

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

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

Interpretation and Implementation of the Convention

TRADE IN RANCHED SPECIMENS

This proposal has been prepared by the United States of America.

Background

The United States is informed that the fifth meeting of the Conference of the Parties will consider proposals for ranched green sea turtles, Chelonia mydas, submitted by the Republic of Suriname; by the United Kingdom on behalf of the Cayman Islands; and by the French Republic on behalf of Reunion. All sea turtles, Cheloniidae, are listed in Appendix I and proposals for trade for commercial purposes under ranching require changes in the listing of the species.

The United States has domestic legislation protecting sea turtles and many other species listed in the appendices to CITES. However, the United States feels that issues presented by the three proposals concerning trade for commercial purposes of ranched green sea turtles are of serious concern and has identified four issues underlying these proposals. These issues are applicable to ranching proposals generally and the discussion here is not limited to the sea turtle proposals described above. The United States feels that these issues should be addressed in a resolution applicable to all ranching proposals (see Annex).

For the purposes of this discussion paper the following definitions are applicable:

- Product of the Operation: means any whole live or dead animal or plant or part or derivative thereof whether processed in anyway or not produced from a ranched population that is intended to be entered into trade.
- Product Unit: means the smallest item of each product of the operation that will be individually marked and entered into trade.
- Primary Container: means any container used to immediately contain a product of the operation.
- Uniform Marking System: means a system of marking each product unit approved by the Parties for a species which as a minimum includes the International Organization for Standardization code for the country of origin, a unique identification number and the year of production, or if

for product units on hand or manufactured from products of the operation on hand at the time the proposal was adopted, the year the proposal was adopted.

Issue I - Marking System

The first problem in allowing commercialization in protected species is how to determine that the specimen entering trade is in fact from the approved ranched population. One solution to the problem is to require a marking system as part of any proposal for trade in ranched populations. An effective marking system is one that physically identifies specimens as being derived from a specific population of a species. Therefore, the United States suggests that the Parties require each species for which a population has been approved for ranching have a uniform marking system applicable to all proposals for ranched populations. The Parties should withhold approval of any proposal that does not meet the requirements of the uniform marking system.

The enforcement problems encountered if each ranching proposal contains a different marking system for the same species would be major. It would be difficult for Parties to be current on all different marking arrangements, to train personnel to identify product units, or for personnel to avoid mistakes if every Party used different marking systems for product units of ranched populations of a species. Therefore, the United States suggests that the Parties' initial approval of ranching proposals for a species must contain an adequate marking and documentation system that meets the requirements of the uniform marking system proposed herein and would serve as a mandatory model for any future proposals for the same species.

Chemical marking might be the best means of marking. However, a review by the United States of all available technical and scientific sources fails to establish a reliable chemical substance, approved for human consumption or extensive contact, which produces the effect of immediate identification of individual specimens. The United States believes the marking of product units of a ranched population solely by chemical means is not now to be regarded as either safe or effective.

Any proposal for ranching of a population of a species should be required to identify the specific products of the operation which will be entered into trade. In addition, the size, weight, volume, dimensions, and/or other necessary identifying characteristics of the product unit of each product of the operation should be defined. Each product unit or its primary container should be individually marked in accordance with the uniform marking system approved for the species. The preferred unit is the final container; i.e., primary container, in which the product unit is packaged. Trade in specimens not listed as products of the operation or not defined as product units should not be allowed.

Party countries, other than the country of origin, that import product units with the intent of further manufacturing those product units in such a way that the identity and markings will be lost, must submit to the Secretariat a notification of the product(s) of the operation of their manufacturing process and a description of the product unit for each product of the operation. In addition, each product unit must be marked in accordance with the uniform marking system approved for the species.

The United States suggests that a uniform marking system that includes identification of products of the operation and product units would be simple and practical, easily utilized, easily monitored by the Parties and easily understood by others.

Issue II - Re-Export from Party Countries

The second issue identified by the United States is one related to re-export of specimens from Party countries. Product units from a ranched population marked under a uniform marking system in the country of origin and exported directly to another Party are easily controlled. However, trade commonly involves specimens produced in one country, transported to another country where the specimens are further processed and finally transported to a third country or back to the country of origin. Since further processing of product units may eliminate the physical mark placed on the product unit by the country of origin, the new product could conceivably contain specimens derived from illegal sources.

Re-export should be allowed, but only if a country of re-export processing the imported product of the operation into any object adopts the uniform marking system approved by the Parties for the species. This marking system must provide both an identification number and documentation that will guarantee tracking of specimens from the country of origin through the manufacturing process to re-export. This has the advantage of allowing wider commercial trade while maintaining the integrity of the identification system. However, it has the disadvantage of requiring countries, other than the country of origin, to be familiar with and to adhere to the uniform marking system.

Issue III - Trade with Non-Party Countries

The third issue involves trade in products of the operation with non-Party countries. While compliance with the Convention by Party countries can be reasonably assumed and therefore re-export from one Party country to another can be expected to comply with the terms of CITES, no such assurance exists for re-exports from non-Party countries. A related problem exists for trade with Parties that have taken reservation for the species approved for ranching.

Therefore, the United States suggests that if Parties wish to institute reasonable measures to prevent illegal trade in wild populations of a species for which ranching has been approved, the trade in ranched populations with non-Party and reserving Party countries must be closely monitored. However, the United States does not propose that such trade be eliminated provided that (1) the Parties approve a resolution that specifies the terms and conditions under which products of the operation can be entered into trade and (2) any trade with a non-Party or reserving Party country meets all of the terms and conditions of such resolution. With these conditions the United States feels that further restriction on trade with non-Party and reserving Party countries in ranched populations is unwarranted.

Issue IV - Compliance with the Terms of a Ranching Proposal

The final issue involves the compliance by the Parties with the terms of a ranching proposal approved by the Parties. At this time, approval of a ranching proposal, no matter how well prepared, merely changes the listing of the proposed population of a species from Appendix I to Appendix II.

Commercial trade in the ranched population is allowed by virtue of its Appendix II listing, as is trade in any other Appendix II species. Neither the Convention nor any of the subsequent Resolutions of the Parties assures compliance with the terms and conditions included in the ranching proposal once that proposal is approved.

The United States suggests that the Parties require that any ranching proposal contain, in addition to the necessary biological data, certain minimum information including a uniform marking system, identification of products of the operation including the product unit for each product of the operation and an inventory of current stocks of specimens and products of the operation on hand. The United States further suggests that the Parties require that all trade in ranched populations comply with the terms and conditions of the approved proposal for that population.

Resolution Conf. 3.15, paragraph (c) (vi), provides for Secretariat monitoring of ranching operations and calls for the ranching country to submit reports to the Secretariat with sufficient detail to satisfy the Parties that the ranching criteria of Resolution Conf. 3.15 continue to be met. The United States suggests that standard reporting and monitoring procedures be developed.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Trade in Ranched Specimens

ACKNOWLEDGING that Resolution Conf. 3.15 established that any proposal to transfer a population to Appendix II in order to conduct a ranching operation must be primarily beneficial to the conservation of the local population and that products of the operation must be adequately identified and documented to ensure that the products can be readily distinguished from products of Appendix I populations;

RECALLING that marking of parts and products of a ranched population is necessary for adequate identification and documentation in compliance with Resolution Conf. 3.15, paragraph b), sub-paragraph 11);

RECOGNIZING that if each Party establishes a different marking system for parts and products of a ranched population of the same species, confusion will result, and enforcement will be difficult;

RECOGNIZING that a need exists to establish minimum requirements for uniform marking of products of the operations of ranched populations that are entered into trade;

RECOGNIZING that once a ranching proposal has been approved for a species it is necessary to ensure that all Parties concerned comply with the terms and conditions of that approved proposal;

BELIEVING that any subsequent proposal for ranching operations of a species previously approved should be consistent with the terms, conditions and intent of any proposal currently in effect for that species;

RECOGNIZING that if adequate protection is to be provided for both ranched populations and wild populations of a species for which ranching has been approved, trade with non-Party countries must comply with all the terms and conditions of the approved ranching proposals for that species;

RECOGNIZING finally that Parties may impose more restrictive domestic controls upon trade in specimens of listed populations;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the term "product of the operation" mean any whole live or dead animal or plant or part or derivative thereof whether processed in anyway or not produced from a ranched population that is intended to be entered into trade;
- b) that the term "product unit" mean the smallest single item of any product of the operation that will be individually marked, packaged and entered into trade;

- c) that the term "uniform marking system" mean a system of marking each product unit approved by the Parties for a species which as a minimum includes the International Organization for Standardization code for the country of origin, a unique identification number and the year of production, or if for product units on hand or manufactured from products of the operation on hand at the time of the proposal, the year of the proposal approval;
- d) that the term "primary container" mean any container used to immediately contain a product of the operation;
- e) that each product unit and/or primary container entered into trade be indelibly marked with a unique identification number meeting the minimum requirements of the uniform marking system;
- f) that any Party submitting a ranching proposal for a population of a species for which no previous ranching proposal has been approved include, in addition to the necessary biological data, the following:
 - i) a marking system that meets the minimum requirements of the uniform marking system defined in this Resolution;
 - ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and
 - iv) an inventory of current stocks of specimens and products of the operation on hand;
- g) that any Party submitting a ranching proposal for a species for which a previous ranching proposal has been approved include:
 - i) a marking system that conforms with the uniform marking system approved by the Parties for that species;
 - ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and
 - iv) an inventory of current stocks of specimens and products of the operation on hand;
- h) that any Party that re-exports products of the operation of ranched populations that have been altered from the product unit imported into that country to the extent that it renders the mark illegible provide prior notification to the Secretariat that provides the following:
 - i) a marking system that conforms with the uniform marking system approved by the Parties for that species;
 - ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and

- iv) an inventory of current stocks of specimens and products of the operation on hand;
- i) that export permits and re-export certificates for product units be accepted only if they mention the actual country of origin and if they contain reference to the identifying marks on such product units and/or containers thereof;
- j) that Parties do not accept product units re-exported from non-Party or reserving Party states unless satisfied that the non-Party states involved are regulating such trade in full accordance with this Resolution;
- k) that all Parties prohibit trade in a ranched population unless such trade complies with all terms, conditions and requirements of the approved ranching proposal for that population;
- l) that no Party allow trade in a product unit of a ranched population that was on hand at the time of the proposal approval unless such product unit is marked in conformity with the uniform marking system and is included in the inventory submitted as part of the proposal;
- m) that any Party with an approved ranching proposal may propose changes to such proposal by submitting the proposed changes to the Secretariat. The same procedures that are found in Article XV of the Convention applicable to approval of amendments to Appendices I and II shall apply to the approval of requested changes in an approved ranching proposal; and
- n) that the Secretariat develop reporting and monitoring procedures for ranching operations.