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Understanding Policy Change within CITES Convention through the lens of Advocacy Coalition Framework

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Understanding Policy Change within CITES Convention through the lens of Advocacy Coalition Framework

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Abstract

Formulating policies on conservation and trade can be complex and addressing such complexity by means of a rationalistic policy approach alone seems to be inadequate. As conservation and trade policy processes are influenced by macro- and micro-level changes caused by attributes within or external to the policy domain, it is important to know how these changes can influence policy decisions.

In this paper, we consider the case of the Convention of International Trade in Endangered Flora and Fauna (CITES). The volatility in decisions regarding wildlife conservation and trade also highlights the importance of analysing how the 183-member state convention deals with the often conflicting and contradicting transnational governance policies regarding management of the trade

in endangered flora and fauna. To understand the policy process within CITES, this article first examines the wildlife-trade[1] subsystem by using Advocacy Coalition Framework as a theoretical framework of policy change based on the beliefs and behaviours of individual actors or groups of actors working within the wildlife policy making domain. As a second step, we apply advocacy coalition framework to a practical case in the decision-making process related to Big Leaf Mahogany.

The importance of the study comes at a time when the need for understanding the policy process is specifically important within the context of meeting sustainable development goals and especially when there has not been any study so far that has conceptualized the interactions of beliefs and its influence to a policy process within CITES during a time span of more than a decade; as well as the role of coalitions and other external factors in influencing the wildlife–trade policy subsystem.

1. Introduction

Sabatier (1988) in his Advocacy Coalition Framework (ACF) clarifies policy processes at the international level and pays attention to policy coalitions. The application of ACF to Multilateral Environmental Agreements (MEAs) is not new. Sewell (2005), for example, used ACF to highlight coalition behaviour within the UNFCCC climate policy context and examined the climate policy processes at the international, national and subnational

levels, including the nature of cooperation and coordination required both within and between these levels. A similar study was carried out by Ganguly, (2010) who applied ACF to the case of the Convention on Biodiversity (CBD). However, more recent work by Ingold & Varone, (2011) has pointed to factors that explain policy change within MEAs, such as institutionalized veto points and the strategic behaviour of policy brokers. Although, theoretically, MEA processes can be illuminated through ACF, it alone may not be sufficient to show the external dynamics influencing a policy subsystem, especially within a multilateral context, where decisions are not just influenced by the national policies of a state, but also and perhaps more so where certain (weak) states are influenced by lobbying groups, international NGOs and the vested interests of other (powerful) states. Keck & Sikkink (1999) in their paper titled, *Transnational advocacy networks in international and regional politics* explains outlines the transnational influence and how actors who fail at the national level seek an international platform to address their concerns.

In this paper, we argue that, the policy changes within CITES are primarily influenced by the beliefs and behaviours of actors or groups of actors working within the policy domain and not by scientific facts alone. We use ACF (section 2) to explain the coalition behaviour and the influence of other exogenous factors influencing decisions. We then describe the theoretical application

of ACF to the CITES Convention (section 3). The final section (Section 4) illustrates through a case study the interactions within and between the national and international policy subsystems, and how this transnational effect has influenced policy decisions over a decade.

We conclude the paper by demonstrating the relevance of ACF theory to the context of CITES processes and its application to other multilateral environmental agreements.

2. Advocacy Coalition Framework – General framework

The Advocacy Coalition Framework (ACF) helps to map-out policy change over a longer period where actors within a policy subsystem can be aggregated into several advocacy coalitions, each including people from various state and non-state organizations that share a set of normative and causal beliefs while engaging in a coordinated activity.

There are three basic premises to ACF:

1. The process of policy change and policy-oriented learning requires a time perspective which is usually a decade or more (Sabatier, 1988). The importance of analysing policy for a longer period is to obtain a reasonably accurate portrait of the success or failure of a programme and to understand the

enlightenment function (see Mazmanian and Sabatier (1983)).

2. The second premise is that in a "policy subsystem"[1], actors from a variety of public and private organizations actively concerned with a policy problem (for example, wildlife trade) interact.

3. The third premise of ACF, which directly relates to CITES convention, is the conceptualization of public policies through belief systems[2]. If people get involved in politics at least in part to translate their beliefs into public policy, the ability to map beliefs and policies on to the same 'canvas' provides a vehicle for assessing the influence of various actors on public policy over time. ACF distinguishes three levels of belief systems, namely:

- Deep core belief involves basic ontological and normative assumptions about human nature.

- Policy core beliefs includes the basic strategies and policy positions required to satisfy deep core beliefs within the policy area of a subsystem.

- Secondary aspects relate to aspects of the policy area (such as instrumental decisions) and are narrow in scope.

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[1] A policy subsystem includes actors at various levels of government who are active in policy formulation and implementation, as well as journalists, researchers and policy analysts who play important roles in the generation, dissemination and evaluation of policy ideas. This premise signals a departure from traditional notions of 'iron triangles' where policy concerns were limited to administrative agencies, legislative committees and interest groups at a single level of government.

[2] Belief systems are based on a set of value priorities and causal assumptions of actors or of coalitions.

As the focus of ACF is on the policy subsystem, the various exogenous variables affecting the actors and resources of the subsystem are explained in detail in the next section.

2.1 External factors affecting policy change within subsystems

Policy subsystems are influenced by a wider series of exogenous events that affects the constraints and opportunities of the coalitions. Sabatier (1988) classifies these events as (a) 'relatively stable' (producing little or slow change) and (b) 'external system events' (producing rapid or unpredictable changes) based on how the variables affect the coalition formation and the resources of the policy subsystem. A detailed explanation of these exogenous factors is outlined below;

Relatively Stable Parameters
The 'relatively stable parameters' can be classified into four categories based on how they influence the policy subsystem:

    i)   Basic attributes of the problem area: In a policy process, when the attributes of the problem are fixed, then there is little room to manoeuvre. For instance, an outright decision based on a problem cannot be made as the beneficiaries of the resource are diverse and it is hard to

exclude them. The basic attribute of the problem area is usually stable unless a major external factor causes perturbations within a policy subsystem.

ii) Basic distribution of natural resources: The present (and/or past) distribution of natural resources affects a society's overall wealth and the viability of different economic sectors, as well as many aspects of its culture and the feasibility of options in many policy areas. Here, policy shift takes place based on the availability of the resources.

iii) Fundamental cultural values and social structure: Cultural values and certain basic rights associated with an issue can make it difficult to solve the problem. The interrelation between culture, beliefs and politics is also well documented by several scholars including Douglas & Wildavsky (1983); Thompson, Ellis, & Wildavsky (1990) and Hoppe (2007).

iv) Basic constitutional structure (or legal structure): In most political and legal systems, the basic legal norms are usually resistant to change once a law is approved, where it requires a supreme judiciary involvement and parliamentary process.

External (system) events

Sabatier (1988) further explains that policy subsystems are susceptible to frequent fluctuations over the course of years due to dynamic events which then serve as a major stimulus for policy change. For example, the 2007 financial crisis was one factor which influenced many policy subsystems. Several bills that were passed had to be changed to accommodate the crisis. This also presents a continuous challenge to subsystem actors, especially for learning how to anticipate and then respond in a manner consistent with their basic beliefs and interests.

These external events can be due to the following reasons;

1. Changes in socio-economic conditions and technology: where unexpected socio-economic scenarios may reverse a previously well-adopted policy decision;
2. Changes in systemic governing coalitions: An individual resignation or change in mind-set could bring in changes to the coalition;
3. Policy decisions and impacts from other subsystems: The decisions and impacts from other policy sectors are amongst the most important of the dynamic elements affecting specific subsystems. For example, the Tohoku earthquake in Japan and the Fukushima nuclear plant disaster influenced other policy

   subsystems, including agriculture, fisheries and transportation;

4. *Changes in public opinion:* Public opinion on any key issue can influence a policy decision. However, this applies more to the case of countries where there is a democratic participation in the electoral process.

In addition to the stable and dynamic events explained earlier, ACF stresses the importance of understanding two intervening variables influencing the policy subsystem, which is especially relevant within the context of cross-national policy research. These two intervening variables are:

Long-term coalition opportunity structure

Both the relative stable parameters and the external system events influence the constraints and opportunities of subsystem actors while forming long-term coalitions. The three factors that define long-term coalition opportunities are:

1. *Degree of consensus needed for major policy change;* For example, during the Conference of Parties of MEA's, procedural matters relating to the conduct of the business of the meeting are decided either by consensus or by a simple majority of the Party representatives present and voting.

2. *Openness of political system:* The degree of openness of a political system depends on: a) number of decision-making venues; and b) the accessibility to those venues. Within CITES Convention, there are

several venues where decisions are made, such as the Standing Committee, Animals and Plants Committee, etc. These multiple access points allow Party participation for influencing decisions.

3. Overlapping societal cleavages: Here, cleavage is the division of voters into voting blocs based on personal or group priorities.

Short-term constraints and resources of subsystem actors

The exogenous factors also influence the resources of the subsystem actors. A shortage of resources can constrain the activities of actors in influencing policy change. For this reason, coalitions opt to share resources which will then make them partners in a coalition.

2.2 Policy subsystem: Internal Structure

It was earlier mentioned that a policy subsystem is not just comprised of traditional policymakers but also includes journalists, analysts and researchers, who play important roles in the generation, dissemination and evaluation of policy ideas, as well as actors at other levels of government who are involved in policy formulation and implementation (Sabatier, 1988). The distinguishing features of a policy subsystem can be defined as follows:

- *Delimiting subsystem boundaries*

In general, a policy subsystem is usually well defined, and the coalitions have clear mandates. However, within the policy subsystem, there are latent actors who will be active only if they are convinced. In other words, a well-defined coalition constantly seeks support from latent actors.

- *Origins of new subsystems*

A new subsystem can be formed when a group is dissatisfied or if it discovers important issues within a policy subsystem that are being neglected. This dissatisfied group will then form a new subsystem to draw attention to these issues.

- *Subsystem actors: advocacy coalitions and policy brokers*

Whatever their origins, subsystems normally contain a large and diverse set of actors who form coalitions based on shared beliefs. In addition, there is a category of actors, the 'policy brokers', whose main concern is to keep the level of political conflict within acceptable limits and to assist in finding some 'reasonable' solution to the policy problem. Within the context of an MEA, the MEA secretariat can be considered as a policy broker as their main role is to mediate a solution to conflicting policies. Ingold and Varone, (2011) defines policy brokers as influential actors who play a significant role in defining the policy processes and outputs.

Policy-oriented learning

ACF also stresses *policy-oriented learning* where coalitions or members of coalitions alter their thoughts or behavioural intentions because of experience or due to new information (Sabatier 1988). Here, the members of various coalitions seek to better their understanding of the world to further their policy objectives.

Assessing *policy-oriented learning* however requires deep involvement within the policy process as such shifts cannot be captured easily without being a long term 'insider' within the policy subsystem.

3. Advocacy Coalition Framework– Application within the framework of the CITES Convention

Within the context of an MEA, the application of ACF to CITES remains significant. Though several studies indicate the complexity in formulating policies on conservation and trade matters owing to differencing and conflicting ideologies on multiple policy values between national governments, NGOs and academic institutions (Bath, 1998; Bjerke & Kaltenborn, 1999; Chandran, 2014; Edgell & Nowell, 1989; Fischer, 2010), studies related to the understanding of CITES processes by using ACF are limited. Even in those studies related to CITES, as we see in the examples from Steinberg (2003) and Arnold (2003), the application of ACF has been primarily on the national policy subsystem. On the other hand, CITES decisions are not just based on

national agendas, but also include a multitude of factors involving: natural resource distribution at a global level; consensus between different actors at the national and international level; and the inherent cultural contexts of the actors that shape their beliefs and values on trade and conservation. For this same reason, studying the transnational policymaking process within CITES requires analysis of both the national and international wildlife policy subsystems. As a step towards this analysis, in the subsequent subsections we outline the external and internal factors which influence the wildlife policy subsystem.

3.1 External factors affecting policy change to the Wildlife-Trade Policy subsystem

Relatively Stable Parameters

It was mentioned earlier that the relatively stable factors influence the beliefs and resources of the subsystem actors, and limit the range of alternatives available to them. They also structure the problem, establish the rules and procedures for changing policy and reaching collective decisions, and broadly frame the values that inform policymaking (Sabatier, 1988; Weible & Sabatier, (2009)). Within the CITES context, the following factors can be relatively stable:

   i)   *Basic attributes of the problem area*

The crisis in the trade and management of wild flora and fauna has been a long-term one, primarily due to extensive deforestation, species depletion and illegal trade over time. There appears to have been a continuous struggle, triggered by ideological difficulties on the nature of management – whether public, private or mixed management. The trade on wildlife has also re-emerged as an issue in the context of the debates on sustainable development and resource management (Clarke, 2002). The exploitation of forests and wildlife had been rampant during the era of colonization when there were fewer restrictions on the unwarranted use and trade of natural resources (Garland, 2008). However, following decolonization and with the emergence of the environmental movement in the 1960s, a new form of global governance emerged. Garrett Hardin's (Hardin, 1968) portrayal of the users of a common pool resource (CPR*)* later developed into the concept of a wiser use of resources through a hierarchical mechanism of control (Ostrom, 2009b). One important factor about CPRs such as wildlife and forests is that they yield benefits to both the primary (for example, forest dwellers and local communities) and the secondary dependants (people who use the resources for market or commercial purposes but who do not depend on them daily; for example, forest logging companies, professional hunters, etc.). This then leads to the problem where beneficiaries are hard to *exclude*[3]

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[3] *Exclusion* relates to the difficulty in restricting those who benefit from the provision of a good or a service (Ostrom, 2009).

and consequently, each beneficiary's use of a resource system *subtracts[4]* units from that resource ((Ostrom, 2009a), see Table 1).

Table 1: Four basic types of goods (Ostrom, 2009a)

		Subtractability of use	
Difficulty of excluding potential beneficiaries		Low	High
	Low	Toll Goods	Private Goods
	High	Public Goods	Common Pool Resource

In Table 3.1, Ostrom (2009b) uses two attributes—*exclusion* and *subtractability* (that range from low-high) to distinguish among four basic types of goods: toll goods (sometimes referred to as club goods); private goods; public goods; and common pool resources (Ostrom, 2009b).

The struggle to classify 'exclusion of beneficiary' and 'subtractability of use' from a common pool resource is high (see Table 3.1), and is clearly visible in the Bern and Fort Lauderdale Criteria (Mofson, 1997) within the CITES Convention. While Parties to CITES adopted the Bern Criteria in 1976, providing more impetus to preservation values of wildlife (a common pool resource), the Fort Lauderdale Criteria (which replaced

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[4] *Subtractability* refers to the extent to which one individual's use subtracts from the availability of a good or service for consumption by others (Ostrom, 2009).

the Bern Criteria), adopted in 1994, promoted a more utilitarian approach (Sands, 2003). The confusions surrounding the 'exclusion' and 'subtractability' of resources' at a global level had a tremendous influence on the management of wildlife and forest within national and subnational level – an indication of the failure of a globally controlled mechanism to manage use or conserve natural resources.

ii) Basic distribution of natural resources:

A clear indication that the globally advocated control mechanism to manage nature was not working came from a UNEP study in 2007 (Biermann & Siebenhüner, 2009) where it was estimated that about 23 per cent of mammals and 12 per cent of bird species were globally threatened and that populations of plants and animals had been declining since 1970. The Relative Global Index showed a decline of 14 per cent for tropical forests, 35 per cent for marine ecosystems and 50 per cent for freshwater ecosystems. Most of these losses occurred in developing countries, where species diversity is the highest (Biermann & Siebenhüner, 2009). A later report by IUCN (IUCN, 2014) described habitat loss and species extinction as amongst the biggest threats to large mammals, linking deforestation, urbanization and trade as the three main factors leading to extinction of species (see Figure 1).
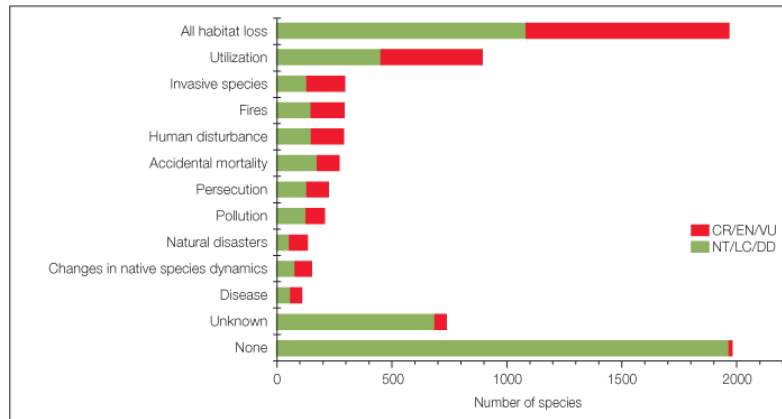
Figure 1 Major threats to mammals (Source: IUCN (2014))

The Red List Index (RLI) of IUCN (see Figure 2) also shows similar trends. It indicates a rapid decline in corals and amphibian populations followed by those of birds and mammals (IUCN, 2014).
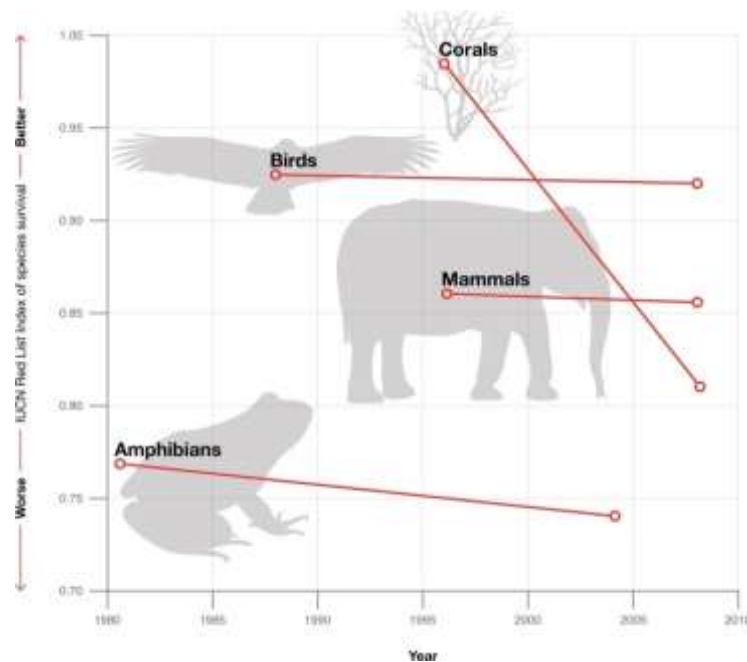
Figure 2: Red List Index values (RLIs) for reef-forming corals, birds, mammals and amphibians (IUCN, 2014).

The figure indicates that coral species are moving towards an increased risk of extinction most rapidly, while amphibians are, on average, the most threatened group. An RLI value of 1.0 equates to all species qualifying as Least Concern (i.e., not expected to become extinct soon). An RLI value of 0 equates to the species group becoming extinct. A consistent RLI value over time indicates that the overall extinction risk for the group is constant. If the rate of biodiversity loss was reducing, the RLI would show an upward trend (Source: IUCN, 2014).

These statistics cast a shadow on the effectiveness and relevance of the CITES Convention, the only convention with the 'teeth' to sanction states for non-compliance.

iii)   *Fundamental cultural values and social structure:* Studies related to conservation and use of biodiversity indicate three main beliefs involved in conservation debates. These beliefs can be attributed to: the proponents of wildlife trade (Anthropocentrism); the opponents of wildlife trade (Ecocentrism,[5] (see Partridge, 1984)); and actors who believe in a middle path balancing trade and conservation (Hierarchism, see Thompson, et al., 1990). When the proponents of trade argue that wildlife trade can bring additional income to

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[5] Ecocentrism is also referred to as 'biocentrism' by some authors (see Partridge, 1984).

resource-rich but economically poor nations, including local communities; the opposing camp refutes this argument by raising their concerns about the extinction of species. Such debates have been ongoing for a considerable number of years and the CITES Convention has become the locus of a virtual battleground between participants from these two camps of belief (Danaher, 2008; Moore, 2010; Rosenzweig & Van Weering, 2004; Stoett, 2002; Sukumar, 2003).

iv) Basic constitutional structure:

Before describing the relevant constitutional rules within the wildlife policy subsystem, first it is important to outline how the rules were shaped or derived based on the significant influence on how natural resources were managed by the Range States.[6] While framing the rule or control mechanism, governments had to consider the five property rights (see Ostrom, 2009b) that individuals use within a common pool resource:

1. Access – the right to enter a specific property;
2. Withdrawal – the right to harvest specific products from a resource;
3. Management – the right to transform the resource and regulate internal use patterns;
4. Exclusion – the right to decide who will have access, withdrawal, or management rights; and

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[6] Range State is a term generally used in zoogeography and conservation biology to refer to any nation that exercises jurisdiction over any part of a range which a particular species, taxon or biotope inhabits, or crosses or overflies at any time on its normal migration route.

5. Alienation – the right to lease or sell any of the other four rights.

A well-managed forest or wildlife resource at the national level effectively balances all the above criteria through institutional rules and regulations. As mentioned earlier, in most countries, forests and wildlife are usually owned, managed and controlled by governments. In some countries, management is left to responsible private entities, who, under the basic conservation rules of the state, carry out the functions of conservation or use as directed by national laws. In all cases, forests and wildlife are the sovereign property of the state. No external actors can directly influence their management. Now, when it comes to the governance and management of forests and wildlife, there is a great variety in the level of effectiveness, efficiency and capacity within states. There is little doubt that forests and wildlife are mostly well regulated within developed countries. However, some developing countries, although they are resource-rich, find it difficult to design and implement good management practices. Since the rules of trade on fauna and flora are universally prescribed, and considering that fact that the rules may not apply to all biotic conditions, CITES uses a permit mechanism that allows species to be listed in three appendices based on the level of their threat of extinction (Reeve, 2014). As CITES is a non-self-executing body, Parties are obliged to prohibit trade that contravenes the Convention. Article II, Paragraph 4,

requires that: *The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention*.' Therefore, Parties have the obligation to prohibit trade in CITES specimens whenever the Convention's conditions have not been complied with. Article VIII, Paragraph 1, supplements this general rule, requiring the State Parties to criminalize and enforce any violation of CITES prohibitions. The treaty states: '*These shall include measures: (a) to penalise trade in, or possession of, such specimens, or both; and (b) to provide for the confiscation or return to the State of export of such specimens*.' However, the breach of this obligation does not itself constitute a criminal offence for the simple reason that, a decision made at CITES requires either the amendment of existing rules or the adoption of new rules by the respective national governments. As national laws, may not change immediately after the amendments, the chances for discrepancies in the implementation of the Convention at a national level are quite high. Consequently, Article VIII, Paragraph 1, of CITES can be classified as a non-self-executing provision because it is difficult for Parties to implement it until they can adopt specific legislation for that purpose. Therefore, the universalization of rules is the biggest problem for CITES. It can only advocate and can never impose rules and regulations on a Party. In a world that is split by various levels of governance frameworks, universalization of the rules is difficult to

implement. For instance, CITES functions well in countries where the control or rights over the use of natural resources is strongly centralized and efficiently managed, where citizens have legal rights to use the resources only as permitted by government agencies and where this central control is popularly accepted. In such systems, the national bureaucracy is well placed to implement CITES controls effectively, as CITES laws provide an impetus to the countries' own law enforcement efforts in controlling illegal or excessive trade, thereby improving the implementation of its own policies. The CITES Convention presupposes a high degree of mutual respect for the sovereign rights of nations, and tolerance of a wide variation in approaches to conservation issues, and only interferes with matters regarding species that are listed within the Convention Appendices. On the other hand, CITES gets into trouble in situations where control over flora and fauna is neither centralized nor popularly accepted or where the state bureaucracy is weak and inefficient; here no amount of controls at the international level can effectively rectify the weaknesses of state agencies. These states are susceptible to influence from other factors, including economic interest groups. As it appears, a large majority of CITES Parties which are rich in flora and fauna have weak governance; while, at the same time, they are the primary source of wildlife products for rich countries (Figure 3.3).
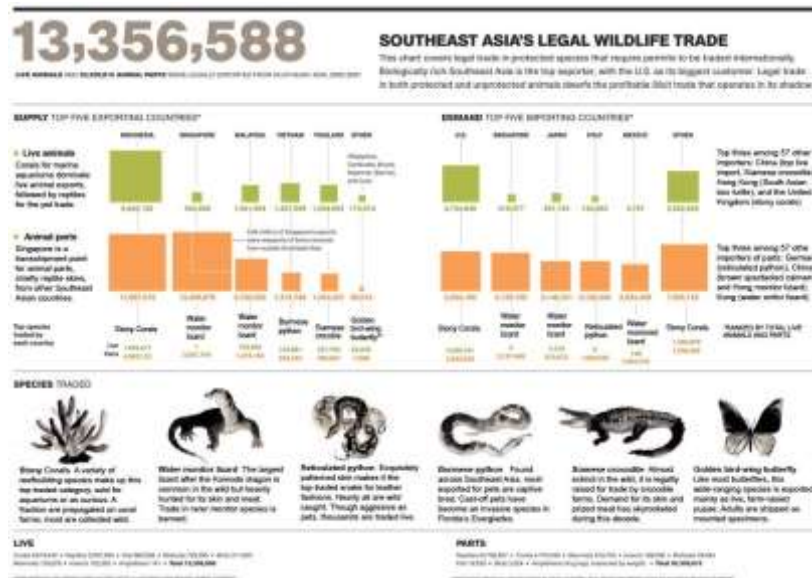
Figure 3.3 Major exporting and importing countries of wildlife (Source: *National Geographic Magazine*, NGM, 2010)

Another problem with CITES rules is that the obligations from the Convention cannot be enforced in the courts, and penalties cannot be applied for non-compliance unless it is explicitly stated by the domestic legislation. This means that national laws should adhere to the primary rule system (Mitchell, 1993; Reeve, 2001; Sands, 2003) of the Convention. However, as it appears, the domestic governance framework in many countries is not adequate to fulfil the requirements of CITES. The scope of this legal provision is quite broad and allows the Parties discretion on how to enforce the Convention. Some countries that are part of the Convention have still not enacted specific legislation to implement it. These countries, instead, rely on general wildlife and forest laws, and sometimes use their customs or foreign trade legislation to control trade in CITES species. These laws

usually do not have the specific purpose of implementing CITES because they were enacted before CITES was signed.

External (system) events

CITES processes have been affected by several external system events. The formation of the CITES Convention itself was due to an external-event wave (for example, the larger environmental movement itself) against the utilitarian approach which generated steam in the late 1960s and early 1970s. After the formation of CITES, compromise approaches between trade and conservation in the early 1980s promoted a new concept called 'sustainable use' where trade and conservation were directed to coexist. These decisions had deep implications on the functioning of CITES. Some of the factors which influenced this phenomenon are briefly listed below:

a) *Changes in socio-economic conditions and technology:* CITES came into existence during the peak period of the environmental movement, primarily due to the pressure exerted by IUCN on the world leaders by highlighting the concerns caused due to indiscriminate trade on wild flora and fauna. Since then, a strong preservationist policy has prevailed within CITES which continued until the early '80s. The preservationist era ended in the 1980s when Asian economies gathered force in CITES. In other words, social, ethical and economic

factors have played a key role in altering positions and policies related to trade in wild flora and fauna within the CITES Convention.

b) *Changes in systemic governing coalitions resulting from the membership of countries:* The influence of Party membership within CITES is clearly visible in the results and outcomes generated from the Convention and in the Bern and Fort Lauderdale Criteria. While Parties to CITES adopted the Bern Criteria in 1976, providing more impetus to preservation values, the Fort Lauderdale Criteria (which replaced the Bern Criteria), adopted in 1994, promoted a more utilitarian approach (Sands, 2003). This shift apparently happened after powerful Asian economies became a party to the Convention in the 1980s – a classic example of how new Party membership can influence coalition formation and decisions made by CITES.

c) *Changes resulting from the impact of other policy subsystems:* Although CITES operates at an international level, the success of the Convention depends on how well it is implemented at the national level by the ministries concerned, including the ministries responsible for the protection of the environment and the ministries dealing with trade. In addition, the ministries dealing with law enforcement (police, customs and border police) also play a significant role in securing compliance with the CITES Convention at the national level. The ministries of

foreign affairs act at the international level and are primarily involved in negotiations and bridging bilateral partnerships. Their primary role is in supporting their national positions at the international level through the negotiation process. In other words, the wildlife-trade policy subsystem in which CITES operates is influenced by four other overlapping policy subsystems – trade, law enforcement, environment and foreign affairs. Therefore, the beliefs within the wildlife policy subsystem carry the characteristics of the actors within these other four subsystems, and any change in any of them can bring about changes in the wildlife-trade policy subsystem.

d) *Changes in public opinion:* Though, in general, wildlife-related issues are not a major priority for the public in most parts of the world, issues influencing iconic species such as Elephant, Rhino, Tiger and Gorilla, often trigger public attention. The ivory ban in 1989 can be considered as one of the decisions that were influenced by a public outcry.

Long-term coalition opportunity structures

What is clear from the previous section is that any change in CITES regulations requires a lengthy political and policy process.[7] This is also the case with national

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[7] Article XVII - Amendment of the Convention (extracted from CITES website: http://www.cites.org/eng/disc/text.php#XVII)

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties

legislation. In some countries, laws cannot be changed easily and require a lengthy legislative process that at times even requires constitutional changes to conform to the regulations of a UN convention.[8] Hence, the need for consensus and openness among the coalitions is a key to implementing effective regulation. In other words, within the CITES policy context, it is difficult to achieve consensus because of an excess of veto options. Second, the system is not open, but rigid. Only states can vote. Even though NGOs and business firms are now being listened to, they have no decision-making rights whatsoever.

In preparation for CITES COP meetings, CITES Parties also form coalitions. Even though there is a high level of polarization among the various coalitions, not all decisions are put to a vote. Instead, certain decisions at CITES are based on *consensus*. The degree of consensus, of course, varies per the *openness of the political system* of each country and the issue in context. One big challenge that arises during CITES COP meetings is that certain countries will fix their support/objection prior to the COP meetings, meaning that decisions are not based on debates and discussions within the COPs. Hence, to win a vote, long-term and

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present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

[8] See United Nations Handbook for Parliamentarians – Convention on the Rights of Persons with Disabilities – Chapter 5 - *National Legislation and the Convention*.

temporary coalitions are formed. A classic case is that of China and Japan where they support each other (especially when voting on elephant at CITES) for mutual benefit at CITES and then oppose each other at other venues or policy subsystems where discussions on trade and foreign affairs are intense. The purpose of coalition formation is to advance a policy proposal. This can also happen in the case of capacity development efforts where NGOs and governments join forces to work on a certain project, exclusively defined for a purpose.

These are called 'coalitions of convenience' and, depending on the circumstances, may or may not lead to long-term coalitions (Mintrom & Vergari, 1996).

Short-term constraints and resources of subsystem actors

A major factor that influenced CITES, and specifically decisions on enforcement matters, was the level of financial contributions from Parties and the state of affairs within the global financial markets. The increase in Party membership also increased the task of the Secretariat proportionately. This meant that the Secretariat had to outsource some of its work to trusted partners. Financial shortfalls within the Secretariat since the start of the Convention had been considerably hampering its efforts to build capacity (hiring new staff and filling vacant positions). The most notable example could be seen during the deliberations at CITES COP14, which took place soon after the financial crisis. During the plenary session of the meeting, the CITES Secretary-

General pointed out that '*anything less than a 15 per cent increase in its budget could entail: staff cuts; a severe decrease in activities including translation services; and limited documentation being available at meetings. Any fundraising efforts would be ineffective without a stable Secretariat*' (CITES, 2007).

3.2 Internal factors affecting the policy subsystem – Coalitions of beliefs, actors and policy process

The policy subsystem in which the CITES Convention operates is generally referred to as the Wildlife–Trade policy subsystem as it attends to both the protection of endangered species from unsustainable trade and at the same time promotes sustainable trading of species that are not endangered. For the same reason, the subsystem is composed of actors who are conservationists and those who are traders or actors who have a commercial interest. Apart from the core interest groups, there are government officials representing each ministry (trade, environment and foreign affairs) and several representatives from the academic community acting as knowledge brokers. At the international level, national governments or Parties to the CITES Convention alone can participate in a decision-making process. The CITES Secretariat acts as the main policy broker and facilitates the decision-making process between the Parties. It publishes position papers on the status of species and brings its

views on relevant decisions to the attention of the Parties. Decision-making at the CITES level is made either by consensus or through voting. In the case of voting on species listed in Appendix I and II, a two-thirds majority alone can finalize a key decision, especially on changing the rule on up-listing or down-listing a species from its appendices. The role of NGOs at both national and international levels is that of a watchdog. NGOs alert CITES and national governments on the effects of policy decisions within a social or environmental context. Like any other MEAs, the actors involved in CITES function at both national and multilateral levels (see Figure 3.4).
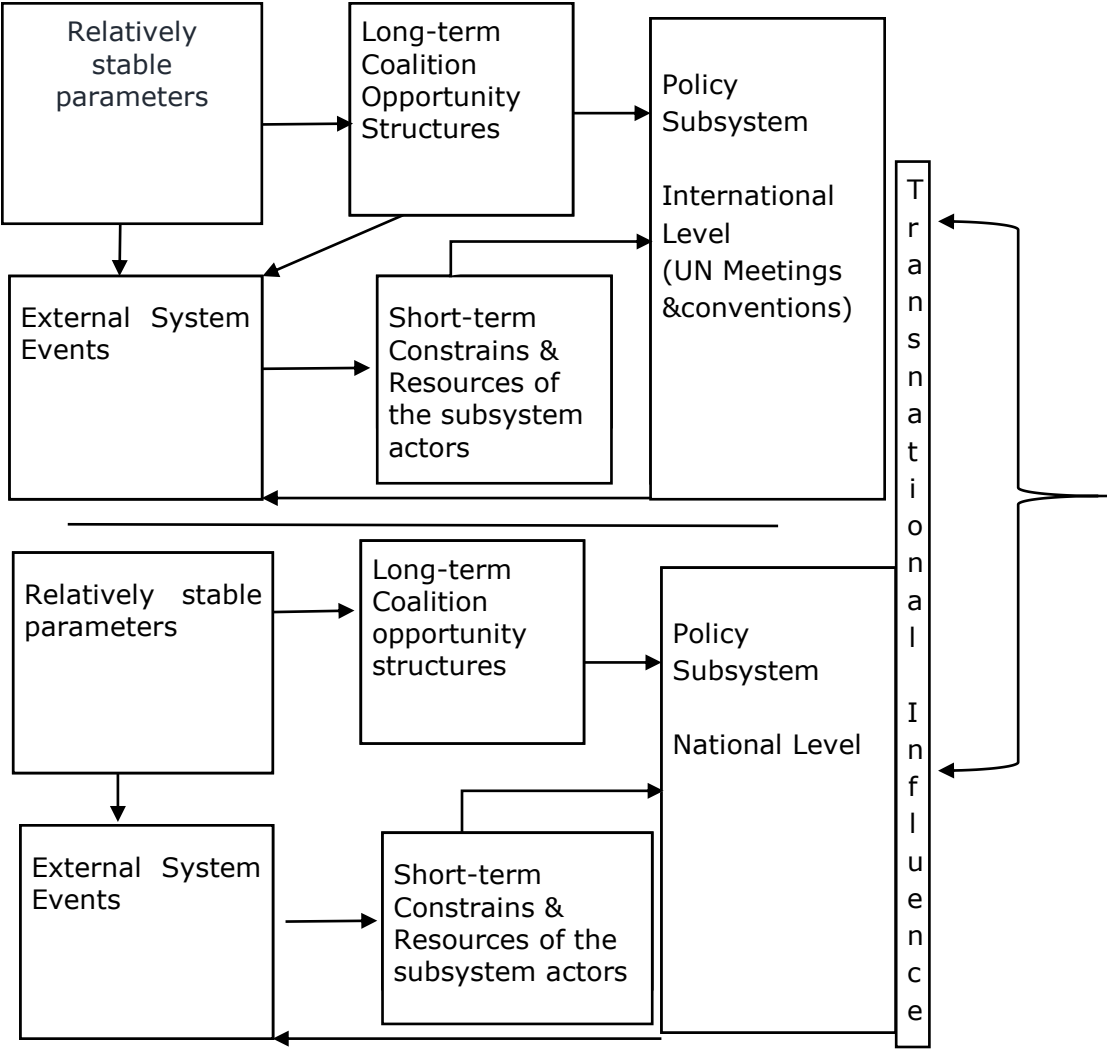
Fig.3.4. Parallel international and national policy subsystems

Due to this same reason, the coalitions of actors within the subsystem are transnational advocacy networks which exist and operate beyond the framework of a state or a Party and carry within them certain core ideological perspectives or *Core Beliefs (CB)* on the constructions of 'nature', 'economy' and 'livelihood' that apply to multiple policy domains. *Policy beliefs (PB)* translate these core beliefs into a position supporting either conservation or utilitarianism. Coalitions are then formed among the actors holding similar policy beliefs. As mentioned earlier, a linkage exists between advocacy networks within national and international policy subsystems (see Figure 3.4). The intention of this link is to influence the behaviour of states internationally to gain acceptance of the policies or beliefs of the network. For example, when the links between state and domestic actors are severed, domestic NGOs may directly seek international allies to apply pressure on their own states from outside (Keck and Sikkink, 1999) or at the CITES Conference of Parties itself. Keck and Sikkink (1999) refer to this as the 'boomerang' pattern – a characteristic of transnational networks where they influence the actors to change the state's behaviour. In policy science, this phenomenon is usually referred to as 'venue shopping' – this is where policy actors will prefer venues (policymaking or legislative or judicial procedures) where they have the best chance of getting a favourable decision on their cause. If this fails several times, they find – or create – other venues, and try again.

In summary, it is now clear how CITES processes fit well within the ACF general framework. The section has also described the transnational nature of the actors influencing decisions on CITES. In the next section, an example is elaborated through a case study of big-leaf mahogany listing, to provide a more detailed picture of the interactions of actors within the wildlife trade policy subsystem.

4. Case study – Big-leaf mahogany and transnational coalitions

Big-leaf mahogany (*Swietenia macrophylla*) is one of the most valuable tropical timber species and is native to the Central and South American region. During the early 1990s it fetched up to $1,600 per cubic metre, representing big business in the United States, an importer of more than 60 per cent of all the mahogany exported from Latin America (C.Bohlen & Sandalow, 2002). Big-leaf mahogany is one of the most exploited species, with most of it originating from Peru and the Brazilian Amazon (Roozen, 1998).

In the early 1990s, following alerts from investigative conservation NGOs, the Bush administration decided to control the import of unsustainable big-leaf mahogany from South American countries to the United States and other regions. In 1992, the United States submitted a proposal along with Costa Rica at the eighth meeting of the Conference of the Parties (COP8, Kyoto) to include this species in CITES Appendix II (CITES, 2014). The

argument of the proponents was that the extreme exploitation of the timber in the Range States should be controlled by regulating trade through quotas and export permits. However, their proposal was rejected by the CITES Parties - mainly by producer and consumer countries backed by international timber traders and lobbyists. There were several reasons for this rejection. First, there was no scientific evidence to prove that big-leaf mahogany was threatened, nor that it was a factor in Amazonian deforestation (Roozen, 1998). Second, the timber lobbyists in the US and in big-leaf mahogany-producing countries were powerful enough to gain the confidence of several governments in supporting their position at both national and international levels. The ultimate outcome was that the US - Costa Rica proposal to list the species in Appendix II failed.

After the first defeat, conservation NGOs, including Greenpeace, which had earlier worked with the US government to list the species, lobbied the UK and US governments to put pressure on 'weak' states to control illegal trade. At the same time, Dutch forestry scientists engaged with their government to raise the issue of the threat to South American big-leaf mahogany (Bonner, 1994). Consequently, at CITES COP9 (Fort Lauderdale, 1994), the Netherlands government submitted a proposal like the one submitted at the previous conference by the United States and Costa Rica (CITES, 2014). This time the difference was that NGOs had already documented evidence of illegal timber trade. As

the CITES COP meeting was based in the United States, conservation NGOs could use the advantage of proximity to bring the case before the highest authorities in the US. During the Fort Lauderdale meeting, all the circumstances favoured a listing of the Dutch proposal in Appendix II. However, it got defeated, being just six votes short of the two-thirds majority needed for adoption (CITES, 2003). The coalition of timber traders had won again despite the heavy pressure applied by conservation groups and scientists.

By 1995, scientific evidence of the threat of big-leaf mahogany extinction became clearer (Roozen, 1998). Public awareness increased and small demonstrations calling for the protection of the species were organized in the South American Range States. To save its species, Costa Rica included big-leaf mahogany in Appendix III (Appendix III listing does not require a vote; countries can unilaterally decide on this option), restricting the listing to the species populations in the Americas. The impact of Costa Rica's action was not confined to itself, indeed it was felt across major big-leaf mahogany-producer states ranging from the southernmost part of the species range in Bolivia and Peru to its northern limits in Mexico, and by consumer states in North America and Europe.

There was a third attempt to include big-leaf mahogany in Appendix II when a proposal was made by Bolivia and the United States at the CITES COP10 meeting in Harare in 1997 (CITES, 2014). This attempt faced another defeat when it was put to the vote. Though the proposal

got defeated, by then the situation regarding big leaf mahogany had raised some global concern regarding the future of the species. The scientific facts that NGOs and scientists revealed during the meeting led to a compromise deal where Brazil proposed the creation of a working group to study the status of the species under the auspices of the Amazon Pact Treaty, incorporating all Range States, importing countries and expert organisations (CITES, 2014). The intention of this Brazilian proposal was to develop recommendations within 18 months on conservation measures for big-leaf mahogany. The Conference of Parties agreed to Brazil's proposal and decided at that meeting to establish a working group, comprising the Range States and importing countries, with the task of examining the conservation status of big-leaf mahogany and making recommendations to ensure sustainable international trade. After that meeting, Bolivia, Mexico and Brazil decided to include their mahogany populations in Appendix III in 1998.

At the CITES COP11 meeting in 2000, the delegation of Brazil presented a report, summarizing the results of the working group from June 1998. Brazil outlined its actions in relation to big-leaf mahogany including: a decrease in exports since 1990; legal action aimed at reducing the exploitation of the species for the period 1996–2000; adoption of a licensing procedure following Appendix III listing; adoption in 1999 of a National Forest Programme, incorporating sustainable forest development; and the finalization of a project for the

sustainable production of big-leaf mahogany timber (CITES, 2000).After CITES COP11, Colombia and Peru also listed the species in Appendix III. However, Appendix-III implementation remained problematic, undermining the effectiveness of this listing in reducing illegal trade (CITES, 2003). Evidence of the problems in controlling illegal trade was provided in the national reports presented at the 2001 meeting of the CITES Mahogany Working Group in Bolivia, as well as in a TRAFFIC review of CITES implementation undertaken at the request of the CITES Secretariat (CITES, 2003). Concerns regarding illegal harvests in Brazil prompted it to suspend all harvest authorizations. Reports also emerged from Peru of illegal logging in protected areas, including indigenous reserves. Intelligence that illegally logged timber was being exported prompted seizures of large quantities of big-leaf mahogany in the United States and Europe in 2001 (CITES, 2003). The Appendix-III listing provided a basis for these seizures. In response to information received from Brazil's CITES Management Authority, some importing Parties questioned whether the timber had been obtained in accordance with Brazil's laws for the protection of fauna and flora, as required under Appendix III.

As the momentum was building up to protect big-leaf mahogany, the timber and furniture industry started lobbying the Bush administration against any actions that might limit their supply, while anti-trade groups were convincing Nicaragua and Guatemala to propose the listing of their species at the CITES meeting in 2002.

As the CITES meeting was getting closer, the trade lobbyists had almost won the support of the US government, and the US position regarding the proposal on listing the species was not positive. Brazil and Peru, who had earlier flagged the issue of listing the species within Appendix III, dramatically reneged on up-listing it to Appendix II, calling instead for the Big-leaf Mahogany Working Group to continue, supported by the International Wood Products Association. As this was a turnaround from all the earlier positions of the US and Brazil, the policy subsystem was becoming more complex. Both traders and conservation NGOs lobbied intensively to secure their positions. However, a scathing attack that was published worldwide in the *International Herald Tribune* on the morning of the CITES vote reversed the US position. The op-ed report (Bohlen and Sandalow, 2002), headlined 'Bush Policy Sells Amazon Treasure Down the River', was authored by Curtis Bohlen and David Sandalow, who had served as Assistant Secretaries of State for the Environment under (respectively) the George H.W. Bush and Clinton administrations. This article changed the voting game and in 2002, the Parties accepted the proposal from Nicaragua and Guatemala to list big-leaf mahogany in Appendix II, effective from 15 November 2003 – eight years after the Appendix-III listing first came into effect. The voting amongst the Parties was also quite tight, requiring a two-thirds majority excluding absentees (see

Article XV(b) of the CITES Convention).[9] The voting concluded with 68 *'for'* and 30 *'against'* with several *'absentees'*. There was another reason for the proposal to go through. During that time, the CITES position[10] on listing the species was also favourable, with a recommendation for the Range States to seriously consider supporting an Appendix-II listing.

For more than a decade, conservationists had sought to protect big-leaf mahogany under the Convention on International Trade in Endangered Species (CITES). Each time, however, they were thwarted by the trade-supporting coalitions. This example of the listing of mahogany highlights the effects of long-term coalitions and policy beliefs at an international level on reaching a decision within a policy subsystem. Here, two coalitions existed at the international level: one with a strong ecocentric approach (Coalition A) supporting the listing and protection of big-leaf mahogany; the other constituting timber and furniture traders (Coalition B) fighting against the listing. Since only governments can vote at CITES COP meetings, it was important for both coalitions to convince their governments to support their respective positions. For this reason, the lobbying efforts were more intense at the national level. At the international level, the interest was first generated by prominent international NGOs who had alerted their

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[9] Article XV(b) of the CITES Convention: Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes, 'Parties present and voting' means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

[10] CITES position: The Secretariat believes that the fundamental problems related to the conservation and management of, and trade in, this species cannot be resolved by its inclusion in Appendix III, and recommends that the Range States seriously consider supporting an Appendix-II listing.

governments to the extent of the exploitation of the species. Therefore, constant interactions between national and global policy subsystems took place before a decision at the national and international level could take effect.

Another important aspect in the process was the role of policy brokers within the international policy subsystem. As can be seen, CITES (the main policy broker) was not supportive of the listing of the species until 2002 as there was no scientific or other supportive evidence to show that the trade was detrimental to the survival of the species. But by 2000, and as scientific evidence emerged, the CITES Secretariat played a key role in favouring the big-leaf mahogany decision. First, it advised the Parties to form a working group on the species and provide scientific evidence concerning the status of the species and the relevant legislation. Second, CITES declared its own position, recommending that the Range States seriously consider supporting an Appendix-II listing. These factors finally led to the listing of mahogany during CITES COP12.

While there was significant influence by transnational actors at the international level; actions at the national level also placed considerable pressure for international-level decisions. For example, lobbying within the Range States, especially in Brazil and Peru, was crucial for the timber traders. Similarly, within the US, there was a strong move by the conservation coalition to defeat the trade coalition. The article in the *International Herald Tribune* on the morning of the vote was a key factor

which led to a change in position by the US, and shows how coalitions use media to influence decisions. The above case describes the roles and behaviour of coalitions within a policy subsystem. It also shows how actors use resources to advance their policy positions. One lesson that can be learnt from the above case is that CITES policy processes should not only be dealt with at an international level but at a national level as well, since most of its decisions are impacted by actions at the national level.

5. Conclusion

In this chapter, the CITES policy process is illuminated through the lens of the Advocacy Coalition Framework (ACF), where policy changes are outlined based on the beliefs and behaviours of actors or groups of actors working within the policy domain. The analysis also shows that ACF is a useful theoretical framework for uncovering many of the complexities in the wildlife-trade policy subsystem, as could be seen when it was applied to the CITES decision-making process in listing big-leaf mahogany. The case study shows that Parties will use scientific evidence to support their position but refute its validity when it does not. Earlier studies (Li, 2007) have shown how international organizations, lacking democratic legitimation, must rely on national member states for the implementation of their policies and on expertise and evidence to convince these member states to qualify, or sometimes go against, their national interests. In most cases, if evidence and/or expertise are

lacking, they have no basis to work from. This means, a successful application of ACF requires significant knowledge of the stable and dynamic factors influencing a policy subsystem and a thorough knowledge of the advocacy coalitions at both national and international levels. It also requires significant understanding of the behavioural patterns of the policy broker during times of complex decision-making processes.

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