

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Interpretation and implementation of the Convention

REGISTRATION OF OPERATIONS BREEDING SPECIMENS
OF APPENDIX-I SPECIES IN CAPTIVITY FOR COMMERCIAL PURPOSES

An analysis and revision of Resolution Conf. 8.15

1. This document was prepared by the Animals Committee and is submitted by the Secretariat on behalf of the Chairman of the Animals Committee. (Comments from the Secretariat are given after paragraph 27.)

Background

2. The interpretation, and hence implementation, of the provisions of Article VII, paragraphs 4 and 5, of the Convention concerning the special provisions that relate to specimens of Appendix-I species of animals has proven to be extremely problematic. Numerous attempts have been made at successive meetings of the Conference of the Parties to construct a practical administrative system to deal with international trade in captive-bred specimens of animal species included in Appendix I. At its 10th meeting the Conference of the Parties (Harare, 1997) adopted Decision 10.77 which directs the Animals Committee to:
 - a) examine the effectiveness of and the need for the existing registration system for operations breeding specimens of Appendix -I species in captivity for commercial purposes;
 - b) provide advice at the 11th meeting of the Conference of the Parties on the need for any changes; and
 - c) consider the proposed definition of "bred in captivity for commercial purposes" in document Doc. 10.67.

The process

3. The tasks ascribed to the Committee at the 10th meeting of the Conference of the Parties (Harare, 1997) were examined and discussed in some detail by ad hoc working groups established by the Animals Committee at its 14th (Caracas, 1998) and 15th (Antananarivo, 1999) meetings. At its 14th meeting, the Committee resolved to establish a smaller inter-sessional ad hoc working group to progress the matter through to its 15th meeting. Although the Committee was able to reach consensus on some elements of Decision 10.77, in particular the definition of the term "*bred in captivity for commercial purposes*", discussion on the registration procedures was polarized. The Committee was unable to reach consensus on the following fundamental issues:
 - a) whether every operation should be registered with the Secretariat; and
 - b) the 'eligibility' of operations, located in non-range States, that have become established using specimens acquired in the past, perhaps by questionable means, to become registered with the CITES Secretariat.
4. In order to provide a report with recommendations for consideration at the 11th meeting of the Conference of the Parties, it was resolved to establish a small working group to build on the areas of

agreement and to attempt, if possible, to develop a draft resolution to replace Resolution Conf. 8.15. The working group reported back to the Animals Committee. This document reports on the work of that working group, and includes the outcomes of the Committee's deliberations on Decision 10.77.

Definition of the term "bred in captivity for commercial purposes"

5. In addressing the definition of "bred in captivity for commercial purposes", the Animals Committee was mindful that Resolution Conf. 5.10 (Buenos Aires, 1985) already provides a definition for the term "commercial" in relation to Article III. The proposed language would achieve a uniform definition of the term as it is used in Article III and Article VII, paragraph 4, thereby removing the future possibility of varying interpretations of the term being used by Parties.
6. The definition of the term "*bred in captivity for commercial purposes*", as used in Article VII, paragraph 4, of the Convention, agreed upon at the 14th meeting of the Animals Committee was confirmed at its 15th meeting. Accordingly, the Animals Committee resolved to recommend to the Conference of the Parties that the term be interpreted as referring to:

"Any specimen of animal bred to obtain economic benefit, including profit, whether in cash or kind, and is directed toward sale, exchange or provision of a service or any other form of economic use or benefit."

7. The principal and most obvious effect of adopting the proposed definition would be that, in practical terms, except perhaps in a few cases, the provisions of paragraphs 4 and 5 of Article VII of the Convention would apply equally to all captive-bred specimens of Appendix-I species.
8. The foregoing definition would have the effect of including a wide array of operations, ranging from zoological gardens to small-scale hobbyists who breed animals with the intention of selling or exchanging the progeny, being considered as breeding Appendix-I-listed species of animals for commercial purposes. This would have the effect that all captive-bred specimens of Appendix-I species would be deemed to be (would have to be treated as) specimens of Appendix-II species and trade in them would be conducted in accordance with Article IV of the Convention. Although this would clarify and eliminate the possibility of Article VII, paragraphs 4 and 5, being interpreted differently by Parties, it may be viewed by some Parties as imposing an unnecessary and unwarranted imposition on operations that breed Appendix-I species for valid conservation purposes. Under the circumstances, therefore, it may not be appropriate to impose CITES registration requirements on facilities that collaborate with the governments of range States in genuine recovery or re-introduction programmes through the provision of captive-bred animals. Given the inclusive nature of the proposed definition, it may be appropriate to exempt, from the foregoing definition, establishments that receive or exchange specimens of species included in Appendix-I as part of an approved *ex situ* conservation breeding programme. Operations to be exempt from registration would, most appropriately, be determined by the Scientific Authority of the Party in which the operation is located. These determinations by the Scientific Authority should include consultation with the Management Authority of the relevant range State.

Registration procedure

9. In its consideration of the issues surrounding the tasks referred to it by Decision 10.77, the Animals Committee was in general agreement that the present registration system prescribed by Resolution Conf. 8.15 was complex and difficult for Parties to implement. The implementation problems of Resolution Conf. 8.15 may be reflected by the relatively low number of breeding operations and species currently included in the Secretariat's Register. Some Parties expressed the view that the information requirements of Resolution Conf. 8.15 are, in some cases, excessive and time consuming for proponent Parties to obtain. Some provisions in the main body of the Resolution are repeated in the annexes - thereby leading to confusion. These repetitions are deleted in the proposed revision of Resolution Conf. 8.15. For example, the provisions of operative subparagraph f) in the principal text of the Resolution are repeated in subparagraph b) of Annex 3. Furthermore, many of the information requirements have little relevance to ensuring that an operation to be registered complies with the requirements of the Convention and does not simply serve as a mechanism to 'launder' specimens obtained illegally from the wild.

10. There was general agreement in the Animals Committee on the need to revise Resolution Conf. 8.15 to produce a simplified registration procedure that was practical in its application. Views were expressed that favoured simplifying the registration procedure for small-scale breeding operations with a rigorous screening process being restricted to large-scale, demonstrably commercial operations. However, the terms “small-scale” and “large-scale” are relative to the abundance of the species in the wild. Furthermore, the terms are subjective and unable to be quantified with any degree of consistency. Operations breeding a highly endangered species need only to possess a small number of breeding animals in order to produce a limited number of offspring with a high unit value. Although these operations may be regarded as “small-scale”, such operations may be fully commercial and their potential impact on the status of the species in the wild warrants close scrutiny by Parties. Indeed, the minority view was expressed that all applications to register commercial captive breeding operations should be reviewed and decided upon by the Conference of the Parties. As a consequence, the Committee was unable to reach consensus on recommending the implementation of a registration system that differentiated between large- and small-scale breeding operations.
11. In light of the foregoing views, an alternative approach may be to develop a registration procedure the rigour of which is differentiated on the basis of the status of the species in question. Such an approach, if adopted, would necessitate an amendment to Resolution Conf. 10.16, which currently requires the Animals Committee to develop a list of species that are “commonly bred in captivity” for consideration by the Standing Committee. Resolution Conf. 10.16 should be amended to require the Animals Committee to collaborate with range States and identify, for consideration by the Standing Committee, a list of species the breeding of which is particularly problematic, and/or species for which there is special conservation concern.
12. Although there was consensus on the need to simplify the registration procedure, the quest for practicality of application should not compromise the conservation and recovery potential of Appendix-I-listed species of animals by establishing a mechanism by which wild-caught specimens could enter international trade for commercial purposes. However, it was not possible for the Committee to reach agreement on a single strategy to simplify the registration procedure for operations that breed Appendix-I-listed species in captivity for commercial purposes. Furthermore, it is unlikely that any meaningful simplification of the registration procedure will occur until the Conference of the Parties addresses, in a substantial manner, the following two seemingly intractable issues:
 - a) the legality of original founder stock; and
 - b) the relationship between *ex situ* breeding operations and *in situ* conservation of the species.
13. Discussions on captive breeding of Appendix-I-listed species of animals have focused very much on the various problems (elaborated in this document) that have been identified from the differing perspectives of range States and consumer States. The entire process relates to exemptions to the regulation of trade in specimens of Appendix-I-listed species prescribed by Article III of the Convention. Mechanisms to certify specimens as bred in captivity, determining whether an operation is breeding for commercial purposes and registering these operations are all options identified by the Conference of the Parties for relaxing the permit requirements of Article III, as explained in paragraph 8, when specific criteria have been satisfied.

Origin of founder stock

14. Many range States are opposed to any administrative system that results in captive-breeding operations located outside the range State(s) being registered and “legitimized” unless the operation in question is able to demonstrate to the satisfaction of the range State(s) concerned that the original founder stock was obtained legally (i.e. in accordance with CITES and national legislation). This issue is of paramount concern to the range States and its solution is particularly problematic. For example, a prospective *ex situ* breeder is able to purchase specimens of species 'A' from a retail outlet or an established legal breeding operation in his/her country. The individual is able to obtain all the necessary documentation to prove that the founder stock for that breeding operation was obtained legally in the country where the new breeding operation will become established. This may sound all

straightforward and not a problem. However what is of concern to range States is the legality of the transaction, by which specimens of species 'A' first entered the non-range State country to enable subsequent progeny to be 'legally' available as founder stock for all future breeding operations involving species 'A'. This is not a straightforward problem and does not have an immediate or simple solution.

15. Specimens of many of the species currently included in Appendix I of the Convention were exported from the range States, principally to Europe and North America, many decades ago. These specimens were acquired long before the Convention entered into force and before many of the range States had enacted national legislation to protect their biodiversity. Many hundreds of mammal, bird and reptile species found their way, quite legally into zoos and private collections and were used to spawn numerous *ex situ* captive-breeding colonies. It is not practical and might not be legal to apply present legislative requirements retrospectively and these specimens should NOT represent a problem for the range States. However, it is common knowledge, although extremely difficult to prove, that in more recent years, the demand for additional specimens and the actions of some unscrupulous animal dealers, both in consumer countries and the range States, have stimulated an illegal trade in many species of wild animals. This is an issue that concerns range States and is the reason why many are opposed to the registration of *ex situ* captive breeding operations. The solution to this problem, if indeed one exists, may rest in how the Conference of the Parties is able to address the following issues.

In situ conservation

16. An additional concern of many range States and an increasing number of conservationists and resource managers is centred on the absence of any positive relationship between *ex situ* captive-breeding operations and *in situ* conservation programmes for the species.
17. Indeed, commercial trade in specimens of Appendix-I-listed species derived from captive breeding operations, particularly those *ex situ* operations located in consumer countries, may have a negative impact on conservation. These operations could serve to 'launder' specimens obtained illegally from the wild (the first generation progeny derived from parental stock obtained illegally becomes effectively legalized unless such operations are subject to stringent controls). The capacity of *ex situ* breeding operations to produce and trade in large numbers of captive-bred progeny of Appendix-I-listed species undermines the development of sustainable management programmes in range States. The implementation of these programmes requires considerable commitment and effort by the range State with limited funds and is often subject to close scrutiny by the Secretariat and other Parties. Sustainable use programmes rely on maintaining a demand for the product of the management programme. The viability of these programmes is seriously threatened by competition with *ex situ* captive-breeding operations where there is no requirement to devote resources to ensuring that conservation of the wild population(s) is not compromised and the Article IV non-detriment requirements of the Convention are more easily satisfied.
18. The foregoing section elaborated the problem concerning the manner in which some parental breeding stocks have been acquired for *ex situ* captive breeding operations based primarily in the consumer countries. It was also suggested that a solution to that problem may lie in the manner in which the Conference of the Parties is able to establish practical linkages between *ex situ* closed-system breeding operations and conservation action for the species in the range States. In this regard, new and innovative strategies, such as partnership arrangements, are required that promote closer links between the management of *ex situ* operations and government agencies in range States that have statutory responsibilities for the conservation and management of wild fauna and flora. Voluntary mechanisms could be developed to compensate wild populations for the specimens that have been removed, legally and illegally, in the past. Such mechanisms would enable registered captive-breeding operations to make a meaningful contribution to species conservation. They would also provide an appropriate framework to address actions required for the recovery of Appendix-I-listed species. Approached in this manner, the registration of captive-breeding operations becomes a means to an end rather than an end in itself – the 'end' being more effective implementation of the Convention and the recovery and conservation of the species.

19. Articles 8 and 9 of the Convention on Biological Diversity (CBD) relate respectively to *IN-SITU* Conservation and *EX-SITU* Conservation. Article 9 states explicitly that the *ex situ* conservation actions contained in that Article, to the extent possible and as appropriate, should be undertaken predominantly for the purpose of complementing *in situ* measures. The development of practical and meaningful linkages between registered captive-breeding operations and *in situ* conservation actions in the range States would have the effect of demonstrating that legal trade in captive-bred specimens of Appendix-I species can be a practical mechanism to implement the objectives of the CBD.
20. CITES does not explicitly require captive breeding operations to contribute to the conservation of Appendix-I-listed species in the wild. Rather, the non-detriment requirements of Articles III and IV of the Convention focus on determining harm or risk. Nevertheless, consideration of this issue at previous meetings of the Conference of the Parties has identified the need for such operations to "demonstrate a meaningful and ongoing contribution to conservation of the species". In view of the difficulties that have been experienced by the Animals Committee in satisfactorily resolving this issue, it is unlikely that an immediate solution to the problem will be found. Under the circumstances, Parties should consider whether there is any merit in linking the treatment of Appendix-I-listed species of animals bred in captivity for commercial purposes under CITES, with the principles embodied in the CBD that establish the relationship between *ex situ* and *in situ* conservation.
21. The development and implementation of conservation plans for Appendix-I-listed species, in part funded by voluntary contributions from registered captive breeding operations that participate in the schemes, if undertaken in collaboration with range States, may attract additional support from funding agencies such as the Global Environment Facility. Such an arrangement would not only serve the purpose of establishing effective linkages between the activities of captive-breeding operations and *in situ* conservation of the species, but would also serve as a form of 'green-labelling', and create an marketing advantage for products derived from participating breeding operations.

Conclusions

22. In discharging its responsibilities under Decision 10.77, the Animals Committee addressed the definition of the term "*bred in captivity for commercial purposes*" and the registration process as separate but interrelated issues. Although the Committee was unable to achieve consensus on certain key aspects relating to captive breeding of Appendix-I-listed animals for commercial purposes, it did reach conclusions on:
 - a) an agreed definition of the term "*bred in captivity for commercial purposes*";
 - b) the close linkage between the tasks contained in Decision 10.77 and Resolution Conf. 10.16 (Harare, 1997). Accordingly, the manner in which any one task is addressed will influence the approach required for the treatment of the other elements;
 - c) the registration procedure established by Resolution Conf. 8.15 is complex and, with the detail of information required, difficult for many Parties to implement; and
 - d) the need to replace Resolution Conf. 8.15 by a registration system that is more streamlined and practical, while retaining appropriate safeguards to ensure that the provisions of the Convention are not compromised.

Issues to be considered

23. Although the Animals Committee was able to reach agreement on a definition and the need for a simplified, more streamlined registration procedure, it was unable to reach consensus on the extent to which Resolution Conf. 8.15 should be amended and the nature of any substantive amendment that might be necessary. In the absence of consensus on a common approach to registering operations breeding Appendix-I species for commercial purposes, the Animals Committee seeks guidance from the Conference of the Parties on the following elements (briefly summarized) that remain unresolved.

- a) Division remains on identifying a practical approach to registering captive-breeding operations. One approach, favoured by some consumer States, focuses on developing a differential system based on the scale of an operation. Small-scale operations would be subject to a 'fast track' registration by the Management Authority under whose jurisdiction they operated. Registration of large-scale operations would be subject to a more intensive screening process agreed upon by the Conference of the Parties. Some range States advocate that scale should not be used as a criterion to differentiate commercial and non-commercial operations, and that all captive-breeding operations should be subject to scrutiny by Parties to the Convention. An alternative approach, if a differential registration system is adopted, may lie in adopting an approach that is based on taxonomic or other considerations. Such an approach would concentrate on applying a rigorous registration screening process for taxa that are highly endangered or difficult to breed in captivity.
 - b) The origin of founder stock, as well as the origin of specimens subsequently acquired to augment the parental stock of *ex situ* captive-breeding operations remains a sensitive issue. Questions remain about the origins of the captive populations of many species, and the establishment and maintenance of many *ex situ* captive-breeding operations is perceived by some range States as a stimulant for continued illegal trade in wild-caught specimens.
 - c) The relationship between *ex situ* commercial use of specimens of captive-bred Appendix-I species and *in situ* conservation of the species should be addressed and clarified by the Conference of the Parties.
24. In order to resolve a) above, a practical approach that satisfactorily addresses the concerns of b) and c) must be determined. These concerns are genuine and underpin the difficulties experienced by the Animals Committee. Their solution is fundamental to the conservation of many Appendix-I-listed animals that are subject to commercially-directed captive-breeding operations – whether or not the Parties implement a registration system.

Recommendations from the Animals Committee

25. It is recommended that the Parties to the Convention consider the foregoing issues and agree to the following actions:
- a) Adopt the definition of the term "*bred in captivity for commercial purposes*" that would be incorporated as a new operative paragraph in an amendment to Resolution Conf. 8.15 (as outlined in paragraph 6 above).
 - b) As a Decision of the Conference of the Parties (see Annex 2), instruct the Animals Committee, in consultation with the Secretariat, to explore possible strategies by which registered captive-breeding operations are able to contribute to *in situ* conservation actions for the species, and report its findings at the 12th meeting of the Conference of the Parties. In considering the issues the Committee, through the Secretariat, should liaise with the Executive Secretary of the CBD to ensure maximum synergy between the two conventions on recommendations and approaches taken on the issue.
26. Concerning the registration procedure currently embodied in Resolution Conf. 8.15, the Conference of the Parties is requested to determine whether to:
- a) retain the existing Resolution Conf. 8.15 – thereby maintaining the present registration system that is largely unworkable;
 - b) retain Resolution Conf. 8.15 in an amended form to include the recommended definition of '*bred in captivity for commercial purposes*';
 - c) repeal Resolution Conf. 8.15 pending satisfactory resolution of the outstanding issues identified in this document; and
 - d) adopt, as an interim arrangement, amendments to Resolution Conf. 8.15 that incorporate the definition and remove a large amount of unnecessary language. The draft resolution in Annex 1

of the present document contains proposed additions in **bold**, proposed deletions in ~~strikethrough~~ and explanatory notes in *italics* as well as two newly proposed annexes. Annex 3 of the present document presents a draft resolution in the form it would take if all the proposed amendments were adopted by the Conference of the Parties (annexes excluded).

27. The adoption of the recommendation in paragraph 26. c) would effectively remove any procedure to register captive breeding operations and a standardized mechanism to implement paragraph 4 of Article VII, thereby leaving each Party to interpret and implement the provisions as appropriate.

COMMENTS FROM THE SECRETARIAT

- A. Whilst appreciating the complexity of the issue and the efforts of the Animals Committee, the Secretariat does not concur with several aspects of the document prepared by the Animals Committee or the proposed draft Resolution (Annexes 1 and 2).
- B. The Secretariat is concerned that the full context of the debate surrounding the registration of captive breeding operations of Appendix I species for commercial purposes is not appreciated. A very limited number of species have been included in the Register of Operations Breeding Appendix-I Species in Captivity for Commercial Purposes (i.e. only eight species of birds, seven crocodylians and one fish species). A total of only 81 operations in only 19 Parties have been registered in nine years. Notification to the Parties No. 2000/O10 provided the following list indicating the species for which operations are included in the Register, the countries in which these operations are located and, between brackets, the number of operations in each country.

Birds

<i>Anas laysanensis</i>	Germany (1)
<i>Aratinga guarouba</i>	Philippines (1), United Kingdom (1)
<i>Branta sandvicensis</i>	Germany (1)
<i>Falco jugger</i>	Germany (1)
<i>Falco peregrinus</i>	Canada (9), Denmark (1), Germany (5), United Kingdom (1), United States (1)
<i>Falco rusticolus</i>	Canada (6), Denmark (1), Germany (3), United Kingdom (1), United States (1)
<i>Psephotus chrysopterygius</i>	United Kingdom (1)
<i>Tragopan caboti</i>	Canada (1)

Reptiles

<i>Alligator sinensis</i>	China (1)
<i>Crocodylus acutus</i>	Colombia (2), Honduras (1)
<i>Crocodylus moreletii</i>	Mexico (2)
<i>Crocodylus niloticus</i>	Madagascar (1), Mauritius (1), Namibia (1)
<i>Crocodylus porosus</i>	Malaysia (3), Philippines (1), Singapore (4), Thailand (6)
<i>Crocodylus rhombifer</i>	Cuba (1)
<i>Crocodylus siamensis</i>	Singapore (1), Thailand (12), Cambodia (6)

Fishes

<i>Scleropages formosus</i>	Indonesia (15), Malaysia (5), Singapore (3)
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The following table indicates the countries for which operations are included in the Register and the number of operations in each country.

Country	Number of registered operations
Cambodia	6
Canada	11
China	1
Colombia	2

Country	Number of registered operations
Cuba	1
Denmark	1
Germany	6
Honduras	1
Indonesia	15
Madagascar	1
Malaysia	8
Mauritius	1
Mexico	2
Namibia	1
Philippines	2
Singapore	7
Thailand	12
United Kingdom of Great Britain and Northern Ireland	2
United States of America	1
<i>Note: Some operations have more than one species.</i>	

- C. It is therefore likely that there are many other countries where there are captive breeding operations that have more Appendix-I species than in paragraph 29. Management Authorities in these countries routinely determine whether a captive-bred specimen meets the requirements of Resolution Conf. 10.16 and a proposed export qualifies for the exemption from Article III provided in paragraphs 4 and 5 of Article VII. Nothing prevents trade in captive-bred Appendix-I specimens that have not originated from operations contained in the register kept by the Secretariat pursuant to Resolution Conf. 8.15. It is therefore appropriate to consider whether Resolution Conf. 8.15 serves a useful purpose. The Secretariat believes that Resolution Conf. 8.15 does not contribute to the implementation of CITES and that it should be repealed.
- D. It seems most sensible and practical to recommend that Parties should instead focus on the implementation of Resolution Conf. 10.16, i.e. to only apply the special provisions in paragraphs 4 and 5 of Article VII to specimens meeting the requirements of Resolution Conf. 10.16.
- E. The Secretariat therefore recommends that the proposed draft resolution in Annex 2 not be adopted and that Resolution Conf. 8.15 be repealed.
- F. If Parties believe that a registration system is required, the Secretariat recommends that the registration of nurseries exporting artificially propagated specimens of Appendix-I plant species, as provided in Resolution Conf. 9.19, be used as model and that the Secretariat be charged with developing such a system.

PROPOSED AMENDMENT TO RESOLUTION CONF. 8.15

Guidelines for a procedure to register and monitor operations
breeding Appendix-I animal species for commercial purposes

RECOGNIZING that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II;

~~RECOGNIZING that breeding a species in captivity for commercial purposes can be an economic alternative to domestic livestock production in its places of origin and thus provide an incentive for rural populations in these places to develop an interest in its conservation;~~

Explanation – This paragraph would be deleted. The relevance of this statement in the context of commercial breeding operations for Appendix-I-listed animal species is questionable. Furthermore, the accuracy of the statement is doubtful.

RECOGNIZING ALSO that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of animals that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII;

Explanation – This paragraph has been included to remind Parties that the entire registration process represents a mechanism to exempt captive breeding operations, that meet certain specific criteria, from the permit requirements of Article III.

NOTING that import of wild-caught specimens of Appendix-I species for purposes of establishing a commercial captive-breeding operation is precluded by Article III, paragraph 3(c), of the Convention, as explained further in Resolution Conf. 5.10 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985);

RECALLING that Resolution Conf. ~~10.16 2-12~~, adopted at the ~~tenth second~~ meeting of the Conference of the Parties (**Harare, 1997**) ~~San José, 1979~~, establishes the definition of "bred in captivity" and **provides the basis for determining whether or not an operation is eligible to be considered for registration;** ~~1) specifies that parental breeding be established in a manner not detrimental to the survival of the species in the wild; 2) maintained without augmentation from the wild, except for the occasional addition of animals, eggs or gametes; from wild populations to prevent deleterious inbreeding; and 3) managed in a manner designed to maintain the breeding stock indefinitely;~~

Explanation – Editorial amendment to reflect the adoption of Resolution Conf. 10.16. Amended further to remove redundant text while incorporating amended language of operative paragraph a) that more correctly describes the relationship between Resolution Conf. 10.16 and Resolution Conf. 8.15.

~~RECALLING subsequent Resolutions request the Secretariat to compile and update a register of operations breeding specimens of Appendix I species in captivity for commercial purposes [Resolution Conf. 4.15 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983)] and recommends: that the Parties provide the Secretariat with "any appropriate information" on these operations (Resolution Conf. 4.15); that breeding operations use a uniform marking system for captive-bred specimens, with closed rings for birds [Resolution Conf. 6.21 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987)]; that the first commercial captive-breeding operation to breed an Appendix I species be included in the Secretariat's Register only by a two thirds majority vote of the Parties (Resolution Conf. 6.21); and that the proposal submitted by a Party to register the first commercial operation breeding an Appendix I species follows a specific format [(Resolution Conf. 7.10 adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989));~~

Explanation – This paragraph would be deleted to remove unnecessary detail.

~~AWARE that as of 13 March 1992 the Secretariat had notified the Parties of the registration of approximately 60 operations, breeding a total of 14 species in captivity for commercial purposes;~~

Explanation – In the interests of brevity, this paragraph would be deleted as being out-of-date and unnecessary.

~~NOTING that the demand for captive breeding for commercial and conservation purposes is growing, that the art and science of captive breeding are becoming increasingly complex; and that the Parties have not yet instituted standardized procedures for the registration and subsequent monitoring of captive breeding operations for Appendix I species for commercial purposes;~~

Explanation – This paragraph would be deleted because Resolution Conf. 8.15 already establishes a set of standardized registration procedures. The proposed amendments do not alter the basic operation of Resolution Conf. 8.15 but rather seek to remove redundancies and inconsistencies. Furthermore, there is some doubt as to the veracity of the statement.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DETERMINES that the term “bred in captivity for commercial purposes”, as used in Article VII, paragraph 4 of the Convention, shall be interpreted as referring to:

any specimen of an animal bred to obtain economic benefit, including profit, whether in cash or kind, and is directed toward sale, exchange or provision of a service or any other form of economic use or benefit;

Explanation – A new definition that is recommended for adoption.

~~AGREES to the following procedure to register a captive breeding operation involving an Appendix-I-listed animal species bred for commercial purposes; describe a clear and comprehensive procedure for qualifying, registering and monitoring commercial captive breeding operations for Appendix I species;~~

Explanation – This paragraph is amended to describe more accurately the intent of the revised Resolution.

RESOLVES that:

- a) **an operation may only be registered according to the procedure in this Resolution, if specimens produced by that operation qualify as “bred in captivity” according to the requirements of Resolution Conf. 10.16;**

Explanation – Operative paragraph a) has been amended to strengthen it by explicitly stating the requirement for operations to satisfy Resolution Conf. 10.16 to be eligible for registration.

- ~~b) the Secretariat should encourage Parties to establish, where appropriate, captive breeding operations for commercial purposes for indigenous species of animals included in Appendix I;~~

Explanation – This paragraph should be deleted as it does not relate directly to the registration process. The paragraph requests the Secretariat to perform an action that may not be consistent with the policies in some range States. Furthermore, in the light of certain experiences involving certain Appendix-I-listed species, commercial captive breeding may NOT be the most appropriate conservation strategy for a species.

- c) the first and major responsibility for approving captive-breeding operations under Article VII, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;

- d) prior to the establishment of captive-breeding operations for exotic species, an assessment of ecological risks should be completed, in order to prevent any negative effects on the ecosystem and the native species;

- e) the ~~sponsoring Party's~~ **Management Authority** shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation **as set out in Annex 1**;

Explanation – Minor editorial amendment to remove unnecessary terminology. The second additional amendment seeks to remove any uncertainty on the types of information required by specifying the information referred to in Annex 1.

- f) the Secretariat shall notify all Parties **of each application for registration following the procedure set out in Annex 2**; ~~particularly range States, of each request for registration and shall provide full information on the operation to any Party that requests it, making sure in particular that all range States receive the proposal;~~

Explanation – Range States that are Parties to CITES will automatically be included if the Secretariat notifies all Parties. Annex 2 describes the procedure that would be followed by the Secretariat upon receipt of an application to register a breeding operation. In practice, if the proposed registration procedure is to apply to ALL operations breeding Appendix-I listed animal species, it would be difficult and resource intensive for the Secretariat to ensure that range States receive all applications.

- x) **Parties shall strictly implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix-I originating from operations that breed such specimens in captivity for commercial purposes;**

Explanation – The foregoing paragraph represents one of three key paragraphs [paragraph a)] that have been retained from the former Annex 4 of Resolution Conf. 8.15 and incorporated into the operative section of the revised draft resolution.

- ~~g) the Secretariat shall include a new captive-breeding operation in its Register only after it is satisfied that the operation meets the requirements set forth in Resolution Conf. 2.12, and only if no Party, particularly among range States, has objected to the registration within a period of 120 days after the Secretariat's Notification;~~

Explanation – The provisions of paragraph g) have been incorporated into Annex 2.

- ~~h) if any Party opposes the registration of an operation breeding a species new to the Secretariat's Register within the 120 day period referred to in sub paragraph g), the decision to register the operation shall be postponed until the following meeting of the Conference of the Parties, where it shall be decided by a two thirds majority vote, or until a decision is made by postal procedures set forth in Article XV of the Convention;~~

Explanation – The provisions of paragraph h) have been incorporated into Annex 2.

- ~~i) the captive-breeding operations included in the Secretariat's Register on 13 March 1992 that wish to acquire additional wild specimens of Appendix I species shall comply with the requirements of this Resolution;~~

Explanation – Following the adoption of Resolution Conf. 10.16, paragraph i) becomes redundant. The provisions of subparagraph b) ii) B) of Resolution Conf 10.16, which indicate the manner in which a captive-breeding operation may acquire additional specimens, effectively deal with this issue.

- j) **Parties shall restrict imports of captive-bred specimens of Appendix-I species for primarily commercial purposes, as defined in Resolution Conf. 5.10, to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen;** ~~continue to restrict commercial imports of captive bred specimens of Appendix I species to those produced by operations included in the Secretariat's Register;~~

Explanation – The foregoing paragraph represents a modified version of one of three key paragraphs [paragraph b)] that have been retained from the former Annex 4 of Resolution Conf. 8.15 and

incorporated into the operative section of the revised draft resolution. The intent of the amendment is to strengthen the requirement for importing countries to restrict commercial imports of Appendix-I specimens to those derived from operations registered with the Secretariat

xx) comparable documentation granted under the Convention by States that are not Parties to the Convention shall not be accepted by the Parties without prior consultation with the Secretariat;

Explanation – The foregoing paragraph represents one of three key paragraphs [paragraph c)] that has been retained from the former Annex 4 of Resolution Conf. 8.15 and incorporated into the operative section of the revised draft resolution.

k) registered captive-breeding operations shall ensure that an appropriate and secure marking system is used to clearly identify specimens in trade, and shall undertake to adopt superior marking methods as these become available;

Explanation – This paragraph has been amended to reinforce the need for captive-bred specimens to be securely marked in order to differentiate captive-bred stock from wild-caught specimens. Reference to a uniform marking system has been deleted as being an unnecessary requirement for all operations to employ the same method to mark specimens in trade.

xxx) the Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of the operation or in the type(s) of products being produced for export;

Explanation – This is a new paragraph, which incorporates the sense of paragraph 15 of Annex 1 of Resolution Conf. 8.15. It has been removed from the proposed new Annex 1 and incorporated as an operative paragraph in the principal resolution as it does not constitute information to be provided when seeking registration. Nevertheless, it is important that Parties, through the Secretariat, be aware of any fundamental change in a registered breeding operation or the types of specimens being produced and exported.

l) any Party believing that a registered operation does not meet the requirements of Resolution Conf. 10.16 2-12 may, after consultation with the Secretariat and the Party concerned, propose that the Conference of the Parties delete the operation from the Register by a two-thirds vote of the Parties as described in Article XV of the Convention; and that, once deleted, such an operation may only be reinstated in the Register by satisfying the procedure outlined in **Annex 2 f), g) and h) above;**

Explanation – Consequential editorial amendments and re-ordered in the sequence of operative paragraphs.

m) any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat, and, in this case, the operation shall be removed immediately;

Explanation – Additional text simply reflects the consequential action by the Secretariat

~~n) where the establishment of a captive breeding operation involves the removal of animals from the wild (allowable only under exceptional circumstances), that operation should demonstrate to the satisfaction of the Management Authority and the Secretariat that the removal of such specimens is not detrimental to the conservation of the species and, in the case of non-native species, such removal should require the agreement of the State of origin in conformity with Article III of the Convention;~~

Explanation – This paragraph addresses similar issues/concerns to those contained in the provisions of DECISION b) ii) of Resolution Conf. 10.16 and therefore may be considered to be redundant if not in direct conflict with Resolution Conf. 10.16. Furthermore, the second part of the paragraph appears to contradict the first NOTING in the Preamble.

- o) ~~where the conservation needs of the species warrant~~, the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution **according** to the conservation **needs** of the species **concerned** ~~in the wild~~; and
- p) ~~the Parties and Secretariat may establish additional special criteria for the registration of operations intending to breed specimens of species known to be difficult to breed in captivity, or known to have specific requirements for successful breeding in captivity, or the captive-bred specimens of which are known to be difficult to distinguish from wild taken specimens when in trade;~~

Explanation – In the interests of economy of language, this paragraph should be deleted as being an unnecessary provision. In reality, each breeding operation and species being bred will be dealt with independently according to its merits and the information provided by the competent Management Authority.

~~INSTRUCTS the Animals Committee to examine the complex issues related to the origin of founder breeding stock and the relationship between registered breeding operations and conservation programs for the species within the countries of origin and to report on its findings and recommendations at the next meeting of the Conference of the Parties; and~~

Explanation – This paragraph has been removed from the draft revised resolution and is presented for consideration as a Decision of the Conference of the Parties. It has also been restructured to place emphasis on developing strategies to accommodate a growing concern that, despite the large numbers of specimens of Appendix-I species that are bred in captivity and traded internationally, no benefits derived from such use are channelled back to the range States to fund in situ conservation programs and related activities.

REPEALS DECIDES ~~that the Resolutions listed hereunder be repealed:~~

- a) Resolution Conf. 4.15 (Gaborone, 1983) – Control of Captive-Breeding Operations in Appendix-I Species;
- b) Resolution Conf. 6.21 (Ottawa, 1987) – Control Procedures for Commercial Captive-Breeding Operations; and
- c) Resolution Conf. 7.10 (Lausanne, 1989) – Format and Criteria for Proposals to Register the First Commercial Captive-Breeding Operation for an Appendix-I Animal Species.

Commentary on the existing Annexes

The presentation of the Annexes under the format of resolutions is not considered appropriate, not only because they are repetitive of provisions in the principal text of the Resolution, but also because the preambles contain statements not entirely relevant to the subject of the whole Resolution. The Annexes should simply provide additional provisions not included in the principal text of the Resolution to clarify them. In addition, the Annexes, as they exist, are largely the basis of the complications denounced by many Parties.

Annexes 1 and 2 – These Annexes would be combined into one annex (Annex 1) which would be entitled: “Information to be provided to the Secretariat by the Competent Management Authority Concerning Operations to be Registered”. How this information is obtained from the operation is a domestic issue, which does not need to be included in the Resolution.

Annex 3 – This Annex would become Annex 2 and entitled “Procedure to be followed by the Secretariat before Registering New Operations”.

Annex 4 – Paragraphs a), b) and c) of this Annex should be kept because they include valid provisions, but which are better presented as operative paragraphs in the principal text of the Resolution. Paragraphs a) and c) have been retained in the revised draft resolution as separate operative paragraphs. Paragraph b) has been incorporated into an amended operative paragraph j). All the remaining paragraphs are already covered in other parts of the Resolution and have been deleted to avoid confusion.

ANNEX 1

Information to be provided to the Secretariat by the Management Authority on operations to be registered

1. Name and address of the owner and manager of the captive-breeding operation.
2. Date of establishment.
3. Species bred (Appendix I only).
4. Details of the number and age (if known or appropriate) of males and females that comprise the parental breeding stock.
 - Evidence of legal acquisition of each male and female, including receipts, CITES documents, capture permits etc.
5. Operations located within range States must produce evidence that the parental stock was obtained in accordance with the relevant national laws (e.g. capture permits, receipts etc.), or if imported, in accordance with the provisions of the Convention (e.g. receipts, CITES documents etc.).
6. Operations located in non-range States and established with parental stock acquired within the country where the operation is located must produce evidence that the parental stock:
 - a) are pre-Convention specimens (e.g. relevant dated receipts);
 - b) have been derived from pre-Convention specimens (e.g. relevant dated receipts); or
 - c) were acquired from the range State(s) in accordance with the provisions of the Convention (e.g. receipts, CITES documents etc.).
7. Current stock (numbers, by sex and age, of progeny held in addition to parental breeding-stock above).
8. Information on the percentage mortalities in the different age groups and, where possible, between males and females.
9. Documentation showing that the species has been bred to second-generation offspring (F2) at the facility and a description of the method used.
10. If the operation has only bred the species to the first generation, documentation showing that the husbandry methods used are the same as, or similar to, those that have resulted in second-generation offspring elsewhere.
11. Past, current and expected annual production of offspring, together with information on the percentage of:
 - a) females producing offspring each year; and
 - b) abnormalities in the annual production of offspring (including an explanation of probable cause).
12. An assessment of the anticipated need for, and source of, additional specimens to augment the breeding stock to increase the genetic pool of the captive population in order to avoid any deleterious inbreeding.
13. Type of product exported (e.g. live specimens, skins, hides, and/or other body parts).

14. Detailed description of the marking methods (e.g. bands, tags, transponders branding etc.) used for the breeding-stock and offspring and for the types of specimens (e.g. skins, meat, live animals etc.) that will be exported.
15. Description of the inspection and monitoring procedures to be used by the CITES Management Authority to confirm the identity of the breeding-stock and offspring and to detect the presence of unauthorized specimens held at or incorporated with the operation or provided for export.
16. Description of the facilities, including security measures to prevent escapes and/or thefts. Detailed information should be provided on the number and size of breeding and rearing enclosures, egg incubation capacity, food production or supply, availability of veterinary services and record-keeping.
17. Description of the strategies used by the breeding operation, or other activities, that contribute to improving the conservation status of wild population(s) of the species.

ANNEX 2

Procedure to be followed by the Secretariat before registering new operations

1. For all applications:
 - a) review each application for registration to verify that it meets the requirements of Annex 1; and
 - b) notify all Parties of each application for registration and provide full information (specified in Annex 1) on the operation to any Party that so requests.
2. For applications involving species not yet on the Secretariat's Register, in addition to determining compliance with the requirements of Annex 1, refer such applications concurrently to members of the Animals Committee and, if necessary, appropriate experts for advice on their suitability.
3. Any Party wishing to do so, must comment on the registration of an operation within a period of 90 days from the date of notification by the Secretariat.
4. If any Party objects to the registration, or where a Party, member of the Animals Committee and/or expert expresses concern about the application, the Secretariat shall facilitate a dialogue with the Management Authority of the Party submitting the application and allow a further 60 days for resolution of the identified problem(s).
5. If the objection is not withdrawn or the identified problem(s) resolved, the application shall be postponed until it is decided by a two-thirds majority vote at the following meeting of the Conference of the Parties, or by postal procedures equivalent to those set forth in Article XV of the Convention.
6. For applications involving species already on the Secretariat's Register, refer such applications to experts for advice on their suitability only in cases where there are significant new aspects or other reasons for concern.
7. When satisfied that an application meets all requirements in Annex 1, publish the name and other particulars of the operation in its Register.
8. When an operation is not accepted for registration, provide the relevant Management Authority with a full explanation of the reasons for rejection and indicate the specific conditions that must be met before it can be resubmitted for further consideration.

DRAFT DECISION OF CONFERENCE OF THE PARTIES

Directed to the Animals Committee

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

INSTRUCTS the Animals Committee to examine the complex issues related to the origin of founder breeding stock and the relationship between *ex situ* breeding operations and *in situ* conservation of the species and, in collaboration with interested organizations, identify possible strategies and other mechanisms by which registered *ex situ* breeding operations may contribute to enhancing the recovery and/or conservation of the species within the countries of origin, and report its findings to the 12th meeting of the Conference of the Parties;

Explanatory note

This paragraph has been removed from the draft revised resolution and is presented for consideration as a Decision of the Conference of the Parties. It has also been restructured to place emphasis on developing strategies to accommodate a growing concern that, despite the large numbers of specimens of Appendix-I species that are bred in captivity and traded internationally, no benefits, derived from such use, are channelled back to the range States to fund in situ conservation programmes and related activities.

DRAFT RESOLUTION OF CONFERENCE OF THE PARTIES

Guidelines for a procedure to register and monitor operations
breeding Appendix-I animal species for commercial purposes

RECOGNIZING that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II;

RECOGNIZING ALSO that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of animals that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII;

NOTING that import of wild-caught specimens of Appendix-I species for purposes of establishing a commercial captive-breeding operation is precluded by Article III, paragraph 3(c), of the Convention, as explained further in Resolution Conf. 5.10 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985);

RECALLING that Resolution Conf. 10.16, adopted at the tenth meeting of the Conference of the Parties (Harare, 1997), establishes the definition of "bred in captivity" and provides the basis for determining whether or not an operation is eligible to be considered for registration;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DETERMINES that the term "bred in captivity for commercial purposes", as used in Article VII, paragraph 4 of the Convention, shall be interpreted as referring to any specimen of an animal bred to obtain economic benefit, including profit, whether in cash or kind, and is directed toward sale, exchange or provision of a service or any other form of economic use or benefit;

AGREES to the following procedure to register a captive breeding operation involving an Appendix -I listed animal species bred for commercial purposes;

RESOLVES that:

- a) an operation may only be registered according to the procedure in this resolution, if specimens produced by that operation qualify as "bred in captivity" according to the requirements of Resolution Conf. 10.16;
- b) the first and major responsibility for approving captive-breeding operations under Article VII, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- c) prior to the establishment of captive-breeding operations for exotic species, an assessment of ecological risks should be completed, in order to prevent any negative effects on the ecosystem and the native species;
- d) the Management Authority shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation as set out in Annex 1;
- e) the Secretariat shall notify all Parties of each application for registration following the procedure set out in Annex 2;
- f) Parties shall strictly implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations that breed such specimens in captivity for commercial purposes;

- g) Parties shall restrict imports of captive-bred specimens of Appendix -I species for primarily commercial purposes, as defined in Resolution Conf 5.10, to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen;
- h) comparable documentation granted under the Convention by States that are not Parties to the Convention shall not be accepted by the Parties without prior consultation with the Secretariat;
- i) registered captive-breeding operations shall ensure that an appropriate and secure marking system is used to clearly identify all breeding stock and specimens in trade, and shall undertake to adopt superior marking and identification methods as these become available;
- j) the Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of the operation or in the type(s) of products being produced for export;
- k) any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat, and, in this case, the operation shall be removed immediately;
- l) any Party believing that a registered operation does not meet the requirements of Resolution Conf. 10.16 may, after consultation with the Secretariat and the Party concerned, propose that the Conference of the Parties delete the operation from the Register by a two-thirds vote of the Parties as described in Article XV of the Convention; and that, once deleted, such an operation may only be reinstated in the Register by satisfying the procedure outlined in Annex 2; and
- m) the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 4.15 (Gaborone, 1983) – Control of Captive-Breeding Operations in Appendix-I Species;
- b) Resolution Conf. 6.21 (Ottawa, 1987) – Control Procedures for Commercial Captive-Breeding Operations; and
- c) Resolution Conf. 7.10 (Lausanne, 1989) – Format and Criteria for Proposals to Register the First Commercial Captive-Breeding Operation for an Appendix-I Animal Species.