



Commercial ‘Zoos’: Locking Up CITES Potential To Ban The Commercial Trade In Critically Endangered Species

By EMS Foundation with thanks to Karl Ammann for his investigatory findings

Introduction

There is a huge glaring loophole in CITES. A loophole so big that the very intention of CITES can be undermined with no more than the use of one letter.

The intention of CITES has always been to ensure that the trade in endangered species is tightly regulated, including a requirement that critically endangered species cannot be traded for commercial purposes. Despite this clear intention, commercial trade in critically endangered animals continues by simply entering purpose code Z (which applies to zoos), rather than purpose code T (which applies to commercial transactions).

In practice it does not seem to matter if the zoo in question is unable to provide any conservation benefits or even meet minimal welfare requirements, nor does it matter if the trade to this so-called zoo has huge commercial value. Countless examples have shown that by simply proclaiming the transaction to be for zoo purposes, a commercial enterprise and transaction is able to escape from CITES most fundamental safeguard.

General Criteria for Trade in Appendix I Species

The starting position, as set out in Article III of the Convention, states that permits to import or export an Appendix I listed species can only be granted when certain conditions are met:

- In both incidences (import and export): The Scientific Authority (of the relevant state of export/ or import) must have advised that such export/import will not be detrimental to the survival of the species.
- Export permits also require that: The Management Authority (of the relevant state of export) is satisfied that the specimen was not obtained in breach of national laws.
- In addition, import permits also require that: The Management Authority (of the relevant state of import) must be satisfied that the specimen **is not to be used for primarily commercial purposes**.

What is the meaning of 'primarily commercial'?

The primary resolution for permitted purposes does not offer a definition beyond the code titles.¹ However, a separate Resolution provides interpretation guidance on 'commercial purposes,' as follows²:

2. *An activity can generally be described as 'commercial' if its purpose is to obtain economic benefit (whether in cash or otherwise), and is directed toward resale, exchange, provision of a service or any other form of economic use or benefit.*

3. *The term 'commercial purposes' should be defined by the country of import as broadly as possible so that any transaction which is not wholly 'non-commercial' will be regarded as 'commercial'. In transposing this principle to the term 'primarily commercial purposes', it is agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature. with the result that the import of specimens of Appendix I species should not be permitted. The burden of proof for showing that the intended use of specimens of Appendix I species is clearly non-commercial shall rest with the person or entity seeking to import such specimens.*

Are Zoos primarily commercial?

The definitions of 'primarily commercial,' and 'commercial' are fairly broad. Taking a view, on its face: '[where] non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature' would appear to cover many zoos, on the basic understanding of how zoos function; any conservation and education aspects do not clearly predominate their commercial value. Further, the burden of proof is on that person seeking to import the specimen.

In practice, whether an import is occurring for a primarily commercial purpose is determined on a 'case-by-case basis' depending on the facts. There are no fast rules as to its application. The above resolution³ provides some direction by way of examples where there would likely be a finding that the purpose is not primarily commercial, such as scientific purposes and education and training. The zoo scenario is not directly used. However, as above, this will depend on the facts available.

There is ongoing and growing discussion on the relationship between 'primarily commercial' and zoos and its lack of clarity. For example, the CITES Secretary-General reportedly provided the WAZA 2017 annual conference attendees with one interpretation:

¹ Resolution Conf 12.3 (Rev. CoP17)

² Conf.5.10 (Rev.CoP15), Available at: <https://cites.org/eng/res/05/05-10R15.php>

³ Conf.5.10 (Rev.CoP15), Available at: <https://cites.org/eng/res/05/05-10R15.php>

*'Non-commercial trade and trade in captive bred and ranched animals will often involve zoos and aquariums. The purpose of certain zoos, commercial or not, sometimes comes into question, as does the true origin of a species....CITES uses certain terms for trade in live wild animals that could benefit from further guidance as to their application...The definition of these terms is in need of better guidance.'*⁴

There is no definition of what a zoo is under CITES, which is exacerbating this problem. Instead it appears that the trade to zoos is happening under a loose and generous belief that all zoos must be for conservation and education. Not only is this often not the case, but even where this may exist, the commercial aspects predominate.

It is clearly accepted that zoos are not automatically deemed to be outside of the definition of commercial. However, despite this, time and time again commercial operations have been able to import critically endangered Appendix I species by claiming to be a zoo. These facilities are often commercial enterprises, often using animals for entertainment shows and exchanging significant sums of money in doing so. The problem therefore is that there is quite clearly a lack of understanding as to what rules apply. Further guidance is desperately needed.

Case studies of commercial zoos trading Appendix I

❖ Case study: Elephants

There is significant evidence of commercial trading of Appendix I Asian elephants from Lao PDR into China for the purpose of 'zoos'. Whilst documentation has not been forthcoming from the authorities, there is permit documentation and through logs by the Chinese Management Authority in the CITES trade database. Information has also been revealed through various media reports setting out the arrival of elephants at various ports/zoos. For example, (and relating to a number of shipments) a Lao PDR translated media report, stated the following:

据统计，2015年以来，共有142头亚洲象通过磨憨口岸进入中国。作为进口亚洲象的第一入境口岸，磨憨口岸已成为进口老挝亚洲象最大的中转站。（来源：云南网 记者：朱龙飞）

Translation: According to statistics, since 2015, a total of 142 Asian elephants have entered China through Mohan Port. As the first port of entry for importing Asian elephants, Moao Port has become the largest transit point for importing Laos Asian elephants. (Source: Yunnan NetEase reporter: Zhu Longfei)

⁴ See:

https://www.cites.org/eng/news/sg/CITES_SG_keynote_address_WAZA_Annual_Conference_2017_Germany_18102017



This is understood to have been a declaration made by a Mohan border customs officer, and to relate to a number of shipments.

The following facilities in China are known to have imported elephants from Lao PDR using purpose code Z:

- 'Xishuangbanna Wild Elephant Valley' (Jinghong, Yunnan Province), the facility traded 11 elephants in 2014/2015
- 'Guizhou Forest Wildlife Zoo' (Guiyang, China), where 8 elephants were imported in 2018, and where a further 12 elephants were shipped in 2017
- 'Longemont Safari Park' (Huzhou, Zhejiang, China), where 8 elephants were imported at the end of 2018 according to information from a local operative and dealers
- 'Beijing Wild Animal Park,' which imported 4 Laotian elephants at some point between 2018 - 2020

Investigations have revealed a number of examples of profit based/driven behaviour directly connected to the trade of these Laotian elephants. Sources have confirmed that Chinese dealers will buy each Laotian elephant for around 25,000 USD (or more, if customs bribes are needed) and sell them onto safari parks in China for 250,000 - 500,000 USD, depending on the age, sex and the number of tricks the elephant can perform. This is at least ten times the purchase price. Before reaching the end consumer or zoo, many elephants require training in order to perform, which is often carried out at holding facilities, such as at Guizhou Forest Wildlife Zoo. Each elephant generates significant profits through the shows it performs at these facilities. The activities at these zoos are a far cry from conservation and education.

Investigations have revealed the following information, to illustrate that these facilities are profit driven and thereby primarily commercial in breach of Article III of the Convention:

- Xishuangbanna Wild Elephant Valley (Jinghong, Yunnan Province)

The majority of the elephants at Xishuangbanna Wild Elephant Valley are known to be sourced from Lao PDR, including the 11 imported in 2014/2015. According to sources, the facility currently uses 2 of these 11 elephants in their shows, but the location of the remaining 9 is unknown.

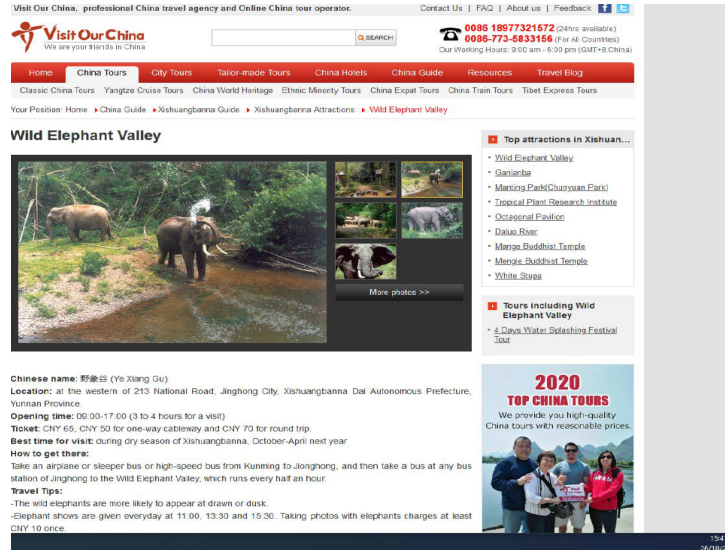


Image 1: This facility is a major attraction with elephant performances (this is taken from a travel agents website)

Elephant shows attract thousands of spectators. According to sources, up to 40,000 visitors visit the site on weekends and earning potential on such weekends is over 2 million US dollars.



Image 2: elephants performing to crowds at Xishuangbanna Wild Elephant Valley

一、基本信息

1.1 工商信息

企业名称： 西双版纳野象谷景区有限公司
英文名称： Xishuangbanna Wild Elephant Spot Co., Ltd.
曾用名： 西双版纳金孔雀旅游集团野象谷景区有限公司
注册号： 532800100008306
统一社会信用代码： 9153280075717781XC
纳税人识别号： 9153280075717781XC
进出口企业代码： 530075717781X
法定代表人： 包战天
组织机构代码： 75717781-X
注册资本： 2000 万元人民币
实缴资本： 2000 万元人民币
所属行业： 水利、环境和公共设施管理业
企业类型： 有限责任公司（非自然人投资或控股的法人独资）
经营状态： 存续（在营、开业、在册）
成立日期： 2003-10-27
核准日期： 2020-09-16
营业期限： 2003-10-27 至 2023-10-26
登记机关： 西双版纳傣族自治州市场监督管理局
人员规模： 200-299 人
参保人数： 240
注册地址： 景洪市勐养镇野象谷景区
经营范围： 公园旅游服务、公园经营；住宿；餐饮；歌舞表演；旅游产品、副食品、百货、珠宝玉石销售；邮政代办；房屋、场地出租；亚洲象驯养、繁殖、演出；人身意外险、住宿平安险、旅客平安险；预包装食品零售，索道票务销售，会议会展服务；索道票务代理。（依法须经批准的项目，经相关部门批准后方可开展经营活动）

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1.2 主要人员

序号	姓名	职务
1	包战天	执行董事
2	胡子林	监事
3	熊朝永	监事

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1.3 分支机构

Image 3: According to the company registry profile of Xishuangbanna Wild Elephant Valley's managing company, 'Xishuangbanna Wild Elephant Valley Company,' the registered capital of this company is 20 million RMB (over 2 million US dollars)

- Guizhou Forest Wildlife Zoo (Guiyang, China)

Guizhou Forest Wildlife Zoo imported 12 elephants in 2017, according to advertisements for the arrival of Laotian elephants from 2017, along with a statement made on the zoo's website.

Guiyang.com (.../...) > News Channel (.../.../xinwen/node_341.htm) > Local Current Affairs (.../.../xinwen/node_423.htm) > Text

A group of 12 Lao elephants "Gui Piao" settled in Guizhou Wildlife Park

Release time: 2017-01-20 16:15:21 Source: Guizhou Metropolis Daily

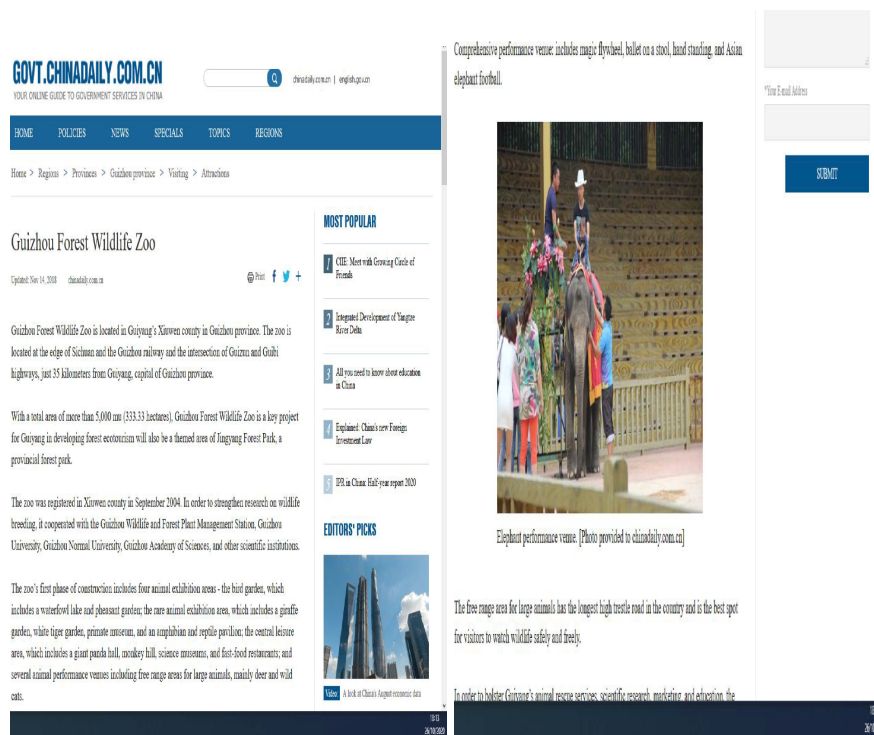


Little elephant interacts with children.

Image 4: advertisement for the arrival of 12 elephants

There are only 9 of these elephants left according to the keepers, so it is suspected that the other 3 elephants have since been resold for a profit. A further import of elephants to this facility is known to have occurred in September or October 2018.

Keepers at this facility confirm that they buy elephants from a wildlife dealer, Mr Zhang, for around 2.5 million yuan (or around 350,000 US dollars) for an adult elephant (and more for an infant). Video footage of this facility shows a performance arena with football nets and various other performing props. These activities are confirmed by advertisements and media reports online.



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Guizhou Forest Wildlife Zoo

Updated: Nov 16, 2018 chinadaily.com.cn

Guizhou Forest Wildlife Zoo is located in Guiyang's Xiwuwan county in Guizhou province. The zoo is located at the edge of Sichuan and the Guizhou railway and the intersection of Guiyuan and Guiji highways, just 35 kilometers from Guiyang, capital of Guizhou province.

With a total area of more than 5,000 mu (333.33 hectares), Guizhou Forest Wildlife Zoo is a key project for Guiyang in developing forest ecotourism will also be a themed area of Fangyang Forest Park, a provincial forest park.

The zoo was registered in Xiwuwan county in September 2004. In order to strengthen research on wildlife breeding, it cooperated with the Guizhou Wildlife and Forest Plant Management Station, Guizhou University, Guizhou Normal University, Guizhou Academy of Sciences, and other scientific institutions.

The zoo's first phase of construction includes four animal exhibition areas - the bird garden, which includes a waterfowl lake and pheasant garden; the rare animal exhibition area, which includes a giraffe garden, white tiger garden, primate museum, and an amphibian and reptile pavilion; the central leisure area, which includes a giant panda hall, zookeeper hill, science museum, and fast-food restaurants; and several animal performance venues including free-range areas for large animals, mainly deer and wild cats.

Comprehensive performance venue includes magic flywheel, ballet on a stool, hand standing, and Asian elephant football.

Elephant performance venue. (Photo provided to chinadaily.com.cn)

The free-range area for large animals has the longest high-visibility road in the country and is the best spot for visitors to watch wildlife safely and freely.

In order to better Guizhou's animal breeding services, scientific research, marketing, and education, the

Image 5: Media reports on activities at Guizhou Forest Wildlife Zoo



Image 6: elephants performing at Guizhou Forest Elephant Zoo



Image 7: elephant ride at Guizhou Forest Elephant Zoo (the use of sharp bullhooks is clear from this image)

Investigations also revealed an elephant training centre at this facility, where some elephants are understood to be trained for performances before being moved onto other zoo facilities in China.

一、基本信息

1.1 工商信息

企业名称： 贵州森林野生动物园股份有限公司
 英文名称： Guizhou Forest Wildlife Zoo Co., Ltd.
 曾用名： 贵州森林野生动物园有限公司
 注册号： 520123000081168
 统一社会信用代码： 915201007660739088
 纳税人识别号： 915201007660739088
 进出口企业代码： 5200766073908
 法定代表人： 张超
 组织机构代码： 76607390-8
 注册资本： 11000 万人民币
 实缴资本： 11000 万人民币
 所属行业： 农、林、牧、渔业
 企业类型： 股份有限公司(非上市、自然人投资或控股)
 经营状态： 存续(在营、开业、在册)
 成立日期： 2004-11-09
 核准日期： 2018-12-26
 营业期限： 2008-12-03 至 无固定期限
 登记机关： 贵阳市市场监督管理局
 人员规模： 少于50人
 参保人数： 30
 注册地址： 贵州省贵阳市修文县扎佐镇林海冷水车分场
 经营范围： 法律、法规、国务院决定规定禁止的不得经营；法律、法规、国务院决定规定许可(审批)项目，经审批机关批准后许可(审批)项目，市场主体自主选择经营。(动物展览展示、动物繁殖、动物表演及动物交换；旅游服务、日用百货零售；餐饮、会议接待。)

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1.2 主要人员

序号	姓名	职务
1	张超	董事长
2	樊京朋	董事
3	李博强	董事
4	王明达	董事
5	刘杰	董事

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Image 8: According to the company registry profile of Guizhou Forest Wildlife Zoo’s managing company, ‘Guizhou Forest Wildlife Zoo Holding Co., Ltd,’ the registered capital of this company is 110 million RMB (over 16 million US dollars)

- Longemont Safari Park (Huzhou, Zhejiang, China)

8 elephants arrived at Longemont Safari Park from Lao PDR in around late 2018. These elephants were known to have been initially trained at Guizhou Forest Wildlife Zoo, in order to perform at Longemont. Longemont is known to be a 2.9 billion USD for profit facility. Evidence suggests that the owner of Longemont, Mr Tong, bought elephants from a prominent wildlife dealer, Mr Zhang, for 3.5 million yuan each (over 500,000 US dollars).

This facility uses elephants for performances. According to sources, this facility, which was opened recently, expects a visitor level of around 30,000 people per day with an expected average 40 USD entry fee, and is expected to generate millions of dollars.



Image 9: Elephants performing at Longemont Safari Park

It is also well known that 32 African elephants were imported to Longemont Safari Park in 2019, of which 20 were kept and trained at Longemont. 12 were moved to another safari park, and one of these 12 has since died. We are informed that Longemont purchased these African elephants for 125,000 US dollars each. Whilst not concerning elephants from Lao PDR (and therefore Appendix I), this is indicative of the sums involved (and treatment of) elephants at Longemont and other Chinese zoos.

一、基本信息

1.1 工商信息

企业名称： 长兴太湖龙之梦乐园投资管理有限公司
 英文名称： -
 曾用名： -
 注册号： 330522000194309
 统一社会信用代码： 91330522MA29N5W90
 纳税人识别号： 91330522MA29N5W90
 进出口企业代码： -
 法定代表人： 唐伟良
 组织机构代码： MA29N5W-9
 注册资本： 10000万元人民币
 实缴资本： -
 所属行业： 租赁和商务服务业
 企业类型： 有限责任公司（自然人投资或控股的法人独资）
 经营状态： 存续
 成立日期： 2017-05-12
 核准日期： 2018-07-24
 营业期限： 2017-05-12 至 2067-05-11
 登记机关： 长兴县市场监督管理局
 人员规模： -
 参保人数： -
 注册地址： 浙江省湖州市长兴县太湖国际旅游度假区碧岩村
 经营范围： 投资管理、企业管理咨询、展览展示服务、会议服务、旅游开发、景区管理、旅游景区基础设施建设、旅游文化艺术交流活动策划、建筑材料、装饰材料（不含危险化学品）、服装、鞋帽、工艺品（除文物、古玩、字画、藏品）销售、食品销售、中小型停车场服务、自有资产管理、物业管理、自有房屋租赁、影视策划、软件开发、广告设计、制作、户外广告发布、货物进出口、技术进出口。（依法须经批准的项目，经相关部门批准后方可开展经营活动）

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1.2 主要人员

序号	姓名	职务
1	唐伟良	执行董事兼总经理
2	徐斌	监事

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1.3 分支机构

Image 10: According to the company registry profile of Longemont Safari Park's managing company, 'Longemont Safari Park Investment Company,' the registered capital of this company is 100 million RMB (over 14 million US dollars)

- Beijing Wild Animal Park

Beijing Wild Animal Park is known to have imported 4 Laotian elephants between 2018 - 2020. These elephants were part of the 12 elephants subject to a recent Chinese contract case.

Beijing Wild Animal Park is a profit-based facility. According to a government authorised enterprise credit agency (Tianyancha), net profit in 2017 for Beijing Green Landscape Zoo Co Ltd (the registered company name, as above) totalled over 61M (61,601,900) yuan (approximately 7 million USD).

北京绿野晴川动物园有限公司(企业信用报告)-天眼查 Beijing Green Landscape Zoo Co Ltd (Corporate Credit Report 2018) www.tianyancha.com

企业资产状况信息 Corporate assets information 2017 万元=10000 Yuan 40294.73万元=402.9473 million Yuan

资产总额 Total assets	40294.73 万元	所有者权益合计 Total owners' equity	31054.16 万元
销售总额 Total sales	15979.22 万元	利润总额 Total profit	6160.19 万元
营业总收入中主营业务 收入 Main business income	13625.36 万元	净利润 Net profit	4590.12 万元
纳税总额 Total tax	2051.18 万元	负债总额 Total liabilities	9240.57 万元

<https://www.tianyancha.com/>

<https://www.tianyancha.com/company/9068518>

网站或网店信息 Website Information

类型	名称	网址
网站	北京野生动物园 Beijing Wildlife Park	www.biwildlifepark.com.cn

北京绿野晴川动物园有限公司(企业信用报告)-天眼查.pdf 21 / 22 Beijing Green Landscape Zoo

企业资产状况信息 万元=ten thousand yuan 26769.64万元=267.6964 million yuan

资产总额 total assets	26769.64 万元	所有者权益合计 total owners' equity	19003.55 万元
销售总额 total sales	5017.46 万元	利润总额 total profit	1642.81 万元
营业总收入中主营业务 收入 main business income	4203.40 万元	净利润 net profit	1246.54 万元

Image 10 and 11: Website summarising recent profit, sales etc



一、基本信息

1.1 工商信息

企业名称：北京绿野晴川动物园有限公司
英文名称：Beijing Luye Qingchuan Zoological Garden Co., Ltd.
曾用名：-
注册号：110000002630921
统一社会信用代码：9111000070000642XU
纳税人识别号：9111000070000642XU
进出口企业代码：-
法定代表人：马荣
组织机构代码：70000642-X
注册资本：18749.5万元人民币
实缴资本：18749.5万元人民币
所属行业：水利、环境和公共设施管理业
企业类型：有限责任公司(法人独资)
经营状态：开业
成立日期：1999-01-25
核准日期：2020-09-02
营业期限：1999-01-25 至 2049-01-24
登记机关：北京市工商行政管理局
人员规模：500-599人
参保人数：514
注册地址：北京市大兴区榆绿万森林
经营范围：动物饲养、繁殖；餐饮；销售定型包装食品；动物旅游观赏、林业种植技术开发；动物驯养及繁殖技术的咨询、林业种植技术的咨询；销售工艺美术品、百货；摄影、扩印；电瓶车租赁游览服务；设计、制作、代理、发布广告；机动车公共停车场服务；游乐园经营；出租商业用房。（市场主体依法自主选择经营项目，开展经营活动；依法须经批准的项目，经相关部门批准后依批准的内容开展经营活动；不得从事国家和本市产业政策禁止和限制类项目的经营活动。）

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1.2 主要人员

序号	姓名	职务
1	吴光静	经理
2	马荣	执行董事
3	王京	监事

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Image 12: According to the company registry profile of Beijing Wildlife Park’s managing company, ‘Beijing Wildlife Park Company,’ the registered capital of this company is over 187 million RMB (over 28 million US dollars)

The above activities are quite clearly primarily commercial and involve poor treatment of Appendix I elephants in order to generate profit. In accordance with the protections under CITES, import permits should not have been granted.

❖ 18 Chimpanzees

In August 2019 18 chimpanzees were imported into China from South Africa to a zoo facility entitled ‘Beijing Wild Animal Park’. The zoo is registered under the company name: ‘Beijing Green Landscape Zoo,’ and understood to belong to ‘Beijing Tourism Group Co. Ltd.,’ which belongs to the Government.

The import permit and the export permit both used the Purpose Code Z and the Source Code C. This means the alleged sourcing of the chimpanzees came from ‘animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.) ...exported under the provisions of Article VII, paragraph 5’ [Resolution Conf.12.3 (Rev. CoP17)]; and the alleged intended end use was for a zoo.

There was no evidence that any of the chimps were mated in a controlled environment or that the facility (if any) was established in accordance with the provisions of the Convention. This

meant the specimens were unable to meet the requirements of captive bred, and as such the chimpanzees in question remained Appendix I, rather than Appendix II, meaning they could not be traded for primarily commercial purposes.

Some of the commercial nature of this zoo is listed above. In addition to that information, the zoo has an entry fee of \$20 - \$30 dollars (130 Yuan).



Image 13: receipt October 2019

As detailed above, Beijing Wild Animal Park (or 'Beijing Wildlife Park'- another name used), provides animal performances (such as bear acrobatics, and elephant shows), a safari shuttle bus, and train rides. In addition to the entry fee, there are a number of profit orientated endeavours including: animal feeding (an additional 20 Yuan per barrel) and battery run car rental (an additional 70 Yuan per hour); additional opportunities to bring profit to the facility.

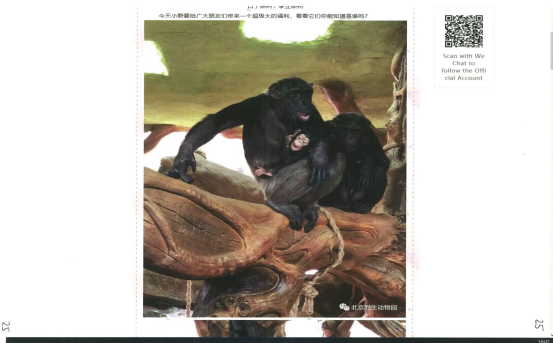


Image 14: The chimpanzees are advertised on the zoo's official Web Chat Platform

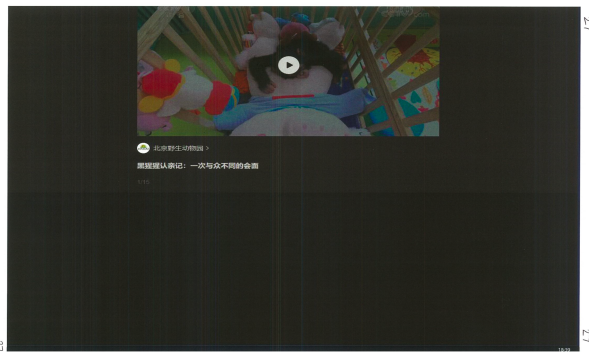


Image 15: The chimpanzees are advertised in an online video advertising baby chimpanzees at the zoo in cots wearing nappies and appear to be in a walk through area selling refreshments and gifts

There is an display area outside the chimpanzees' enclosure with a large net (visible during a visit in October 2019), which is understood to be for selfies and interaction sessions with the public and the young chimpanzees. The 18 chimpanzees are clearly a key attraction for Beijing Wild Animal Park with the objective of bringing more paying visitors through the door.



Image 16: There are also serious concerns about the suitability of the environment the chimpanzees have been placed in

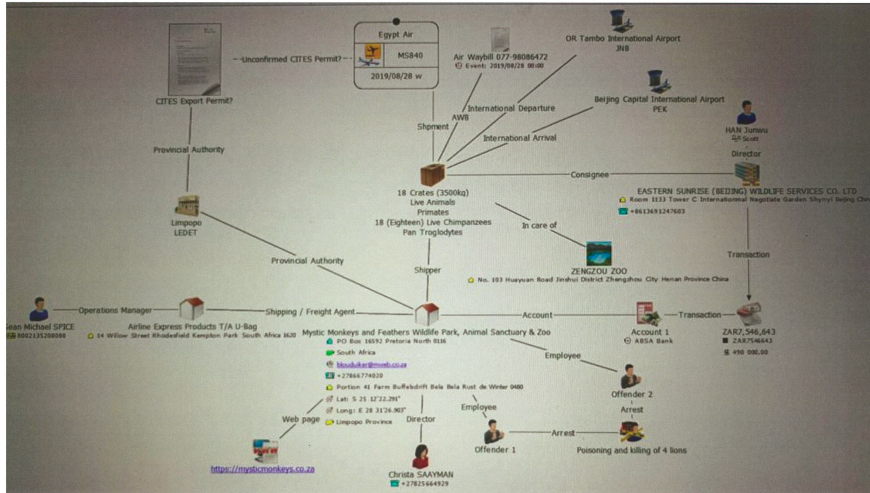


Image 17: Flow chart which illustrates the commercial nature of the transfer of the chimpanzees between a number of parties, as well as the intended commercial use for the chimpanzees

Following visits made to the facility, it appears that 3 of the 18 chimpanzees set for transfer in August 2019 (as per the permit documentation) never arrived at Beijing Wild Animal Park, and are understood to have been sold following their import. Evidence also suggests that some of the new safari parks in China have managed to get a full return on investment in four years, while it used to be seven years. This is clear evidence of the compelling financial motivation to import new wildlife.

The purpose of this transaction was quite clearly primarily commercial, as such the import permit should not have been granted under CITES.

❖ *Other examples of purpose code Z being used for commercial purposes*

- Green world Breeding Farm (China)

Green World Breeding Farm is a facility that belongs to the Chinese brokering company, Golden Land Animal Trade.

Golden Land Animal Trade is a brokering business⁵ that imports animals, sometimes on behalf of other businesses, and sometimes to sell off the animals to Chinese and other international

⁵ <http://www.glanimaltrade.com/about.asp?catid=33>

zoos. The company was implicated in the smuggling of 138 chimpanzees from Guinea to China between 2007 and 2012.⁶ It is also named as one of the biggest of three animal wholesale companies in China that acts as an intermediary for traffickers and final buyers.⁷

The company also has a breeding farm (Green World Breeding Farm) in Tianjin, where animals are bred and sold off to individuals and zoos.⁸ Green World Breeding Farm itself is not a zoo.

This company boasts about importing most of the wild animals into China:⁹ The company claims on its official website that it has managed the process of introducing a number of rare specimens, including elephants and chimps, for more than 100 zoos and aquariums in China in the past 10 years.¹⁰ Not a single final destination of any of the animals imported from South Africa by Golden Land Animal Trade Co. Ltd. is known.

Many animal exports to Green World Breeding Farm used purpose code T, which makes sense as this is a breeding facility that sells animals. However, other shipments were exported with purpose code Z, to this breeding facility by South African brokers and private zoo owners.

SPECIES	CITES	COD E	NR.	EXPORTER	IMPORTER	COUNTRY	YEAR
CARACAL	II	Z	20	LETSATSI LA AFRICA	GREEN WORLD BREEDING FARM	CHINA	2017
		T	15	ANDRE SNYMAN	GREEN WORLD BREEDING FARM	CHINA	2018
MARMOSSET	II	Z	20	MYSTIC MONKEYS & FEATHERS	GREEN WORLD BREEDING FARM	CHINA	2017
		T	40	ANDRE SNYMAN	GREEN WORLD BREEDING FARM	CHINA	2018
			60	ANDRE SNYMAN	GREEN WORLD BREEDING FARM	CHINA	2019
SERVAL	II	Z	18	LETSATSI LA AFRICA	GREEN WORLD BREEDING FARM	CHINA	2016
			20	LETSATSI LA AFRICA	GREEN WORLD BREEDING FARM	CHINA	2017
		T	15	ANDRE SNYMAN	GREEN WORLD BREEDING FARM	CHINA	2019

⁶ <http://www.globaltimes.cn/content/883220.shtml>

⁷

<https://secureservercdn.net/45.40.149.159/34n.8bd.myftpupload.com/wp-content/uploads/2018/10/GFI-Illicit-Financial-Flows-and-the-Illegal-Trade-in-Great-Apes.pdf>

⁸ <http://www.glanimaltrade.com/about.asp?catid=18>

⁹ https://www.eawildlife.org/DigitalSwaraMagazine/EAWLS_Swara_Magazine_02_2014.pdf

¹⁰ Ibid

- Zootopia (Georgia)

Zootopia is a petting zoo and commercial pet shop, located inside a shopping mall. The animals have no access to natural light. Appendix I listed species were exported to this shop using purpose code z, which is clearly not a zoo in any shape or form.

SPECIES	CITES	CODE	NR	EXPORTER	IMPORTER	COUNTRY	YEAR
COTTON-TOP TAMARIN	I	Z	2	MYSTIC MONKEYS & FEATHERS	ZOOTOPIA	GEORGIA	2017
RING-TAILED LEMUR	I	Z	2	MYSTIC MONKEYS & FEATHERS	ZOOTOPIA	GEORGIA	2017



Image 18: Inside Zootopia

- Lahore Zoo (Pakistan)

It is clear that Lahore Zoo has a significant commercial component, namely the trade in animals. Secretary Forests and Wildlife, Shahid Zaman, while talking to The Express Tribune¹¹ informed that the department had three priorities regarding surplus animals from Lahore Zoo. The first priority is to pair the surplus animals with animals across the 21 small and big wildlife parks and zoos in Punjab for breeding. After that, some animals will be released into protected areas and if they still have a surplus they will auction them to the public. Selling to the public serves no conservation purpose.

¹¹ <https://tribune.com.pk/story/2345335/lahore-zoos-big-cats-up-for-sale-to-public>

SPECIES	CITES	CODE	NR.	EXPORTER	IMPORTER	COUNTRY	YEAR
CHEETAH	I	Z	2	ANNE VAN DYK	LAHORE ZOO	PAKISTAN	2017
WHITE LIONS	II	Z	2	ZOOLOGICAL LIVE ANIMAL SUPPLIERS	LAHORE ZOO	PAKISTAN	2017

Solution

The primary objective of any solution needs to be to clarify 2 things 1) that an activity is primarily commercial even if it involves another activity that has non-commercial components and 2) an activity that is labelled a zoo can still be for primarily commercial purposes under CITES if it is a profit making activity.

Given the continued ambiguities surrounding the scope of 'primarily commercial' (under Article III, paragraph 3(c) of the Convention) and the continued commercial trade in Appendix I species for use in zoos, a clearer legal definition would be beneficial.

To achieve this, one route would be for a party to CITES to propose a draft resolution (or decision) providing clarity for the next CoP to consider.¹²

The draft resolution could tackle both primarily commercial and zoos or focus solely on zoos. It could also include welfare requirements for zoos. For ease the start of a draft resolution is included below.

Draft resolution

Definition of 'Zoo'

OBSERVING that there is significant trade in species listed in the Convention using purpose code Z, which is intended for zoological purposes;

RECOGNIZING that, because the Convention does not define what constitutes a zoological purpose it has left the purpose open to interpretation;

OBSERVING that, under Article III, paragraphs 3 (c) and 5 (c), of the Convention, a permit for the import or a certificate for the introduction from the sea of specimens of Appendix I species

¹² The current procedure for proposing draft resolutions/other documents is set out in a Resolution (Conf. 4.6 (Rev. CoP18), <https://cites.org/sites/default/files/document/E-Res-04-06-R18.pdf>) and includes the general requirement to communicate such proposals to the Secretariat at least 150 days before the next CoP, for documents to be no more than 12 pages in length, and an indication of the work involved and source of funding where the resolution may require resources from the Secretariat/committees.



may be issued only if certain conditions are met, including that the Management Authority of the State of import (or introduction from the sea) is satisfied that the specimens are not to be used for primarily commercial purposes, which has been defined in Resolution Conf. 5.10 (Rev. CoP15);

RECOGNIZING that, Appendix I species continue to be traded using purpose code Z when the transaction may fall within the definition of 'primarily commercial' and therefore should not be traded;

OBSERVING that there is no guidelines on what the requirements for a zoo should be, including detailed welfare and conservation requirements;

ACKNOWLEDGING that the Parties' differing legislation and legal traditions will make it difficult to reach agreement on a simple 'objective' interpretation of the term and that the facts concerning each import will determine whether a proposed use would be for zoological purposes;

RECOGNIZING that lack of specific definition for purpose code Z and the importance of the facts concerning each proposed transaction create a need for consensus by the Parties regarding general principles and examples to guide the Parties in assessing the intended use of species to be imported;

AWARE that agreement on interpreting purpose code Z is important due to the fundamental principle in Article II, paragraph 1, of the Convention that trade in specimens of Appendix I species must be subject to particularly strict regulation and only authorised in exceptional circumstances and not for 'primarily commercial purposes';

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. RECOMMENDS that for the purpose of defining purpose code Z of the Convention, the following general principles be used by the Parties in assessing whether the export and import of a specimen would result in its use for zoological purposes:

General principles

1. An import and export permit must not be granted for Appendix I species using purpose code Z if the predominant purpose is primarily commercial, which will be determined after a non-commercial finding by the Management Authority of both the state of export and import after a comprehensive look at the financial activities of the final destination for the specimen and the activities the specimen will be subject to.



2. An activity can only be described as 'zoological' if its purpose is to effectively breed and conserve a species and educate the public on the species.
3. Purpose code Z must not be used unless the specimen is kept in a suitable environment for its species and cared for using best practice husbandry.