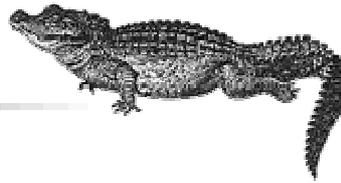


IUCN - World Conservation Union • Species Survival Commission

Crocodile
Specialist
Group



Chairman: Prof. Grahame Webb; Vice-Chairmen: Dr. Dietrich Jelden and Mr. Alejandro Larriera.
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29 August 2009

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Ministry of Economy, Trade and Industry (METI)
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Dear Sirs,

re: Trade in Nile crocodile skins from Madagascar to Japan (agenda item 20 of the 58th meeting of the CITES Standing Committee; plus SC 58 Inf. 2)

In reference to the above mentioned matter. The IUCN-SSC Crocodile Specialist Group (CSG) has been assisting Madagascar and CITES with compliance and implementation issues for many years, but particularly over the last 3 years. Indeed, our efforts have been assisted by some elements of the Japanese reptile leather industry. The CSG is now deeply concerned about the conservation status of the wild population of Nile crocodiles (*Crocodylus niloticus*) in Madagascar.

These concerns were expressed in a letter to the Secretary General of CITES on 3rd of March 2009, which was made available to the CITES community as document SC 58 Inf.2 (<http://www.cites.org/eng/com/SC/58/E58i-02.pdf>). The Madagascar Nile crocodile population, if assessed against the criteria of Resolution Conf. 9.24 (rev. CoP 14), would now easily meet the criteria for Appendix I. Indeed, it would appear to be a textbook case of international trade leading to unsustainable use, to severe depletion, and ultimately to increased risk of extinction.

In the same letter I also mentioned that the CSG has intervened with some industry sectors purchasing skins from Madagascar. By industry stopping the purchasing of skins on ranching permits, that were clearly oversized, of wild origin, and known to be such by the industry, they would be helping Madagascar. This request has met with mixed success. Some industry players in France and Japan stopped purchasing these skins, but the trade appears to have simply shifted to other skin traders, obviously not concerned about the conservation consequences of their purchases.

Japan is one of the main destinations for Madagascar skins. They are exported with CITES certificates claiming that the skins are derived from "ranching", where this is clearly not the case. Our view, based on extensive work in Madagascar, is that any skin >35 cm belly width is of wild origin, and perhaps many skins <35 cm belly skin width may also be of wild origin.

I'm aware that Japan served on the Working Group that discussed these issues at SC58. I am also aware that Japan has been implementing stricter domestic measures under the Convention, in the sense of requiring prior confirmation of CITES permits before allowing shipments of CITES Appendix II specimens into the country.

It is my understanding that this system would readily allow Japan to check carefully each of the relatively few shipments from Madagascar, in order to verify whether the shipment is in compliance with the provisions of the Convention or whether it contains large wild skins, unlawfully acquired, and wrongly declared as ranched specimens. At the very least, information on the sizes of these skins imported into Japan would be most helpful in identifying who is exporting large skins and who is purchasing them.

Your kind attention to this matter would be greatly appreciated by the IUCN-SSC Crocodile Specialist Group, who are continuing to work with Madagascar in what may well be the last attempt to retain the species on Appendix II and ensure trade becomes legal, sustainable and verifiable. We believe that our efforts are being undermined by traders continuing to purchase the illegal skins, with full knowledge that they are improperly declared. Indeed, the CSG executive will now start to discuss other options for taking action against these traders.

We would greatly appreciate any assistance, advice or insights you could offer us on this issue,

Yours respectfully

A handwritten signature in black ink, appearing to be 'G. Webb', written over a horizontal line.

Prof. Dr. G. Webb

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Honourable Prime Minister,

I am writing to you on behalf of the Standing Committee to the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). At its 58th meeting (SC58, Geneva, 6-10 July 2009), the Standing Committee agreed that a letter should be sent to your attention expressing the Committee's serious concerns that provisions of the Convention are not being effectively implemented by Madagascar in relation to its trade in the Nile crocodile (*Crocodylus niloticus*) and that the species is being adversely affected by trade.

General background

CITES is a legally-binding multilateral environmental agreement, which was concluded in 1973 and entered into force in 1975. Its purpose is to regulate, through a system of standardized permits and certificates, commercial and non-commercial international trade in approximately 34,000 listed animal and plant species, in order to ensure that such trade is legal and environmentally sustainable. 'Trade' under the Convention means export, re-export, import and introduction from the sea. 'Specimens' covered by the Convention include live and dead animals and plants as well as their parts and derivatives (e.g. raw, semi-finished and finished products). These may take the form of food, medicines, clothing, cosmetics, or other items.

The Convention currently has 175 States Parties, including Madagascar, and its Secretariat is provided by the United Nations Environment Programme. Madagascar joined the Convention in 1975.

Conditions of trade under CITES differ depending on whether a species is listed in Appendix I (species threatened with extinction, which are or may be affected by trade), Appendix II (species which, although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival) or Appendix III (species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade).

Compliance with the Convention in relation to trade in the Nile crocodile

Madagascar's population of the Nile crocodile is listed in Appendix II for purposes of 'ranching', i.e. the controlled production of crocodiles from eggs taken from the wild. In addition, Madagascar and the Standing Committee have agreed that it can annually export 200 skins of crocodiles taken from the wild. The listing of Madagascar's population of the Nile crocodile means that specimens of the species can be commercially traded, provided that two general conditions are met: the specimens were legally acquired and trade in them is not detrimental to the survival of the species in the wild. Permits and certificates authorizing CITES trade effectively serve as a sort of 'green certification' issued by governments.

Madagascar's management of, production of and international trade in the Nile crocodile has a long history, as indicated in document SC58 Doc. 20 (see Attachment 2). In May 2004, a Strategy and Management Plan for Crocodiles in Madagascar was prepared by the Ministry of Environment, Waters and Forests but it was never formally adopted and put into operation. Concerns about the population status of the species as well as its management, production and trade were first brought to the Standing Committee's attention in 2006. The Committee adopted a set of comprehensive recommendations to address such concerns at its 55th meeting (SC55, The Hague, June 2007). These recommendations were then incorporated into a national Work Plan for the years 2007-2010. Madagascar's implementation of the recommendations was reviewed by the Standing Committee during its meetings in July 2008 and in July 2009.

During the July 2009 meeting, a working group was established comprising Madagascar, France, Germany, Japan, the United States of America, the IUCN-SSC Crocodile Specialist Group and the CITES Secretariat. This working group undertook a thorough review of Madagascar's implementation of the SC55 recommendations and identified a number of priority actions within the recommendations (see Attachment 1). It was agreed that these had to be undertaken by 31 December 2009 in order for Madagascar to avoid being affected by a possible Standing Committee recommendation to suspend trade in Nile crocodile specimens.

Such a recommendation has its basis in Articles IV and XIII of the Convention, as well as Resolution Conf. 11.16 (Rev. CoP14) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II* and Resolution Conf. 14.3 on *CITES compliance procedures* (see Attachment 3). The Standing Committee agreed to the priority actions put forward by the working group. In addition to those to be implemented by 31 December 2009, there is one requiring Madagascar to report to the Secretariat on its implementation of those priority actions by 12 January 2010, so the Secretariat can make a timely report to the

59th meeting of the Standing Committee (Doha, 12 March 2010). Another action point requires Madagascar to report to the Secretariat on its overall implementation of the SC55 recommendations at the 61st meeting of the Standing Committee scheduled for 2011.

It appears that Madagascar may be unable to meet its obligations under the Convention for several reasons. There does not seem to be a recent, definitive study of the population status of the Nile crocodile which should be the basis of any harvesting from the wild. Government officials responsible for regulating wild harvesting or ranching of and international trade in the Nile crocodile seem to lack sufficient training in distinguishing wild-taken from ranched specimens and in establishing the necessary conditions and procedures for regulating individuals or enterprises which harvest and ranch the Nile crocodile. These officials seem to be changed frequently and to lack sufficient equipment and funding to undertake their work. As a result, importing countries are concerned that the Nile crocodile skins that they are importing from Madagascar may not be legally acquired. Specifically, a number of those skins may be falsely declared as ranched when, in fact, they were taken from the wild. These concerns are supported by the export of very large skins from mature crocodiles which are unlikely to have been produced by a ranching operation that generally produces smaller skins from younger animals. They are also supported by the increasing quantities of ranched specimens exported by operations that do not seem capable of producing so many crocodiles.

The Standing Committee, Madagascar's trading partners, the IUCN-SSC Crocodile Specialist Group, the CITES Secretariat and other interested stakeholders stand ready to provide or to identify technical and financial assistance which Madagascar may require, but this is dependent upon Madagascar becoming seriously and fully engaged in its management of the Nile crocodile. This engagement is critical if the Nile crocodile is to be a wildlife resource whose management ensures its survival in the wild and its availability for sustainable use and trade by Madagascar's people.

Please accept, Hounourable Prime Minister, assurances of my highest consideration,

Willem Wijnstekers

Secretary-General

Priority actions

approved by the CITES Standing Committee at its 58th meeting (Geneva, July 2009) on the basis of recommendations adopted at SC55

1. The following priority actions must be implemented by Madagascar before 31 December 2009 in order to avoid a Standing Committee recommendation to suspend all international trade in specimens of the Nile crocodile originating from Madagascar:
 - a) Adopt the Strategy and Management Plan for Crocodiles in Madagascar that was prepared in 2004 (see document SC55 Doc.13, Annex B) and undertake its implementation.
 - b) Include crocodile controls within the national priorities which provide direction for the CITES Management Authority and law enforcement authorities located inland and at the border.
 - c) Convene a meeting of the National Crocodile Committee to immediately adopt administrative measures for monitoring crocodile ranching operations and artisans (e.g. registers and tagging, notably) and monitor the implementation of these measures by conducting related field controls.
 - d) In September 2009 at the latest, and in cooperation with the IUCN-SSC Crocodile Specialist Group, organize a training workshop on techniques for distinguishing wild-taken from ranched or captive bred Nile crocodile skins and for regulating ranching operations (this workshop is aimed at the Management Authority, Scientific Authority and law enforcement authorities located inland and at the border).
 - e) Immediately after the training envisaged in paragraph d), carry out an initial audit of each ranching operation (Reptel's two units of production, Crocoranch's two units of production and eventually a third operation, if this unit intends to produce skins in the short term). These audits shall contain information on the state of the stocks, an estimation of the annual production capacity, an evaluation of stock management (database used for monitoring) and implementation of a tagging scheme.
 - f) Require each ranching operation to keep up-to-date two registers for inputs and outputs, respectively:
 - i) For living animals (inputs: references for the authorization of each supplier of eggs; outputs: date and place of slaughter)
 - ii) For skins (inputs: date and place of slaughter or references for the authorization of the supplier of skins; outputs: date of sale and contact details of the buyer).
 - g) Require artisans to keep an up-to-date register of inputs and outputs (inputs: references for the authorization of the supplier of skins; outputs: date of sale and contact details of the buyer)
 - h) Improve and implement, without delay, a scheme aimed at guaranteeing that wild-taken (source W) cannot be mixed with ranched or captive bred (source R or C) skins; this scheme will be formalized in a written document under which those responsible for each ranching operation commit to adhere to a list of requirements concerning notably conditions for slaughter, the tagging of skins and the keeping of registers.
 - i) Require, via a note from the Director General of Forests, individuals or enterprises which supply eggs or skins to the ranching operations and/or to artisans to declare without delay, to a local representative of the forest administration, any harvesting of specimens of *Crocodylus niloticus* from the wild; following each declaration, the service concerned shall deliver an authorization which is dated, signed and uniquely numbered.
 - j) Inspect, once every two months on average, each ranching operation and carry out random inspections as well.
 - k) Carry out a random inspection, at least once a year, of each artisan.
 - l) Seize skins that are determined to have been illegally acquired and initiate confiscation procedures, in accordance with applicable legislation.

- m) In established cases of fraud or if operators do not conform to the provisions laid out in paragraphs f), h) and i) above, immediately suspend exports from the ranching operation concerned.
 - n) For 2010, establish CITES export quotas for each ranching operation. These quotas will be based on the operator's actual production capacities, according to the results of the audit mentioned in paragraph e) above.
 - o) Describe the functioning of the database used to monitor cases of human/crocodile conflicts and present an analysis of the data gathered through this database.
2. Madagascar's trading partners, the IUCN/SSC Crocodile Specialist Group, the CITES Secretariat and other interested stakeholders are invited to provide or to identify financial or technical assistance, so that actions envisaged under points d), e), j) and k) above can be implemented in due time.
 3. Madagascar shall transmit to the CITES Secretariat, before 10 January 2010, a report on implementation of the actions envisaged under points 1.a to 1.o and 2 above, for submission to the 59th meeting of the Standing Committee (Doha, 12 March 2010).
 4. In addition, Madagascar shall transmit to the CITES Secretariat, in time for submission to the 61st meeting of the Standing Committee (2011), a report on implementation of the Work Plan 2007-2010 contained in document SC58 Inf. 2.



CITES Management Authority of Japan

November 10, 2009

Regarding: Trade in Nile crocodile skins from Madagascar to Japan
(agenda item 20 of the 58th meeting of the CITES Standing Committee; plus SC58 Inf.2)

Dear Sirs and Madams,

We, the Ministry of Economy Trade and Industry as the Management Authority of Japan, have received the letter regarding the trade in Nile crocodile skins from Madagascar, from IUCN –SSC Crocodile Specialist Group, and we are pleased to let you know our actual trade situation in Japan, which is as follows.

1. First, we would like to show our appreciation to Dr. Webb who, cooperating with the CITES Secretariat and IUCN SSC Crocodile Specialist Group (CSG), has been working to advance for the trade of the Nile crocodile skins with sincerity.
2. We have been implementing trade with Madagascar based on CITES applicable procedures. However, if there are some export cases of wild-origin crocodile skins, we consider the problem is with the export management system in Madagascar.
Therefore, we believe the most important action is that the Government of Madagascar should take the steady implementation of the Decision “Priority Actions” that were approved at the 58th meeting of the CITES Standing Committee in July. At the same time, we are willing to hear from the Government of Madagascar to understand its position and efforts on this matter.
3. Through the interviews with Japan’s crocodile industry, we have confirmed that, each importer duly recognizes and abides by the CITES regulations and relevant domestic laws.
In addition, Japan’s crocodile companies hope that CSG will dispatch a fact finding mission to crocodile farms in Madagascar at an early date in order to get a clear picture of the situation regarding crocodile export management, so as to promote legitimate commercial trades of Nile crocodiles as are listed in the Appendix 2 and to ensure that such trade is legal, sustainable and verifiable.

4. In addition, according to a recent report of the department in charge in METI, Japanese importers that have import experience of Nile crocodiles seem to be suspending the trade of crocodile skins with Madagascar for the foreseeable future.
5. Let us take this opportunity to clarify about our prior confirmation of CITES permits. In our country, regarding the specimens which are listed in CITES Appendix 2, it is only the Japanese customs who verify the CITES export permits at the point of import to Japan. So there is no prior conformation of CITES permits before the shipment.
Anyhow, we can say that our trade surveillance system is appropriate, by checking the authority of CITES export permits at the border.
6. We will follow this matter with great interest, in close cooperation with relevant government authorities and other related organizations.
7. We would greatly appreciate if you would pass on this explanation to the relevant countries and explain our position.

Yours respectfully,



Mr. Hiroyuki Uemura
Deputy Director, Trade Licensing Division
Trade Control Department
Ministry of Economy, Trade and Industry (METI)
CITES Management Authority of Japan



REPOBLIKAN'I MADAGASIKARA
Tanindrazana – Fahafahana – Fandrosoana

MINISTRE DE L'ENVIRONNEMENT ET
DES FORETS

SECRETARIAT GENERAL

DIRECTION GENERALE DES FORETS

DIRECTION DE LA VALORISATION
DES RESSOURCES NATURELLES

Service de la Gestion de la Faune et de la Flore

Antananarivo, le 10th JAN 2010

L'Organe de Gestion CITES Madagascar

à

Monsieur Le Secrétaire Général de la CITES
15, Chemin des Anémones
Case Postal 456
CH-1219 CHATELAINE – GENEVE
Fax : 4122 797 34 17
Mail : info@cites.org
SUISSE

N° 03 10/MEF/SG/DGF/DVRN/SGFF

O B J E T : Rapport sur la gestion de crocodiles à Madagascar

Monsieur le Secrétaire Général,

J'ai l'honneur de vous présenter le rapport de Madagascar sur les crocodiles en vue de la soumission à la 59^{ème} session du Comité Permanent.

Veillez recevoir, Monsieur le Secrétaire Général, l'expression de mes salutations les meilleures.



BATHARIMANIRAKA Lydie Morohanta
Ingénieur des Eaux et Forêts

Priority actions approved by the Standing Committee at its 58th meeting

- 1.a) The 2004 Management Plan for crocodiles in Madagascar has been adopted and its implementation is in progress.
- 1.b) The crocodile controls have been a national priority since the adoption of the law on trade in wild fauna and flora in 2005.
- 1.c) As soon as the Management Authority delegates returned from the meeting of July 2008 in Geneva, the National Committee met to be informed on the measures to be taken.
- 1.d) and e) The training is scheduled to take place in January 2010.
- 1.f) Only one operation has managed to establish a register and submit a report, as the others are not yet operational.
- 1.g) Few artisans have been able to work during the second half of 2009 as a consequence of the current economic crisis faced by Madagascar and countries round the world.
- 1.h) Source-W skins are different in size from source-R and -C skins, but for those of the same size, officers from the ministry are not yet able to identify their origin. All skin tagging benefited from assistance. Besides, no culling took place in the second half of 2009.
- 1.i) All harvesting (eggs and skins) is subject to an authorization, which is delivered by on-site officers.
- 1.j) and k) The inspections have not taken place because the training has been postponed.
- 1.l) There has been no seizure.
- 1.m) There has been no suspension.
- 1.n) For 2010, the quota of previous years has been renewed because government officers are not yet able to assess the production capacity of an operation.
- 1.o) The databases and the monitoring of human/crocodile conflicts are described in the document attached to this report.
2. The CITES Secretariat is willing to finance the actions planned in the Standing Committee's recommendations.