

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



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and implementation of the Convention

Compliance and Enforcement

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

1. This document has been submitted by the United States as Chair of the intersessional working group*.
2. At its sixty-first meeting, the Standing Committee invited the Secretariat to issue a Notification to all Parties requesting that they provide information on:
 - i) the challenges that they have been facing in relation to the implementation of the CITES Convention, and particularly Resolutions Conf. 10.16 (Rev.), Conf. 11.16 (Rev. CoP15) or Conf. 12.3 (Rev. CoP15) relating to trade in captive-bred or ranched specimens. The Parties would be invited to indicate in particular if those challenges relate to specific taxa (and which taxa) and/or to specific matters.

As examples of possible challenges faced by the Parties, the notification should refer to:

- confusion on the source codes used due to a lack of understanding of what those codes refer to;
 - doubts as to the accuracy of the use of source codes C, D, F or R due to the natural history of the species, the production potential of the specific breeding facility or to the size or condition of the specimens in trade;
 - doubts as to the legal origin of the parental stocks, including specimens bred in captivity outside their natural range;
 - enforcement problems;
 - questions linked to the existence of a registration scheme;
 - need to recruit specimens of wild origin to maintain a viable parental stock;
 - needs to improve capacity building regarding inspection or evaluation of breeding operations; and
- ii) the solutions that could be applied to address those challenges within the CITES context, including information on already existing local, national and international actions that have contributed to establish sound managed breeding activities.
3. The Committee also established a working group chaired by the USA and indicated that the Members of the Animals Committee should be invited to become members of the working group. The working group was given the mandate:

* *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.*

The working group should analyze the information compiled by the Secretariat and, taking account of that information and any other relevant input, should, at the 62nd meeting of the Standing Committee:

- i) report on the challenges described by Parties on the implementation and enforcement of the CITES provisions on captive breeding and ranching;
- ii) present recommendations on how those challenges should be addressed in the CITES context.

4. On 15 September 2011, the Secretariat published Notification 2011/037. Parties were requested to provide the above information to the Secretariat by 30 October 2011, so that it could be compiled and provided to the working group by 15 November 2011.
5. Approximately ten CITES Parties provided feedback directly to the Secretariat in response to the Notification. TRAFFIC also provided information based on research related to trade in specimens claimed to be bred in captivity. The working group received and considered all Party responses provided to Notification 2011/037, as well as comments provided by non-governmental organizations. A summary of the challenges identified is included below, sorted into four categories:

Concerns regarding claims that specimens are captive-bred or ranched:

- i. Sudden increases in trade in specimens declared as captive-bred following trade restrictions (in importing or exporting countries) applying to wild-caught specimens;
- ii. High volume trade in specimens reported as captive-bred but known to be difficult to maintain or breed in captivity, or that have low reproductive output;
- iii. Trade from non-range States of specimens claimed to be produced via ranching or with no evidence of lawful acquisition of parental breeding stock (i.e. no reported imports);
- iv. High volume of trade in specimens from recently established facilities;
- v. Specimens reported as ranched that, based on the natural history or natural range of the species, it is impossible or not practically feasible to produce by "ranching" as defined in Resolution Conf. 11.16 (Rev. CoP15) (e.g., mammals, corals);
- vi. Trade in specimens that, based on their condition (adult, scarred, having parasites, etc.), make claims of captive breeding or ranching unlikely;
- vii. Specimens declared as captive-bred from facilities that appear to exceed their breeding capacity;
- viii. Lack of biological data and monitoring to support determinations of captive breeding or ranching, leading to variable use of source codes (C, D, F);
- ix. Difficulties associated with documenting or providing evidence to demonstrate legal acquisition of founder stock, including those acquired pre-Convention;
- x. Lack of systems for applying a unique and permanent mark for captive-bred specimens of some species;
- xi. Difficulty determining age of specimens claimed to be pre-Convention as well as captive-bred or ranched;
- xii. Difficulty identifying specimens traded as juveniles (e.g., parrots);

Regulation/Enforcement:

- xiii. Mixing in individual shipments or within individual facilities of specimens derived from different production systems, making it difficult to differentiate specimens of different sources;
- xiv. High costs (financially and in human resources) associated with inspecting facilities and verifying claims of captive breeding and ranching, and a general lack of resources to do this effectively;

- xv. Trade in captive-bred specimens, from non-range States, of endemic species that occur in countries that have not allowed export for many years;

Administration:

- xvii. Failure of Management and Scientific Authorities to respond to inquiries regarding captive-breeding facilities;

Interpretation of (or text of) Resolutions:

- xvii. Differing interpretations of when it is appropriate to use source code D and source code C for Appendix-I specimens;

- xviii. Concerns about how certain Parties manage and monitor annual export quotas for captive-bred or ranched specimens;

- xix. The current definition of source code C is not available for specimens that are 'bred in captivity' as defined in Resolution Conf. 10.16 (Rev. CoP15) but that are exported under the provisions of Article III, IV or V;

6. Respondents to Notification 2011/037 recommended a number of solutions to address the challenges identified above. The working group considered these recommendations and provided additional feedback, resulting in a further refined set of priority recommendations, presented below with references to the challenges listed above that these recommendations would help to address:

- i. Exporting countries undertake regular and thorough inspection of captive-breeding and ranching facilities (challenges i-ix);
- ii. Exporting and (where appropriate) importing country management authorities should routinely and consistently consult their respective scientific authorities in the evaluation of permit applications (challenges ii, vi-viii);
- iii. Develop a manual or checklist for inspection of facilities (challenges i-ix, xiv);
- iv. Develop checklists of data requirements and questions necessary for effective evaluation of permit applications (challenges i-ix);
- v. Identify specific cases where there are significant concerns for review and possible compliance action (challenges i-ix, xv, xvi, xiii);
- vi. Consider ways to more effectively share available information on captive-breeding and ranching operations (challenge xvi);
- vii. Develop a captive breeding database (or make more widely available the existing UNEP-WCMC Captive Breeding Database) (challenges i-ix, xv, xvi);
- viii. Develop guidance on the proper use of source codes C, F, R and D (challenges v, viii, xvii);
- ix. Amend Resolution Conf. 12.3 (Rev. CoP15) definitions of source codes by removing references to the specific provisions of the Convention under which trade is occurring (challenges xvii, xix);¹
- x. Develop a common understanding of the meaning and application of the provisions of Article VII, paragraphs 4 and 5 (challenges xvii, xix);

¹ Some Parties choose not to implement, or to restrict the use of, Article VII, paragraphs 4 and 5, and export (permit) under the provisions of Articles III and IV. However, in that context, there is no currently defined source code that applies. As the source code is a mandatory element on permits, parties in this situation must choose whether to use source code C to indicate that the specimens are bred in captivity in accordance with Resolution Conf. 10.16 (Rev.) or source code F to indicate that the export is not under the provisions of Article VII. Deletion of the export provisions of the convention from the source code definitions would address this issue and is also consistent with the concept of source codes describing the "source" of the specimen, not the manner in which a party chooses to trade the specimen.

7. Respondents to Notification 2011/037 also identified particular taxa or types of trade for which they have specific concerns regarding the trade in specimens indicated to be bred in captivity or produced via ranching or other captive production systems. Working group participants identified additional taxa and types of trade of particular concern. In an effort to assess the extent to which these examples are documented in trade, the United States reviewed CITES Annual Report data for the years 2008-2010 for trade where the source code was recorded as C, D, F or R. Given the large volume of data (approximately 60,000 records), only a cursory review could be conducted. The examples of taxa and types of trade of concern and the preliminary data analyses for these examples are provided in the Annex to this report. It should be noted that this annex is simply a report of examples identified in comments or working group discussions. These examples were not further investigated or verified and should be treated only as areas for potential inquiry or analysis.

Recommendations:

8. Based on the challenges and possible solutions identified by respondents to Notification 2011/037 and the working group participants, the working group recommends that the Standing Committee consider the priority actions described below.
- a) The implementation of Decisions 15.52 and 15.53 regarding development and review of a guide on the use of source codes is considered a high priority that would help to address several important issues. This project, subject to external funds, has not been funded and no progress has been made on implementing these decisions. The Standing Committee should consider possible sources of funding for this work and, if these decisions are not implemented prior to CoP16, should recommend that these decisions be retained following CoP16.
 - b) The annex to this document contains examples of taxa or types of trade that were identified as specific concerns regarding specimens traded as bred in captivity or produced via ranching. In addition, the United States conducted a cursory review of CITES Annual Report data for the years 2008-2010 regarding trade in specimens recorded using source codes C, D, F and R. This review suggested that there are likely to be additional taxa in trade that may be cause for concern. The working group also concluded that additional tools to assist CITES authorities in inspecting captive breeding and ranching operations and evaluating permit applications would be very useful to more effectively implement the Convention. The working group recommends that the Standing Committee consider draft Decisions for CoP16 as follows:

Directed to the Secretariat

16.XX The Secretariat shall:

- a) contingent on the availability of external funds, contract an appropriate expert or experts to:
 - i) evaluate the concerns identified in examples, in SC62 Doc. XX Annex, e regarding trade in specimens claimed to be derived from captive breeding or ranching;
 - ii) review CITES Annual Report data for specimens recorded using source codes C, D, F and R;
 - iii) identify problems with CITES implementation associated with these examples;
 - iv) consider ways to more effectively share available information on captive-breeding and ranching operations;
 - v) evaluate the utility of a captive breeding database (including wider application of the existing UNEP-WCMC Captive Breeding Database being developed for the European Union);
 - vi) prepare a report on its findings and recommendations, taking into consideration the report and recommendations of the working group on implementation of the Convention relating to captive-bred and ranching specimens presented at the 62nd meeting of the Standing Committee;

- vii) develop draft checklists or guides for the inspection of captive breeding and ranching facilities and review of permit applications for captive bred and ranched specimens;
- viii) make other recommendations based on knowledge gained during the course of the review.
- b) Provide a draft of this report and additional materials to the Animals and Standing Committees, at their 27th and 65th meetings, respectively, for review;
- c) Distribute final report and materials to the Parties following consideration by the Animals and Standing Committees.

Directed to the Animals Committee

16.XX The Animals Committee, at its 27th meeting, shall review the report and provide recommendations to the Parties and the Standing Committee.

Directed to the Standing Committee

16.XX The Standing Committee, at its 65th meeting, shall review the report and the recommendations of the Animals Committee and make its own recommendations.

- c) The working group also identified a need to consider whether amendments to relevant resolutions or new resolutions may be warranted to ensure consistent interpretation and implementation of the Convention for specimens claimed to be produced via captive breeding and ranching. Toward that end, the working group recommends that the Standing Committee consider a draft decision for CoP16 as follows:

Directed to the Standing Committee

16.XX At its 65th meeting, the Standing Committee shall consider the need for amendments to existing resolutions or the development of a new resolution, as follows:

- a) proposing amendments to Resolution Conf. 12.3 (Rev. CoP15) definitions of source codes to remove reference to the provisions of the Convention under which trade is occurring;
- b) proposing amendments to an existing resolution or proposing a new resolution to develop a common understanding of the meaning and application of the provisions of Article VII, paragraphs 4 and 5;
- c) proposing amendments to Resolution Conf. 12.8 (Rev. CoP13) or proposing a new resolution to provide a process for reviewing the implementation of CITES for specific examples of trade in specimens that are claimed to be produced via captive breeding or ranching.

Examples of specimens in trade that were identified in feedback to Notification 2011/037 or in working group discussions as cause for concern are listing below, along with a brief explanation of whether these examples are reflected in the United States' review of 2008-2010 CITES Annual Report data. The examples cited below were not thoroughly researched by the working group and are not considered to be confirmed areas where there is improper implementation of CITES; rather, they are examples that may warrant further examination.

1. Red-eyed tree frogs (*Agalychnis callidryas*) from Central America traded using source code C (Listing went into effect in June 2010; over 15,000 specimens (primarily adults) exported from Nicaragua to the United States since 2010);
2. Macaques (*Macaca* spp.) from Southeast and East Asia traded using source code C (Trade in large numbers of live animals and scientific specimens from several countries occurred throughout the review period);
3. Numerous live reptile species from Southeast Asia (particularly Indonesia) traded using source codes other than W to avoid stricter domestic measures (Trade in large numbers of live specimens covering a wide variety of snake, lizard, turtle and tortoise species occurred throughout the review period);
4. Poison arrow frogs (Dendrobatidae) from Central America traded using source code C (Exports of large numbers (primarily of *D. auratus* and *D. pumilio* from Panama) during the review period);
5. Non-native chameleons from Equatorial Guinea using source code W (Data for source code W were not obtained; however, U.S. data show approximately 2,000 live specimens of chameleons exported from Equatorial Guinea recorded as source code W for chameleons not known to occur in that country);
6. Reptiles and amphibians from Lebanon using source code C (Not represented in 2008-2010 CITES Annual Report data, though this issue has been documented for earlier years (see Document CoP15 Inf. 22));
7. Reptiles and amphibians from Kazakhstan using source code C (Export of small numbers of chameleons and tortoises during 2008 and 2009);
8. Reptiles from Slovenia using source code C (Export of approximately 3,000 tortoises (primarily *Testudo hermanni* and *T. marginata*) during the review period using source code C or D);
9. Tortoises from Zambia using source code C (Export of approximately 60,000 tortoises (primarily *Malacochersus tornieri* and *Stigmochelys pardalis*) during the review period using source code C, F or R);
10. Horsfield's tortoise (*Testudo horsfieldii*) from Ukraine using source code C (Exports of approximately 35,000 tortoises during the review period using source code C or F);
11. Indian star tortoise (*Geochelone elegans*) from Jordan, Lebanon, Ukraine, and the United Arab Emirates using source code C (Exports of approximately 5,000 tortoises from Jordan and less than 500 tortoises from the Ukraine during the review period; no exports from Lebanon, United Arab Emirates or Slovenia during the review period. Much larger volumes from all five countries have been documented in earlier years (see Document CoP15 Inf. 22));
12. Papuan hornbill (*Rhyticeros plicatus*), Birds-of-Paradise (Paradisaeidae) and other birds from the Solomon Islands using source code C (Only a small number of live birds of these taxa were recorded as exported from the Solomon Islands or re-exported showing the Solomon Islands as the country of origin during the review period);
13. Caiman (*Caiman crocodilus fuscus*) skins from Colombia traded using source code C (Exports of approximately 1.2 million skins were reported as exports from Colombia during the review period);
14. Python skins from Laos and Viet Nam traded using source code C (Exports of more than 550,000 skins (*Python molurus bivittatus* and *P. reticulatus*) were recorded during the review period).