

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



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Interpretation and implementation of the Convention

Exemptions and special trade provisions

Implementation of the Convention relating to captive-bred and ranched specimens

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties adopted a suite of Decisions on *Implementation of the Convention relating to captive-bred and ranched specimens*, as follows:

Directed to the Secretariat

16.63 *The Secretariat shall:*

- a) *contingent on the availability of external funds, contract an appropriate expert or experts to:*
 - i) *evaluate the concerns identified in the examples in document SC62 Doc. 26, Annex, 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 ranched specimens presented at the 62nd meeting of the Standing Committee; and*
 - 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;*
- b) *provide a draft of this report and additional materials to the Animals Committee at its 27th meeting, for review; and*
- c) *distribute final report and materials to the Parties if endorsed by the Animals and Standing Committees.*

16.64 *The Secretariat shall report at the 65th and 66th meetings of the Standing Committee on significant cases where it has taken initiatives or entered into a dialogue with Parties on trade in*

specimens declared as bred in captivity or ranched where there is serious doubt about the identified source of the specimens in trade.

Directed to the Animals Committee

16.65 *The Animals Committee, at its 27th meeting, shall review the report and provide recommendations to the Standing Committee.*

Directed to the Standing Committee

16.66 *The Standing Committee, at its 65th meeting, shall:*

- a) *review the report and the recommendations of the Animals Committee and make its own recommendations to the Parties concerned and the Conference of the Parties; and*
- b) *consider proposing amendments to Resolution Conf. 12.8 (Rev. CoP13) or Resolution Conf. 14.3, 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.*

3. The European Union generously contributed funds to the Secretariat to implement these Decisions. The funds were available to the Secretariat for disbursement in October 2013. The Secretariat then commenced implementation, in particular of the work referred to in Decision 16.63 a).
4. The Secretariat contracted TRAFFIC International to gather more information on the examples of trade in specimens claimed to be derived from captive breeding or ranching, which had been identified by individual Parties or a CITES working group as causing some concern, as referred to in Decision 16.63 a) i) and iii). The Secretariat also contracted the United Nations Environment Programme - World Conservation Monitoring Centre to review the data from CITES annual reports on trade in the specimens referred to in Decision 16.63 a) i) and iii), where the source code was C, D, F and R. The reports of these studies were presented to the Animals Committee at its 27th meeting (AC27, Veracruz, 2014). Work on other aspects of Decision 16.63 a) is currently ongoing..
5. The Secretariat notes that other decisions adopted at CoP16 are also likely to provide results of significant importance with respect to the implementation of Convention provisions relating to captive-bred and ranched specimens. In particular:

Production systems for specimens of CITES-listed species

Directed to the Secretariat

15.52 *The Secretariat shall:*

- a) *contingent on the availability of external funds, contract an appropriate expert to prepare a guide to advise the Parties on the appropriate use of source codes;*
- b) *provide a draft of this guide to the Animals and Plants Committees for review and comment; and*
- c) *prepare and distribute the final product, incorporating the feedback of the Animals and Plants Committees, to inform the Parties on the appropriate use of source codes.*

Directed to the Animals and Plants Committees

15.53 *The Animals and Plants Committees shall review and provide feedback to the Secretariat on the draft guide to advise the Parties on the appropriate use of source codes.*

Snake trade and conservation management (*Serpentes spp.*)

Directed to the Secretariat

16.102 The CITES Secretariat shall, where appropriate in consultation with the Standing Committee:

- a) subject to external funding, hire independent consultants in liaison with local scientists, and local research and academic institutions to:
 - i) undertake a study of production systems for Asian snakes listed in CITES Appendix II and the use of source codes; and develop guidance to assist Parties in monitoring and controlling captive-breeding operations and other production systems, including information to assess their biological feasibility and, where possible, economic viability (i.e. whether it is financially viable for commercial facilities to produce and export specimens as permitted by national authorities);
 - iv) undertake a study on methodologies to differentiate between wild and captive-bred CITES-listed snakes in trade, including parts and derivatives, ensuring that the work is carried out in line with recommendations of the Standing Committee concerning source;
- f) subject to external funding, conduct one or more interdisciplinary workshops for CITES and other relevant authorities and stakeholders of range States of Asian snake species in international trade on:
 - i) the use of guidance for monitoring and controlling captive-breeding operations and other production systems, as agreed by the Standing Committee pursuant to Decision 16.105;
 - ii) the use of guidance for making non-detriment findings and establishing export quotas for Appendix-II snake species in trade; and
- g) report on the results of these activities to the Standing Committee before the 17th meeting of the Conference of the Parties (CoP17).

Sturgeons and paddlefish (*Acipenseriformes spp.*)

Directed to the Secretariat

16.136 The Secretariat shall:

- a) subject to external funding and in consultation with the Animals Committee, organize a study to:
 - i) provide an overview of molecular, DNA-based and other forensic methods that could assist in identifying the species and populations of *Acipenseriformes* specimens in trade, determining the origin or age of specimens, and differentiating wild from captive-bred or aquacultured specimens;
 - ii) review relevant developments in this area, including the availability and reliability of uniform identification systems;
 - iii) evaluate the advantages and disadvantages of the different methods (including practicality, costs, time-efficiency, reliability, technical requirements, etc.); and
 - iv) formulate relevant guidance for CITES Parties, enforcement agencies, the private sector and other stakeholders;
- b) ensure consultation with Parties that authorize trade in specimens of sturgeons and paddlefish, appropriate experts, institutions and organizations, and the private sector in the conduct of the study;
- c) make the results of the study available to the Animals Committee at its 27th or 28th meeting for its consideration; and

- d) *disseminate the recommendations formulated by the Standing Committee pursuant to Decision 16.138 in a Notification to the Parties.*

Directed to the Animals Committee

16.137 *The Animals Committee shall assist the Secretariat in determining the specifications for the study referred to in Decision 16.136 and monitoring its conduct. It shall review the report of the study at its 27th or 28th meeting, and make recommendations as appropriate for consideration by the Standing Committee.*

Directed to the Standing Committee

16.138 *The Standing Committee shall review the study undertaken in accordance with Decision 16.136 and the recommendations that the Animals Committee formulated in compliance with Decision 16.137, and make its own recommendations, as appropriate, for communication to Parties concerned or for consideration at the 17th meeting of the Conference of the Parties.*

6. With the benefit of hindsight, if these decisions are to be implemented in a thorough and integrated way, the timelines agreed at CoP16 for Decision 16.63, 16.65 and 16.66 were over-optimistic. Further, the decisions could have been aligned with other closely related issues addressed in the Decisions in paragraph 5 of the present document.
7. The Secretariat therefore supports the suggestion of the Animals Committee in document SC65 Doc. 34.2, that more time should be given for a full appraisal of this subject and that SC66 is a more realistic timeframe for bringing together the results of this work.
8. Since this decision was agreed at CoP16, the Secretariat has taken some initiatives or entered into a dialogue with Parties on Decision 16.64, particularly where there is serious doubt about the identified source of trade in specimens that have been declared as bred in captivity or ranched specimens, as in the following examples:
 - a) Export of captive-bred parrots from Bahrain. The Management Authority in Bahrain are investigating the commercial captive breeding of parrots in their country and are to let the Secretariat know the results of their enquiries.
 - b) Export of Appendix I primates from Guinea. Following public enquiries relating to the export of primates from Guinea during the period 2009-2011, the Secretariat issued a statement in January 2014, which is attached as an Annex to the present document.
 - c) Export of pythons from Lao People's Democratic Republic. Further information will be provided under agenda item 23 - Application of Article XIII.

Recommendations

9. The Standing Committee is invited to note the content of the present document.
10. As indicated in paragraph 7 of the present document, the Secretariat supports the suggestion of the Animals Committee in document SC65 Doc. 34.2, that Decision 16.66 should be concluded at SC66, when all the reports called for in Decisions 16.63 and 16.35 should be available and recommends that the Standing Committee agrees this new timeline.

Great apes exported from Guinea to China from 2009 to 2011

January, 2014

Several individuals have been engaged over a period of time in a campaign directed at the CITES Secretariat, the CITES Standing Committee and various intergovernmental bodies, national CITES Management Authorities and others in relation to trade in live great apes from Guinea to China that took place between 2009 and 2011.

The Secretariat is issuing this statement to provide the factual background on this important matter, which the Secretariat first drew to international attention in 2011.

Secretariat reports and notifications

The Secretariat has formally reported on this matter to the Standing Committee at three meetings between 2011 and 2013. These meetings were open to all Parties and registered intergovernmental and non-governmental organizations and each report was posted on the CITES website.

The Secretariat issued two formal Notifications to the Parties to the Convention on this matter; one in 2011 and one in 2013 - both of which were posted on the CITES website.

Communications with Guinea

In late 2010, the Secretariat's attention was drawn to what appeared to be increasingly regular exports of chimpanzees from Guinea, which were declared on export permits as 'captive-bred'.

The Secretariat expressed its concerns about this trade to relevant Management Authorities in early 2011, including those in China and Guinea. Being dissatisfied with the responses received from Guinea, the Secretariat requested permission from that country to conduct a mission on its territory. Formal missions are subject to the agreement of the relevant country. As no agreement was forthcoming from Guinea, the Secretariat raised the matter with the Standing Committee at its 61st meeting, in August 2011 (see paragraph 39 of document SC61 Doc. 30¹).

Following that meeting, the Secretariat was invited to Guinea and the Chief of Enforcement Support at that time and the Senior Scientific Support Officer (Fauna) conducted a mission to Conakry in September 2011. The Secretariat's team identified significant problems with the manner in which CITES was being implemented in Guinea. Consequently, a comprehensive list of recommendations was formulated by the Secretariat in consultation with relevant Guinean authorities.

Based on the findings made during this mission, the Secretariat issued a Notification to the Parties in September 2011,² drawing the attention of all Parties to its concerns with regard to the authenticity and validity of permits, certificates and other documentation apparently issued by the Management Authority of Guinea. In its Notification, the Secretariat advised all Parties that no commercial captive-breeding of specimens of CITES-listed species currently occurred in Guinea, or had taken place in the past, contrary to what was indicated on numerous fraudulent Guinean CITES permits for a range of species.

During the 2011 mission, the team requested the Guinean Management Authority to provide copies of all the permits and certificates that it had issued since 2009. The Guinean Management Authority provided copies of 126 export permits, issued between March 2009 and March 2011. These included a permit for the export of 2 live specimens of *Pan paniscus* (bonobo) to Armenia. None of the 126 permits that were handed over to the Secretariat by Guinea related to chimpanzees or gorillas.

Mr John Caldwell, an independent consultant was contracted by the Secretariat to analyze the permits and Guinea's CITES trade data (*Guinea – an analysis of recent wildlife trade*; 2012). This analysis had been

¹ <http://www.cites.org/eng/com/sc/61/E61-30.pdf>

² <http://www.cites.org/eng/notif/2011/E040.pdf>

commissioned by the Secretariat to assist it in preparing its report³ on related compliance issues at the 62nd meeting of the Standing Committee (July, 2012), and was not intended for external publication.

After the 16th meeting of the Conference of the Parties (Bangkok, March 2013), the Secretariat was urged by certain individuals to make Mr. Caldwell's report publicly available. As the analysis had been produced for internal purposes only and contained references to specific Parties to the Convention, the Secretariat consulted with relevant Management Authorities before publishing the analysis on the CITES website.⁴

Compliance measures taken by the CITES Standing Committee

Following a recommendation of the Secretariat, and in accordance with instructions from the Standing Committee at its 62nd meeting, the Secretariat issued a formal warning to Guinea on 17 September 2012 concerning its implementation of CITES, and provided the country with a set of minimum corrective actions that should be undertaken.

Guinea was requested to provide a detailed report to the Secretariat by 31 December 2012 on steps taken to implement the minimum actions. The Standing Committee asked the Secretariat to evaluate Guinea's compliance with these actions and to make a recommendation at its 63rd meeting (SC63), in March 2013.

Guinea did not provide the detailed reporting requested by the Standing Committee and, at SC63, the Standing Committee unanimously supported the Secretariat's recommendation that all commercial trade in CITES-listed species with Guinea be suspended.⁵

In May 2013, the Secretariat issued a Notification to the Parties⁶ containing the recommendation of the Standing Committee to suspend commercial trade in specimens of CITES-listed species with Guinea. This recommendation will remain in effect until all outstanding issues have been adequately addressed.

Communications with China

The Secretariat raised the issue of suspected illegal trade in great apes with the Chinese Management Authority on a number of occasions, including when it met with the 21 Branch offices of the Management Authority at a National CITES Retreat and Training session held in Jilin Province, China, in July 2013.

China brought its own concerns about trade in great apes from Guinea to the attention of the Secretariat, and decided to suspend all imports from Guinea immediately after the Notification was issued in 2011, and prior to SC63.

In its communications to the Standing Committee and Secretariat, China indicated that it had met all the requirements of the Convention in relation to trade in CITES specimens from Guinea, including great apes, and that it had included data on the imports of such apes in its annual reports submitted to the Secretariat.

China further noted that it had issued import permits for great apes only after receiving formal written verification and confirmation of the validity of each export permit from the Management Authority of Guinea. China indicated that it regarded as legal the importations of great apes from Guinea, which it had authorized through the issuance of import permits.

The legal implications for the importing country of learning about apparently corrupt and fraudulent actions involved in the issuance of CITES export permits after an importation has taken place are determined by government authorities in the importing country pursuant to relevant national law.

National law enforcement power

Neither the Secretariat nor the Standing Committee is a law enforcement authority, and the mandate and responsibility to investigate alleged criminal activity within any country lies with the relevant national law enforcement authorities of that country.

³ See paragraphs 22 onwards of SC62 Doc. 29. <http://www.cites.org/eng/com/sc/62/E62-29.pdf>

⁴ http://www.cites.org/eng/com/sc/62/Caldwell_Report.pdf.

⁵ <http://www.cites.org/eng/com/sc/63/E-SC63-16.pdf>.

⁶ <http://www.cites.org/eng/notif/2013/E-Notif-2013-017.pdf>.

Whilst on mission in Guinea, Secretariat staff brought suspected irregular activities to the attention of the Head of the anti-corruption unit and the INTERPOL National Central Bureau of Guinea.

Requests for public access to permits and certificates

Regarding individual permits and certificates for great apes, the Secretariat reiterates that it has no mandate⁷ to make such documents public, whether or not it receives or collects copies thereof. Summary trade information from these permits and certificates is submitted through the annual reports of Parties and is contained in the CITES Trade Database, which is publicly available on the CITES website.

Requests for access to individual permits or certificates issued by Management Authorities must be directed to such national authorities, which will process the requests in accordance with their national legislation.

In some countries, national legislation protects the rights of people to have their business or personal information kept confidential. As a result, Management Authorities may refrain from supplying the names of exporters and importers in response to any request for such information.

Secretariat responses to campaign messages

In response to frequent campaign messages from certain individuals about the great ape trade from Guinea to China, the Secretariat has met with these individuals face-to-face, introduced them to relevant CITES Authorities, assisted them with searching the CITES Trade Database, and replied comprehensively to their lengthy emails.⁸

The Secretariat has dealt with suspected illegal trade in CITES-listed species from Guinea in a thorough and concerted manner and in accordance with its mandate. It has drawn international attention, through the Standing Committee, to the serious problems that it identified.

The significant actions taken by the Secretariat and the Standing Committee in this matter demonstrate the effective use of CITES compliance procedures.

Allegations by campaigners that the Secretariat is not taking appropriate action to combat illegal trade in great apes or is involved in a “cover-up” are inconsistent with the facts and defamatory of the Secretariat and its staff, both past and present.

Secretariat support to Parties

The Secretariat will continue to help ensure that Parties trade in CITES-listed fauna and flora in compliance with the provisions of the Convention, and increase their efforts to combat illegal trade in wildlife, including great apes. It will provide technical assistance and support to the extent possible, and within its mandate and available resources.

CITES Secretariat, January, 2014

⁷ Under paragraph 6 (a) of Article VIII of the Convention, Parties are required to maintain records of the names and addresses of exporters and importers. This information, which can be useful for domestic monitoring and enforcement purposes, is not required to be included in Parties' annual reports. The Convention does not require Parties to provide the Secretariat with copies of the permits and certificates that they issue, and none of the 179 Parties to the Convention generally does so.

⁸ The Secretariat also responded to a question on trade in great apes from Guinea raised at the Second Council Meeting of the Great Apes Survival Partnership (GRASP), held in Paris, France, in November 2012, and a similar question raised at the Great Apes Summit held in Jackson Hole, Wyoming, United States of America, in September 2013.