

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

Interpretation and implementation of the Convention

Compliance and enforcement

IMPLEMENTATION OF THE CONVENTION
RELATING TO CAPTIVE-BRED AND RANCHED SPECIMENS

This document has been submitted by Hungary on behalf of the European Union and its Member States and by the United States of America.

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Proposal by the European Union (EU) and its Member States for the 61st meeting of the CITES Standing Committee

On the implementation of CITES provisions relating to captive-bred and ranched specimens

The EU and its Member States are concerned that illegal trade in wild taken specimens declared as captive-bred (or ranched) is occurring and is being conducted globally, on a large scale, which may be having a detrimental impact on wild populations of the species concerned. This paper provides an overview of the problems encountered and sets out possible solutions for the Standing Committee to consider, to encourage better implementation and enforcement of the provisions relating to captive bred (and ranched) specimens. TRAFFIC and UNEP-WCMC provided input for the preparation of this document.

1. Background information

a) Legal framework

The Convention provides, in Article VII, paragraphs 4 and 5, special provisions for the trade of animal specimens that have been bred in captivity. These provisions provide for 'lighter' regulation of specimens declared as 'captive-bred', recognising the reduced risk to wild populations derived from these activities. The Conference of Parties at its second meeting (1979), recognising the need to apply the special provisions for captive bred specimens in a way that would not be detrimental to the survival of wild populations, adopted Resolution Conf. 2.12, ensuring that specimens can only be traded as 'captive-bred' when they are produced under specific conditions. This was subsequently replaced by Resolution Conf. 10.16 (Rev.), which, in the preamble, expresses concern about the volume of specimens fraudulently declared as captive-bred and the detrimental impact that this may have on the survival of wild populations of the species concerned.

There are no specific provisions in the text of the Convention regarding ranched specimens and unlike trade in captive-bred specimens, trade in ranched specimens is subject to the requirement for a non-detriment finding and other conditions applying to trade in wild specimens (in Article III, IV and V). There are a number of recommendations in Resolution Conf. 11.16 (Rev. CoP15) in relation to specimens of populations transferred from Appendix I to II for ranching, including a definition of the term 'ranching', but it makes no provision for specimens in trade declared as 'ranched' which are not from populations (or even species) covered by such proposals. Despite this, source code R has been used for a variety of Appendix II species, to indicate cases where specimens (normally at high mortality life stages such as eggs or juveniles) have been collected from the wild and then reared in a controlled environment for a period of time before being subsequently traded.

b) Questions relating to trade in captive bred or ranched specimens

Captive-bred and ranched animals represent a considerable share of overall trade in CITES-listed specimens, especially in the case of some reptile and bird species. For example between 2000 and 2009, the proportion of captive-bred and ranched specimens¹ amounted to:

- 74% for live reptiles (which equates to approximately 1.2 million specimens per year);
- 35% (approximately) for reptile skins (which equates to between 1 and 2 million specimens per year), and
- 33% for live birds (and since 2005 this proportion has been exceeding 60%, equating to 200,000 specimens in 2008).

Between 5,000 and 20,000 captive-bred and ranched specimens of CITES-listed amphibians were exported annually over the same time period.

Trade in captive-bred specimens covers many different species from a large number of countries.

The EU and its Member States recognise that captive breeding and ranching operations have the potential to offer a safe and robust form of sustainable utilisation relative to wild harvests and see them both as perfectly

¹ Source codes C, D, R and F

legitimate production systems within the CITES framework. Not only, can captive breeding and ranching operations be effective tools in alleviating pressures on wild populations but they can also provide a reliable source of income for local communities.

The EU and its Member States have however been faced regularly with problems relating to trade in specimens declared as captive-bred and for which there are serious doubts that they fulfil the conditions under the CITES Convention and associated Resolutions on captive breeding. While ranched specimens are not subject to the same provisions, the EU and its Member States have also been confronted with cases whereby specimens appear to have been incorrectly declared as "ranched".

When confronted with such problems, the EU has contacted the Management Authority in the exporting country for clarification, in order to verify with them the origin and legality of the shipment, often leading to a positive outcome. In a significant number of cases however, information is not forthcoming and doubts over the breeding and ranching claims remain. Reptiles, birds, and to a lesser extent amphibians, are the taxonomic groups where most problems in relation to fraudulent claims, or incorrect use of source codes, have been encountered. In some cases, there are indications that specimens declared as captive-bred or ranched are traded in large-scale volume and are actually wild-taken specimens

Examples of situations where the EU has observed problems relating to the implementation of the provisions on trade in captive-bred or ranched specimens include:

- a sudden increase in the number of specimens being declared as captive-bred, immediately following a trade restriction applying to wild caught specimens;
- high volume of trade in specimens that are declared as captive-bred although the species concerned is known to be difficult to keep and/or breed in captivity;
- trade in captive-bred specimens from non-range states, where there is no documentary evidence to demonstrate that the parental breeding stock was legally acquired, either through the examination of trade records or confirmation from the range states concerned;
- trade in specimens declared as captive-bred or ranched coming from facilities only recently established and producing species that are slow to mature and have low reproductive potential;
- specimens that, from their declared age, make the claims of captive-breeding or ranching unlikely due to the high costs associated with maintaining that species in captivity over the given period ;
- specimens declared ranched although their natural history does not allow the release of a certain number of juvenile in the wild (low number in offspring produced, long maternal dependence) and where other conditions set up in Res. 11.16 (rev. CoP 15) are not complied with (notably on mechanisms to monitor population and an overall programme that must be primarily beneficial to conservation);
- specimens declared as captive-bred from facilities whose annual production levels exceed that which you would expect based on the size of the parental stock and the reproductive potential of the species concerned;
- specimens whose size and condition are not consistent with either the breeding details provided or having been reared in a controlled environment, e.g. heavy parasitic load, damage from predators, large variation in size of specimens sharing the same hatch or birth date;
- shipments where captive bred specimens and wild specimens were mixed in order to deceive enforcement officials.

The CITES Asian snake trade workshop which took place in Guangzhou (China) from 11 to 14 April 2011 also highlighted the "*current high level of suspicion that is expressed regarding captive-breeding declarations*" for snake species.

It is in the interest of all Parties to make sure that the provisions on captive-breeding or ranching are properly implemented everywhere:

- in the case of Parties importing captive-bred or ranched specimens, they need to be confident that the specimens accord to the relevant CITES provisions. Importing countries often have limited possibilities to verify the legality of the consignment at the point of import. Distinguishing captive-bred from wild caught specimens poses a particularly difficult challenge to authorities of importing countries;
- This is also the case for Parties and operators exporting captive-bred or ranched specimens which are otherwise faced with a situation of unfair competition on the side of operators which are not able or willing to implement properly the relevant CITES provisions.

c) Initiatives carried out in the CITES framework

A number of initiatives have been taken within CITES bodies to address questions on implementation of, compliance with and enforcement of CITES provisions or Resolutions on captive-breeding and ranching operations².

The Secretariat has been in bilateral discussion with the authorities of some countries concerned on issues related to captive-breeding or ranching operations. Where appropriate, those issues have been raised with the Standing Committee.

It should be noted however that, unlike trade in wild specimens (including ranched ones) which may be subject to the Significant trade review process, trade in captive-bred specimens is not subject to a specific and systematic monitoring mechanism under CITES.

2. Proposal by the EU and its Member States

The EU and its Member States would like the Standing Committee to consider carrying out a comprehensive review of the difficulties encountered by Parties in implementing the provisions related to captive-breeding and ranching and that, if needed, it proposes solutions to CITES Parties to ensure that the provisions are effectively and consistently implemented and enforced by all Parties.

In that vein, the EU and its Member States propose that, at its 61st meeting, the Standing Committee:

1. invites all CITES Parties to report to the Secretariat on:
 - the various challenges they have been facing in relation to the implementation of the CITES Convention, Resolutions Conf. 10.16 (Rev.), Conf. 11.16 (Rev. CoP15) or Conf. 12.3 (Rev. CoP15) on trade in captive-bred or ranched specimens;
 - possible solutions to address those challenges;
2. establishes an inter-sessional working group which would, taking account of the information provided under paragraph 1 and any other relevant input, report to the Standing Committee at its 62nd meeting on the problems encountered and issue recommendations to address them;
3. invites the Members of the Animals Committee to contribute to the inter-sessional working group and encourage them to discuss this process at the 26th meeting of the Animals Committee (March 2012);
4. invites the Secretariat to report regularly to the Standing Committee on significant cases where the Secretariat has taken initiatives or entered into a dialogue with Parties on trade in specimens declared as captive-bred or ranched where there is serious doubt whether these are all originating from captive breeding or ranching operations carried out pursuant to CITES Resolutions Conf. 10.16, 11.16 and 12.3.

As problems linked to the implementation of the provisions on captive-breeding or ranching operations might in some cases originate from the difficulty in interpreting CITES provisions on source codes, the EU and its Member States also wish to reiterate their support for the elaboration by the Secretariat of a guide to advise the

² Cf. for example ongoing discussion on ranching of *Crocodylus niloticus* from Madagascar involving the Secretariat, the Animals Committee and the Standing Committee.

Parties on the appropriate use of source codes. This request has been made by the CITES Parties at CoP15 via Decisions 15.52 and 15.53.