



2 February 2017

The Honorable Shankar Bhandari  
 Minister for Forests and Soil Conservation  
 Government of Nepal  
 Singhadurbar, Kathmandu  
 Nepal

Dear Minister Bhandari,

I am writing on behalf of the undersigned non-governmental organizations from Nepal and around the world to express our concerns regarding a recent amendment of Nepal's National Parks and Wildlife Conservation Act 2029 that will allow the government to issue permits to own and breed wild animals for any purpose including commercial trade.

We strongly urge the Government of Nepal not to issue any permits under this new amendment because we fear this will be catastrophic for wild animal populations in Nepal due to the difficulty of regulating captive breeding, especially for international commercial trade.

As you may be aware, the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), at its meeting in September/October 2016, adopted a new Resolution to review the trade in animal specimens reported as produced in captivity.<sup>1</sup> This review was prompted by concern expressed by the European Union at a meeting of the CITES Standing Committee in 2011 that “illegal trade in wild taken specimens declared as captive-bred (or ranched<sup>2</sup>) is occurring and is being conducted globally, on a large scale, which may be having a detrimental impact on wild populations of the species concerned.”<sup>3</sup> The European Union explained that it regularly questioned captive-bred and ranched claims; that reptiles, birds, and amphibians are taxonomic groups where fraudulent claims were encountered; and that such specimens are traded in large volumes and are actually wild caught, not captive-bred or ranched as claimed.

The CITES Standing Committee initiated a study of the problem with input solicited from CITES Parties. This study<sup>4</sup> confirmed the following concerns regarding claims that specimens are captive-bred or ranched:

- Sudden increases in trade in specimens declared as captive-bred following trade restrictions (in importing or exporting countries) wild-caught specimens.
- High volume trade in specimens reported as captive-bred but known to be difficult to maintain or breed in captivity, or that have low reproductive output.
- Trade from non-range States of specimens claimed to be produced via ranching or with no evidence of lawful acquisition of parental breeding stock (i.e. no reported imports).
- High volume of trade in specimens from recently established facilities.
- Specimens reported as ranched that, based on the natural history or natural range of the species, cannot feasibly or practically be produced by “ranching” as defined in Resolution Conf. 11.16 (Rev. CoP15) (e.g., mammals, corals).
- Trade in specimens that, based on their condition (adult, scarred, having parasites, etc.), make claims of captive breeding or ranching unlikely.
- Specimens declared as captive-bred from facilities that appear to exceed their breeding capacity.
- Lack of biological data and monitoring to support determinations of captive breeding or ranching, leading to variable use of CITES source codes of “C” (animals bred in captivity), “D” (Appendix I animals bred in captivity) and “F” (animals born in captivity that do not meet the definition of bred in captivity).
- Difficulties associated with documenting or providing evidence to demonstrate legal acquisition of founder stock, including those acquired pre-Convention.
- Lack of systems for applying a unique and permanent mark for captive-bred specimens of some species.

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<sup>1</sup> Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity*.

<https://cites.org/sites/default/files/document/E-Res-17-07.pdf>

<sup>2</sup> The term ‘ranching’ means the rearing in a controlled environment of animals taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood.

<https://cites.org/sites/default/files/document/E-Res-11-16-R15.pdf>

<sup>3</sup> Proposal by the European Union (EU) and its Member States for the 61st meeting of the CITES Standing Committee, on the implementation of CITES provisions relating to captive-bred and ranched specimens, SC61 Doc. 27. <https://cites.org/sites/default/files/eng/com/sc/61/E61-27.pdf>

<sup>4</sup> Implementation of the Convention relating to captive-bred and ranched specimens, SC62 Doc. 26.

<https://cites.org/sites/default/files/eng/com/sc/62/E62-26.pdf>

- Difficulty determining age of specimens claimed to be pre-Convention as well as captive-bred or ranched.
- Difficulty identifying specimens traded as juveniles (e.g., parrots).
- Regulation/Enforcement Concerns:
  - Mixing in individual shipments or within individual facilities of specimens derived from different production systems, making it difficult to differentiate specimens of different sources.
  - High costs (financially and in human resources) associated with inspecting facilities and verifying claims of captive breeding and ranching, and a general lack of resources to do this effectively.
  - Trade in captive-bred specimens, from non-range States, of endemic species that occur in countries that have not allowed export for many years.
- Administration Concerns:
  - Failure of Management and Scientific Authorities to respond to inquiries regarding captive-breeding facilities.

A subsequent study by TRAFFIC<sup>5</sup> confirmed many of these concerns and concluded that declaring wild-caught specimens as captive-bred or ranched, in light of trade volumes involved, and/or the threatened status of the species concerned, may be seriously impacting wild populations.

We are also concerned that the Government of Nepal has underestimated the high costs (financially and in human resources) associated with inspecting facilities and verifying claims of captive breeding and ranching, and that it may not have the resources to do this effectively, a concern noted above. We understand that the Government of Nepal intends to receive revenue from supplying “seed animals” and licenses to prospective breeders; however, these funds will not be nearly enough to address all of the problems noted above.

It is of serious concern that the Government of Nepal is taking on this high-risk, high-cost regulatory burden at a time when the country is unable to effectively control illegal wildlife trade. A 2012 study of CITES implementation in Nepal identified the following impediments: lack of security/patrols, lack of accountability, poverty, limited resources, lack of management capacity, high corruption, and lack of cooperation, and lack of strict punishment among many others.<sup>6</sup> In addition, at the September/October 2016 CITES meeting, Nepal was identified as a ‘category 3’ country, meaning that it does not have legislation that meets the requirements for effective implementation of CITES.<sup>7</sup> Given these difficulties, it would be surprising if Nepal could effectively regulate and enforce a captive-breeding industry so as to ensure that wild-caught animals are not laundered through the system.

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<sup>5</sup> Concerns regarding trade in specimens claimed to be derived from captive breeding or ranching – Assessment of select examples. AC27 Doc. 17 (Rev. 1), Annex 1. <https://cites.org/sites/default/files/eng/com/ac/27/E-AC27-17.pdf>

<sup>6</sup> Dongol, Y. and Heinen, J.T., 2012. Pitfalls of CITES implementation in Nepal: a policy gap analysis. *Environmental Management*, 50(2), pp.181-190. [http://www.rhinoresourcecenter.com/pdf\\_files/138/1389957204.pdf](http://www.rhinoresourcecenter.com/pdf_files/138/1389957204.pdf)

<sup>7</sup> Status of Legislative Progress for Implementing CITES (updated on 1 September 2016). CoP17 Doc. 22 Annex 3 (Rev. 1). <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-22-A3-R1.pdf>

In addition to the aforementioned concerns, wild animals confined and bred in captivity are often subjected to inappropriate care resulting in suffering, injury and death.<sup>8</sup> There is also the problem that wildlife trade can facilitate zoonotic disease transmission such as the 2003 Severe Acute Respiratory Syndrome or SARS coronavirus outbreak where a Chinese wildlife market facilitated pathogen transmission.<sup>9</sup>

For these reasons, we respectfully request the Government of Nepal not to issue permits to own and breed wild animals for any purpose including commercial trade.

Thank you for your consideration of our views.

Sincerely,



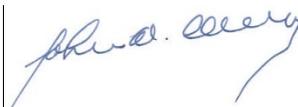
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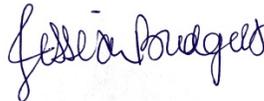
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<sup>8</sup> Baker, S.E., Cain, R., Van Kesteren, F., Zommers, Z.A., D'cruze, N. and Macdonald, D.W., 2013. Rough trade: animal welfare in the global wildlife trade. *BioScience*, 63(12), pp.928-938.  
[https://www.researchgate.net/profile/Neil\\_Dcruze/publication/258904721\\_Rough\\_Trade\\_Animal\\_Welfare\\_in\\_the\\_Global\\_Wildlife\\_Trade/links/562cafd608ae22b17034a3d4.pdf](https://www.researchgate.net/profile/Neil_Dcruze/publication/258904721_Rough_Trade_Animal_Welfare_in_the_Global_Wildlife_Trade/links/562cafd608ae22b17034a3d4.pdf)

<sup>9</sup> Greator, Z.F., Olson, S.H., Singhalath, S., Silithammavong, S., Khamvavong, K., Fine, A.E., Weisman, W., Douangneun, B., Theppangna, W., Keatts, L. and Gilbert, M., 2016. Wildlife trade and human health in Lao PDR: an assessment of the zoonotic disease risk in markets. *PloS one*, 11(3), p.e0150666. <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0150666>



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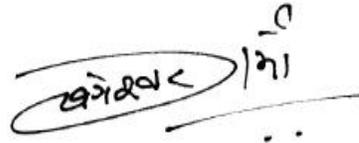
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