

## A. PROPOSAL

An annotated transfer of that part of the Caribbean population of Hawksbill Turtles (*Eretmochelys imbricata*) inhabiting Cuban waters\*, from Appendix I to Appendix II pursuant to Resolution Conf. 9.24, for the exclusive purposes of allowing the export in one shipment of registered management stocks of shell accumulated legally in Cuba from a national management program between 1993 and March 2000 (up to 6900 kg) to Japan for total consumption within Japan with no re-exports.

No further annual export from the traditional harvest is sought and all other specimens of *E. imbricata*, including wild stocks in Cuban waters, will be treated as specimens of species in Appendix I and international trade in them shall be regulated accordingly.

\* *In accordance with Article I(a) of the Convention, the population from which registered stocks of shell have been obtained and for which a transfer to Appendix II is sought is that segment of the regional Caribbean population that has been bounded by the geographic limits of Cuban waters and immigrants and emigrants, only while they are located within Cuban waters and under the jurisdiction of Cuba.*

## B. PROPONENTS

Republic of Cuba

## C. SUPPORTING STATEMENT

### 1. Taxonomy (Resolution Conf. 9.24, Annex 6.C.1)

1.1. <u>Class</u>	Reptilia
1.2. <u>Order</u>	Testudinata
1.3. <u>Family</u>	Cheloniidae
1.4. <u>Species</u>	<i>Eretmochelys imbricata</i> (Linnaeus, 1766)
1.5. <u>Scientific synonyms</u>	none
1.6. <u>Common Names</u>	Tortuga de carey (Spanish) Hawksbill Turtle (English) Tortue caret (French) [see Márquez (1990) for local names]
1.7. <u>Code number</u>	A-301.003.003.001

### 2. Summary

- 2.1. Cuba's broader proposal to COP11 concerning the export of *E. imbricata* shell derived from Cuban waters:
- Establishes that the wild population of *E. imbricata* in Cuban waters unequivocally meets the criteria for Appendix II (Annex 2a of Resolution Conf. 9.24) and not the criteria for Appendix I (Annex 1 of Resolution Conf. 9.24), taking into account the "Precautionary Measures" (Annex 4 of Resolution Conf. 9.24).
  - Provides a detailed and comprehensive supporting statement which includes a review of the global literature on *E. imbricata*, including a wide range of references directly pertinent to Cuba's research and management programs for *E. imbricata*.
  - Establishes Cuba's commitment to the sustainable use of its natural resources in accordance with national and international laws and directions from the IUCN and CBD.
  - Describes a series of tangible conservation benefits nationally and regionally that are being accrued from the program and establishes compliance with Article IV.2(a) (non-detriment).
  - Describes in detail the adaptive management strategy Cuba has implemented and the stringent controls and regulations in place, in accordance with commitments made at COP10.

- f. Presents monitoring results establishing that sustainable use is being achieved as predicted at COP10, and which allows rejection of unfounded claims that Cuba's greatly reduced traditional harvest would be unsustainable.
  - g. Makes it clear that the central question being put to the Parties is whether or not Cuba will be permitted to export a legally acquired byproduct. The same number of *E. imbricata* will be harvested under Cuba's management program because it is a national sustainable use program for domestic consumption in accordance with Cuban laws.
- 2.2. Despite the stringent management protocols implemented (regulation, monitoring, record-keeping, marking), the safeguards in place, and Cuba's obvious commitment to conservation and sustainable use at both national and regional levels, some Parties are still concerned that any trade, for any reason, will be detrimental to *E. imbricata*.
- 2.3. These concerns fall into two main categories:
- a. Some Parties do not accept that legal exports of shell from Cuba to Japan can create incentives to restrict illegal trade generally, but this matter cannot be resolved objectively without exporting.
  - b. Some Parties do not accept that Cuba's management program can encourage other nations to improve national and regional commitments to *E. imbricata* conservation, which equally cannot be resolved objectively without exporting.
- 2.4. In respect of these concerns, Cuba presents this highly conservative and precautionary proposal. It will allow the concerns in 2.3 (above) to be tested objectively and will allow more data on the sustainability of Cuba's traditional harvest to be collected and presented to COP12. If the current population trends continue over the next 2-3 years, as predicted, scientific support for Cuba's traditional harvest being sustainable would be strengthened even more.
- 2.5. For the purposes of compliance with Resolution Conf. 9.24, the supporting statement included in Cuba's main proposal is the supporting statement for this proposal. It is not repeated in full here to save space and time for the Secretariat and Parties.
- 2.6. Given support by the Parties for this proposal, Cuba makes the following undertakings:
- a. To withdraw its reservation on *E. imbricata* within 90 days in accordance with Annex 4, Para. B3 of Resolution Conf. 9.24.
  - b. To organise under the control of the CITES Secretariat and in accordance with such directions as the Secretariat may make, the immediate export of the management stocks of shell derived from the management program in Cuba, in one shipment to Japan, for total consumption within Japan, where equally strict controls are in place and where there will be no re-export.
  - c. To ensure part of the proceeds from the sale of the accumulated management stocks of shell are allocated to:
    - i. Regional efforts to conserve and manage marine turtles;
    - ii. National efforts to conserve and manage marine turtles in Cuba; and,
    - iii. Community welfare in Cuba.
  - d. Co-operate with the CITES Secretariat in investigating any changes in the frequency and/or nature of reported infractions involving *E. imbricata* that could be linked to incentives created by Cuba's one-off export of shell to Japan.
  - e. Provide the 12th Conference of Parties with a comprehensive assessment of the export of shell to Japan, the results of 2-3 years of further monitoring of the wild population of *E. imbricata* in Cuba and their implication with regard to sustainability.

3. Biological Parameters (Resolution Conf. 9.24, Annex 6.C.2)

Detailed in Cuba's broader proposal to COP11.

4. Utilisation and Trade (Resolution Conf. 9.24, Annex 6.C.3)

4.1. National Utilisation (Resolution Conf. 9.24, Annex 6.C.3.1)

Detailed in Cuba's broader proposal to COP11.

4.1.1. Management of Shell in the Exporting Country

Since December 1992, none of the *E. imbricata* shell produced through the traditional harvest program or experimental ranching program has been exported. Some has been used domestically and some for research, but the majority has been stored pending acceptance of a protocol for legal trade by the Parties to CITES. Details of current shell stocks derived from Cuba's management program are in Table 1.

The shell accumulated since 1993 is stored in a Government store in Havana (Cojimar), where security now includes restricted entrance/exit and 24 hour surveillance. Shell from the traditional harvest at the Isle of Pines and Nuevitas is accumulated at the local fisheries enterprises, and then shipped to the Government store at Cojimar. All shell into and out of the store is subject to inventory.

**Table 1.** Details of management stocks of *E. imbricata* shell in Cuba. An additional 200 kg is estimated to be produced between 1 November 1999 and 31 March 2000.

Held at	As of	Weight (kg)	Status
Cojimar	31 October 1999	6413.2	Fully processed
Isle of Pines	31 October 1999	195.0	Unprocessed
Nuevitas	31 October 1999	90.0	Unprocessed
Total		6698.2	

At Cojimar, all individual pieces of shell for each individual *E. imbricata* are photographed with a digital camera, together with the CITES label (see later), and re-packed into plastic bags which are double heat-sealed (ie 2 seams). For the majority of bags (and all bags containing shell of individual *E. imbricata*), this first bag containing the shell is placed within another plastic bag to reduce the likelihood of shell plates cutting the first bag and the contents spilling out. The second plastic bag is also double heat sealed, and a uniquely numbered, non-reuseable CITES label (Fig. 1) relating to the shell within the bags is affixed to it.

Since 1997 most shell from individual *E. imbricata* (identified by a field identification number) is packed, sealed and labelled in individual bags. Shell prior to 1997 is of mixed origin and is specified as "RESERVA ACUMULADA" ("STOCKPILE") on the CITES labels.

Labels also contain information on the number, weight and type of shell plates in each bag. The format in which the field identification number (individual turtles since 1997) has been recorded on the CITES labels differs from that indicated on the labels (year/site/number), but matches the format recorded at the harvest sites (site/year/number). The integrity of the field identification number has in no way been compromised by this change, and maintains consistency between data from the harvest sites and that recorded at Cojimar. This does not apply to the bulk of the management shell stocks ("RESERVA ACUMULADA") which were collected prior to the data recording system being implemented at the harvest sites.

Some bags have been opened after sealing for research purposes (eg DNA). In this case, the shell is re-photographed with a new CITES label, and the computerised database updated accordingly. The number from the discarded label (no longer valid) is retained in the database for checking purposes.

It has been confirmed that the photographic images do allow scutes from individual turtles to be identified by size, shape and color pattern (Carrillo *et al.* 1998e). They also provide a permanent record of growth rings on the dorsal scutes (Ohtaishi *et al.* 1995, 1996; Carrillo *et al.* 1998b), which give an indication of age (ROC 1998a). Since November 1999, duplicate copies of the image database are maintained at Cojimar, MIP and Management Authority, and hard copies of images are maintained in a secure location at MIP.



**CONVENCION SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES AMENAZADAS DE FAUNA Y FLORA SILVESTRES**  
(Convention on International Trade in Endangered Species of Wild Fauna and Flora)

**CONCHAS DE CAREY**  
(HAWKSBILL SEA TURTLE SHELL)  
*Eretmochelys imbricata* (A-301.003.003.001)

**PRODUCTO DE CUBA**  
PRODUCT OF CUBA

**Número de etiqueta:CU** \_\_\_\_\_  
(Label Number) (Año/Lugar/No. de Serie)

**Código de campo** : \_\_\_\_\_  
(Field Code) (Year/Place/Serial No.)

**Origen de la Tortuga** : \_\_\_\_\_  
(Origin of Turtle)

**Fecha de producción** : \_\_\_\_\_  
(Date of Production)

**!! IMPORTANTE !!**  
(!! IMPORTANT !!)  
No valido si no se abre a lo largo de esta linea.  
(INVALID UNLESS OPENED ALONG THIS LINE)

Corte por aqui (cut here) Corte por aqui (cut here)

---

**Peso de las conchas** : \_\_\_\_\_ kg  
(Weight of Shell)

**Número de las piezas** : \_\_\_\_\_  
(Number of Pieces)

**Número de foto** : \_\_\_\_\_ (Número de disco/marco)  
(Photo Number) (Disk Number/Frame Number)

**Figure 1.** CITES Label (tag equivalent) attached to sealed bags of *E. imbricata* shell in Cuba.

The marking system used by Cuba is best described by reference to the definitions in Resolution Conf. 10.18 (ranching):

a. Product of Operation [Resolution Conf. 10.18(b)]

Any piece of *E. imbricata* shell, including whole or broken parts, from the plastron or carapace (plates, marginals).

b. Product Unit [Resolution Conf. 10.18(c)]

A standardised, double heat-sealed, heavy duty, plastic bag containing shell of *E. imbricata* is the smallest single item that will be individually marked and enter international trade. It is the Product Unit. [The uniquely numbered, non-reusable label on the bag is the equivalent of a Tag]. That part of the management stocks not separated into individual animals (prior to 1997) is packed in the bags according to shell type and grade.

c. Uniform Marking System [Resolution Conf. 10.18(d)]

Applies to a bag of shell, not an individual piece or broken piece of shell.

d. Primary Container [Resolution Conf. 10.18(e)]

Each product unit (bag) serves as its own primary container and as such both primary containers and product units conform with the uniform marking system [Resolution Conf. 10.18(d)].

e. Labels

The CITES labels affixed to each bag (Fig. 1) are uniquely numbered, non-reusable, high security (cannot be duplicated by photographic means), are clearly identified to Cuba, contain individual field identification numbers, information on the origin of the shell within Cuba, date of production, the number of pieces and weight of shell in each bag, and photograph number. The labels are glued to the bag and cannot be removed without destroying them.

f. Supervision/CITES Permits

Packaging of the stockpile is carried out by the Cuban CITES Management Authority or their delegate (MIP). All exports of shell will be subject to supervision and issuance of CITES export permits by the Cuban CITES Management Authority, and confirmation that Japanese CITES import permits have been issued.

g. Additional Safeguards

New information being gained on DNA haplotypes, nitrogen and carbon isotope concentrations, and trace element concentrations, in the shell of Cuban *E. imbricata* (Moncada *et al.* 1998b) provide additional safeguards against illegal trade.

Cuba intends to export all management stocks of shell accumulated up to 31 March 2000 (up to 6900 kg) in one shipment to Japan (Section 4.1.3) Each year thereafter, shell produced from the traditional harvest will be exported in one shipment per year to Japan or to other Parties. Cuba will not consider any trading partner other than Japan, unless the CITES Secretariat confirms that the Party has equivalent controls (eg legislation, internal controls, enforcement capability), and will not re-export.

The CITES Secretariat will be provided with a complete list of all label numbers, bag contents and security images for registration prior to the export. The CITES Secretariat is invited to oversee the final packing and export, to check bag contents against the security images, and to advise on exactly how they would like the shipment to be undertaken.

#### 4.1.2. Management of Shell in the Importing Country

Within Japan, the *Foreign Exchange and Foreign Trade Law* governs export and import in compliance with CITES. A Cabinet Order issued under this law currently prohibits the export and import of *E. imbricata* shell for commercial purposes (ROC 1998b). The tradition of tortoise-shell crafting in Japan is sustained on supplies of shell imported before Japan lifted its reservation.

When the Parties agree to this proposal, the import restrictions (but not the export restrictions) in Japan will be altered to allow the importation, and further controls will be introduced in Japan to ensure the shell imported from Cuba can be readily recognized from other shell in Japan. Cuba will not export until these conditions have been met.

Current domestic controls over *E. imbricata* shell trade in Japan are focussed on the manufacturers and artisans dealing with raw shell, and not on the retail consumers of finished products. There is a practical reason for this. The crafting of items involves the fusing together of selected pieces of individual shell, from different turtles, with different color patterns, to form a matrix with specific artistic characters. This matrix is then cut and crafted into individual items, with inlays of other materials, and many of the final products are small and for the purposes of law enforcement cannot be readily identified back to an individual turtle or even shell plate.

At the industry level, laws governing *E. imbricata* shell are within amendments to the *Law for the Conservation of Endangered Species of Wild Fauna and Flora*, which came into force on 28 June 1995. They refer mainly to stocks of shell within Japan. These amendments control domestic trade in individual pieces of raw shell. Artisans trade with each other in particular pieces of shell in order to obtain the exact materials needed for crafting a particular item. The Government of Japan agencies responsible for controlling domestic trade are the Environment Agency (EA) and the Ministry of International Trade and Industry (MITI). Specific requirements are:

a. Registration of Business

All people or corporations involved in the business of trading pieces of raw shell are required to register their personal and business details (including stocks of shell) with EA and MITI. Random inspections are carried out by EA and MITI to ensure those involved in the industry are registered: violations invoke fines up to ¥500,000.

b. Record-Keeping

Any person or corporation which carries out any transaction involving pieces of raw shell is required to compile and maintain a ledger recording all such transactions. The ledger must contain the name and address of the person or corporation with whom any individual transaction was made, the date of the transaction and the weight and quantity of shell involved. Current stocks of raw shell held are also required to be recorded. The ledger is required to be preserved for 5 years and must be presented at the request of officials from EA and MITI. Details on stock of shell and transactions are submitted to EA and MITI, enabling monitoring of stock. Violations may result in the suspension of business for up to 3 months, fines up to ¥500,000 and imprisonment up to 6 months. The database on registered persons, corporations and shell stocks is maintained by EA and MITI.

With the importation of accumulated management stocks of shell from Cuba, the following procedures will be followed.

c. Based on an assessment of the management stocks of shells in Cuba, the non-profit organization Japan Bekko Association (JBA) will agree to pay to Cuban Ministry of Fishing Industries (MIP) a sum considered by both MIP and JBA to be a fair value for the shell. JBA is an officially approved organization under the supervision of MITI and is considered to be the most appropriate organization to co-ordinate business and manage the shell stocks.

d. The Cuban CITES Management Authority will provide the Government of Japan with copies of the computerized security images of the shell.

- e. Upon arrival in Japan the sealed containers of Cuban shell will be installed in a Custom bonded area. The containers will be opened in the presence of JBA and representatives of the Governments of both Japan and Cuba. Random samples of the bags of shell will be opened and the contents checked against the security images. The CITES Secretariat will be invited to oversee this operation.
- f. After the shipment has been cleared by Customs and under the supervision of JBA and representatives of the Governments of both Japan and Cuba, each bag will be opened and all the dorsal shell plates within a bag will be stamped with a number or have a label attached to them bearing a number, that is the CITES label number of a particular bag from which the shell plates came (Section 4.1.2.b).
- g. All minor pieces of shell from a particular bag, many of which are small and colorless, will be stamped with a common seal or label ("Cuba 2000").
- h. The shell will be graded into batches according to colour, size, imperfections and other industry criteria.
- i. For batches containing the major dorsal shell plates (13-14 per individual turtle), the number of shell plates and the individual identification numbers of each plate within each bag will be recorded.
- j. For batches containing minor plates, which are all others excluding the main dorsal plates in "i" above, the number, weight and type of shell plate will be recorded (all stamped "Cuba 2000").
- k. The batches will be sold by auction and only persons registered with the Government of Japan who have complied with all requirements specified elsewhere in Section 4.1.3 will be entitled to bid at the auction.
- l. The Government of Japan will retain the records of which buyers have purchased which particular batches.

Export of management stocks of shell from Cuba to Japan will not take place until:

- m. The Government of Japan confirms that the security images have arrived and that they are accessible on computers in Japan.
- n. MIP (Cuba) has received the first payment for the shell from JBA.
- o. Agreement has been reached between Japan and Cuba that after all costs and taxes associated with the auction have been met that a sum of not less than 5% of the value of the shell sold at auction will be set aside in a conservation trust fund, for the express purpose of providing project funding and training support to CTMRG members to advance regional management of marine turtles in the Caribbean.
- p. Agreement has been reached that if after the deduction of the costs of the auction, the monies allocated to the conservation trust fund, and the original purchase price of the shell, monies are still available then those monies will be remitted to Cuba as a second payment.
- q. That the Government of Japan will continue to carry out random spot checks to ensure numbered shell plates match those on the security images and that shell marked with an identifying stamp or label can be validated.

Future exports of the shell derived from the annual traditional harvest will be treated in an identical manner, with the minor shell parts marked with the year of export ("Cuba 2001", etc).

#### 4.2. Legal International Trade (Resolution Conf. 9.24, Annex 6.C.3.2)

International trade in *E. imbricata* from Cuba in the past (Carrillo *et al.* 1998b, 1999) has been restricted to shell, and the trade has been primarily for commercial purposes. The current proposal will not alter the

nature of the trade, but will result in improved levels of documentation, reporting and enforcement capability for a one-off shipment of shell to Japan. At a global level, legal international trade is currently restricted to trade in specimens for non-commercial purposes.

4.3. Illegal International Trade (Resolution Conf. 9.24, Annex 6.C.3.3)

Detailed in Cuba's broader proposal to COP11.

4.4. Actual or Potential Trade Impacts (Resolution Conf. 9.24, Annex 6.C.3.4)

Detailed in Cuba's broader proposal to COP11.

4.5. Captive Breeding or Artificial Propagation for Commercial Purposes (Outside Countries of Origin) (Resolution Conf. 9.24, Annex 6.C.3.5)

Detailed in Cuba's broader proposal to COP11.

5. Conservation and Management (Resolution Conf. 9.24, Annex 6.C.4)

Detailed in Cuba's broader proposal to COP11.

5.1. International Trade (Resolution Conf. 9.24, Annex 6.C.4.3.1)

International trade in *E. imbricata* products from Cuba can be strictly controlled because:

- a. Cuba is an island nation without common land borders.
- b. Because of CITES, there are no countries that could serve as a viable market for shell exported illegally.
- c. The only existing viable market is Japan, which has stringent import regulations and enforcement capability.
- d. The Cuban traditional harvest is controlled by the State, and the shell is owned by the State.
- e. The marking system for shell (Section 4) is secure.
- f. There are no avenues through which *E. imbricata* shell produced elsewhere can enter Cuba and be exported as a Cuban product with CITES certification.
- g. The only CITES Export Permits issued for *E. imbricata* shell will be those pertaining to the single shipment of management stocks of shell in Cuba.

6. Information on Similar Species (Resolution Conf. 9.24, Annex 6.C.5)

The shell plates of *E. imbricata* can be readily distinguished from those of other species due to shape, thickness and colour. The marking system (Sections 4.1.1 and 4.1.2) adds additional security and allows identification to an individual turtle if required. Chemical and biochemical analyses (Sakai and Tanabe 1995; Sakai *et al.* 1995; Tanabe and Sakai 1996; Moncada *et al.* 1998b) have the potential to provide a further tier of security if needed, and there is now considerable mtDNA data available (Bass 1999; Díaz-Fernández *et al.* 1999; Okayama *et al.* 1999) which could be used to verify the identity of shell from Cuba. Scrapings of shell from each bag containing the shell of individual turtles taken in the traditional harvest (1997-1999) have been collected, and provide a reference source for confirming mtDNA haplotypes should it be required.

7. Other Comments (Resolution Conf. 9.24, Annex 6.C.6)

Detailed in Cuba's broader proposal to COP11.

8. Additional Remarks (Resolution Conf. 9.24, Annex 6.C.7)

Detailed in Cuba's broader proposal to COP11, where it is established that the population of *E. imbricata* in Cuban waters does NOT comply with the "Biological Criteria for Appendix I" (Annex 1, Resolution Conf. 9.24).

However, it is important to recognise that all living specimens of *E. imbricata* within and outside Cuba would be treated as if they were in Appendix I and be subject to Appendix I trade requirements if this proposal is accepted.

9. References (Resolution Conf. 9.24, Annex 6.C.8)

Detailed in Cuba's broader proposal to COP11.