

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Exemptions and special trade provisions

Personal effects

PERSONAL EFFECTS MADE OF CROCODILIAN LEATHER

1. This document has been submitted by Venezuela.

Background

2. Since the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) came into effect, and particularly since Agenda 21 was adopted at the UNCED in Rio in 1992, the relationship between trade and conservation has changed positively in many ways. With regard to crocodilian skins, trade has increasingly evolved as an alternative tool to solve specific conservation problems.
3. By working with elements of the business sector in order to promote sustainable use and by eradicating unsustainable harvests and greatly reducing illegal trade, the Crocodile Specialist Group (CSG) of the IUCN/SSC has positively responded to such changing processes.
4. Little significant illegal trade in crocodilians has been recorded in the last few years. This achievement has become largely possible through the successful introduction of a universal tagging system for crocodilian skins being exported from range States. The marking system that was successfully implemented with the intellectual and technical support of the CSG guarantees the legality of the raw material in trade. This positive development has been confirmed by several investigations into the international trade in crocodilian skins, initiated through the International Alligator and Crocodile Study in close collaboration with TRAFFIC International and the UNEP World Conservation Monitoring Centre in Cambridge, United Kingdom of Great Britain and Northern Ireland.
5. However for several years the IUCN/CSG has realized that conservation programmes that are based on trade are associated with problems related to market forces. The CSG encourages in principle the promotion of legal crocodilian products derived from successful programmes being beneficial to the conservation of crocodilians. Market distortions and disincentives have been rather unhelpful for programmes based on the sustainable use of crocodilians. One such disincentive that has been identified relates to the stricter legal domestic measures allowed by the Convention which many Parties have applied to the movement of personal possessions made of crocodilian leather from specimens of Appendix-II species.
6. These stricter domestic measures discourage purchase and private possession of legal Appendix-II crocodilian skin products, removing economic and conservation incentives from the programmes producing them. In addition, these stricter domestic measures impose a substantial and unnecessary burden for enforcement authorities on exporting and importing countries from which no conservation benefit is derived.

7. The CSG encourages Parties to standardize their national legislation in line with the text of the Convention. Products that are personal effects derived from legally harvested and traded Appendix-II crocodilian species should be allowed to move from one country to another under a simplified procedure in accordance with the provisions of the Convention.
8. Article VII of CITES provides for several exemptions. With regard to the trade in manufactured products as personal effects, the provisions laid down in Article VII, paragraph 3 (personal effects), and in paragraphs 4 and 5 (captive-bred specimen) are of importance. As the vast majority of crocodilian skins in international trade have been produced from ranches or closed-cycle farms and not been harvested directly from the wild, any simplified procedure under the provisions of Article VII, paragraph 3(b), would not only relieve the burden put on many Management Authorities but also have no negative effects with regard to the conservation of the species concerned.
9. In order to get a clearer picture of how major CITES crocodilian leather consuming and manufacturing Parties apply these provisions, a selected number of key importing and manufacturing Parties involved in the trade in significant numbers of crocodilian leather products were contacted as part of a new initiative of the IUCN/SSC Crocodile Specialist Group ('Market Driven Conservation of Crocodilians'). The investigation carried out in 1998 was also a contribution of the CSG to the CITES Secretariat's implementation of Decision 10.103, which refers to a survey of stricter domestic measures adopted by Parties, to get up-to-date information on whether CITES Management Authorities implement these provisions in general terms and more specifically in relation to imports, exports or re-exports of manufactured crocodilian leather products as personal effects.
10. Information has become available from Australia, China, Mexico, Switzerland, all Member States of the European Union and the United States of America. None of these Parties, except the United States, follows or implements the provisions laid down in Article VII, paragraph 3 (personal effects). Most have adopted stricter domestic measures in accordance with the provisions laid down in Article XIV, paragraph 1, of the Convention.

Identification and categorization of type of personal and household effects

11. Any facilitation of the international trade in 'personal and household effects' made of crocodilian leather requires a clear definition of this term in order to allow a clear limitation of the scope of exemptions to be granted under the provisions of the Convention for enforcement purposes.
12. Therefore personal and household effects should be restricted to personally possessed dead specimens, or parts and derivatives thereof, that are the belongings of a private person. However if the specimens are used for commercial purposes or transported for sale or are intended to be given to another person (e.g. as a present, gift or donation) they should not be considered as personal or household effects.
13. Personal and household effects should only be considered as such if they are being transported as accompanied baggage or, in the case of household removals, are transported separately to be delivered to the individual concerned.
14. In order to prevent abuse, exemptions should be limited for each person to a maximum of eight items made of leather from Appendix-II crocodilian species to be exempt from CITES provisions or to qualify for a simplified permit procedure.

Issues to be considered by the Conference of the Parties

15. For crocodilian leather products, stricter domestic measures requiring CITES Appendix-II personal possessions to have an export permit issued when these items leave the country are unhelpful. Stricter domestic measures than CITES provides for have been identified in most major consumer countries of crocodilian leather products (Japan, Member States of the European Union, etc.). One way round this is to get countries to standardize these regulations and to promote facilitated movement of legally

harvested and traded crocodilian products that are personal or household effects made from species listed in Appendix II of the Convention.

16. In order to achieve this goal, the Conference of the Parties at its 12th meeting should discuss and adopt a resolution on personal and household effects made of crocodilian leather from Appendix-II species. Similar approaches have been taken in the past by the Conference of the Parties to address the problems associated with personal effects for other species listed in the Appendices (e.g. sturgeons, rainsticks).

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat notes that the matters raised in this document are highly relevant to a wider debate aimed at reaching consensus on a clear and uniform interpretation of the exemption for personal or household effects, including the possible use of quantity limits and simplified documentary or other procedures to facilitate non-commercial trade that has little or no risk of negative conservation effects.
- B. The Secretariat, however, does not support the draft resolution because it believes efforts to define and guide the application of the exemption for 'personal or household effects' should have a broader scope as suggested in the draft resolution contained in the Annex to document CoP12 Doc. 54.1.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Personal or household effects made of crocodilian leather

RECALLING that Article VII, paragraph 3, of the Convention provides that under certain circumstances the provisions of Articles III, IV and V of the Convention shall not apply to specimens that are personal or household effects;

RECALLING that Resolution Conf. 10.6 calls upon Parties to improve control of tourist souvenirs;

NOTING further that souvenirs made of crocodilian leather have in most cases been manufactured from captive-bred or ranched specimens of species listed in Appendix II of the Convention;

RECOGNIZING that Parties have not yet defined the term 'personal and household effects';

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES to interpret the term 'personal and household effects' for the purposes of this resolution to refer only to personally possessed dead specimens, or parts and derivatives thereof, that are the belongings of a private individual if these items are being transported as accompanied baggage or, in the case of household removals, are transported separately, to be delivered subsequently to the individual concerned;

URGES Parties not to consider specimens as personal or household effects if they are used for commercial purposes, transported for sale or intended to be given to another person as a gift; and

RECOMMENDS that Parties harmonize their national legislation with regard to international trade in 'personal or household effects' manufactured from crocodilian leather, in accordance with the provisions of Article VII, paragraph 3 (b), of the Convention and limit this exemption for each person to no more than eight specimens produced from:

- a) crocodilian species listed in Appendix II; or
- b) Appendix-I species that have been bred in captivity in accordance with the provisions of the Convention.