

**International Trade and Trafficking in Wildlife:
The Value of Biodiversity, CITES, and Going Further**

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I. Introduction

Species extinction is a natural part of life on this planet. Historical estimates gauge the average natural rate of extinction between ten to one hundred species per year.¹ However, biologists estimate the current rate of species extinction to be around one thousand times the natural rate.² The major causes of this accelerated species loss are due to loss of habitat, introduced species, over-exploitation, pollution, global climate change, and industrial agriculture.³ Currently, human caused habitat destruction is the leading cause of species extinction.⁴ Between 1970 and 2000 world species populations dropped by an average of forty percent.⁵ In terms of over-exploitation, legal and illegal trade in wildlife is the second leading threat to species after habitat destruction.⁶ It is estimated that the illegal trade in endangered species creates between \$5 to \$10 billion in business annually.⁷ This international criminal practice is second only to illegal drug and weapons trade.⁸ An Asian bear bladder will fetch roughly \$8,000.⁹ The price for just the bones a tiger can reach up to \$70,000.¹⁰ A single rhino

¹ Evolution Library: The Current Mass Extinction, at 1, *available at*, http://www.pbs.org/wgbh/evolution/library/03/2/1_032_04.html.

² David Hunter, et al., *International Environmental Law and Policy* 1011, (3d ed. 2007).

³ World Resource Institute et al., *Global Biodiversity Strategy*, Box 5, at 14-5 (1992).

⁴ Jacqueline L. Brown, *Preserving Species: The Endangered Species Act Versus Ecosystem Management Regime, Ecological and Political Considerations, and Recommendations for Reform*, 12 J. Env'tl. L. & Litig. 151, 155 (1997).

⁵ See Hunter et al., *supra* note 2, at 1095.

⁶ *Id.* at 1095.

⁷ Kristy M. Phillips, *Earth Can't Bear It: How International Law Fails to Protect the Endangered Malayan Sun Bear*, 28 Suffolk Transnat'l L. Rev. 113, 117 (2009).

⁸ *Id.*

⁹ *Id.*

horn can be sold on the illegal international market for £20,000.¹¹ These examples demonstrate that in spite of current international agreements and conventions regarding protection and regulation of endangered species more needs to be done in the way of prohibiting the international trade and trafficking in wildlife. Further multinational agreements need to be developed in order to preserve species diversity worldwide.

Part II of this article provides a brief overview of biodiversity highlighting the value of preserving wild species, and an analysis of the two models for preserving wild life: species preservation versus ecosystem preservation. Part III examines the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), providing an overview of CITES structure and critical analysis of its effectiveness, specifically the lack of enforcement. Part IV looks at multinational developments regarding international wildlife enforcement. Specifically, looking at the regional Lusaka Agreement and the Coalition Against Wildlife Trafficking (CAWT). Part IV also suggests a need for greater penalties to be imposed by the international community.

Part II Biodiversity

A. The Value of Preserving Species

Biodiversity is variation among all living organisms at the various levels of organization.¹² The three levels of biodiversity include genetic, species, and ecosystem

¹⁰ Jonathan Watts, *Student Activists Try to Save Wildlife on China's Menu*, The Guardian, May 14, 2009, at 1, available at <http://www.guardian.co.uk/environment/2009/may/14/china-rare-wildlife-conservation>.

¹¹ Adrian Levy & Cathy Scott-Clark, *Poaching For Bin Laden*, The Guardian, May 5 2007, at 1, available at <http://www.guardian.co.uk/world/2007/may/05/terrorism.animalwelfare>.

¹² Dale D. Gobel, *What are Slugs Good For? Ecosystem Services and the Conservation of Biodiversity*, 22 J. Land Use & Env'tl. L. 411, 415 (2007).

diversity.¹³ Humans benefit from biodiversity in a seemingly unquantifiable number of ways. A bio-diverse species population and ecosystem provide health and economic services to humans.

A diverse ecosystem provides many biological services that humans seldom contemplate or observe directly. Some ecosystem services include the purification of air and water, decomposition of wastes, natural pollination, cycling of nutrients, and soil preservation.¹⁴ Species diversity has and continues to provide many medical benefits promoting human health.¹⁵

For instance, in 1998, the toxic sweat from a wild frog proved to be more powerful than morphine, but without the side effects.¹⁶ Additionally, about eighty percent of the global human population uses traditional medicine and eighty-five percent of these medicines use plant extracts.¹⁷ The same health benefits derived from a bio-diverse species population are intertwined with the economic benefits realized. The pharmaceutical industry, for example, would decline without the preservation of wild species.¹⁸ Likewise, diverse plant species provide genetic diversity for the agriculture industry by protecting against unwanted insects and disease.¹⁹

Undoubtedly, many more reasons for wild life preservation exist. For example, moral, intrinsic, and aesthetic reasons may compel humans to preserve wild plant and animal species.

¹³ See Brown, *supra* note 4, at 157.

¹⁴ See Gobel, *supra* note 12, at 423.

¹⁵ See Brown, *supra* note 4, at 159.

¹⁶ Ruth A. Braun, *Lions, Tigers, and Bears [Oh My]: How to Stop Endangered Species Crime*, 11 Fordham Env'tl. L.J. 545, 550 (2000). The scientists discovered that the toxic sweat of the Epipedobates Tricolor frog was more powerful than morphine and did not have the same serious side effects. If this species had become extinct prior to the scientific finding, the painkiller would never have been discovered.

¹⁷ P. Principe, *The Economic Significance of Plants and Their Constituents as Drugs*, in *Economic and Medicinal Plant Research*, Vol. 3, 1-17 (H. Wagner, et al., 1989).

¹⁸ See Brown, *supra* note 4, at 160.

¹⁹ See Hunter, *supra* note 2, at 1008-1009.

However, the tangible biological and economic reasons for wanting to preserve diverse wild life populations should compel humans to take an active interest in the survival of wild life.

B. Species Preservation versus Ecosystem Preservation

Within wildlife protection arguments, two competing notions for preservation models are discussed, the species-specific model and the broader ecosystem approach. From a scientific standpoint, the ecosystem approach appears the better choice.²⁰ However, the scientific reasons favoring an ecosystem approach, paradoxically, make it the worse choice for the contemporary international legal community. The ecological process is extremely complex, difficult to describe, and still not completely understood.²¹ Modern judicial systems may have a difficult time adapting to a new model based on ecosystem.²²

The species preservation models that have shaped current protection models should be maintained and not changed into an ecosystem model. Current international wildlife laws have enough trouble enforcing and implementing simple species-specific laws and treaties. The added burden of establishing a new ecosystem standard would only complicate the current status of international wildlife law.

Part III CITES

A. Overview and Structure of CITES

²⁰ Holly Doremus, *Patching the Ark: Improving Legal Protection of Biological Diversity*, 18 Ecology L.Q. 265, 283 (1991). The most effective method to achieve broad preservation of both life forms and life processes would be to focus on protection of ecosystems in situ. Protection of individual organisms cannot achieve the goal of preserving life processes.

²¹ Walter Kuhlmann, *Wildlife's Burden*, in *Biodiversity and the Law* 189, 191 (William J. Snape III ed., 1996). Much is unknown about how ecosystems work. Not only are ecological processes difficult to describe, but the forces of change affecting structure and function of ecosystems operate on broad spatial and temporal scales.

²² *Id.*, at 192. While understanding ecosystem structure and function is a task difficult enough to humble the finest scientist, it seems even more daunting to the finest legal minds. In several respects courts seem ill-equipped to grasp what scientists consider as evidence, how science deals with problems of uncertainty, and the scale of the ecosystem problem.

Considered one of the oldest multilateral environmental agreements (MEAs), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an agreement addressing the international trade in endangered species.²³ CITES is an agreement that member countries voluntarily adopt in order to regulate trade of classified species and protect over-exploited species.²⁴ Presently, 175 member countries recognize CITES.²⁵ CITES is considered legally binding, however, the agreement does not maintain any intra-national power within a member country. Instead, CITES provides a framework in which a member country may implement similar trade provisions.²⁶ CITES is characterized as an agreement to “prevent unsustainable use, not to promote sustainable use over non-use.”²⁷

CITES regulates trade of endangered species by categorizing wild plants and animals in one of three appendices.²⁸ Appendix I includes all species threatened by extinction and receive the highest protection requiring exceptional circumstances in order to allow trade in these species.²⁹ Under Appendix I, trade in species is strictly regulated requiring both an import and export permit; however, if trade is deemed to be detrimental to the species no trade will be allowed.³⁰ Appendix II species includes wildlife not currently threatened with extinction but may become extinct “unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival.”³¹ Appendix II species may be legally

²³ Rosalind Reeve, *Policing International Trade in Endangered Species: The CITES Treaty and Compliance*, 5 (2002).

²⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora [hereinafter CITES], “What is CITES?” *available at*, <http://www.CITES.org/eng/disc/what.shtml>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *See* Reeve, *supra* note 23, at 29.

²⁸ CITES, art. II, Mar. 3, 1973, 27 U.S.T. 1087, 993 U.N.T.S. 234, *available at*, <http://www.cites.org/eng/disc/text.shtml>.

²⁹ *Id.*

³⁰ *See* Braun, *supra* note 16, at 554.

³¹ *See* CITES, *supra* note 28, at art. II(2).

traded. Trade in this category of species requires only an export permit verifying that any traded specimens were legally obtained.³² Appendix III regulates trade in species in order to avoid exploitation.³³ Under this category, traded species require an export permit and a certificate of origin to be presented upon importation.³⁴

Under the Secretariat, CITES is to hold a conference open to all member countries every two years.³⁵ These meetings are referred to as Conference of the Parties (COP), fourteen conferences have been held since CITES inception in 1976.³⁶ The main functions of the COP are to review and adopt amendments to Appendix I and II species, make general recommendations, and review progress on species conservation.³⁷ Non-governmental organizations may participate in the conferences; however, they are not afforded the right to vote on amendments or recommendations.³⁸

The central authority for the convention is the CITES Secretariat.³⁹ The United Nations Environmental Programme (UNEP) located in Geneva, Switzerland administers the Secretariat.⁴⁰ The Secretariat serves many duties under Article XII of the Convention Text including information gathering and review, prepare reports and make recommendations on implementation, undertake scientific studies that will help in implementation, draw attention on issues of non-compliance, and any other function entrusted to it by the member parties.⁴¹ In addition, member parties to CITES are required keep records of trade in CITES' species and

³² See Reeve, *supra* note 23, at 30.

³³ See Braun, *supra* note 16, at 556.

³⁴ *Id.*

³⁵ See CITES, *supra* note 28, at art. XI(1)

³⁶ CITES, "Conference of the Parties," *available* at <http://www.cites.org/eng/disc/CoP.shtml>.

³⁷ See Reeve, *supra* note 23, at 38.

³⁸ *Id.*

³⁹ See Reeve, *supra* note 23, at 43.

⁴⁰ CITES, "CITES Secretariat," *available* at <http://www.cites.org/eng/disc/sec/index.shtml>.

⁴¹ See Reeve, *supra* note 23, at 43.

must submit these annually to the Secretariat.⁴² The Secretariat is allowed to employ the assistance of “suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.”⁴³ The Secretariat’s ability to utilize non-governmental support is valuable because it relieves CITES of some of the complexity and costs involved in recording and implementation of the treaty.⁴⁴

If a country continuously ignores CITES regulations, CITES will recommend trade sanctions or significant trade review of the problem country. CITES recommends member countries impose such sanctions on non-complying countries.⁴⁵ These trade sanctions are meant to prevent a non-compliant country from profiting in future wild life trade.⁴⁶ Trade sanctions or trade review are usually implemented one of two ways, either country-specific or species-specific.⁴⁷ An example of a species-specific response would be CITES 1989 ivory ban when the Convention listed the African elephant as an Appendix I species.⁴⁸ In contrast, a country-specific sanction would focus on general non-compliance issues of a specific country.

B. Effectiveness of CITES and Enforcement Problems

⁴² Shennie Patel, *The Convention on International Trade in Endangered Species: Enforcement and the Last Unicorn*, 18 Hous. J Int’l L. 157, 170, (1995).

⁴³ See CITES, *supra* note 28, at art. XII(1).

⁴⁴ See Patel, *supra* note 42, at 171. This provision allowing for NGOs to participate in CITES implementation is unusual, especially because the Secretariat may rely entirely on NGO discoveries when making reports and recommendations for change. The treaty’s broad, far-reaching provisions, along with the vast number of species it regulates, render any reporting process an endless, complex, and costly adventure.

⁴⁵ See Braun, *supra* note 16, at 557.

⁴⁶ Andrew M. Lemieux & Ronald V. Clarke, *The International Ban on Ivory Sales and Its Effects on Elephant Poaching in Africa*, 49 Brit. J. Criminology 451, 453 (2009).

⁴⁷ See Reeve, *supra* note 23, at 91.

⁴⁸ See Lemieux & Clarke, *supra* note 46, at 453.

Since its inception in 1973 CITES has been characterized one of the most successful international wildlife treaties.⁴⁹ However, many problems plague CITES, specifically issues regarding enforcement of the treaty. Currently, no empirical assessment has been done regarding the effectiveness of CITES.⁵⁰ The enforcement problems associated with CITES are inherent within its framework because CITES has no “provisions for international enforcement.”⁵¹ CITES is dependent on countries to adopt legislation and enforce regulations in the spirit of CITES.⁵² The convention is dependent on member countries’ good faith efforts to implement appropriate enforcement mechanisms. This becomes a problem because the only reference to enforcement in the CITES text is under Article VIII, stating that the measures to be taken are “to penalize trade in, or possession of, such specimens...or to provide for the confiscation and or return to the State of export of such specimens.”⁵³

Member nations may join CITES with no intention of enforcing provisions of the treaty. Many of the CITES members are considered developing nations that have differing objectives that do not parallel the goals of CITES.⁵⁴ Without sufficient enforcement mechanisms, member parties cannot properly preserve species and this goes against the underlying principles for enacting CITES.⁵⁵ Likewise, the two sanction methods CITES promotes (trade sanctions and

⁴⁹ Michael J. Hickey, *Acceptance of Sustainable Use Within The CITES Community*, 23 Vt. L. Rev. 861, 861 (1999).

⁵⁰ See Reeve, *supra* note 23, at 6.

⁵¹ See Braun, *supra* note 16, at 557.

⁵² *Id.*

⁵³ See CITES, *supra* note 28, art. VIII(1), available at, <http://www.cites.org/eng/disc/text.shtml>.

⁵⁴ Randi E. Alacron, *The Convention on International Trade in Endangered Species: The Difficulty in Enforcing CITES and the United States Solution to Hindering the Illegal Trade of Endangered Species*, 14 N.Y. Int’l L. Rev. 105, 116-117 (2001). For instance, developing nations primarily concerned with economic growth and industrialization are not likely to voluntarily impose environmental protection laws if it jeopardizes their economic policies. The combination of severe poverty with the potential to make vast profits by trading products made from endangered species has instead prompted government officials to look the other way rather than enforcing the provisions of CITES.

⁵⁵ See Patel, *supra* note 42, at 185. The simple act of joining CITES, however, is insufficient compared to demonstrating an actual intent to preserve. Without genuine attempts at enforcement, demonstrated by

significant trade review) are not effective at providing valid enforcement. The only recognized country-specific sanction was imposed by the United States against Taiwan in 1992.⁵⁶

The apparent lack of sanctioning in the face of continued endangered species losses emphasizes the ineffectiveness of CITES enforcement. CITES is and most likely will remain a voluntary agreement that only regulates trade in endangered species. In addition, CITES has proved to be ineffective at protecting specific species listed under Appendix I. For instance, in 1975, the Malayan Sun Bear was initially listed as an Appendix I species (thus banning almost all trade of the animal) and yet thirty-four years later there are less than 20,000 of these bears left worldwide and continue to decline.⁵⁷ The decline of this species is not completely attributable to the enforcement flaws of a voluntary international agreement such as CITES, however, it shows more needs to be done in the way of international agreements that will enforce, punish, and prohibit trade in endangered species. The international community needs more conventions and/or agreements that will prohibit illegal and legal trade in endangered species in order to prevent loss of biodiversity, specifically dealing with species populations.

Part IV. Multinational Developments and Need for Elevated international Penalties

Many countries are going further than CITES and creating multinational broad based agreements that are better able to deal with endangered species trade and trafficking at a specific regional level. Multinational agreements, if proven effective, highlight the need to narrow the scope of enforcement and tailor it to the specific needs of regional endangered species. A great

enacting and administering strong legislation at the national level, the philosophy behind CITES is nothing more than meaningless words.

⁵⁶ See Braun, *supra* note 16, at 557. For example, in 1994, the United States warned Taiwan that it would impose trade sanctions if Taiwan continued its illegal trade of endangered species. To date, the sanctions imposed by the United States against Taiwan are the only formal sanctions ever imposed under CITES.

⁵⁷ See Phillips, *supra* note 7, at 118.

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example of a working multinational agreement that furthers the goals set forth by CITIES is the Lusaka Agreement.

A. Lusaka Agreement

In 1994, the Republics of Congo (Brazzaville), Kenya, Tanzania, Uganda, Zambia, Lesotho, Ethiopia, and the Kingdom of Swaziland adopted a co-operative enforcement agreement targeting the illegal trade of wildlife within these regions.⁵⁸ This is now known as the Lusaka agreement.⁵⁹ The main objective of the Lusaka Agreement is to establish a permanent task force to reduce and illuminate illegal trade of wildlife.⁶⁰ The Lusaka Agreement builds off previous international conventions such as CITIES.⁶¹ The major difference is the notion of a permanent task force in order to enforce the laws between the member countries. According to the agreement the task force, “facilitates cooperative enforcement operations, collects intelligence, investigates cases, participates in arrests and supports prosecution of wildlife law offenders.”⁶² As of March 31, 2007, the Lusaka Task Force has trained 400 officers.⁶³ Research regarding the effectiveness of the Lusaka Agreement is non-existent; however, based on the reports provided by the Lusaka Agreement Task Force, the agreement appears to be providing an adequate means of enforcement and punishment for wildlife violations within the member countries.⁶⁴

⁵⁸ Lusaka Agreement Concerning Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora [hereinafter Lusaka Agreement], “About Us,” *available at* <http://www.lusakaagreement.org/about.html>

⁵⁹ *Id.*

⁶⁰ Lusaka Agreement, art. II, Sep. 8, 1994, UNEP doc. No.94/7929, *available at* <http://www.lusakaagreement.org/PDFs/LA%20Final%20Act.pdf>.

⁶¹ *Id.*, at pmbl. Recalling the provisions of the African Convention on the Conservation of Nature and Natural Resources (Algiers, 1968), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1975), and the Convention on Biological Diversity (Rio de Janeiro, 1992).

⁶² Lusaka Agreement, “FAQs,” *available at* <http://www.lusakaagreement.org/faqs.html>.

⁶³ Lusaka Agreement, “Programmes,” *available at* <http://www.lusakaagreement.org/programmes.html>.

⁶⁴ Lusaka Agreement, “Law Enforcement,” *available at* <http://www.lusakaagreement.org/lawenforcement.html>. Between March and May 2009 the Lusaka

B. The Coalition Against Wildlife Trafficking (CAWT)

In 2005, the United States Department of State established CAWT in order to stop illegal international trade in wildlife.⁶⁵ The coalition became international in February 2007 in Kenya and currently includes six governments and thirteen international non-governmental organizations.⁶⁶ The member governments include agencies from the United States of America, Chile, the United Kingdom, India, Canada, and Australia.⁶⁷ CAWT takes a new approach to illegal trade and trafficking of wildlife by combining efforts of specific governmental agencies and private organizations to improve enforcement through three goals. First, CAWT seeks to improve international enforcement through training, information sharing, and regional co-operation.⁶⁸ Second, CAWT aims to raise awareness on the impact illegal trade in wildlife has on biodiversity, as well as shed light on the link to international organized crime.⁶⁹ Third, CAWT seeks to create high-level political support to fight international wildlife trafficking.⁷⁰

By working with the international law-enforcement community, CAWT has raised awareness of the problem of illegal wildlife trade. The link between organized crime and wildlife trafficking has enabled CAWT to work with Interpol, the United Nations Crime Commission, the

Agreement Task Force worked closely with the Uganda Wildlife Authority (UWA) and other in country organizations and individuals to preempt an immediate threat to Uganda's White rhinos. The combined efforts resulted in one suspect being convicted in court of law in Masindi and jailed for 18 months. The Lusaka Agreement Task Force (LATF) working together with the Kenya Wildlife Service (KWS) has managed to recover seven pieces of elephant tusks along the Kenya-Somalia border. The recovery involved a joint operation that took place between 3rd and 8th August 2009. This followed intelligence reports that indicated intensive smuggling of ivory trophies in the area. The operation has also enabled further collection of intelligence regarding the illegal activities of wildlife traffickers in the region.

⁶⁵ Claudia A. McMurray, *Wildlife Trafficking: U.S. Efforts to Tackle a Global Crisis*, 23-WTR Nat. Resources & Env't 16, 16 (2009).

⁶⁶ *Id.*

⁶⁷ Coalition Against Wildlife Trafficking [hereinafter CAWT], "About," *available at* <http://www.cawtglobal.org/about/>.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

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World Customs Organization, and the United Nations Office on Drugs and Crime.⁷¹ Increasing amounts of evidence support this connection.⁷²

CAWT has focused mainly on efforts to provide wildlife protection in South East Asia because of the high level of exploitation in this region.⁷³ This initial effort proved to be successful. Through CAWT, ten Asian countries, the United States, Traffic International, and the Wildlife Alliance created the Association of South East Asian Nations Wildlife Enforcement Network (ASEAN-WEN).⁷⁴ The CAWT spin-off ASEAN-WEN has proven successful on many occasions, specifically in January 2008, the Thai enforcement officials seized the bodies of “six tigers, three leopards, and two clouded leopards, as well as 275 live pangolins” based on information sharing provided by the organization.⁷⁵

In order to provide stricter and more consistent enforcement for international wildlife trade and trafficking violations, regional nations need to adopt multinational agreements. These agreements should provide specific means for enforcement, such as the task force describe under the Lusaka Agreement. Likewise, specific penalties should be described in terms of monetary and/or criminal penalties. However, multinational regional agreements will never be a catchall solutions to prohibit illegal trade and trafficking in endangered species. CAWT provides a unique approach to the problem by combining governmental and private non-governmental organization

⁷¹ See McMurray, *supra* note 65, at 18.

⁷² *Id.* In addition, there is growing evidence that the same criminals engaging in the trafficking of drugs, weapons, and people are also engaging in the illegal wildlife trade. International organized crime groups are increasingly attracted to wildlife trafficking because of the huge profits and relatively small risk of apprehension.

⁷³ *Id.*, at 17.

⁷⁴ *Id.* ASEAN-WEN is the largest regional wildlife law-enforcement entity in the world, and its groundbreaking efforts in law enforcement collaboration are the product of a highly successful partnership among governments, conservation groups, and international organizations.

⁷⁵ *Id.*

C. Need for Elevated International Penalties

Due to the lucrative nature of illegal wildlife trade and trafficking, member countries participating in CITES that actively use national legislation should increase penalties for CITES related violations. National penalties should be reflective of the relative value placed on endangered species. Punishment for wildlife trafficking would be better served if it were equal to that of penalties for trafficking in illegal drugs.⁷⁶ In most countries this is not being effectuated, for example, in 2000 a United Kingdom court fined the Renaissance Corporation £1,500 for 138 shahtoosh (Tibetan antelope) shawls worth £350,000.⁷⁷ Similarly, the Indian Ministry of Justice only maintains a maximum fine of “\$5,000 and a fine of up to two years imprisonment” for violations of CITES.⁷⁸ Such fines and prison terms are unlikely to deter illegal trade and trafficking especially when the illegal market is estimated to generate anywhere from \$5 to \$10 billion annually.⁷⁹ A solution may be to amend CITES Article VIII (Measures to be Taken) stating that member parties shall provide for appropriate monetary or penal sanctions proportionate to the specific species and the illegal international value currently placed on such species. However, this would still be discretionary upon the parties because CITES remains a voluntary agreement.⁸⁰

⁷⁶ See Braun, *supra* note 16, at 573-574. The best course of action to prohibit endangered species trafficking is to heighten the monetary and penal sanctions against traffickers to a level so great that they cannot afford to be in business. By increasing sanctions on a par with those imposed in the drug trade, potential traffickers should be sufficiently deterred.

⁷⁷ See Reeve, *supra* note 23, at 255.

⁷⁸ Jonathan P. Kazmar, *The International Illegal Plant and Wildlife Trade: Biological Genocide?*, 6 U.C. Davis J. Int'l L. & Pol'y 105, 123 (2000). Often, the maximum felony conviction is laughable. For example, in India, a country rich in wildlife species, the maximum penalty for wildlife violations involving CITES-listed rare or endangered species is set at a \$5,000 fine and two years in prison.

⁷⁹ See Phillips, *supra* note 7, at 117.

⁸⁰ CITES, “What is CITES,” *available* at <http://www.cites.org/eng/disc/what.shtml>. CITES is an international agreement to which States (countries) adhere voluntarily.

Conclusion

Endangered species extinction threatens biodiversity on Earth. One of the leading causes of species extinction continues to be caused by the legal and illegal trade and trafficking in wildlife.⁸¹ CITES does not provide effective enforcement mechanisms for preserving endangered wildlife, likewise, the majority of member parties have not enacted appropriate national measures dealing with enforcement. Over the last twenty, years tiger and rhinoceros populations (both of which are CITES Appendix I species) have decreased ninety percent.⁸² In order to ensure species protection, more CITES members need to create regional multinational agreements in the style of the Lusaka Agreement. The international community as a whole needs to elevate penalties for illegal trade and trafficking in endangered species. The penalties should be reflective of the value placed on endangered wildlife. In addition, CITES member states and non-member states should support cooperation between governmental and private organizations in order to further the goal of international species protection.

⁸¹ See Braun, *supra* note 16, at 549.

⁸² See Braun, *supra* note 16, at 549.