

Legal regulation of international trade in endangered species

Abstract

International trade in wildlife products has been ongoing for centuries. However, in recent decades, due to globalisation and technological progress, it has become so extensive that it now poses one of the most significant threats to biodiversity. Illegal international trade is closely linked to various other types of criminal activities and is comparable in scale to drug trafficking or arms trafficking. Consequently, effective and robust legal regulation is absolutely crucial.

The objective of this paper is to provide a comprehensive overview of the existing legal framework and analyse its practical effectiveness. As international trade in endangered species is a global issue, regulation at the international level is imperative. The Washington Convention on International Trade in Endangered Species (CITES), adopted in 1973, plays a vital role in this regard by offering the most effective legal instruments to combat illegal trade. This paper describes in particular the role of CITES Permit system, which is the backbone of the regulation of trade in specimens of species included in the Appendices of this Convention. Additionally, the European Union plays a significant role in regulating international trade by ensuring implementation of CITES requirements among its Member States, while also introducing stricter measures in certain cases. Furthermore, each Contracting Party must implement the CITES Convention at the national level, a responsibility fulfilled by the Czech Republic through Act No. 100/2004 Coll. This thesis explores the legal regulation at all these levels, highlighting key legal provisions, instruments, institutional mechanisms, and methods for enforcing the established legal framework.

The thesis concludes by summarizing the positives and negatives of the legal regulation and discussing potential solutions to address problematic issues. Notably, the significance of the CITES Convention is emphasized, as it ensures global regulation of international trade. The approach of the European Union is commended for setting an exemplary model in implementing CITES and independently establishing higher standards for the protection of endangered species. The benefits of national legislation that not only aligns with international and EU requirements but also incorporates stricter provisions are duly recognized.

However, the thesis identifies the main challenges as the ineffective enforcement of compliance with legal regulations at the international level and the failure of some Parties to implement CITES requirements. Furthermore, the thesis highlights the complexity and lack of

clarity in the legal regulation, which can be attributed to the intricate nature of the issue and the interplay between international, EU, and national laws.

Klíčová slova: international trade, specimen, CITES