

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

---



Twenty-eighth meeting of the Animals Committee  
Tel Aviv (Israel), 30 August-3 September 2015

Interpretation and implementation of the Convention

Exemptions and special trade provisions

Implementation of the Convention relating to captive-bred and ranched specimens (Decision 16.65)

Report of the intersessional working group

COMMENTS ON REPORT OF THE WORKING GROUP

The attached information document has been submitted by the Management Authority of Colombia in relation to agenda item 13.2.

---

\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

Cartagena de Indias, 24.08.2015

TO: CITES Administrative Authority of COLOMBIA

FROM: FUNCROCO

## **"FUNCROCO COMMENTS ON REPORT OF THE WORKING GROUP TO THE TWENTY-EIGHTH MEETING OF THE COMMITTEE OF FAUNA"**

### INTRODUCTION

It is our objective to present to Colombian CITES Management Authority, our comments related to the report of the Group of work for the twenty-eighth meeting of the Animals (Fauna) Committee, to take place in Tel Aviv (Israel), from August 30 to September 3 this year, which is especially referred to the implementation of the Convention in relation to the specimens bred in captivity (Decision 16.65), document that responds to the mandate originated at the meeting of the Fauna Committee held in Veracruz (Mexico) from April 28 to May 3, 2014.

#### **I) INTERNATIONAL CONCERNS AND RECOMMENDATIONS OF FUNCROCO ABOUT THE CAPTIVE BREEDING OF C. C. FUSCUS IN COLOMBIA**

Essentially we are going to address the current situation of the captive breeding of C. C. Fuscus as well as its background, within the context of some alarms and recommendations transmitted by international authorities to both CITES Management Authorities and captive breeding farmers of Colombia, during some official events.

##### **Concern # 1:**

There were doubts about the efficacy of Regional Environmental Corporations (CRA) management of environmental licenses of farms.

**Comment:** By Decree # 2041 of October 15, 2014, the Ministry of the Environment and Sustainable Development (MA) regulated title VIII of Act 99 of 1993 on environmental licenses, and through its article 8 °, paragraph 16, reassigned to the National Authority of Environmental Licenses (ANLA) the management, evaluation and control of environmental licenses of farms that handle species listed in the appendices of CITES.

**Recommendation # 1:** The process of transferring the dossiers of the farms from CRA to ANLA must be speed up. The last report known by FUNCROCO indicates progress.

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

**Recommendation # 2:** "Criteria and Indicators" that were jointly worked by the MA, ANLA and farmers should be completed, since the respective "decision-making tree" is lacking.

**Recommendation 3:** As ANLA's strength is the assessment and management of environmental impact in general and especially in the captive breeding activities (landfills, disposal of wastes, etc.), Funcroco has respectfully requested an urgent workshop with ANLA to refine requirements, procedures and to measure the effect of this environmental impact assessment on production quotas.

**Concern # 2:**

There were fears of extreme resistance from most of the farmers and some physical threats to National Government evaluators of captive breeding.

**Comment:** On repeated occasions it has been clearly established that farmers of Funcroco (for who we can legally be accountable) have never been involved in such type of behavior. Furthermore Funcroco encourage the training and integration that MA implements with law enforcement agents to prosecute cases of illegal traffic.

**Recommendation # 1:**

As MA has denied the existence of threats we ask that if happens to occur a case, MA should make it public, especially to Funcroco, organization that will expelled who incurs such misconduct.

**Concern # 3:**

The existence of farms that do not meet basic standards for their operation.

**Recommendation # 1:**

Funcroco asked to publish assessments of farms carried out by the MA in 2014 and also recommends corrective measures and/or punitive deterrent.

We need to know the evaluations of the farms in order to use them as input to Funcroco's "Plan of Improvement of Captive Breeding".

**Concern # 4:**

The so called "non-existent" farms could receive permission to export. And some other farms may exaggerate their production capacity.

**Recommendation # 1:** Funcroco has requested that the so-called "non-existent" farms must be closed immediately. If there are legal situations that hinder it, MA (by Decree) must change the punitive regulations making it more speedily and expeditiously applicable, without violating the due process and the right to a due legal defense.

**Recommendation # 2:** With respect to the exaggeration of the captive breeding reproductive capacity, Funcroco proposed since October of 2014 that MA applies a system of farms evaluation, specifically related to biological and demographic aspects of the production of *C. C. Fuscus*; focused on measuring precisely the reproductive efficiency in captive breeding, to guarantee traceability of animals production from egg, newborn, up to their benefit for obtaining skin or meat and to prevent illegal transference of wild populations to captive breeding farms. This principle has been included in the joint work on "Criteria and Indicators" carried out by MA, ANLA and farmers. So we advise that quantitative/qualitative assessment made in the application of Criteria, gives preponderance to reproductive efficiency and traceability.

Funcroco has requested regular visits to farms so that they serve as a follow-up that strengthen traceability.

**Concern # 5:**

Lack of studies to develop programs of legal management for sustainable use of *C. C. Fuscus* from the wild, especially through Ranching.

**Recommendation 1.-**

It is worthwhile to emphasize that in the current circumstances is not acceptable internationally the sole existence of the closed cycle and that legally (Act 611, 2000) we can and we must use Mixed Cycle, with the essential community participation. Let us quote the Mention of Honor in the "Portfolio awards" of 2004 (jury members: Ex-Ministers of MA) to the "Protection of the Environment", awarded to the "Fundación Biodiversa" (its President at that time today is Director of Sustainable Use of Funcroco –Espinosa-, and also the Director of that research is currently President of Funcroco –Medrano-), research partially financed by Cardique (CRA).

This research used incubators in rural areas identified as natural habitats of *C. C. Fuscus*, managed by members of the surrounding community, who after being trained harvested eggs in incubators and raised the juveniles in their own homes, (in large basins of cement donated by the cement industry) to be returned to the environment, since there was not approval for its marketing to farms. At that time was not possible organize the alliance entrepreneur - community - environmental authorities, in order to develop sustainable and traceable use *C. C. Fuscus*. Two research papers that showed the feasibility of the model (farmers-community) were

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

made on eggs ranching. Over these research works we quote parts of the following report:

## **IUCN-SSC CROCODILE SPECIALIST- GROUP FINAL REPORT- MISSION TO COLOMBIAMARCH 2004**

*"A national program could be designed to encourage ranching in a positive and cost-effective way. The two community development programs examined during the Mission were both important management experiments with ranching, and both deserve to be encouraged. This is clearly a means through which the conservation benefits being derived from Colombia's crocodylian program can be improved and Colombians' Constitutional obligations to sustainable use and the equitable distribution of benefits achieved more directly." (Underlined by Funcroco)*

*"The introduction of ranching would remove completely any concerns about wild harvested eggs or juveniles coming onto farms, because such transactions would become legal and simply be reported."*

Now, since October 2014 Funcroco has made a call to the MA to return to the path of the ranching through the mixed cycle, previous stage (or in parallel) of the enforcement of tougher control to captive breeding, and we have put forward the recommendations of IUCN-SSC-CSG in 2004.

Today we propose a combination of recommendation of ranching of juveniles (as discussed in CSG-Cambodia-2014), with the ranching of eggs (to incubate and raise the juveniles by poor communities, as we validated it 10 years ago).

**Comment # 2.** Unfortunately and repeatedly, our participation in this process has been delayed (against the law and rules that allow it), and research has just started being carried out by the Universidad Nacional (UN). Funcroco had previously got a "framework agreement" with the UN, Department of Research, to do so. Agreement that we set aside when we unofficially learned of UN participation in MA Plan, since UN is a great institution.

### **CONCERNE # 6:**

It is about the location of Caiman C. Fuscus farms in remote rural areas, where considerable poverty and abundant wild populations of C. Caiman fuscus exists side-by-side, to create practical incentives that favor the illegal harvest and trade.

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

**Recommendation # 1-**Funcroco asked MA to get right the use of the term "predio proveedor"<sup>1</sup> since its definition (as it must contain "natural" populations) is not consistent with captive breeding and its combination with this is legally inappropriate. In addition, the locations of farms are similar to those described by the international authorities. Funcroco has requested suspension and non-renewal of licenses of farm-"predio proveedor".

## **CONCERN # 7:**

CITES Secretariat has been supplied with notifications that can allow large wild skins to go into the market.

### **Recommendation 1:**

Funcroco strongly disagree with this kind of notifications. Our proposals: to ban exports of flanks and parts (punching) of specimens, and to supply a fund through the purchase of seals (precintos) to facilitate the systematic participation of inspectors of MA to control skins in ports of export.

We are waiting for the acceptance of our collaboration.

## **CONCERN # 8:**

There is a lack of tools that to allow accurately predicting the size of C. C. Fuscus which originated a part of skin or piece of skin.

**Recommendation # 1:** Funcroco has proposed a total ban on export of flanks and parts of skins (punching). We argue before the MA that using the principle of free trade cannot put at risk the fundamental environmental rights clearly stated in the Colombian Constitution, since "free trade" is precisely subject to the intervention of the State. These actions (proposals) were approved in a meeting with participation of farmers, ANLA and MA. Today has emerged some unsupported hesitation to put it into practice.

## **CONCERN # 9:**

To authorize exports of old skins stored in warehouses.

**Recommendation # 1:** FUNCROCO disapprove this situation and has requested recurrent updating inventories, to prevent the possibility to obtain CITES export permits for those skins, by using inappropriately the legal defense of 'free trade' against the environmental fundamental rights. This is associated with the repudiation of most of the farmers to export skins without flake scars (hatchling scars). Funcroco rejects any export that has been performed of skins without scars, under the pretext of the existence of skins stocks apparently piled before the

---

<sup>1</sup> Supplier premises

# Funcroco

*"Fundación para la conservación de caimanes y cocodrilos de Colombia"*  
Nit 900242666-8

---

introduction of hatchling scars as a measure of control. We do not know yet the total number of skins exported in 2014 against the position of a significant group of farmers.

## **"FUNCROCO COMMENTS ON REPORT OF THE WORKING GROUP TO THE TWENTY-EIGHTH MEETING OF THE COMMITTEE OF FAUNA"**

Respectfully we ask the Colombia CITES Management Authority to let us know (in accordance with the DECISION of 16.64), what have been the official response from the Colombian Government to the concerns of the CITES Secretariat on significant trade of specimens declared as bred in captivity or on farms, since there are serious doubts about the declared origin.

**Similarly we inform the CITES Management Authority that the recommendations made by the working group, are supported by Funcroco 100%.**

Especially with regard to:

- A. Preliminary aspects: Funcroco supports to consider and examine additional outcomes arising from the Decision to 16.63, as they become available, as well as the means and criteria allowing to use monitoring and regular analysis of the trade data, to identify cases in which trade of specimens declared as produced in captive breeding systems may generate concerns, which in turn require further analysis and consideration.
- B. Illegal trade: Funcroco is acting internally and proposing measures to the MA in order to prevent or punish the misuse of the origin codes or the use of false statements of production in captivity. We do it while being aware that biological experiences in Colombia suggest both a high rate of reproduction and a high level of survival of *C. C. Fuscus* in its natural environment.
- C. Loss of benefits to the local community- It is clear today the position of Funcroco to involve communities in the mixed cycle, since the closed cycle presents few stimuli for its realization. For this reason we insist on shortening the times for controlled legalization of the ranching within the mixed cycle, attending the two investigative experiences above referenced and CSG-Cambodia-2014 suggestions.  
We are worried about the current Plan of the MA for the implementation of this model due to the fact that it takes too much time and also worried about methodologies that may be using (traditional collectors in the communities seem to be not working satisfactorily, and the "foqueo"

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

seems not to throw the appropriate identification of populations). We hope the MA will allow us to participate in technical discussions on Mixed Cycle.

D. Governance-Funcroco applauds the strengthening process of controls by the MA and ANLA, while we ask the MA that the measures we proposed should be accepted as norms. For instance:

- Total ban on exports of flanks,
- Total ban on of parts (punching) of skins.
- To carry out workshops on "Criteria and Indicators" by an ANLA working group with preparation and skills related to biological aspects of crocodiles.
- Supply a fund through the purchase of export seals (precintos) to facilitate the systematic participation of inspectors of MA trained officials as well as CRA and customs to control skins in ports of export.
- Inspections and inventories to warehouses and tanneries where some skins are preserved for long intervals that internationally generate doubts, and we also ask to publish (by email to the farms) stocks with the identification of the skins and their origin,
- Ban "predios proveedores" (supplier premises),
- Cancellation of licenses to "non-existent" farms or "paper farms",
- Sanctions on quotas of production to farms with problems in reproductive efficiency and traceability from the egg, newborn, to their benefit of skin or meat.
- In addition to flake scars (hatchling scars), Funcroco requires regular visits that measure incubation, growth curve, etc., and farms that claim to obtain results out of average or Gauss distribution are to be placed on an exclusive and public monitoring (open to other farms) and treated as special cases.
- Publish farm evaluations. So far, it has been difficult to obtain them.
- Rapid implementation of the "ranching" experimental program of eggs and juveniles, within the mixed cycle.

E. Review of significant trade (ECS). Funcroco supports the analysis of the ECS, and highlights the need to implement alternative compliance mechanisms, providing normative strength suitable for the enforcement of CITES so as not to allow establishments argue that CITES regulations go against universal principles of the right to defense and due process, thus weakening governance.

F. Reports of importer countries -Funcroco supports the Parties may raise concern about captive breeding bilaterally (especially on traceability) and raise those concerns to the Secretariat; at the same time we consider as a priority design structured mechanisms to capture or share these



# Funcroco

*"Fundación para la conservación de caimanes y cocodrilos de Colombia"*  
Nit 900242666-8

---

reports with other parties or the Secretariat, especially as a signal of alarm for the party involved in possible violations.

- G. Funcroco supports systematic and critical analysis of data on trade and also support efforts to identify cases that need further research to validate claims of captive production. Likewise Funcroco supports the need for recommendations on how to respond to the challenges in the framework of the CITES, since the Convention is a supranational legal structure that applies even above the national framework (Colombia), and both the normative precision for fast and efficient application of CITES as well as accurately regulated processes are desirable.

- H. TRAFFIC Report.

Funcroco shares the concerns that have arisen in the case of Colombia and urge the Colombian CITES Management Authority of this country to clarify doubts or take internal measures according to those primary results. For this purpose MA has our support and our efforts and proposals for closed-cycle control.

- I. Options for possible mechanisms of compliance.

Funcroco supports the implementation of mechanisms to discourage, detect and correct any deliberate misuse of source codes; as well as avoid the unintentional misapplication of origin codes.

- J. Deliberate misuse of codes origin.

Funcroco asks respectfully the administrative authority CITES of Colombia defend option 4, for a new resolution, which incorporates all measures as suggested in the document of the Working Group for captive breeding. Ever since obtaining intelligibility, simplicity and codifying (integration of rules) not only will facilitate interpretation and understanding of the process and requirements to the parties, but in Colombia it prevents the use of internal regulations to circumvent the application of the Convention.

The drafting of a new resolution, as suggested by the Working Group, will help us (Colombia and Parties) to obtain clear results on investigations when situations generate concern and require sanctions.

- K. Incorrect application of the codes origin.-

Funcroco supports the application in captive breeding of checklists, pro forma models and mechanisms of traceability and identification of specimens produced in captivity, as well as guides to inspect facilities for captive breeding.

- L. Funcroco also considers of great importance, the further development of measures of support to the institutional capacity of the Parties (such as: area dedicated to specific topics in the web site of CITES, identifying the

# Funcroco

"Fundación para la conservación de caimanes y cocodrilos de Colombia"  
Nit 900242666-8

---

need for additional guidance, which is currently lacking, or modules of training as part of the virtual school of the CITES; as well as sharing best management practices, etc.).

M. Regarding the use of a database on the operations of production in captivity (and perhaps on the biology of reproduction parameters), which can be based on the one used internally by the Member States of the European Union, we respectfully ask to the CITES Management Authority of Colombia, that highlights the uniqueness of the C. C. Fuscus captive breeding experiences, collected in this country by technicians of the MA group, UN, Humboldt and farms, since they can be an important input for this purpose.

N. We support the approach of the sequential steps for the outline of a future mechanism for the review of trade of specimens declared produced in captivity

**O. Possible recommendations.-Finally, Funcroco fully supports the recommendations referred to in this point.**

Kind regards,



EDUARDO ESPINOSA FACIOLINCE  
DIRECTOR DESARROLLO SOSTENIBLE  
FUNCROCO

CC.- Viceministro del Ambiente (MA)  
Comité de Fauna  
CSG  
Universidad nacional (UN)  
Instituto Humboldt  
Miembros de Funcroco