapping. All types of traps used on land to hold live animals were evaluated using five performance criteria: animal welfare, efficiency, selectivity, practicality, and safety. The program builds on efforts undertaken by states, which hold constitutional authority for management of resident wildlife. Because regional differences in animal habits and habitat are of substantial importance in trapping, five U.S. regions are identified to further refine the BMP guidelines. Extensive outreach and

education efforts using the trap evaluation results are being conducted by AFWA and state wildlife agencies. The BMPs, which provide information on trapping devices approved through the process, are provided to state and federal wildlife agencies, trapper associations, and state agency trapper education programs via web-based curricula, now available nationally. Also, workshops have been held throughout the United States to educate State agency personnel and other wildlife professionals about BMPs.

BMPs for humane trapping standards are a series of free handbooks developed by wildlife management professionals, researchers, and trappers that describe the most effective, selective and humane methods and techniques for capturing furbearer species in the United States. The recommendations contained in the BMPs include practices, equipment and techniques that ensure the welfare of trapped animals, avoid unintended captures of other animals, increase the safety for the trapper, improve public confidence in trappers and wildlife managers, and help maintain public support for trapping and wildlife management.

STRUCTURE: A U.S. delegation attends the AIHTS annual meeting, called the Joint Management Committee (JMC), as observers. At each meeting, the U.S. presents on its implementation of the Agreed Minute. The Agreed Minute and implementation of the BMPs is of critical importance to state fish and wildlife agencies. The Agreed Minute and our implementation of it maintains the fur market between the

U.S. and the EU. Studies have shown that costs to state fish and wildlife agencies for managing furbears could rise into the millions of dollars if private trappers do not have a market to sell furs. More information on the BMP program and reports from past JMC meetings are available on the Association's website, www.fishwildlife.org.

IMPACT OF AGREED MINUTE TO STATE FISH AND WILDLIFE AGENCIES: The Agreed Minute on international humane trap standards between the U.S. and the EU is a critical agreement to maintain state agencies authority and ability to trap wildlife for conservation and management purposes. The Agreed Minute allows wild fur from the United States to be traded with the EU, which is a major market. Most state fish and wildlife agencies rely on licensed trappers to assist with managing furbearer populations through regulated trapping. Trappers assist state agency furbearer management partly for the economic benefit derived from the sale of fur skins. Without this economic incentive to trappers, the ability of the states to manage furbearers will be greatly compromised. As a result, protecting and ensuring the future of the U.S. fur trade with the EU is of vital importance to state fish and wildlife agencies. Understanding the importance of this agreement will aid state agencies in implementing best management practices and trapping education programs at the state level.

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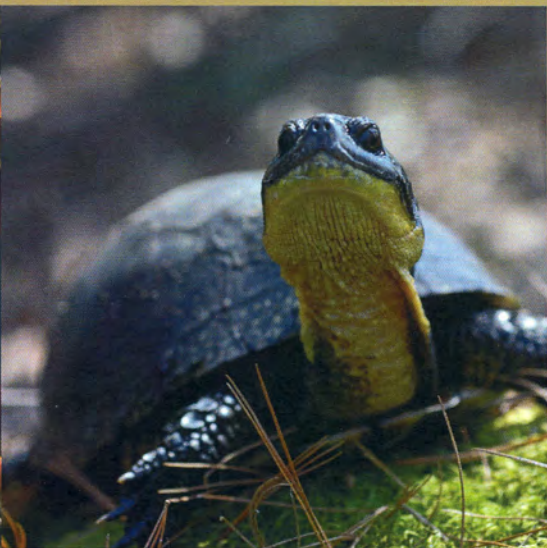


Photo credit from left to right: Tim Torrell, Jonathon Mays, and G. Andrejko

CITES TECHNICAL WORK GROUP — *Representing your state*





The United States government, acting through the U.S. Fish & Wildlife Service (USFWS), is a signatory to the Convention on International Trade in Endangered Species (CITES) Treaty which entered into force in 1975. The Treaty and its implementation directly impact state fish & wildlife agencies. Because this is a treaty, state fish & wildlife agencies do not have direct negotiation powers or voting authority.

CITES was an effort to ensure that international trade in wild animals and plants was sustainable and did not result in exploitation. International wildlife trade is estimated to be worth billions of dollars annually. Trade is diverse, ranging from live animals to a wide array of products derived from them including food products, fur and leather goods, tourist curios, and medicine. Some of the species which are listed in the CITES Appendices are abundant game species in the United States, including bobcats, river otters, black bears, sturgeon and paddlefish.



Since the United States is a signatory to CITES, state fish and wildlife agencies are bound by the terms of the treaty. This can impact the ability of state fish and wildlife agencies to manage fish and wildlife if harvested species are in international trade. State fish and wildlife agencies needed a mechanism to voice state agency perspectives on resource needs to the U.S. federal government especially when they disagreed with the federal position. In order to effectively provide input into CITES, the state agencies must participate on a regular basis in the decision meetings of the federal government and attend CITES meetings, which are typically outside of the United States.

It is not feasible or practical for all 50 state fish and wildlife agencies to participate. Therefore, the approach using regional state association representatives was initiated in 1992 and has proven to be both effective and efficient. The CITES Technical Work Group is composed of one representative from each of the Regional Associations. The group functions under the leadership of the Chair of the Association of Fish & Wildlife Agencies (AFWA) International Relations Committee and works very closely with the AFWA International Relations Director.

THE CITES TECHNICAL WORK
GROUP IS COMPRISED OF ONE
REPRESENTATIVE FROM EACH OF
THE REGIONAL ASSOCIATIONS.



**WHY IS IT
CRITICAL THAT
THE STATES
BE ACTIVE
PARTICIPANTS
IN CITES?**



The CITES Treaty is complex and includes numerous Resolutions and Decisions.

CITES Conference of the Parties (CoP) considers problems of implementation of the Treaty and its effectiveness. The results of its deliberations are in the form of recommendations that are either in Resolutions or in Decisions. The Resolutions are generally intended to provide long-standing guidance. The Decisions, however are of a different nature. Typically they contain instructions to a specific committee or to the Secretariat. This means that they are to be implemented, often by a specified time, and then become out of date.

Many of the 180 countries that are member parties to the CITES Treaty do not support sustainable use regardless of the species population status. Also, over the past decade participation by Non-Governmental Organizations (NGO) "Observers" to CITES has greatly increased especially protectionist/ no use organizations.

The protectionist groups are well organized, and have significant resources and funds to influence countries' decisions and Treaty outcomes. These NGOs should be familiar to state fish & wildlife agencies as they include International Fund for Animal Welfare, The Humane Society of the United States (HSUS) & Humane Society International (HSI), Species Survival Network, Natural Resource Defense Council, Animal Welfare Institute, and Greenpeace. For this reason, it is important to have

state fish & wildlife agencies represented to advocate for sustainable use.

Without continuous monitoring and involvement in CITES, management authority of species can fall under federal regulation through CITES Appendices listings and Treaty implementation requirements within the U.S.

Examples include look-alike species such as the bobcats and river otter, non-detriment finding reporting requirements, quotas and harvest restrictions on sturgeons and paddlefish, and oversight by the USFWS which result in added tracking & tagging requirements for international trade that must be implemented by the state fish and wildlife agencies.

The United States participates in many international conventions and protocols that impact fish and wildlife management.

When the United States makes a commitment internationally, they commit the states. It is critical that the states be active participants in CITES where our Federal partners are making binding commitment on the states. These international agreements can impact the way state fish and wildlife agencies manage their resident fish and wildlife and what actions they may take when there is a shared responsibility between the states and the federal government for certain species.

In 1983, recognizing this need for states' participation, language was added to the Code of Federal Regulations to ensure the states were involved in these processes: 43CFR § 24.5 International agreements.



PROTECTIONIST GROUPS ARE VERY WELL
ORGANIZED, AND PROVIDE SIGNIFICANT
RESOURCES AND FUNDS TO INFLUENCE COUNTRIES'
DECISIONS AND TREATY OUTCOMES.

**WHY THE CITES
TECHNICAL
WORK GROUP
FUNCTIONS WELL AND
WHY IT WAS CREATED**



It is not practical or feasible for each state fish and wildlife agency to actively engage in CITES.

In 1997, the USFWS and AFWA outlined a regional system of representation to ensure that all the states would have a voice in CITES and the USFWS would not be dealing individually with a large state contingent on international matters. This approach would enable representatives of the state fish and wildlife agencies (CITES Technical Work Group) and AFWA to fully participate in preparations of all materials for future CoPs; to participate in all the interagency CITES Coordination meetings; and to hold special sessions between USFWS staff and the CITES Technical Work Group representatives and the AFWA International Relations Director. The coordinated special sessions are most often

convened at the AFWA Annual Meeting, Regional Association meetings, the North American Wildlife and Natural Resources Conference, and at other times as necessary. The USFWS intended this expanded procedure to achieve a line of communication that would be fully consistent with the government-to-government coordination approach that was envisioned in Section 204(b) of the Unfunded Mandates Act of 1995, Public Law 104.4. Furthermore, this solidified the appointment of the State Fish and Wildlife Agency Director – serving as the AFWA International Relations Committee Chair – as part of the United States delegation beginning at CoP11 (2000).

The CITES Technical Work Group provides continuity and is efficient.

Working as a team makes it easier to maintain expertise in both the issues and the process. It is also an asset in building and maintaining a rapport with the international community. For example, at CoP16 (2013), the United States proposed to list the polar bear in Appendix I effectively ending all international trade of this species. The U.S. proposal stated that while climate change is the main threat to the species, an Appendix I listing could contribute to protecting the species. In extensive discussions, parties expressed divergent views on whether the polar bear met the scientific and trade criteria for uplisting. Among supporters, the Russian Federation highlighted its concerns that legal international trade facilitates illegal trade and poaching of Russian sub-populations. In addition, interventions in support were given by the Natural Resources

Defense Council (on behalf of the International Fund for Animal Welfare and the Humane Society International) and the Center for Biological Diversity. Canada opposed the U.S. proposal, stating that the polar bear does not meet the criteria for an appendix transfer and that uplisting the species would put the integrity of the Convention at risk. A compelling intervention was presented by the Inuit representative about the livelihood of his people and the sustainable conservation mechanisms already in place for the polar bear. The CITES Technical Work Group developed and presented an intervention opposing the Appendix I listing because international trade, for which the CITES treaty is based, is not threatening the sustainability of the polar bear in the wild. The states believe that this proposal is in direct opposition to the North American Model of Sustained Use Management. The US proposal failed to reach the 2/3 vote necessary

for adoption. Feedback from participants indicated that the intervention provided by the CITES Technical Work Group was influential in the vote on the Appendix I listing proposal.

Strengthening statutory partnership with our Federal counterparts provides real value.

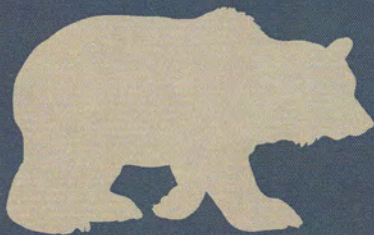
The CITES Technical Work Group provides biological expertise (directly or through species experts within the states) and can strengthen the US position internationally while assuring states' positions are made known.

During the 23rd Animals Committee in 2008, the Humane Society unsuccessfully attempted to have black bear, river otter, and sandhill crane included in significant trade review. With input from the CITES Technical Work Group concerning state wildlife agency management, population status assessment, and harvest regulations, the three species were dropped from consideration.



WHAT DOES THE CITES TECHNICAL WORK GROUP DO?

THE CITES TECHNICAL WORK GROUP PROMOTES STATE FISH & WILDLIFE AGENCIES' INTERESTS IN THE CITES PROCESS



- Develops a comprehensive understanding of CITES and how it works and the potential impacts to state fish & wildlife agencies
- Maintains expertise in both CITES issues and the process



- Ensures states' authority is defended
- Serves as a liaison between the states and the USFWS
- Engages in all aspects of CITES international negotiations and domestic implementation with the USFWS



Photo: Jesse Lee Varnado



- Actively monitors, reviews, and provides objective input on CITES
- Identifies and recommends ways to improve CITES and its implementation
- Informs and seeks input from the State Fish & Wildlife Agencies
- Is recognized as *“the representatives of the 50 state fish and wildlife Agencies that have statutory authority over resident wildlife and are the management authorities with respect to species conservation and sustainable management”* at CITES meetings



www.fishwildlife.org



Photo credit left to right: GA-AZGFD, Chase Fountain, Jonathon Mays



CITES Permits and Certificates

What is CITES and how does it apply to me?

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) protects many species of animals and plants to ensure that commercial demand does not threaten their survival in the wild. It regulates trade in listed species and hybrids, including parts and products, through a system of permits. The Division of Management Authority processes applications for CITES permits for the United States. Under CITES, a species is listed at one of three levels of protection, which have different permit requirements.



Grey Parrot, CITES Appendix II

- Appendix I includes species presently threatened with extinction that are or may be affected by trade. CITES directs its most stringent controls at activities involving these species.
- Appendix II includes species that are not presently threatened with extinction but may become so if not

regulated.

- Appendix III includes species listed by a range country to obtain international cooperation in controlling trade.

What CITES documents are required?

■ Import

The import of Appendix-I specimens requires both import and export permits. An import permit may be granted when the purpose of the import will not be detrimental to the species' survival, is not primarily commercial, and the importer is suitably equipped to house and care for live animals and plants.

No import permit is required for Appendix-II or -III specimens, or for specimens that qualify for other certificates (see below).

■ Export

The export of Appendix-I and -II specimens requires an export permit. Such a permit may be granted when the export will not be detrimental to the species' survival and specimens were legally acquired.

For Appendix-III species originating from the country that listed it, an export permit is required. An export permit may be granted when the Management Authority determines that the specimens were not obtained in contravention of that country's laws for the protection of animals and plants.

■ Re-export

A re-export certificate is required for the export of CITES-listed specimens that were previously imported, including items subsequently converted to manufactured goods. A certificate may be issued when evidence of legal import has been provided. If you were the original importer of the wildlife or plant, you

need to provide a copy of the canceled CITES permit that accompanied the shipment into the United States and, for animal specimens, the cleared Declaration for Importation (Form 3-177) for that shipment. If you were not the importer, you must provide copies of the importer's documents, as well as documents that show you purchased the wildlife or plant from the original importer, or a record of sequential transactions.



Hawksbill Turtle, CITES Appendix I

■ Introduction from the Sea

An introduction from the sea certificate is required for the import of Appendix-I or -II specimens taken on the high seas outside of any country's jurisdiction.

■ Pre-Convention Certificate

If a specimen was obtained prior to the CITES listing date of that species—collected from the wild or held in captivity—it may be granted a pre-Convention certificate that will allow for the specimen to be exported. For Appendix-I specimens, no CITES import permit is required.

■ Bred-in-captivity Certificate or Certificate for Artificially Propagated Plants

If a species meets the criteria for bred-in-captivity or artificially propagated as outlined in CITES resolutions, the exporting country may issue

an exemption certificate (bred-in-captivity facts sheet is available). For Appendix-I specimens, no CITES import permit is required.

■ **Scientific Exchange Certificate:**

Scientific institutions are eligible for this certificate, which authorizes import and export of museum and herbarium specimens. Such specimens must be shipped as non-commercial loans, donations, or exchanges among scientific institutions registered with CITES.

■ **Certificate of Origin:**

For Appendix-III specimens that originated from a country other than the listing country, a certificate of origin is needed to export the specimen. A certificate can be issued if the specimen was legally obtained within the exporting country.

What about shipping live animals and plants?

Permits for the shipment of CITES-listed live animals or plants may be issued only when the applicant demonstrates that the specimen will be humanely shipped. Live animal shipments must meet the International Air Transport Association (IATA) Live Animals Regulations or the CITES guidelines for transport. In addition, the import of live mammals and birds must meet the humane shipment regulations in 50 CFR Part 14.

What exceptions are there to permit requirements?

■ **In-transit Shipments:**

Under CITES, a shipment transiting a country must be accompanied by a CITES permit from the exporting country to its final destination. The

shipment must remain under Customs bond. Check with other countries involved in the shipment to meet their requirements.

■ **Shipments within the United States:**

CITES imposes no controls on shipments between States or U.S.



territories, including the District of Columbia, Guam, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, U.S. Virgin Islands, and American Samoa.

■ **Personal or Household Effects:**

The United States recognizes the CITES personal and household effects exemption for wildlife and plants, or their parts and products, when the import or export is part of a household move or accompanying the owner and intended for personal use (does not include specimens mailed or shipped separately). This applies only under the following conditions:

■ Appendix-II and -III specimens may be imported and exported without CITES documents, provided the foreign country does not require a CITES permit.

■ Appendix-I specimens may be exported by a U.S. resident without CITES documents, provided the foreign country does not require a CITES permit. Appendix-I specimens acquired abroad by individuals outside their country of usual residence may not be imported into the United States without CITES permits.

What foreign documentation might I need from a country that is not a member of CITES?

If you are importing CITES-listed wildlife or plants, or their parts and products, from a country that is not a Party (member) to CITES, you must obtain documents that contain all the information normally required by CITES.

How do I apply for a CITES permit or certificate?


1. Complete a standard application form (3-200) and submit it with a processing fee to the Division of Management Authority. Allow at least 60 days for review.
2. Contact your State wildlife or plant conservation agency and the CITES Management Authority of the foreign importing or exporting country to determine any additional requirements. (Visit the CITES Secretariat's website at www.cites.org.)
3. Some CITES-listed species are also protected by other U.S. laws with more stringent permit requirements, i.e., Endangered Species Act, Marine Mammal Protection Act, and Wild Bird Conservation Act.

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AMERICAN ALLIGATOR

Alligator mississippiensis

CASE STUDY: STATE MANAGEMENT OF AMERICAN ALLIGATOR in the Context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Conservation and Status

The American alligator is the outstanding example of the application of sustainable use for the successful conservation of a crocodilian species. Although heavily exploited since the 1800s, and considered to be threatened in the early 1960s, populations have responded well to management and have recovered rapidly. Extensive surveys of alligator populations have been undertaken throughout the species' range. Continuous monitoring of numerous localities is conducted as a part of sustainable use programs in several southeastern states. Overall, alligator populations are quite healthy. The current total wild population is estimated to be 2-3 million alligators. Sustainable management programs have been operating in Louisiana, Florida, Texas and other southeastern states for many years, based on a combination of farming, ranching and direct harvest of wild adults. Farming and ranching are now being carried out on a large scale, particularly in Louisiana and Florida. Stocks in over 100 commercial farms and ranches throughout the country were well over 790,000 individuals as of December 2013. Captive breeding (farming) produces about 20,000 hatchlings annually. Commercial production of skins is highly regulated with a coordinated system of permits, licenses, periodic stock inventories, ranch inspections, and rigorous tagging and export permit requirements (Elsey and Woodward, 2010).

Decline of the American Alligator Population

In the early part of the 20th century the demand for skins of American alligator and those of most other crocodilian species around the world was contributing to uncontrolled and widespread illegal harvest of crocodilians. "When the International Union for the Conservation of Nature's (IUCN) Crocodile Specialist Group (CSG) convened its first meeting in 1971, all 23 species of the world's crocodilians were endangered, depleted or declining in numbers. Excessive exploitation was rampant, regulated harvest almost non-existent and illegal international trade in crocodilian products was the rule." (Thorbjarnarson 1990) The depletion of crocodilian populations represented a significant loss of economic potential for local communities. When the CITES treaty came into effect in 1975, the American alligator was one of the first species to be listed. Along with the American alligator, most other crocodilian species were also listed.

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Downlisting of the American Alligator

In 1979, the US Fish and Wildlife Service (USFWS), prompted by the southeastern US range states, submitted a downlisting proposal to the 2nd CITES Conference of the Parties (CoP) in Costa Rica transferring the alligator from Appendix I to Appendix II, thereby allowing a level of controlled international trade. The state fish and wildlife agencies' desire for a downlisting was based on the belief that a sustainable use management program would provide an incentive to landowners to manage and protect the species. The proposal was justifiable based on the non-detriment findings and by the similarity of appearance provisions of the Treaty. The primary argument against downlisting the alligator was that legal trade would stimulate illegal trade to satisfy expanding markets. The rejoinder to that opposition

within CITES was that the alligator trade would be "diverted" to legal, sustainable sources through range state, federal and CITES regulatory requirements. In addition, a core legal supply chain of landowners, farmers, tanners, manufacturers and retailers would help divert supply to legal sources to avoid competition from illegal skins. The tannery bottleneck (less than twelve major tanners operate worldwide) and limited range state supply were critical components to building trade credibility. The American alligator was successfully downlisted and the sustainable use of alligators proved to be an important component to the recovery of the species.

WHEN THE CITES TREATY CAME INTO EFFECT IN 1975, THE AMERICAN ALLIGATOR WAS ONE OF THE FIRST SPECIES TO BE LISTED. ALONG WITH THE AMERICAN ALLIGATOR, MOST OTHER CROCODILIAN SPECIES WERE ALSO LISTED.



International Measures to Monitor and Verify Legal Trade

Alligators immediately benefited from a CITES listing through international regulations that helped certify that the international trade was legal, sustainable and verifiable. The American alligator model set a high standard for other crocodilians that re-entered world trade. This worldwide adherence to a standard set of trade regulations was vital to the protection of American alligator trade. If other world crocodilian species were able to continue to enter into world trade illegally then the American alligator would not be able to compete. The example set by the American alligator model helped to confirm that illegal trade could be diverted to legal sources rather than stimulate more illegal trade as world markets expanded. This paved the way for expansion of legal trade for other crocodilians. Jelden et.al. (2014) reported that in the 1960s the worldwide trade in crocodilian skins was between 6 and 8 million, the majority of which was illegal and unregulated. Today, the annual trade is at sustainable levels for most species of crocodilians and ranges between 1 and 1.8 million skins, the majority of which are legal and regulated.

Several southeastern states (Louisiana, Florida, and Texas) along with USFWS and the International Association of Fish and Wildlife Agencies (now AFWA) collaborated in 1982 to initiate an International Alligator/Crocodile Trade Study (IACTS) to annually collect world trade data on crocodilians through cooperation with the World Conservation Monitoring Center (WCMC) in Cambridge, England. The concept was to independently verify, analyze and highlight trade patterns to document all exports, imports or re-exports of crocodilians. The first IACTS Report was published in 1984 and the primary recommendation was to tag all crocodilian skins in trade in order to verify traceability of legally taken skins. Ten years later the Universal Tagging of Crocodilians (Res. Conf. 11.12) was adopted in 1994 during the Fort Lauderdale CITES CoP (Ashley and Caldwell 2013). In the interim, every subsequent CITES downlisting of a crocodilian has required the tagging of skins. The CITES requirement of a serially numbered tag manifest attached to all export permits has become an important component of the regulatory controls that ensure that crocodilian skins in trade are legally taken and not detrimental to the survival of a species.

IN 1979, THE US FISH AND WILDLIFE SERVICE, PROMPTED BY THE SOUTHEASTERN US RANGE STATES, SUBMITTED A DOWNLISTING PROPOSAL TO THE 2ND CITES CONFERENCE OF THE PARTIES IN COSTA RICA TRANSFERRING THE ALLIGATOR FROM APPENDIX I TO APPENDIX II, THEREBY ALLOWING A LEVEL OF CONTROLLED INTERNATIONAL TRADE.

State Agency Involvement in CITES Issues Related to Alligator Trade

One of the most important reasons why appropriate alligator trade mechanisms have been achieved throughout the CITES process has been the continued and unprecedented level of consistent range state engagement with CITES. State fish and wildlife agency involvement spans 35 years with the CITES treaty, IUCN CSG, WCMC, World Wildlife Fund (WWF), TRAFFIC (the Wildlife Trade Monitoring Network) and a broad range of international conservation organizations. One or more state representatives have attended every CITES CoP since 1979. They have been in attendance during most intercessional CITES Committee meetings and actively participate in the IUCN CSG through regional and working group meetings around the world. Currently, Louisiana and Florida state wildlife agency personnel serve as IUCN CSG Co-Chairs for North America and a Louisiana Department of Wildlife and Fisheries contract consultant serves as Chair of the CSG Industry Committee. State agency representatives have been involved in every CITES decision affecting the crocodilian trade. These decisions include: downlisting proposals, range state quotas, removal of reservations, trade suspensions or bans, personal effects, small leathersgoods exemptions, captive bred and ranched specimens, electronic permitting systems and collateral impacts from the snake or other reptile trades.

The state fish and wildlife agencies have enjoyed tremendous success over the past three decades due largely to their agency presence at CITES meetings and intercessional discussions. These successes have underscored the value of consistent commitment and engagement in an increasingly global forum on issues affecting wildlife research, management and enforcement. This level of success, however, has come at a tremendous cost to state fish and wildlife agencies. Recognizing the cost of individual state representation at CITES, AFWA initiated a process in the early 90s to establish a team to represent state wildlife agencies in CITES forums. The process has worked well by ensuring that the state wildlife agencies interests are represented without the necessity of individual states being at the table. Due to the high profile status of alligators at CITES and due to the economic and cultural importance of this species, some states still elect to remain directly involved alongside the CITES Technical Working Group.


Animal Rights and Welfare Groups

CITES does not recognize humane or ethical issues as part of its mandate, but it is often the same governmental representatives that address these issues in other forums. In 2013, a Swiss Parliament bill to ban the importation of any reptile product taken inhumanely passed the lower chamber and only failed in the upper chamber by one vote. Since there was no definition of "inhumane taking" the Swiss CITES Management Authority advised that if passed, this act would have resulted in a total trade ban on reptile products including skins of alligators. Since Swiss watch makers are high users of American alligator skins for watch straps, the impact on alligator trade would have been devastating. The CITES successes that have established American alligators as the world model for sustainable use were an effective argument in the lobbying effort against this proposed ban.


The CITES international forum provides a venue increasingly used by anti-wildlife trade organizations (particularly animal rights and welfare groups) to undermine, if not ban, trade in wildlife products. Most mainstream wildlife conservation organizations such as IUCN, WWF, Conservation International (CI) and others now recognize the conservation and community benefits of sustainable use, particularly alligators and other crocodilians in trade. However, animal rights and

ONE OF THE MOST IMPORTANT REASONS WHY APPROPRIATE ALLIGATOR TRADE MECHANISMS HAVE BEEN ACHIEVED THROUGHOUT THE CITES PROCESS HAS BEEN THE CONTINUED AND UNPRECEDENTED LEVEL OF CONSISTENT RANGE STATE ENGAGEMENT WITH CITES.

THE STATE FISH AND WILDLIFE AGENCIES HAVE ENJOYED TREMENDOUS SUCCESS OVER THE PAST THREE DECADES DUE LARGELY TO THEIR AGENCY PRESENCE AT CITES MEETINGS AND INTERCESSIONAL DISCUSSIONS.



ALLIGATORS IMMEDIATELY BENEFITED FROM A CITES LISTING THROUGH INTERNATIONAL REGULATIONS THAT HELPED CERTIFY THAT THE INTERNATIONAL TRADE WAS LEGAL, SUSTAINABLE AND VERIFIABLE.



THE PRIMARY REASONS FOR THE ALLIGATOR'S SUCCESS AS A CITES MODEL WAS A SCIENCE-BASED FOUNDATION COUPLED WITH A VISIONARY COMMITMENT TO CAPTURE THE ECONOMIC INCENTIVES OF COMMERCE TO BENEFIT CONSERVATION AND LOCAL COMMUNITIES. TODAY THIS IS KNOWN AS SUSTAINABLE USE.

welfare groups like the Humane Society of the US (HSUS), Humane Society International (HSI), People for Ethical Treatment of Animals (PETA) and others are increasingly attempting to use CITES and other forums to recast themselves as "conservation organizations" that misrepresent science-based wildlife management and undermine any consumptive use strategies for wildlife resources. The annual fund raising success of the above top three groups exceeds \$200 million a year in contributions (PIJAC 2013). Those are potent "war chests" for political and public persuasion campaigns so far aimed primarily at agricultural operations (poultry, veal, dairy, etc.) But these groups are increasingly targeting reptile trades following the airing of graphic exposes on the southeast Asia python trade; which backlashed onto other reptiles in trade, including the alligator. The weakest link in commercial trade is used to cast aspersion on other related trades, which can be effective propaganda to sway public opinion and policy.

In recent years the State of California instituted a ban on the sale of many wildlife products. The bill prohibiting the sale of these wildlife products would have also included the sale of American alligator products were it not for an aggressive defense orchestrated by the alligator range states. Most persuasive in the argument for removing alligators from the list of prohibited sales was the fact that the species was approved for sale by the CITES convention and was monitored through CITES related processes.

Summary

The collaboration between state fish and wildlife agencies, federal authorities at USFWS and international organizations over the past four decades focusing on research, management, enforcement, compliance, ethical standards and conservation education have made the American alligator the most internationally recognized sustainable use success story by CITES and most conservation organizations. The alligator has a widely recognized "Marsh to Market" story that protects the species while providing benefits to wetlands, local people and cultures.

The total trade in classic crocodilian skins has averaged a little more than half a million skins per year over the past decade. The leather value of all classic skins is more than \$300 million and manufactured finished products exceed \$1 billion at retail. Recent supply chain audits by several luxury brands confirm the alligator is the most preferred species in trade, particularly for high end watch bands, with a 90 percent market share. One of the primary reasons for the preference towards American alligator is that it is among the most legally verifiable crocodilian skins on the market.

Overall the alligator accounted for more than 50 percent of total world trade in classic skins, about 300,000 hides per year during the last decade compared to total exports in 1984 of 30,000 hides, a tenfold increase in volume. Total raw value (hides and meat) has increased from less than \$3 million to almost \$90 million a year. The primary reasons for the alligator's success as a CITES model was a science-based foundation coupled with a visionary commitment to capture the economic incentives of commerce to benefit conservation and local communities. Today this is known as sustainable use.

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CASE STUDY: STATE AND FEDERAL MANAGEMENT OF THE BOBCAT in the Context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Introduction

The bobcat is an example of a species that did not meet the criteria for CITES listing, which is that its wild populations are adversely impacted by international trade. It was the opinion of the states and of our federal partners that bobcats should never have been listed in the CITES appendices. The bobcat is the most widely distributed and abundant felid in North America. Its range includes all of the contiguous United States and portions of Mexico and Canada. Bobcats are adaptable to a wide range of habitat types. Bobcat populations are thought to be increasing in North America. A 2010 publication reported an estimated 2,352,276 to 3,571,681 bobcats in the United States. (*Roberts and Crimmins 2010*) Bobcat populations are not threatened or endangered nor has this species been throughout recorded history. According to the IUCN's 1996 Wild Cats Status Survey and Action Plan, "The bobcat management programs in the US and Canada are the most advanced management programs for commercial exploitation of any feline furbearers." (*Nowell and Jackson 1996*) The placement of bobcats on Appendix II of CITES was not biologically justified but rather was conducted politically. This CITES listing has resulted in an enormous diversion of resources at both the state and federal level that could have been better utilized for the protection and enhancement of other species of wildlife in greater need.

The Origin of the CITES Listing

In 1977, two years after CITES went into effect, bobcats were included in Appendix II along with all species of Felidae that had not already been listed. The listing at this time occurred prior to the adoption of a format for proposals, and there was no clarification as to whether bobcats were listed on their own right or for "similarity of appearance" purposes. At CoP4 (1983) the United States delegation introduced a proposal to remove bobcats from Appendix II. Due to lookalike issues the proposal garnered little support and was withdrawn. However, it was agreed by the Conference of the Parties that the bobcat's continued listing was based on Article II Paragraph 26 to ensure effective control of trade in other felids due to "similarity of appearance."

Development of United States Implementation Procedures

Since CITES was a relatively new treaty, the US Fish and Wildlife Service (USFWS) set about to determine how to best meet the requirements outlined by CITES for "non-detriment" and "legal acquisition" findings for bobcats. Law suits and threats of law suits ensued by animal rights nongovernmental organizations (NGOs) and by state fish and wildlife agencies. In 1977, following the CITES listing of bobcats, The Defenders of Wildlife petitioned the USFWS to add bobcats to the U.S. Endangered Species list.

THE BOBCAT IS AN EXAMPLE OF A SPECIES THAT DID NOT MEET THE CRITERIA FOR LISTING, WHICH IS THAT ITS WILD POPULATIONS ARE ADVERSELY IMPACTED BY INTERNATIONAL TRADE.

The U.S. Endangered Species Scientific Authority (ESSA), in developing their first non-detriment finding of bobcats, convened a working group of scientific experts to develop a procedure. The working group's report contained a concern "that neither states nor recognized authorities on the status of bobcats were consulted before the inclusion of CITES Appendix II." The report recommended "that in the future the U.S. national delegation to conventions affecting wildlife seek adequate prior consultation, ensure flow of information, and invite state and cross-agency participation to guarantee a balanced, biologically sound, and documented presentation by the US delegation." (*Mech 1978*) This recommendation eventually lead to greater involvement on the part of state wildlife agencies in CITES processes and more biologically sound decisions.

ESSA's first bobcat finding with regard to "non-detriment" (1977) was not favorable to the states in that ESSA determined that there was insufficient evidence to support

the claim that export of bobcats would not be detrimental to the population. This finding resulted in an immediate prohibition of international trade of an otherwise abundant commercial species.

The following year ESSA initiated state level bobcat quotas and a mandatory tagging program. State wildlife agencies became increasingly concerned about the federal management of a species for which management authority was clearly vested with the states. Bobcats, which were an abundant, well managed species, were effectively being treated as an endangered species. It had become apparent that the CITES treaty had the ability to transfer various management authorities from the states to the federal government.



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Challenges to the U.S. Procedures

On behalf of the states, the International Association of Fish and Wildlife Agencies (IAFWA) challenged the ESSA on several issues of implementation of the newly designed procedures for administering the CITES obligations related to bobcats. Specifically, IAFWA challenged the ESSA determination that the requirements for export for species listed as "lookalikes" are not different from those that are listed on their own merits as potentially impacted by trade. IAFWA also challenged ESSA's determination that the export authority would be determined on a state by state basis as opposed to a single national authority. The state of Louisiana threatened a lawsuit over the quotas and refused to acknowledge them.

In the end, federal solicitors defended ESSA's evaluation that non-detriment and legal acquisition findings for bobcats would follow the same tract as for species that are threatened by international trade. The result was that individual states would be required to (1) provide sufficient biological justification that their bobcat harvests would not be detrimental to the state's population for the state to participate in the CITES export program, (2) provide annual justification of non-detriment and legal acquisition, and (3) comply with a bobcat tagging program administered by the USFWS. (48 CFR 37494, 18 August 1983)

Challenges subsided and the states reluctantly complied with the federal implementation procedures for a number of years. The process, however, was unnecessarily onerous on the states and the CITES listing had the effect of incorrectly labeling bobcats as a threatened species. In 1996, IAFWA (through their Fur Resources Technical Committee) reopened discussions with the USFWS on streamlining CITES processes related to bobcats. A survey was conducted of state fish and wildlife agencies to determine the problems associated with administration of the CITES procedures. No significant changes resulted from that effort.

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Attempts to Delist Bobcats from CITES

In 1992 the Association of Fish and Wildlife Agencies (AFWA) created a coordination team to represent the states' interest in matters related to CITES. The CITES Technical Work Group concept resulted in better communication between the states and the USFWS which precipitated a much more efficient working relationship and more influence by states in CITES processes. In 2001 the CITES Technical Work Group initiated a plan to attempt to remove the bobcat from CITES Appendix II. The USFWS Scientific Authority worked in concert with the AFWA team to develop the proposal. The proposal was submitted at CoP 13 (2004) but was withdrawn due to the level of opposition by parties and misinformation circulated at the meeting by animal rights NGOs.

A plan was developed to address animal rights misinformation to return a proposal at CoP 14 (2007). Several measures were taken to enhance the proposal. First, the USFWS worked with the AFWA CITES Work Group to commission a study of trade data conducted by TRAFFIC to determine the degree of lookalike problems between bobcats and other Lynx species. The study demonstrated no significant concerns. Second, AFWA raised funds and supplied technical expertise to Mexico to conduct a bobcat population assessment due to the lack of abundant data in that country. And lastly, AFWA's CITES Technical Work Group testified to a Congressional subcommittee to maintain support for the CITES delisting proposal at the national level. Despite hard work and a well orchestrated plan to dispel misinformation, the proposal failed due primarily to concerns related to differentiation between bobcat pelts and those of other Lynx species not in trade.

Because of the importance of this issue, the CITES Technical Work Group working with our federal partners agreed to address the lookalike issues in order to make another attempt to have bobcats removed from CITES Appendix II at CoP 15 (2010). Additional measures included; (1) developing a Lynx ID manual that could be used by port authorities and law enforcement personnel to distinguish between bobcats and other Lynx species; (2) conducting a range wide bobcat population survey through Cornell University; and (3) conducting a meeting in Brussels, Belgium with Lynx species range countries to attempt to satisfy their concerns about

lookalike issues. The meetings revealed that most cases of illegal poaching of protected Lynx species is related to predator control and not to illegal commercial harvest entered into trade as bobcat. More revealing was the understanding that the true opposition among these EU countries was an anti-trapping agenda, which should not be a consideration for listing or delisting. While the CoP 15 proposal gained a majority vote, it failed to achieve the two thirds margin required for passage.

IN 2001 THE CITES TECHNICAL WORK GROUP INITIATED A PLAN TO ATTEMPT TO REMOVE THE BOBCAT FROM CITES APPENDIX II. THE USFWS SCIENTIFIC AUTHORITY WORKED IN CONCERT WITH THE AFWA TEAM TO DEVELOP THE PROPOSAL. THE PROPOSAL WAS SUBMITTED AT COP 13 (2004) BUT WAS WITHDRAWN DUE TO THE LEVEL OF OPPOSITION BY PARTIES AND MISINFORMATION CIRCULATED AT THE MEETING BY ANIMAL RIGHTS NGOS.

Streamlining U.S. CITES Implementation Procedures

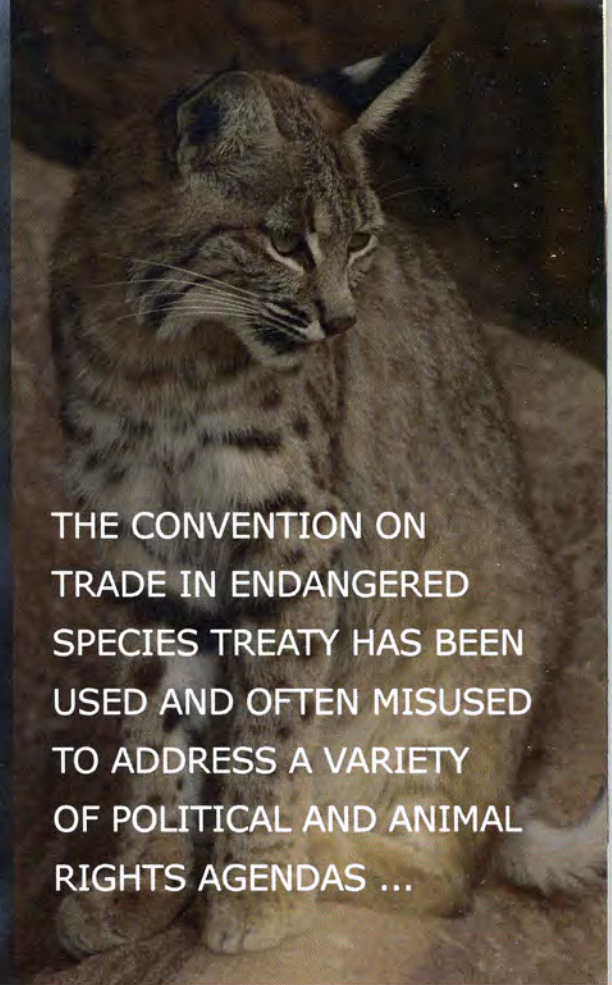
In 2003 an interagency work group was convened to find practical ways to improve the implementation of state and federal obligations outlined by the CITES Treaty for the trade of furbearers, specifically bobcats and river otters. Membership in this group included officials from several state fish and wildlife agencies and USFWS. Law enforcement personnel from state agencies and USFWS were included also. The work group's efforts included numerous meetings in Washington and at various US ports of entry.

AFWA again conducted a survey of states to document problems and concerns related to US CITES implementation procedures for bobcats. The concerns were much the same as those expressed in the 1996 survey. States insisted that the procedures were unnecessarily burdensome and costly to state wildlife agencies and that most procedures imposed by the federal government are not required by the CITES treaty. The majority of states favored eliminating the tagging requirement. Problems cited specific to the tagging requirement included: expense of administrating the program, diversion of resources away from management of species with greater need, difficulties with tag quality and timely production, inconsistent interpretation, and implementation of tagging processes by USFWS. Additionally states remarked that tagging does not meet the intended purpose of verifying legal acquisition. States argued for certification of bobcats at the point of export from the county over certification at the state level.

By 2005 several of the work group's recommendations for streamlining CITES implementation processes were implemented. The most significant of these was the move from state by state bobcat non-detriment findings to a single "range wide" finding on a national basis. It was further agreed that the range wide finding includes all range states, including those not yet approved at the state level.

BOBCATS HAVE BEEN LISTED IN CITES APPENDIX II FOR 37 YEARS AND REMAIN SUBJECT TO NATIONAL AND INTERNATIONAL CONTROLS. THE SPECIES REMAINS LISTED PRIMARILY DUE TO THE POLITICAL DIFFICULTIES OF REMOVING A SPECIES FROM THE APPENDICES.





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Despite the conclusion of the state/federal interagency work group that tagging could be eliminated, the USFWS administration remained reluctant to move the recommendation forward due to concerns by Department of Interior solicitors over the possibility of animal rights sponsored litigation. The state fish and wildlife agency directors sent repeated communications that they believed the risks to be minimal and that they were willing to accept the risks. Ultimately, by 2011, after 8 years of effort, AFWA and the states conceded that persuading the USFWS to eliminate bobcat tagging was not presently achievable.

Summary

The Convention on Trade in Endangered Species went into effect on July 1, 1975. The intent of the treaty was to offer protection to those species whose populations could be threatened by international trade. However, as is the case with the bobcat, the treaty has been used and often misused to address a variety of political and animal rights agendas. It remains a challenge for the CITES Secretariat and the Parties to keep the treaty centered on science.

Bobcats have been listed in CITES Appendix II for 37 years and remain subject to national and international controls. The listing was initiated for political rather than biological reasons. The species remains listed primarily due to the political difficulties of removing a species from the Appendices. At the fourth meeting of the CoP, the parties agreed that this species is included in Appendix II not because of its own conservation status but rather due to the similarity in appearance of its pelts to other Lynx species listed in Appendix I and II. Despite this designation, the non-detriment and legal acquisition requirements remain the same as for species which are threatened by international trade. Although U.S. CITES implementation processes for bobcats are much improved, they remain unnecessarily burdensome on the states and on the federal government thereby diverting much needed resources from other species in greater need of conservation.

After numerous attempts to remove bobcats from CITES Appendix II, it is apparent that similarity of appearance was not the concern. This is a protectionist issue that has become pervasive in the CITES process.

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PADDLEFISH

Polyodon spathula



CASE STUDY: STATE MANAGEMENT OF PADDLEFISH in the Context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

General Distribution and Biology

Extirpated in much of the peripheral range, the current range of the paddlefish has been reduced to the Mississippi and Missouri rivers, and tributaries and the Mobile Bay drainage. Populations have declined primarily because of over exploitation, habitat loss, and pollution. Closely related to sturgeons, paddlefish are long-lived and late maturing fish whose populations can be highly sensitive to over harvest and slow to recover. Although variable across the range, females do not spawn until they are seven to ten years old, and in some cases much older. With similar variability across the range, males sexually mature around age seven.

Paddlefish are found in 22 states, primarily in large river systems such as the Mississippi, Missouri, and Ohio rivers. The paddlefish represent an important interjurisdictional fishery as it is subject to a variety of management and regulatory frameworks across the states. Some states permit commercial harvest, others allow only recreational harvest, others allow both commercial and recreational harvest, and others prohibit all harvest. Paddlefish are harvested for both flesh and roe, which is processed into caviar. The demand for caviar both domestically and internationally is the primary cause of increased harvest of paddlefish stocks over the last several decades.

Causes of Increased Pressure on Paddlefish Stocks

The complete collapse of the Caspian Sea sturgeon stocks that followed the end of the Soviet Union resulted in increasing pressure on paddlefish, and other sturgeon species, to meet the demands of the international caviar market. The legal and illegal harvest of sturgeon in Caspian range states (Iran, Russian Federation, Azerbaijan, Turkmenistan, and Kazakhstan) lacked management controls after the loss of centralized and rigorously enforced management by the Soviet Union. This collapse of a valuable sustainable resource represents a dramatic failure of CITES. This is another example of a highly valuable sturgeon fishery being destroyed as a result of over harvest; a similar pattern occurred in the U.S. with destruction of Atlantic sturgeon (*Acipenser oxyrinchus*) in the mid to late 19th century. Due to the effective elimination of the Caspian Sea fishery, there has been an increased scrutiny of other sturgeon and paddlefish fisheries, and trends in commercial paddlefish harvests have continued to increase reflecting the increased demand.

EXTIRPATED IN MUCH OF THE PERIPHERAL RANGE, THE CURRENT RANGE OF THE PADDLEFISH HAS BEEN REDUCED TO THE MISSISSIPPI AND MISSOURI RIVERS, AND TRIBUTARIES AND THE MOBILE BAY DRAINAGE. POPULATIONS HAVE DECLINED PRIMARILY BECAUSE OF OVER EXPLOITATION, HABITAT LOSS, AND POLLUTION.

CHRONOLOGY of Sturgeon and Paddlefish in CITES

1991

Dissolution of the Soviet Union ends centralized enforced management of sturgeon, resulting in uncontrolled exploitation of sturgeon stocks.

1998

Listing of 23 species of sturgeon and two species of paddlefish under CITES.

2008

Letter from the Scientific Review Group of the European Union to US Fish and Wildlife Service (USFWS) raising concerns regarding increased export of paddlefish from the United States.

1992

Paddlefish listed in Appendix II of CITES, primarily because of a proposed Endangered Species Act listing in the US.

2001 to 2006

Dramatic increase in demand for paddlefish caviar.

2009

Joint USFWS / CITES Technical Work Group presents a workshop on CITES to fisheries chiefs at annual Mississippi Interstate Cooperative Research Association (MICRA) meeting in Memphis.



2011

USFWS announces that they were unable to find that the export of paddlefish and its products from main stem impoundments in Tennessee harvested during the 2010-2011 fishing season is not a non-detriment (NDF) to the survival of the species. The export of paddlefish and its products would not be allowed under CITES from these impoundments.

2013

Development of proposal by the Association of Fish & Wildlife Agencies (AFWA) working with USFWS to develop biological reference points for the management of paddlefish in the Mississippi River basin.

2014

Sharov report with the following management recommendations:

1. Develop objectives for management
2. Adopt fishing mortality rate reference points
3. Adopt precautionary management in face of uncertainty
4. Estimate fishing mortality rates
5. Develop harvest control rules

2011

A. Sharov report to Secretariat on current status of stock assessment and Total Allowable Catch (TAC) estimation methodology for Caspian Sea sturgeon species.

2013

Joint USFWS / CITES Technical Work Group meeting with sturgeon/paddlefish committee of MICRA on proposed Sharov study and request for access to agency paddlefish data.

2014

Sharov report presented at a workshop held for all states with populations of paddlefish with a goal to develop recommendations for flexible management framework.

Workshop recommendations include:

1. Draft plans for areas identified in the commercial states breakout group will be shared via the MICRA website. These plans will be updated to better document state agency management actions and results with a goal to improve the USFWS's ability to make positive NDFs
2. The commercial states agreed to $F = 30\%$ as a common goal. This will be adjusted if necessary based on review of management plans.
3. Recommendations to consider other sources of support for data gathering such as LCCs, USGS programs, and others will be explored.
4. MICRA will host a series of webinars during summer 2014 on modeling. Future discussion and prioritization of data recommendations and data gaps is a priority.
5. Priorities include more discussion of the level of monitoring needed and the costs.

GENERALLY, A COORDINATED APPROACH THAT RELIES ON AN EFFECTIVE WORKING RELATIONSHIP WITH THE USFWS AND RELYING ON THE BIOLOGICAL AND MANAGEMENT EXPERTISE OF THE STATES HAS BEEN SUCCESSFUL.

Photographer: Keith Sutton

The Approach taken by AFWA and CITES Technical Work Group

After tracking developments on sturgeon and paddlefish for several decades in CITES, the CITES Technical Work Group became more directly engaged following the inquiry from the European Union in 2008. The potential for a conflict between the USFWS and individual states increased as attention focused on state regulatory requirements and management strategies. Paddlefish harvest, trade, and conservation represents an excellent example of balancing federal requirements and maintaining state management authority: what is the most effective framework for managing paddlefish in a way that meets the requirements of CITES and recognizes specific state needs and regulations? Harmonizing the international treaty requirements of the U.S. government and the management authority of individual states represents a unique challenge. This has been the central question facing the CITES Technical Work Group over the last decade.

Generally, a coordinated approach that relies on an effective working relationship with the USFWS and the biological and management expertise of the states has been successful. Following the letter of inquiry from the European Union, and the USFWS decision to not issue a non-detriment finding for Tennessee, the CITES Technical Work Group began working with the USFWS's Scientific Authority, state directors, and agency personnel to explain their respective roles under CITES. The roles of outside parties (e.g. European Union) can be unclear and frustrating to state biologists when a management framework that is based on state knowledge and needs is questioned. In the context of CITES implementation, a key initial message emphasized that CITES only applied to the action of the state if product harvested in state was to go into international trade. Economic benefit has accrued in different ways in states depending on the harvest model of the fishery. For example, in some commercial states a relatively small group of private individuals benefit from the harvest as opposed to several recreational states where eggs collected are sold to dealers directly with value being retained by the state for recreational enhancements.

At the same time states were dealing with local harvest pressure, the USFWS was searching for a science-based management framework that could be easily applied and allow for NDFs. States are clearly trying to balance the effort needed to maintain a commercial fishery against other agency management needs. The CITES Technical Work Group continued working with state directors and biologists to develop a common understanding of CITES requirement and

the role of the USFWS. After the Sharov report to the CITES Secretariat on the Caspian Basin sturgeon fisheries, it seemed timely to develop a similar assessment of paddlefish with a goal of developing a flexible framework that could be used as a reference point for the USFWS in making NDFs. At that point the CITES Technical Group directed efforts toward seeking state agency assistance in developing a study and providing access to data for the study. After the study was complete as a draft, a workshop was organized around the findings. The consensus developed is outlined in this case study's chronology.

Current Status

Currently AFWA and the CITES Technical Work Group are working with state biologists to identify funding sources to address data gaps identified in the Sharov report and working with the USFWS to facilitate discussion with regard to future management action. In addition, the Technical Work Group has been actively working within the CITES committee structure to monitor discussions on sturgeon and paddlefish.