

DRAFT of the German SA to CITES as of December 17th 2003 for a
Resolution
regarding the inclusion of the Porbeagle in Appendix II CITES

DRAFT Resolution of the Conference of the Parties concerning porbeagle *Lamna nasus*

Conservation and trade in porbeagle *Lamna nasus*

RECALLING the decision of the Parties to include *Lamna nasus* in Appendix II of the Convention, in accordance with Article II, paragraph 2(a), for the Atlantic and Arctic stocks and in accordance with Article II, paragraph 2(b), for the Indo-Pacific and Southern Ocean stocks;

CONCERNED about the conservation status of *Lamna nasus* as specimens of this species are slow-growing and long-lived with a life history that makes them particularly vulnerable to overexploitation;

AWARE that *Lamna nasus* represents a very valuable renewable biological and economic resource;

AWARE that *Lamna nasus* is subject to commercial harvesting in waters within the area covered by Regional Fisheries Organisations (RFOs), such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), and that some of these RFOs have adopted resolutions related to shark species, in order for instance to monitor the level of by-catch;

ACKNOWLEDGING that the United Nations Food Agriculture Organisation (FAO) is the international body responsible for the management of fisheries resources;

AWARE that FAO has adopted an International Plan of Action (IPOA) for the conservation and management of sharks and that, following FAO recommendations, several countries have adopted a National Plan of Action (NPOA) for sharks;

AFFIRMING that international trade in *Lamna nasus* taken in contravention or in the absence of regulatory measures undermines the conservation of the species and the efforts of States, including those that have adopted an NPOA as recommended under FAO IPOA:

CONCERNED that the lack of monitoring and control of international trade in *Lamna nasus* poses an ongoing and substantial threat to the species in the wild and that strengthened international cooperation between range as well as non-range States, and fishing States is required to provide necessary information to regulate the trade in the species and its parts and derivatives, as support to existing and future management measures adopted by the relevant national authorities and international organisations, and to ensure the effective conservation of *Lamna nasus*;

RECOGNISING that, under international law, coastal States exercise sovereignty, sovereign rights and jurisdiction over maritime areas as set out in the United Nations Convention on the Law of the Sea (UNCLOS) signed at Montego Bay, Jamaica, on 10 December 1982;

RECALLING that Article IV, paragraph 6(a), of CITES requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of export has advised that the introduction from the sea of specimens originating from waters outside the jurisdiction of the State of export, will not be detrimental to the survival of the species concerned;

RECALLING that Article IV, paragraph 2(a), of the Convention requires, as a condition for granting an export permit that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

CONSCIOUS of the need to develop procedures to provide for the effective implementation of Article IV, paragraph 6(a) of the Convention, for the purposes of regulating trade in *Lamna nasus*;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that, for the purposes of the implementation of Article IV, paragraph 6(a), of the Convention, the prior grant of a certificate of introduction from the sea shall be required in respect of specimens of the species *Lamna nasus* harvested from waters that are not included in the territorial sea or internal

DRAFT of the German SA to CITES as of December 17th 2003 for a
Resolution
regarding the inclusion of the Porbeagle in Appendix II CITES

waters, in the archipelagic waters or in the Exclusive Economic Zone (EEZ) of a State, as defined in UNCLOS;

URGES Parties to consult with FAO and/or the relevant RFO before issuing a certificate of introduction from the sea for specimens of the species *Lamna nasus* harvested in waters not under the jurisdiction of any State;

RESOLVES that, for the issuance of a certificate of introduction from the sea for specimens of *Lamna nasus*, a finding that the introduction will not be detrimental to the survival of the species should only be made where a Scientific Authority of the State of introduction verifies that the specimens have not been harvested in waters under the jurisdiction of a coastal State in contravention of the applicable laws of that coastal State and have been taken in a manner that is consistent with the long-term conservation and sustainable harvesting of the species;

RECOMMENDS that Parties inform the CITES Secretariat about legal exporters of *Lamna nasus* and that importing countries be particularly vigilant in controlling the unloading of products of *Lamna nasus*;

DIRECTS the Secretariat to establish procedures whereby CITES can cooperate with FAO and RFOs for the purpose of exchanging information relevant to the regulation of trade in and harvesting of *Lamna nasus*, enhancing synergies between these organisations and CITES, as well as facilitating consultations on introduction from the sea;

DIRECTS the Secretariat to share with the relevant RFOs any information it collects regarding the illegal trade in *Lamna nasus*; and

URGES all Parties and non-Parties to CITES, which are involved in catch or trade of *Lamna nasus*, to take measures individually as well as collectively, including through RFOs and other international bodies, to prevent unsustainable fishing and illegal trade in *Lamna nasus*, and to report to the CITES Secretariat on any developments regarding this issue.