3.2. National - Internal regulations (National-provincial law): basic components and case studies (Michael Kreger)

Crocodilians worldwide have a close relationship with us. The demand for products made from their hides has made them species that must be protected from over-harvesting. In addition, many species are losing habitat at an ever-increasing rate due to development and climate change. This sometimes brings them into conflict with human populations and livestock where they are seen as nuisance animals. One way to foster sustainability of crocodilian populations into the future is through the development and application of national and regional laws.

The most wide-reaching international treaty affecting crocodilians is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is intended to prevent the over-exploitation of wild animals and plants threatened by international trade. The treaty strictly limits international trade in species that need protection while allowing controlled trade in species that are capable of sustaining some level of exploitation (Wijnstekers 2011). In a CITES context, "trade"; is any movement of specimens across international borders, for any purpose, whether or not it is commercial. All crocodilian species are listed under CITES Appendices either as a whole species or population (see 2.2). All Parties to CITES must have national legislation that implements the Treaty. Therefore, all Parties must adopt and enforce the species-specific rules of the Convention and its resolutions. For example, when CITES adopted Resolution Conf. 11.12 (Rev. CoP15) Universal tagging system for the identification of crocodilian skins, each party that imports or exports crocodilian parts and products was expected to participate.

However, CITES does allow for a country to have “stricter domestic measures” for international trade, and it does not regulate internal trade or wildlife management issues. A good example of a “stricter domestic measure” is the Endangered Species Act (ESA) of the USA. The Endangered Species Act of 1973 (16 USC 1538) is a national law intended to prevent the extinction of native and foreign animals and plants by providing measures to help reduce the loss of species and their habitats. Species are listed as endangered (in danger of extinction) and threatened (likely to become endangered in the near future without adequate monitoring and protection). While CITES covers species threatened by trade, the ESA covers species that are threatened by trade, habitat loss, disease, or other natural or man-made factors. In general, anyone subject to the jurisdiction of the USA may not take (includes harass, harm, and pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply such as for scientific research or to enhance propagation or survival or, in the case of threatened species, for zoological exhibition or educational purposes. In such cases, findings of jeopardy (the effect of the activity on the survival of the species or population) and enhancement (how the activity will benefit the wild population) must be made.

With the exception of 5 species, all crocodilians have some level of listing under the ESA (see USFWS 2016). Some species are listed by population. For example, the Papua New Guinea population of Saltwater crocodile (Crocodylus porosus) is not listed, whereas the Australian population is listed as “Threatened”, and populations throughout the rest of the range are listed as “Endangered”. While most countries do not list foreign species on their own protected species lists, a benefit of ESA listings for non-US species is that no listed species may be imported without there being some conservation benefit to the species in the wild. US zoos, for example, may support habitat restoration for the species they wish to import.

In the USA the only native crocodilians are the American alligator (Alligator mississippiensis) and the American crocodile (C. acutus). The management of these species is primarily regulated at State Government levels. While some protection is offered through the ESA, most of the management is done through State wildlife agencies. Ten states have alligator export programs. Two states export farmed or ranched specimens only (Idaho, North Carolina) and one state only exports wild specimens (South Carolina).
The states of Florida and Louisiana are home to large populations of American alligators. The Florida Fish and Wildlife Commission Alligator Management Program implements that state’s alligator regulations. Its regulations are similar to those in states throughout the alligator’s range, and include:

- Unlawful feeding or enticement of crocodilians
- Taking, possessing, and sale of reptiles
- Taking and disposing of nuisance alligators
- Operation of alligator farms
- Alligator egg and hatchling collections on lands not included in alligator management programs
- Establishing alligator management programs
- Statewide alligator trapping, permitting, taking and sale.
- Processing alligators and selling alligator meat and parts.

The Louisiana Department of Wildlife and Fisheries (LDWF) also manages the alligator as a commercial, renewable natural resource. Its regulations cover wild alligator management, farming and ranching, and nuisance alligators. Since the inception of LDWF’s regulated wild harvest program in 1972, over 850,000 wild alligators have been harvested and sold. This has generated millions of dollars for landowners and trappers while managing and conserving the state's alligators and other wetland species.

It is important to note that the range of the American alligator is completely in the USA, so with the exception of imports, other countries do not regulate its management. Other species range over several international borders. For example the Yacare caiman (*Caiman yacare*) occurs in Argentina, Bolivia, Brazil and Paraguay. Each country sets internal harvest levels and domestic and international trade levels. Countries like Argentina and Brazil only allow the export of specimens from ranching operations.

**Law enforcement**

Law enforcement for crocodylans has its challenges. At ports of entry, sometimes the quantities of products imported do not match the quantities authorized for export from the foreign country, a CITES permit does not accompany the shipment, or the CITES permit may be fraudulent. Another major issue is misidentification or non-identification of species. Because of this difficulty, in the ESA some species are listed due to “similarity of appearance”. For example, it is difficult to visibly distinguish from which species a watchband may have originated. Fortunately, forensic analysis has improved species identification. While it is difficult to inspect every shipment of wildlife parts and products, dogs have been successfully trained to recognize the scent of various wildlife species and are particularly useful at identifying packages shipped via mail that contain such material. Often State, Provincial, tribal, or other governments work with the national CITES law enforcement officials to ensure that an imported part or product is used domestically for the permitted purpose. Penalties for illegally trafficking crocodilians depend on the severity of the crime. They range from warnings to fines and jail time.

**References**