

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



Thirtieth meeting of the Animals Committee
Geneva (Switzerland), 16-21 July 2018

Interpretation and implementation matters

General compliance and enforcement

Captive-bred and ranched specimens

OBSERVATIONS AND RECOMMENDATIONS ON THE FIRST ITERATION
OF RESOLUTION CONF. 17.7

1. This document has been submitted by the Secretariat.

Background

2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity* designed to review biological, trade and other relevant information regarding animal species subject to significant levels of trade using source codes C, D, F or R, to identify problems associated with the implementation of the Convention and to develop solutions.
3. Also at CoP17, the Conference of the Parties adopted two accompanying Decisions:

Decision 17.103, directed to the Secretariat

The Secretariat shall provide its preliminary observations and recommendations regarding the first iteration of the Resolution Conf. 17.7, including opportunities for harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17), and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, to the 30th meeting of the Animals Committee and to the 70th meeting of the Standing Committee.

Decision 17.105, directed to the Animals Committee

At its 30th meeting, the Animals Committee shall prepare a report of its observations and recommendations regarding the first iteration of Resolution Conf. 17.7, including opportunities for harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17) and other opportunities to achieve the aims of the Resolution most effectively and cost efficiently, taking into account the recommendations of the Secretariat arising from Decision 17.103, and transmit the report to the Standing Committee.

Preliminary observations and recommendations by the Secretariat

4. In view of the fact that a complete review cycle under Resolution Conf. 17.7 has yet to be completed, the Secretariat believes that it is premature to make many significant changes to the provisions of the Resolution and also too soon to assess if harmonisation with the process in Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species* would be advisable.

5. The Secretariat also recalls that, under Decision 17.101, the Standing Committee is due to make recommendations to the 18th meeting of the Conference of the Parties on the application of Article VII paragraphs 4 and 5 and associated resolutions. This could result in changes to the definition of the term 'bred in captivity', to codes used to indicate the source of the specimens, as detailed in paragraph 3 i) of Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* or other changes in the implementation of the Convention for specimens not taken from the wild. Any or all of these could have an impact on the procedures outlined in Resolution Conf. 17.7.

6. On the basis of experiences so far, the Secretariat would however note the following:

a) The requirement in paragraph 1 of the Resolution that it be implemented subject to available resources is a concern. During the intersessional period from CoP17 and CoP18, its implementation has been made possible through generous external funding (172,157 USD in total) from the European Union and the United States of America. These funds enabled a contractor to develop and test methodologies for the screening criteria mentioned in paragraph 2 a) sub-paragraphs i) to vi) of the Resolution and to produce the summary from the CITES Trade Database referred to in that paragraph. A further contractor prepared the species datasheets referred to in paragraph 2 f) of the Resolution. The Secretariat would like to place on record its grateful thanks to these two donors. However, such external funding cannot be guaranteed in the future. Further, during the first round of reviews, the Animals Committee selected 23 cases involving 15 Parties and 16 species and handling of the matter was not complicated by on-going cases from previous intersessional periods or the need to review any resulting recommendations to suspend trade that have been in place for longer than two years (paragraph 2 q) of the Resolution). Without adequate resources, as detailed in [paragraph F of the Secretariat's comments in document CoP17 Doc. 32](#), the proper implementation of this Resolution is likely to be compromised in the longer term.

b) When reviewing records of trade in captive-bred and ranched specimens (sources C, D, F and R) for the period 2011-2015 contained in document AC29 Doc. 14.1, it was noticeable that the Animals Committee did not select any cases for review involving the criteria in paragraph 2 a), subparagraphs iv) or v). These two criteria are:

- iv) inconsistencies between source codes reported by exporting and importing Parties for specimens declared as produced in captivity;
- v) apparent incorrect application of captive production codes such as: 'A' for animal species or 'D' for Appendix-I species that have not been registered in compliance with the provisions of Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*.

This could simply be a function of the nature of the trade that was reported during the years in question, but should a similar situation arise in future reviews, it may be worth reconsidering the inclusion of these selection criteria.

c) In paragraph 2 e) of the Resolution, once notified by the Secretariat that species produced in captivity in their country have been selected for review, the countries concerned are required to respond to the questions of the Committee within 60 days. However, the Committee will not consider the responses of the countries until the next meeting. It may be preferable to amend the final sentence of paragraph 2 e) to read:

The Secretariat shall ask the country or countries to provide information, ~~within 60 days~~, in response to general or specific questions, developed by the Animals Committee, to determine if the correct source codes have been used, under the applicable Resolutions, for specimens claimed to be produced in captivity in time for consideration at the following meeting of the Animals Committee.

d) The Secretariat shares the conclusion of the Committee, agreed at its 29th meeting (AC29, Geneva, July 2017), that in the interests of clarity, similar reviews under two (or more) different compliance processes (such as those under Article XIII of the Convention, or the Review of Significant Trade) should be avoided. To this effect, the Secretariat suggests that two paragraphs could be added after the existing paragraph 2, stating:

- X. DIRECTS the Animals Committee, when selecting species-country combinations for review under paragraph 2 c) of the present Resolution, not to select cases where the Standing Committee has already entered a dialogue with the country concerned over the use of source codes C, D, F or R under another compliance process.
 - X. DIRECTS the Standing Committee, when drafting recommendations to the country or countries under paragraph 2 j) of the present Resolution, not to duplicate engagement with the country concerned over the use of source codes C, D, F or R under another compliance process.
- e) In the light of the above, the Secretariat suggests that Decisions 17.103, 17.105 and 17.107 be replaced by the following Decisions at CoP18:

Directed to the Animals Committee

With the assistance of the Secretariat and in the light of its experiences with its implementation, the Animals Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) and make any recommendations for improvements to the Standing Committee.

Directed to the Standing Committee

With the assistance of the Secretariat, taking account of any report from the Animals Committee and in the light of its experiences with its implementation, the Standing Committee shall review the provisions of Resolution Conf. 17.7 (Rev. CoP18) and make any recommendations for improvements to the 19th meeting of the Conference of the Parties.

Observations and recommendations of the Animals Committee

7. The Secretariat recalls that, at AC29, the Committee adopted the following comments on the provisions of the Resolution as recorded in the summary record of that meeting:
- a) *The Animals Committee recommends to harmonise this process and the Review of Significant Trade (RST), especially the multiplication factors used for the IUCN Red List categories should be the same;*
 - b) *The Animals Committee noted that there is not yet a process for cases where this process notes that there is not yet a non-detriment finding to be re-referred to the RST process. The Animals Committee could consider or clarify whether this is necessary or whether it would be appropriate or possible to make relevant recommendations relating to making of NDFs under the captive breeding and ranching process;*
 - c) *The Animals Committee observed that trade in Appendix I species under source code 'C' for commercial purposes (code "T") may be an issue to be considered by the Standing Committee where it is not in compliance with the Convention;*
 - d) *The Animals Committee recommends a mechanism to ensure that cases which are already subject to Standing Committee actions under compliance procedures such as Article XIII are excluded from this process; and*
 - e) *The Animals Committee might consider reviewing the general questions contained in document AC29 Com. 11 (Rev. by Sec.) and to amend Resolution Conf. 17.7 with an annex.*
8. In response to the Committee's conclusions at AC29, as recorded in paragraph 7 of the present document, the Secretariat would comment on each of the sub-paragraphs as follows:
- a) The Secretariat believes that the methodology used to filter data to produce the summary from the CITES Trade Database referred to in paragraph 2 a) of the Resolution can be changed without a need to alter the wording of the Resolution itself. The Secretariat would be pleased to work with the Committee on this point when the next review is conducted after CoP18.
 - b) If the Secretariat has understood the point being made in paragraph b) correctly, then it seems that any concerns regarding non-detriment findings which arise from the implementation of Resolution Conf. 17.7, can be addressed through paragraph 1 c) of Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species*.

- c) The Secretariat appreciates the observation of the Animals Committee and has addressed this point in detail in the review of CITES provisions relating to the trade in specimens of animals and plants not of wild source, being undertaken under Decision 17.101.
- d) As mentioned in paragraph 5 d) of the present document, the Secretariat shares the view of the Animals Committee and has proposed a simple amendment to Resolution Conf. 17.7 to address this point.
- e) While the format for the questions that the Animals Committee produces under paragraph 2 c) of Resolution Conf. 17.7 could be formally included in an annex to that Resolution, the Secretariat would suggest that it may be preferable to leave them simply as a working practice of the Committee. In this way they can be adjusted by the Committee in the light of its experiences with their use, without the need to refer such changes back to the Conference of the Parties.

Conclusion

- 9. In the light of the Secretariat's proposals for small changes Resolution Conf. 17.7 itself [see paragraph 6 c) and d) of the present document] and the way forward [see paragraph 6 e) of the present document] and on the Animals Committee's initial observations on the Resolution [see paragraph 8 of the present document], the Animals Committee is invited to consider if it wishes to prepare a substantive report on the first iteration of Resolution Conf. 17.7 for submission to the Standing Committee.