

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

Seventh Meeting of the Conference of the Parties

Lausanne (Switzerland), 9 to 20 October 1989

Consideration of Proposals for Amendment of Appendices I and II

PROPOSALS CONCERNING EXPORT QUOTAS

Submitted Proposals

1. In accordance with the recommendation of Resolution Conf. 5.21 "Special Criteria for the Transfer of Taxa from Appendix I to Appendix II", 5 Parties - Ethiopia, Indonesia, Kenya, Somalia and the United Republic of Tanzania - each submitted one or more proposals for the maintenance of its population of a species in Appendix II subject to an annual export quota or for the transfer of its population of a species from Appendix I to Appendix II subject to such a quota.

In addition, Zimbabwe co-submitted the proposal of Ethiopia to make it receivable. In accordance with the text of the Convention, only a Party may propose an amendment to Appendix I or II, and a Party is a state for which the Convention has entered into force (Article XV, paragraphs 1 and 2, and Article I, paragraph h). As the Convention entered into force in Ethiopia on 4 July 1989, this state was not entitled to submit a proposal before 12 May 1989, the deadline for the submission of such proposals. The co-submission by Zimbabwe makes the proposal receivable and avoids its submission for consideration under the postal vote procedure shortly after the seventh meeting of the Parties.

The proposals concerning export quotas are the following:

- Ethiopia, Zimbabwe

Transfer of the Ethiopian population of Crocodylus niloticus from Appendix I to Appendix II subject to annual export quotas of 2,845, 6,870 and 8,870 specimens in 1989, 1990 and 1991 respectively.

- Indonesia

Transfer of its population of Chelonia mydas from Appendix I to Appendix II subject to an annual export quota of 3,000 specimens;

Transfer of its population of Eretmochelys imbricata from Appendix I to Appendix II subject to an annual export quota of 3,000 specimens;

Maintenance of its population of Crocodylus porosus in Appendix II subject to an annual export quota of 5,000 specimens; and

Transfer of its population of Scleropages formosus from Appendix I to Appendix II subject to an annual export quota of 2,500 specimens;

- Kenya

Maintenance of its population of Crocodylus niloticus in Appendix II subject to an annual export quota of 5,000 specimens.

- Somalia

Transfer of its population of Crocodylus niloticus from Appendix I to Appendix II subject to an annual export quota of 2,000 specimens from 1990 to 1993.

- United Republic of Tanzania

Maintenance of its population of Crocodylus niloticus in Appendix II subject to an annual export quota of 3,500 specimens for 1990 and 1991, and of 5,500 specimens for 1992.

2. On 15 August 1989, the Secretariat received the three following proposals from the Congo:

- Maintenance of its population of Crocodylus cataphractus in Appendix II subject to an annual export quota of 600 specimens, i.e., the same as earlier;

- Maintenance of its population of Crocodylus niloticus in Appendix II subject to an annual export quota of 150 specimens, i.e., the same as earlier; and

- Cancellation of the annual export quota for its population of Osteolaemus tetraspis.

3. At the sixth meeting of the Conference of the Parties (Ottawa, 1987), the populations of Botswana, Madagascar, Malawi, Mozambique and Zambia of Crocodylus niloticus were maintained in Appendix II subject to annual export quotas. These five Parties have each submitted a proposal for the maintenance of its population of Crocodylus niloticus in Appendix II pursuant to Resolution Conf. 3.15 on Ranching (see document Doc. 7.40).

4. At the sixth meeting of the Conference of the Parties, the following populations were also maintained in Appendix II subject to an annual export quota:

- Cameroon: Crocodylus niloticus (100 in 1987, 1988, 1989)

- Sudan: Crocodylus niloticus (5,000 in 1987, 1988, 1989)

At the date of drafting the present document, none of these two Parties had submitted a proposal for renewal of their quotas and the Secretariat does not know whether this means that they are willing that their quotas be renewed or whether they do not intend to continue to export specimens of Crocodylus niloticus.

5. The amendment proposals and supporting statement received at that time were sent by the Secretariat to all Parties, in accordance with Resolution Conf. 5.21, through the Notification to contracting or signatory states of

30 May 1989 (see document Doc. 7.43 Annex 1). These supporting statements are attached to this document, as well as those (in their original format) received subsequently from the Congo and Indonesia*.

Recommendations from the Secretariat and Comments from the Parties

6. The recommendations from the Secretariat are included in Annex 1 to this document.
7. The comments received from Parties are included in Annex 2 to this document.

* As indicated in the "Foreword", these statements are not reproduced in these Proceedings. (Note from the Secretariat).

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Proposals Concerning Export Quotas

RECOMMENDATIONS FROM THE SECRETARIAT

1. Although the implementation of the quota system for the export of crocodile specimens has not been perfect, the Secretariat considers that at least it has been satisfactory and that the exporting Parties concerned have largely respected the rules set out in Resolution Conf. 5.21 as far as the exports themselves were concerned (see document Doc. 7.37 Annex 1).

Therefore, the Secretariat recommends, as a general rule, that the system be maintained and, if appropriate, extended to other species. However, the Secretariat emphasizes that the system should be viewed very much as an interim measure to allow some commercial trade pending the long term resolution of the situation either through the unconditional inclusion of the species in Appendix II on the basis of well-documented proposals meeting the Berne criteria and established management programmes or through proposals pursuant to Resolution Conf. 3.15 on Ranching.

As Resolution Conf. 5.21 is subject to a comprehensive review at the seventh meeting of the Parties, reference to document Doc. 7.37 is also relevant.

2. Resolution Conf. 5.21 recommends that quotas be established or changed only by the Conference of the Parties. It does not make any reference to the procedure under which quotas would remain the same. This issue was not considered at the sixth meeting of the Parties, but it is worthwhile to note that a quota was granted to the Sudan in spite of the fact that it did not submit any supporting statement to its request of maintenance of its quota for export of Crocodylus niloticus specimens.

The Secretariat, however, recommended to Parties with export quotas under Resolution Conf. 5.21 to submit proposals even if only to keep their quotas unchanged.

3. Recognizing the importance of the Nile crocodile (Crocodylus niloticus) for several African countries, the Secretariat developed a project to provide high quality technical assistance to facilitate the establishment of the necessary national programmes and to prepare ranching proposals where appropriate. The project started in late 1987 in the following countries: Botswana, Kenya, Madagascar, Malawi, Mozambique, the United Republic of Tanzania and Zambia. When this document was drafted, the final report on the project had not yet been received and the Secretariat, therefore, cannot use it as a base for its recommendations on the quota proposals from those countries covered by the project (Kenya and the United Republic of Tanzania).

The presentation of the report, as well as comments expected from other sources may lead the Secretariat to subsequently change the following recommendations.

4. Ethiopia and Zimbabwe: If Ethiopia would have been able to join CITES at an earlier date, it would have submitted a proposal pursuant to Resolution Conf. 3.15 on Ranching as it has developed a crocodile ranch which is considered as one of the best in Africa (J. Hutton, pers. comm.). The supporting statement is well prepared and provides information which would almost be sufficient for a ranching proposal.

The Secretariat is, however, concerned regarding export of hatchlings in 1990 and 1991 as it appears from the supporting statement that these hatchlings would be collected from the wild. It might be that the actual intent of Ethiopia is to collect eggs in the wild, to incubate them in the ranch and to export the hatchlings. Considering the hatching rates in the wild and under controlled conditions, the impact on the wild population would be very different.

The Secretariat recommends that the proposal be accepted as submitted, on the condition that the hatchlings to be exported in 1990 and 1991 originate from wild-collected eggs and not wild-collected live animals. If this is not the intention, the quotas for 1990 and 1991 should be reduced in order to limit the impact on the wild population.

5. Indonesia: Regarding Crocodylus porosus, Indonesia is requesting the maintenance of its population in Appendix II subject to an annual export quota increased from 4,000 to 5,000 specimens. The supporting statement was received by the Secretariat only on 3 August 1989 and it was not possible to have it analysed by IUCN/WTMU as desired. It appears from the statement that illegal trade was very important until 1987, but that the situation is improving. Furthermore, the number of skins legally exported did not reach the levels of the 1987 and 1988 quotas and appears rather low in 1989. The request for increased quotas represents an increase for ranched skins (2,000 in 1990 and 3,000 in 1991), but a decrease to 3,000 instead of 4,000 for wild skins. This evolution appears, therefore, favorable.

The Secretariat recommends that the proposal be accepted, although, as apparently also wished by Indonesia, such acceptance could be subject to the withdrawal of the reservations held by Japan and Singapore or to a ban on trade in skins to these countries.

Regarding Chelonia mydas, the supporting statement was received by the Secretariat on 14 August. No statement was received for Eretmochelys imbricata until 15 August, although they were expected in the next few days.

These two proposals raise once again the problem of the trade in specimens of both species, which has already been discussed many times within CITES. To date, such discussion always concluded with a rejection of the submitted proposals. These species are locally exploited, in particular in Indonesia where the domestic legislation so permits. As far as internal trade is concerned, CITES is not competent to act.

Indonesia has significant activities with respect to marine turtles as it wishes to be able to utilize the resource while conserving it. While understanding the concern of those who are opposed to the international trade in marine turtle products, the Secretariat wonders whether a too rigorous attitude is not in fact counter-productive and does not eventually risk being detrimental to the conservation of the species by leading a country to abandon its projects and management plans because external markets are closed to it.

These proposals are an example of the more general problem of trade in sea turtle products from countries where the species is used locally. It is essential that the Conference of the Parties provide clear direction on the question, taking into consideration the related discussions concerning guidelines for evaluating marine turtle ranching proposals (see document Doc. 7.36).

Awaiting the results of these discussions, the Secretariat is not making any recommendations in favour or against these proposals. However, if the Parties accept them and allow trade subject to an export quota, the Secretariat recommends that such trade be limited to shell products only, excluding products that can be used locally, such as meat and other food products and stuffed turtles.

In addition, such trade, should be limited to Parties without a reservation on the species concerned.

Regarding Scleropages formosus, the supporting statement was received by the Secretariat on 15 August 1989. Indonesia submitted a proposal for the transfer to Appendix II for consideration in Ottawa (1987). The Secretariat recommended that the transfer be accepted subject to a quota (Resolution Conf. 5.21), to be agreed under the advice of an expert (Proceedings of Ottawa, pages 811-812). Indonesia, at the tenth session of Committee I, agreed to withdraw the proposal after having received assurance of assistance to conduct a population survey, and the Secretariat stated that it would be prepared to act urgently (Proceedings of Ottawa, pages 205-206). The survey was never conducted due to lack of funds.

The Secretariat renews its recommendation in favour of acceptance of the proposal as a quota of 2,500 specimens does not appear excessive.

6. Kenya: Kenya has requested that its population of Crocodylus niloticus be maintained in Appendix II subject to the same annual export quota as the current one, i.e., 5,000 specimens. No supporting statement has been submitted. Therefore, the Secretariat does not know whether the origin of the specimens to be exported will be the same as agreed in Ottawa in 1987.

The Secretariat did not receive information which would prevent it from recommending that the Kenya proposal be accepted. However, it has not yet received the report of the Co-ordinator of its crocodile project.

For the time being, the Secretariat recommends that the proposal be accepted on the condition that the number of wild-collected animals in the quota be between 0 and 1,000 (the existing number).

7. Somalia: The information provided by the supporting statement is rather limited, except that the range of Crocodylus niloticus is heavily settled and used by human population. The crocodile population is estimated to be between 75,000 and 220,000 animals without any indication about size/age structure. It is, therefore, difficult to judge whether a catch of 2,000 adult animals each year is sustainable. The proposal does not provide any information on a crocodile management programme.

The Secretariat recommends, with some reservations, that the proposal from Somalia be accepted, but with a reduced quota, unless further justification can be provided prior to or at the meeting of the Parties.

8. United Republic of Tanzania: The Tanzanian proposal aims for the maintenance of the population of Crocodylus niloticus in Appendix II, but with a export quota increased from 2,000 to 3,500 specimens for 1990 and 1991. In a telex received at a later stage, a quota of 5,500 specimens for 1992 has also been requested as more ranched animals are expected at that time. The supporting statement, however, does not provide any information to justify the increase of the quota either through a higher catch of wild specimens or through ranching. The report from the Co-ordinator of the CITES Crocodile Project will certainly provide additional information.

For the time being, the Secretariat recommends that the proposal be accepted, but with a unchanged quota of 2,000 specimens per annum.

9. Congo: Both proposals request that the present situation be maintained and the Secretariat does not object since the proposals refer to supporting statements submitted in Ottawa, which were used as a basis of agreement on the present quota.

The Secretariat, therefore, recommends that the proposals on Crocodylus cataphractus and C. niloticus be approved.

The Secretariat recommends the approval of the proposal on Osteolaemus tetraspis. It must be noted, however, that, as no proposal for the transfer to Appendix I has been submitted within the deadline prescribed by the Convention, the Congolese population of the species will remain in Appendix II with a zero quota.

10. Regarding Cameroon and the Sudan which have not indicated whether they wish to maintain their populations of crocodiles in Appendix II subject to export quotas, the Secretariat can only recommend that quotas between zero and the present levels applicable to each country be agreed, the appropriate levels to be decided on the basis of information presented by these countries and/or other sources at or prior to the meeting of the Conference of the Parties.

It is worthwhile to note that the Sudan has not yet withdrawn the reservation it has entered with regard to Crocodylus niloticus.

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COMMENTS FROM THE PARTIES

The Secretariat received no comments from Parties concerning the quota proposals.