

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



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and implementation of the Convention

Compliance and enforcement

REPORT OF THE WORKING GROUP ON RANCHING OPERATIONS IN MADAGASCAR

This document has been prepared by the Working Group on Ranching Operations in Madagascar on the basis of a meeting held in the margins of the 62nd meeting of the Standing Committee and in relation to agenda item 25.

Participants

France (Chair), Germany, Japan, Madagascar, United States of America, IUCN and the CITES Secretariat.

Context

1. At its 60th meeting (Doha, March 2010), the Standing Committee recommended a suspension of trade in Nile crocodile specimens to be re-assessed after 30 September 2010 through postal procedure if the Secretariat determined that Madagascar had implemented the actions agreed.

Madagascar provided the Secretariat with a report in early October 2010. The IUCN Crocodile Specialist Group (IUCN/CSG) offered to provide comments on the report, and the Secretariat accepted this offer. Based on the Secretariat's review of the report submitted by Madagascar and the comments provided by IUCN/CSG, the Secretariat determined that the information submitted by Madagascar was not sufficient to send it for review by the Standing Committee.

Madagascar was not able to attend the 61st meeting of the Standing Committee, due to a lack of funding, and the Committee left the recommended trade suspension in place.

2. Before and after the recommended suspension of trade in exports of Malagasy Nile crocodile skins, Madagascar has been importing crocodile skins from other countries. The IUCN/CSG, which has followed this development closely, became concerned about the possibility that Nile crocodile skins imported into Madagascar and subsequently re-exported in the form of worked specimens could represent a potential loophole with regard to the recommended trade suspension in place since 17 June 2010 (Notification to the Parties No. 2010/15). These concerns, which were based primarily on patterns in trade data, were communicated in a letter to the CITES Secretariat on 20 June 2012.

However, the Secretariat pointed out that, despite expressing this concern, the CSG did not provide any concrete case indicating that the concern was justified.

3. In an attachment to a letter to the Secretary-General dated 12 July 2012, Madagascar sent a report to SC62 on the management of the Nile crocodile, which was published by the Secretariat on the CITES website on 19 July 2012 (document SC62 Inf. 5). The cover letter to the report and an attached Note Instruction (both in French) on size limits for commercially exploitable Nile crocodiles in Madagascar were not published at that time, due to a miscommunication within the Secretariat.

Meeting

4. On the basis of the information included in document SC62 Inf. 5, Madagascar presented its efforts to implement the SC60 recommendations, but recognized that, despite these efforts, all the recommendations have not been fully implemented.

This was confirmed by the Secretariat, which clarified that some of the recommendations appear to have been fully implemented (e.g. Recommendation 1 on the review, update, adoption and implementation of the Strategy and Management Plan for Crocodiles in Madagascar and Recommendation 7 on the update of relevant databases relating to crocodile management).

5. Participants agreed that they would review whether the actions implemented so far were sufficient for the Working Group to recommend the Standing Committee to withdraw the suspension. A discussion engaged, during which the following recommendations were identified as particularly insufficiently implemented:

- Recommendation 3 on developing a system of control for ranches;
- Recommendation 4 on quantifying the numbers of artisanal and conventional retail outlets and tanneries (particularly in the provinces), ensuring their registration / licensing, carrying out related stock inventories, monitoring their registers and carrying out random and regular inspections; and
- Recommendation 5 on ensuring that products not complying with established size limits are seized and destroyed, and offenders prosecuted.

6. In addition, one member of the Working Group noted that the CITES Trade Database shows some discrepancies in Nile crocodile trade involving Madagascar, i.e.:

- for some imports by Madagascar, the importing country is indicated as '*unknown*'; and
- in some cases, the information reported by exporting Parties is not consistent with the information reported by Madagascar.

It was also questioned whether there are control mechanisms in place to ensure that only imported specimens (or subsequent derived specimens) are re-exported.

With regard to the latter, the representative of Madagascar explained that:

- all the imported skins are duly tagged and accompanied by appropriate CITES documents;
- the specimens are then registered by the manufacturers;
- the specimens are controlled when re-exported; and
- the importers are different from the ranching facilities.

She also explained that Madagascar is taking measures to improve its scheme for controlling this trade, noting that controls are carried out in the capital, but that they are waiting funding from the Secretariat to make controls in the provinces. She also clarified that the companies which import the skins are the same that re-export the products.

The Secretariat confirmed that it directly observed during its mission in November/December 2011 of some of the procedures described for tagging and documenting the imported skins.

7. Recommendation No. 1

With regard to the primary question under consideration by the Working Group (whether the actions implemented so far by Madagascar were sufficient to recommend that the Standing Committee withdraw the recommended trade suspension):

Based on the written information provided by Madagascar at SC62 (Inf. Doc. 5) that outlined its progress to date in implementing the recommendations made by SC60, the majority of the Working Group members (France, Germany, Japan, the United States, IUCN and the Secretariat) considered that insufficient

information had been provided by Madagascar to warrant the withdrawal of the recommended trade suspension.

These members agreed that making a different recommendation in the current situation would undermine the credibility of the Group and the Standing Committee.

8. Recommendation No. 2

As Madagascar asked how it should proceed for the suspension to be withdrawn, the Working Group advised that a detailed report concerning the implementation of the Standing Committee recommendations and addressing the CITES trade database discrepancies related to imports and re-exports (see item 6) be submitted at the 63rd meeting of the SC, as a formal discussion document (SC63 Doc.xx), not as an information document.

9. Recommendation No. 3

Regarding the issue of the above mentioned discrepancies, it was agreed that the Secretariat would request assistance from UNEP-WCMC in preparing a comparative review of trade in Nile crocodile between Madagascar and other Parties (for a period of time including years before the recommended trade suspension was put in place as well as years afterward) and identifying any potential discrepancies which would need clarification from Madagascar. The Secretariat should work with UNEP-WCMC to ensure that Madagascar receives this information and the related requests of clarification in a timely manner for them to be able to reply ahead of SC63.

Following receipt of the comparative review from UNEP-WCMC, the Secretariat will identify any concrete questions and concerns which arose from the review. The Secretariat will then share the review with Madagascar as well as any concrete questions and concerns which arose from the review.

10. Recommendation No. 4

Madagascar should be asked to respond as soon as possible to any questions and concerns expressed in the framework of Recommendation No. 3, in order to clarify the re-export issue in advance of SC63.

11. Recommendation No. 5

With regard to the issue of re-exports, the Working Group considered if the Standing Committee should clarify whether the trade suspension recommended in March 2010 covers only exports or also re-exports from Madagascar.

The Secretariat reported that it was already asked that question by a Party during 2011, and that its interpretation was that the recommended trade suspension applies only to exports.

Some members of the Working Group considered however that imports into Madagascar of skins and their subsequent re-exports in the form of worked items made in the country was a cause for serious concern, since this may be a channel for trade in illegally caught wild Malagasy Nile crocodiles, especially because of the perceived lack of an appropriate chain of custody in Madagascar and of appropriate controls.

Madagascar replied that it is not specified in Notification to the Parties No. 2010/015 that they cannot import and re-export Nile crocodile specimens.

There was an agreement within the Working Group that, since Madagascar and the Secretariat's view are consistent in that the suspension covers only the exports, and since the current practice of the importing Parties that are part of the Working Group is consistent with that approach, there was no need for the WG to advise the Standing Committee to consider clarifying the matter.

12. Recommendation No. 6

In the event that the Standing Committee would not be in a position to withdraw the trade suspension on the occasion of its 63rd meeting, the Working Group considered that it would then be necessary to clarify the matter of re-exports.

13. Recommendation No. 7

In connection with the above, the Working Group reflected on whether it would be appropriate to suggest to the Standing Committee that the Secretariat be requested to issue a new Notification to the Parties in order to clarify, for the period between July 2012 and March 2013, whether the recommended trade suspension applies to re-exports.

The rationale for this is that the language in Notification to the Parties No. 2010/015 could be ambiguous (e.g. only the exports are covered according to paragraph 2, while the re-exports appear to be covered also in paragraph 7).

The members of the Working Group considered that it was not necessary for the Secretariat to issue such a revised Notification to the Parties.