

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

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Twenty-second meeting of the Animals Committee  
Lima (Peru), 7-13 July 2006

Conservation and management of sharks

IMPLEMENTATION OF CITES SHARK LISTINGS

1. This document has been prepared by the intersessional Shark Working Group of the Animals Committee.

Introduction

2. The following analysis is in response to Decision 13.43, which directs the Animals Committee to:
  - a) *review implementation issues related to sharks listed in the CITES Appendices with a view inter alia to sharing experiences that may have arisen and solutions that may have been found;*
  - b) *identify specific cases where trade is having an adverse impact on sharks, in particular those key shark species threatened in this way;*
  - c) *prepare a report on trade-related measures adopted and implemented by Parties that are aimed at improving the conservation status of sharks; and*
  - d) *report on the above at the 14th meeting of the Conference of Parties.*
3. The objective of the working group was to review implementation issues relating to the three species of sharks listed on the CITES Appendices. The primary source of data for this review was the combined responses to Notification to the Parties No. 2005/044 of 11 August 2005 (a questionnaire on the management of and trade in sharks). In addition, the working group considered other information documents (e.g. Clarke, 2004), and the verbal reports of Party representatives at the workshop.

Summary of responses to Notification to the Parties No. 2005/044

4. The Secretariat received 15 responses (including the European Union, which represents 25 States) to CITES Notification 2005/044 (Note: the response of the United States of America was received at the working group meeting on 4 April 2006). This level of response may reflect the relatively limited experience of trade in these species by most Parties from the time listing came into effect up until January 2005.
5. Overall, only 12 international trade records were documented over the period. Five Parties reported imports and four Parties reported exports of CITES-listed species. There were three reported imports and five reported exports of the basking shark *Cetorhinus maximus*; one reported import of the whale

shark *Rhincodon typus*; and two reported imports and two exports of the great white shark *Carcharodon carcharias*.

6. Traded parts predominantly included the jaws and teeth of *Carcharodon carcharias*, and health products and food derived from the cartilage and fins of *Cetorhinus maximus*. There was one reported import of soup derived from *Rhincodon typus* and two imports of live specimens for the aquarium industry.
7. It should be noted that in two separate shipments, a total of 5,538 kg of *Cetorhinus maximus* fins were exported from Norway to Hong Kong S.A.R. in 2005. The period over which these fins had been taken is unknown, as was the condition of the fins (i.e. whether the reported weight represents any water content).
8. Sixty-five fins in 2003, 21 fins in 2004, and 40 fins in 2005 (all from *Cetorhinus maximus*) were exported from New Zealand, all of which were derived from bycatch fisheries. If we assume four fins were taken from each shark, this would represent up to 14, 5, and 10 fish respectively per year.
9. Based on the responses to the Notification to the Parties, few of the CITES-listed species appear to have been recorded as traded over the period, though not all major traders are represented.

#### Major implementation issues

##### 10. Identification

- a) The identification of whole specimens of the species listed on the CITES Appendices should pose no problem as there are many guides available. There is, however, a relative lack of tools available to identify the products that are expected to be traded in significant quantities (including the fins and meat of whale sharks, and the fins and cartilage of the basking shark). Responses indicated that comprehensive identification techniques for these products would be desirable.
- b) The working group recognized that standardised identification (ID) guides of the most commonly traded parts are currently under development, and encouraged those Parties such as India, Madagascar, the Philippines and the United Kingdom of Great Britain and Northern Ireland already working with Australia to continue collaborating with a view to developing standardized ID guides. The Working Group invites recognized experts to assist in this process where possible.
- c) Since the dorsal, caudal and pectoral fins of CITES listed sharks may often be identifiable owing to their large size, border-inspection personnel should be made aware of this feature as a practical first step to identification of these species. It was suggested that if both the base and height of a fin are greater than 50 cm, the shipment would warrant further investigation. Where x-ray technology is used as an initial scanning step at ports, large fins amongst a shipment can trigger further direct investigation by Customs personnel.
- d) However, small fins of listed species as well as processed fins (especially if separated into fin rays), and most shark meat products are more difficult to identify, particularly if traded amongst products from other, unlisted species. Without additional measures, and if not labelled, a large percentage of such products could pass inspection undetected.
- e) The working group noted that DNA-identification tools are available but owing to cost and accessibility, DNA techniques are not practical as initial screening tools. However these could be used as second-stage techniques for determining species origin and confirming identification and are referred to in the 'Enforcement' section below.

##### 11. Commodity codes

- a) The lack of Customs codes is a widespread obstacle to effective implementation of the shark listings.

- b) The working group proposed that the use of the revisions under document AC20 Inf. 2 on *Outline of Harmonized Codes for Shark Products* (including meat and fins in Chapters 3 and 97 of the WCO Harmonized Codes) are a suitable basis for developing codes for products in trade from listed species.
- c) There might be a need for species-specific codes and this could follow the proposal in document AC20 Inf. 3, circulated at the 20th meeting of the Animals Committee.
- d) At this time, a series of simple commodity codes is recommended, to collect trade information for CITES-listed and non-listed shark species. In May 2000, China changed its Customs coding system, resulting in frozen shark fin imports being combined with frozen shark meat. This makes the overall quantity of fins in trade impossible to monitor since the proportion of dried versus frozen fins traded is not constant. Since China represents a major world market for shark fins, and frozen fins appear to comprise an increasing proportion of the trade, the fin trade will only be able to be fully monitored if China reverts to using distinctive codes for unprocessed fins and further distinguishes those that are frozen and dried.

## 12. Non-Detriment Findings

- a) As the three shark species are some of the first marine fishes to be listed on CITES and may be taken in either managed or unmanaged fisheries, special considerations may apply when making Non-Detriment Findings (NDFs) for these species. Fisheries take of these species may result from unintentional catch and mortality, but these conditions in and of themselves are not necessarily relevant for a NDF. As Article III 2 (a) and Article IV 2 (a) require that the export must not be detrimental to the survival of the species, the key consideration for an NDF for listed shark species should be the total mortality (e.g. intentional, unintentional and natural) and the extent to which trade may influence that mortality. Further guidance on NDFs for these species may require additional studies, which may potentially apply over a broader range of listed species.
- b) All three listed species are highly migratory; there is therefore an implicit recognition that sharks found in any Party's waters belong to widely shared stocks. This needs to be taken into account when making a non-detriment finding.
- c) The process of issuing an NDF for any of these species is a challenge, given that population characteristics of none of them are well understood. Even the precautionary approach adopted by New Zealand (up to 10 basking sharks per year) does not reference any reliable population or productivity data.
- d) In general, for commercially-harvested marine species, it was agreed that NDFs could be declared for species that were the subject of a management plan as long as the proposed export was consistent with the sustainable management provisions of that plan. In order to improve upon the process of assigning NDFs, the Working Group suggests that the Animals Committee collects case studies from those countries that export sharks and their products.

## 13. Legal and institutional matters

- a) The rate of implementation has varied between Parties according to the manner in which the amendments to the CITES Appendices are enacted. These variations are also likely to have influenced the quantity and quality of data received in response to the Notification.
- b) In addition, the basking shark and the whale shark were among the first marine fish to be listed by CITES in Appendix II. Up until now, some domestic administrative and legal frameworks have been predominantly orientated toward terrestrial species. In some cases, it is possible that new legal arrangements are necessary to accommodate the shark listings. In addition, fisheries agencies new to CITES are now involved in permitting and regulation. In other cases, Management Authorities with relatively limited experience of marine species are now dealing with them.

#### Relationships between agencies domestically

- c) In some countries the CITES listings of shark species have facilitated dialogue between CITES Management Authorities and fisheries agencies. This has been seen as a positive outcome and has improved mutual understanding.

#### Relationships between agencies and instruments internationally

- d) Management plans and agreements of other agencies such as regional fisheries management organizations also need to be taken into account during the implementation of marine species listings.
- e) The great white shark and the basking shark are also listed on Appendix 1 of the Convention of Migratory Species (CMS), which requires legal protection of these species. The strict protection and associated obligations of Appendix 1 listing on CMS Parties that are range States for these species may need to be reviewed as part of the decision regarding whether to issue an export permit, particularly in relation to legal origin.
- f) The highly migratory nature of all three species listed on CITES necessitates shared responsibility for stocks by range States. Shared responsibilities implies the need for coordinated conservation and management. It is noted that these three CITES-listed species are also listed on Annex I of the United Nations Convention on the Law of the Sea (UNCLOS) and Appendix II of CMS (two also on Appendix I). In light of the situation facing migratory sharks, the Eighth Meeting of the CMS Conference of the Parties (Nairobi, November 2005) recommended that a global instrument and action plan be developed to facilitate international cooperation for migratory sharks.

#### Training and capacity

- g) Identification of whole sharks is not a problem given that identification guides for these species are readily available. For fins and other parts and derivatives however, training in identification tools may be needed.

#### Enforcement

- h) It may be difficult for frontline Customs officers to identify all shark products, but there should be measures in place to ensure that enforcement officers have ready access to the relevant technical expertise when required. This can be done through increased use of referral procedures (e.g. through the use of special codes by frontline inspection staff at the Hong Kong airport).
- i) Other strategies are also needed to start addressing illegal trade. These include awareness raising and education on the reasons for controlling illegal trade. These strategies should consider the practicalities of implementation, with respect to resources, to avoid undermining the overall enforcement and willingness to cooperate with CITES.
- j) With regards to DNA techniques, there is a species-specific polymerase chain reaction (PCR) primer available for use in identifying great white shark products. PCR primers for basking and whale sharks are under development and reportedly near completion. The likely cost of using such techniques is estimated at less than USD100 per sample.
- k) As described above, DNA testing is seen as a part of enforcement procedures rather than as part of routine screening procedures.

#### Other issues

##### 14. Personal effects

A significant proportion of the trade may constitute personal effects. Jaws and teeth of the great white shark are high-value items normally taken and carried in small numbers rather than as commercial shipments. Personal effects involving Appendix-II species are generally excluded from the Convention's coverage. Some Parties, however, have adopted stricter domestic measures requiring

CITES documents for their trade. As the implementation of personal effects exemption varies amongst the Parties and consequently the recorded exports and imports may not give an accurate picture of the movement of these products across borders, making it difficult to assess the overall nature and extent of trade and of the impact of Appendix-II listings on these species. The personal effects exemption does not normally apply to imports from the country of origin but rather to subsequent trade, so it is not clear what level of trade in white shark curios would not be subject to permit requirements.

#### 15. Introductions from the sea

This issue was raised when CITES shark listing proposals were considered at the relevant COPs, but does not appear in the responses as an issue of concern.

#### Reservations

16. The Working Group noted that some Parties engaged in international trade in products from listed shark species have entered Reservations under Article XV, paragraph 3, on these species listings. This makes it more difficult to assess the extent of trade in these species. It was, however, noted that trade data are often still available from the appropriate government departments of Parties with reservations (indeed some of these trade data are more detailed than those available from Parties without reservations).

#### Recommendations

17. The regional collaboration between Australia and other Parties on the production of identification tools was noted. The Working Group encourages other Parties to contribute and make use of such initiatives, including the translation and publication of identification manuals for shark parts and products into their own languages.
18. Encourage the Animals Committee, as a priority, to complete its work on the development of customs codes for sharks.
19. Encourage all major Parties to implement product-specific trade codes for shark products, as well as species-specific codes for products of listed shark species, in order to avoid under-estimation of the full scope of international trade.
20. Encourage the Animals Committee to undertake an analysis and provide guidance on Non Detriment Findings for commercially harvested marine fish.
21. Parties are encouraged to include reference to any known illegal trade in shark products as part of their general national activities concerning public awareness of the illegal trade in wildlife, and the impact of such trade.
22. Encourage bi-lateral cooperation between Parties to enhance law enforcement and fishery management implementation.
23. Encourage improved dialogue between CITES, FAO and regional fisheries bodies on shark conservation, management and international trade issues.