

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



Fifteenth meeting of the Conference of the Parties  
Doha (Qatar), 13-25 March 2010

Summary record of the eighth session of Committee I

18 March 2010: 14h15 - 17h00

Chairman: J. Donaldson (South Africa)  
Secretariat: W. Wijnstekers  
D. Morgan  
Rapporteurs: J. Jorgenson  
A. Mathur  
K. Malsch  
C. McLardy

68. Proposals to amend the Appendices

Referring to proposal CoP15 Prop. 9 regarding the Egyptian population of the Nile crocodile (*Crocodylus niloticus*), Spain on behalf on the European Union and its Member States, declared that, given the wide-ranging support the proposal had received from the Parties, they did not wish to obstruct the adoption of the proposal, and announced that they had changed their position. They suggested re-opening the debate in plenary.

Monaco presented proposal CoP15 Prop. 19 to include the Atlantic bluefin tuna (*Thunnus thynnus*) in Appendix I. They drew attention to the intensive and industrial exploitation of the species over recent decades which had resulted in stock declines of at least 15 %, as compared to previous levels.

They noted the support for the proposal by the Expert Advisory Panel of the Food and Agriculture Organization of the United Nations (FAO), and drew attention to the FAO statement provided in document CoP15 Inf. 26. They emphasized the requirement for collaboration between FAO and CITES, and for a structured relationship with ICCAT to ensure good governance relating to the species.

Monaco commented that the species had declined considerably under the management of ICCAT over the past 20 years. They also noted that average sizes of individuals had decreased by 50 % and underscored an increase in fishing fleets. They acknowledged that ICCAT had recently taken management measures but that quotas issued above those recommended by the scientific committee and illicit fishing were tripling the quantities of fish caught. They also realised that listing of the species could have an impact on other fisheries. They hoped that concerns relating to the listing of the species on Appendix I would be allayed by the adoption of document CoP15 Doc. 52 which provided a mechanism to facilitate a transfer to Appendix II dependent on newly available science. They thanked all the Parties and other organizations that had contributed to the development of the proposal.

Spain, on behalf of the European Union and its Member States, noted their considerable concern about the poor management of the species and acknowledged that the bluefin tuna fishery was largely driven by international trade. They supported the proposal but suggested the following annotation as provided in document CoP15 Inf. 57:

- a) The application of the inclusion of Atlantic bluefin tuna will be delayed until May 2011, subject to the conditions set in paragraphs b) and c);

- b) The Standing Committee, taking into account the results of the stocks assessment conducted by ICCAT in 2010 as well as the evaluation by the CITES Animals Committee, shall assess:
- i) whether the International Commission for the Conservation of Atlantic Tunas (ICCAT), at its November 2010 meeting, has fully implemented Recommendation [09-06] adopted at its meeting in November 2009, in particular through the establishment of a multiannual recovery plan for the Eastern stock of Atlantic bluefin tuna for 2011-2013;
  - ii) whether ICCAT has suspended fishing activities in case of detection of a serious threat of collapse, in accordance with its own commitment;
  - iii) whether ICCAT demonstrates that full compliance will be guaranteed under this new recovery plan, in particular with the adoption of total allowable catches in line with the advice of the ICCAT Scientific Committee;
  - iv) whether, on the basis of these measures and of the best scientific advice available, international trade can continue without subjecting the species to the threat of extinction.
- c) The Standing Committee, on the basis of this assessment and in case the conditions under b) are met, shall recommend to the Depositary Government to initiate a procedure, pursuant to Article XV, paragraph 2 of the Convention, to remove Atlantic bluefin tuna from Appendix I. Any such recommendation by the Standing Committee shall be adopted through postal procedure before May 2011. In case the CITES Standing Committee presents such recommendation, the application of the listing will be further delayed until the Parties take a decision. The decision on the removal of species from Appendix I will be taken by the Parties by postal procedure. If the CITES Standing Committee does not present such recommendation, the listing shall apply on 1 May 2011.

They considered it was vital that CITES and Regional Fisheries Management Organizations (RFMOs) worked in a complementary and supportive manner. Whilst they noted the shortcomings of ICCAT, they acknowledged that it had adopted measures to reduce Total Allowable Catches (TACs) in November 2009 and felt it was necessary to assess the outcome of these measures after ICCAT's annual meeting in November 2010. The Chair noted that under the Rules of Procedure, the amendment to the proposal could now be discussed within the Committee.

Canada, as a range State for the species, noted their Atlantic coast fishery was a model for sustainable management and that they had fully implemented all ICCAT measures to promote recovery of the species. They drew attention to the harvest levels previously set for the East Atlantic and Mediterranean that had been higher than recommended, but felt there had been a change within ICCAT and a shift in thinking in the European Union and other Mediterranean States. They believed that management measures across the Atlantic were now following scientific advice, and that efforts to monitor and track trade were increasing as were efforts to restrict illegal fishing. They further drew attention to the existing procedures for non-compliance under ICCAT. Whilst they believed that CITES and RFMOs could have a complementary role, they rejected the proposal because they believed that ICCAT was the most appropriate body for management of this species, that an Appendix-I listing would have no effect on domestic markets, and that Parties may still enter reservations.

Tunisia noted the efforts that they were making to ensure their fisheries were sustainable, including compliance with quotas and observation of all fishing fleets with satellite controls. They also emphasized the socio-economic implications of an Appendix-I listing, as did the United Arab Emirates and Grenada, which commented that including the species in Appendix I would affect the livelihoods and food security of Small Island Developing States. The United Arab Emirates shared the concerns raised by Tunisia and noted that, while a precautionary approach was warranted, conservation and management should be science-based. They urged Parties to await the results of the scientific assessment being undertaken by ICCAT.

Japan ensured that they did not oppose the proposal on the grounds that it would affect their consumption of sushi and sashimi, and they expressed concern over the status of the Atlantic bluefin tuna. They stated their commitment to ICCAT and its role in managing tuna populations citing the conservation programme put in place in November 2009 to reduce TACs by 40 % to ensure recovery of stocks by 2022. They would support the imposition of a ban if necessary within ICCAT. They considered that tuna populations in the Eastern Atlantic and the Mediterranean were not endangered. They thought an Appendix-I listing would

place a burden on coastal States by preventing sustainable use and sustainable development, both of which were guaranteed by the United Nations Convention on the Law of the Sea (UNCLOS) and the UN Fish Stocks Agreement.

They reiterated the role of ICCAT and the comprehensive trade measures in place, providing as an example, the release of 840 metric tons of live tuna from farming cages due to non-compliance. They felt it was unfair that developed nations could continue fishing and selling to their own domestic markets despite an Appendix-I listing. Moreover, the listing may encourage future listings of other tuna species for look-alike reasons. They sought clarification on the annotations proposed by Spain regarding the delayed application of the proposed listing and drew attention to paragraph A.1 of Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), which ruled that an Appendix-I species should not be removed from the Appendices unless it had been first transferred to Appendix II.

The Republic of Korea and Senegal opposed the proposal and reminded the Committee of measures undertaken by ICCAT, such as a reduction in harvest quotas and fishing periods as well as controlling and monitoring Illegal, Unreported and Unregulated (IUU) fishing. They noted many Parties to ICCAT were also members of CITES and FAO. The Republic of Korea drew attention to management and conservation measures undertaken in their country. Senegal added that CITES should work with other RFMOs and that there was a need to strengthen the human and financial resources of the RFMOs. They further expressed concern on the socio-economic impact on fleet owners and an increase in fishing pressure on other tropical species if the proposal were adopted.

The Bolivarian Republic of Venezuela, Chile, Grenada, Indonesia and Tunisia believed that ICCAT was the appropriate body for management of the species and did not support the proposal. Chile commented that Parties should work together to regulate and manage the Atlantic bluefin tuna through ICCAT.

In response to the queries by Japan, Spain, on behalf on the European Union and its Member States, clarified that their amendment would mean that the listing would come into force 90 days after CoP15, but that application of the listing would be delayed, as previously outlined. Regarding the assessment to be conducted by the Standing Committee, they clarified that, if the Standing Committee, in consultation with the Animals Committee, felt that the bluefin tuna did not meet the Appendix-I listing criteria based on the conditions listed in the annotations, the Standing Committee would recommend to the Depositary Government to initiate a procedure to remove the species from Appendix I through a postal procedure before May 2011.

Kenya supported the listing proposal and recognized that, following a withdrawal of a similar proposal in 1992, the management of stocks under the auspices of ICCAT had not improved and that regulation of such trade had not impacted local communities. They urged ICCAT and CITES to work together and hoped that if the proposal were accepted, it would not set a precedent to list other species of tuna on the Appendices.

The United States of America supported the proposal, stating that the Atlantic bluefin tuna met the biological criteria for an Appendix-I listing and that declining stocks were a matter of concern. Intrigued by the annotation proposed by Spain, they felt it warranted further discussion.

ICCAT, represented by its Chairman, clarified that he lacked the mandate to speak on behalf of ICCAT with regard to the proposal and wished only to outline the measures adopted by ICCAT to ensure the conservation of the species. He was speaking only to describe ICCAT procedures with respect to the Atlantic bluefin tuna, and not to provide an assessment of the proposal by Monaco. He went on to explain that since the 1980s, ICCAT had placed a great deal of attention on that species, noting that over 100 fisheries scientists with relevant technical expertise had helped to inform their decision-making. In response to declining populations, ICCAT had established a series of conservation measures, including total allowable catch limits, size limits, shortened harvest seasons and a comprehensive independent observer programme, which were further strengthened in 2009. These additional measures, particularly a total allowable catch limit of 13,500 tons, were projected to increase or at least stabilize tuna populations with an 80 % probability of success by 2020. If total allowable catches were exceeded, there were also provisions for sanctions to be administered for non-compliance. He noted that ICCAT had zero tolerance for Parties that did not comply with agreed regulations. Finally, ICCAT had initiated a six-year, EUR 20 million tuna research programme to improve the scientific basis for the management of the tuna stocks. These measures, according to the ICCAT Chairman, would help conserve the Atlantic bluefin tuna.

The FAO indicated that an expert panel had been convened to review CoP15 proposals on commercially exploited aquatic species, including *Thunnus thynnus*. As described in document CoP15 Inf. 26, a majority

of the experts supported the proposal to include the Atlantic bluefin tuna in Appendix I, while all agreed that the species met the listing criteria for Appendix II. Finally, the representative supported the proposal by Spain to delay action on this matter in order to consider the issue further.

Turkey, supported by Morocco and Namibia, opposed the proposal, stating that ICCAT was the more appropriate management mechanism for the species. They also suggested that an Appendix-I listing would give unfair advantage to those range States with a domestic fishing fleet that continued to harvest tuna for their domestic markets. Morocco indicated that the proposal was premature and, if adopted, would be counterproductive to tuna management activities already in place. Namibia urged other ICCAT members not to adopt the proposal. They also believed that the listing of the Atlantic bluefin tuna might stimulate the listing of all other species of tuna.

Norway supported the listing proposal, noting that management for the species would remain the remit of RFMOs and national fisheries authorities but that current management appeared insufficient. They proposed an amendment that was essentially a sunset provision that would allow the removal of the species from the Appendices after 10 years if it appeared warranted. The Chair responded that Norway's comments referred to document CoP15 Doc. 52, which was not yet under consideration by the Committee.

WWF and TRAFFIC supported the tuna listing proposal. They indicated that an Appendix-I listing would protect livelihoods as domestic markets would not be affected. They also discounted the possibility that an Appendix-I listing for the Atlantic bluefin tuna would lead to other tuna species being listed. They concluded that time had run out to manage this species using current management practices, and supported the views of FAO, and IUCN that an Appendix-I listing was necessary to conserve the species.

The Libyan Arab Jamahiriya opposed the listing proposal. They suggested that the proposal contained several errors and misrepresented the facts. In addition, they rejected the FAO report and suggested that science had been trumped by policy and opinion within that organization. They cited lack of harmony between the Parties and called for an immediate vote on the proposal.

The Chair, noting the Rules of Procedure of the Convention, opened the floor for another Party to second the motion. The Sudan supported the call for a vote. Spain, on behalf of the European Union and its Member States, voiced their opposition to a vote and cited their desire to have a coordination meeting. Monaco also opposed the vote.

The Chair then called on the Parties to vote on the motion to close the discussion, noting that the Rules of Procedure required that the Parties first vote to close the discussion and then there could be a vote on the proposal. The Libyan Arab Jamahiriya called on the Chair to respect the Rules of Procedure and go straight to a vote on the proposal, but the Chair reiterated the need to close the discussion before voting. Monaco requested a point of order, stating that they wanted to propose to adjourn the meeting, but the Chair, again citing the Rules of Procedure, said that it would not be possible as he had to deal with the request for closure of the debate from the Libyan Arab Jamahiriya first. The United States raised a point of order, referencing Rule 18 paragraph 2 subparagraphs c) and d) of the Rules of Procedure regarding debate, instructing that the Parties must first deal with the motion for adjournment and then move on to proposals for the closure of the debate. The United States therefore held that the proposal for adjournment by Monaco should take precedence over the request for closure of the debate. The Chair noted that the request for adjournment had been made after he had already begun addressing the request for closure of the debate by the Libyan Arab Jamahiriya, so he had no option but to proceed.

Iceland requested that, if the proposal did come to a vote, a secret ballot be used, citing Rule 25, paragraph 2 of the Rules of Procedure. The Chair noted that the first vote, as it was a procedural matter, could not be secret.

The result of the first vote on the procedural motion of whether there should be a closure of the debate was 72 in favour, 53 against with 3 abstentions (see annex). The debate was thus closed.

Monaco raised a point of order, requesting the opportunity for an amendment to their proposal to be drafted. The Chair stated that no further amendments would be possible at this time and that the Parties must vote on the existing proposal and the proposal as amended by Spain, on behalf of the European Union and its Member States. As the amended proposal would have the least restrictive effect on trade, Parties must vote on it first.

Regarding Iceland's request for a secret ballot, the Chair inquired whether there was sufficient support from the Parties for this proposal. With over 10 Parties calling for the secret ballot, the request for a secret ballot was agreed.

The proposal, as amended by Spain, was then put to a vote by secret ballot. The result of the vote was 43 in favour, 72 against with 14 abstentions. The amended proposal was thus rejected.

The original proposal put forward by Monaco was then put to a vote by secret ballot. The result of the vote was 20 in favour, 68 against with 30 abstentions. The proposal was thus rejected.

### **Approval of summary records**

#### Summary record of the fifth session of Committee I (CoP15 Com. I Rec. 5)

In paragraph 2 of agenda item 62 (*Periodic review of the Appendices*), Mexico requested the following amendments: "Resolution Conf. ~~42.8 (Rev. CoP13)~~14.8" and "Mexico also drew attention to a number of more than 20 species that they had reviewed under the process, several of which had become the object of proposals to amend the Appendices as a result,".

In paragraph 4 of the same item, the United States requested the following addition: "... as many species had been determined to be correctly listed, a point also made by the United States."

In paragraph 2 of agenda item 63 (*Criteria for the inclusion of species in Appendix I and II*), the United States requested the following addition: "... in the draft decision in order to avoid the financial and time implications that would result."

At the end of paragraph 5 of the same item, the United States requested the addition of ", and also agreed with the other Parties that stated that any working group on this subject should focus narrowly on the interpretation of Annex 2. a. B and not to re-examine the criteria themselves".

In paragraph 12 of the agenda item 68, Mexico requested the following addition: "The United States, on behalf of Mexico, introduced proposal ...".

With these amendments, summary record CoP15 Com. I Rec. 5 was adopted.

Following announcements by the Secretariat, the session was closed at 17h00.

MOTION: Do we end debate and continue to vote on proposal 19?

Proponent: Libyan Arab Jamahiriya

VOTE TOTALS:

Yes : 72  
No : 53  
Abstain : 3

VOTE BREAKDOWN

	GROUP DETAILS		RESULTS OF VOTE			
	NAME	SIZE	Yes	No	Abstain	
	Europe	37	5	32	0	37
	Africa	36	26	6	1	33
	Asia	28	22	2	2	26
C/S	America & Carib,	25	17	7	0	24
	Oceania	6	1	4	0	5
	N America,	3	1	2	0	3

THE INDIVIDUAL RESULTS WERE AS FOLLOWS

MIC CARD DELEGATE INFORMATION			VOTE
1	1	AF Afghanistan	Yes
3	3	DZ Algeria	Yes
4	4	AG Antigua and Barbuda	Yes
5	5	AR Argentina	No
6	6	AM Armenia	Yes
7	7	AU Australia	No
8	8	AT Austria	No
9	9	AZ Azerbaijan	No
10	10	BS Bahamas	No
11	11	BD Bangladesh	Yes
14	14	BE Belgium	No
16	16	BJ Benin	Yes
17	17	BT Bhutan	Abstain
18	18	BO Bolivia (Plurinational State of)	Yes
20	20	BW Botswana	Yes
21	21	BR Brazil	No
22	22	BN Brunei Darussalam	Yes
24	24	BF Burkina Faso	Yes
25	25	BI Burundi	Yes
26	26	KH Cambodia	Yes
27	27	CM Cameroon	Yes
28	28	CA Canada	Yes
30	30	CF Central African Republic	No
32	32	CL Chile	Yes
33	33	CN China	Yes
34	34	CO Colombia	No
36	36	CG Congo	No
37	37	CR Costa Rica	Yes
39	39	HR Croatia	No
40	901	CU Cuba	Yes
42	42	CZ Czech Republic	No
44	44	DK Denmark	No
46	46	DM Dominica	Yes
47	47	DO Dominican Republic	No
48	48	EC Ecuador	No
49	49	EG Egypt	Yes

50	50	SV	El Salvador	
52	52	ER	Eritrea	Yes
53	53	EE	Estonia	No
54	54	ET	Ethiopia	Yes
55	55	FJ	Fiji	Yes
56	56	FI	Finland	No
57	57	FR	France	No
60	60	GE	Georgia	No
61	61	DE	Germany	No
62	62	GH	Ghana	No
63	63	GR	Greece	No
64	64	GD	Grenada	Yes
65	65	GT	Guatemala	Yes
66	66	GN	Guinea	Yes
67	67	GW	Guinea-Bissau	Yes
68	68	GY	Guyana	Yes
69	69	HN	Honduras	Yes
70	70	HU	Hungary	No
71	71	IS	Iceland	Yes
72	72	IN	India	
74	74	IR	Iran (Islamic Republic of)	Yes
75	75	IE	Ireland	No
76	76	IL	Israel	No
77	77	IT	Italy	No
78	78	JM	Jamaica	Yes
79	79	JP	Japan	Yes
80	80	JO	Jordan	Yes
82	82	KE	Kenya	No
83	83	KW	Kuwait	Yes
84	84	KG	Kyrgyzstan	Yes
86	86	LV	Latvia	No
88	88	LR	Liberia	
89	89	LY	Libyan Arab Jamahiriya	Yes
90	90	LI	Liechtenstein	No
92	92	LU	Luxembourg	No
93	93	MG	Madagascar	Yes
94	94	MW	Malawi	Yes
95	95	MY	Malaysia	Yes
96	96	ML	Mali	
97	97	MT	Malta	No
98	98	MR	Mauritania	Yes
99	99	MU	Mauritius	Yes
100	100	MX	Mexico	No
101	101	MC	Monaco	No
102	102	MN	Mongolia	Yes
103	103	ME	Montenegro	Yes
104	104	MA	Morocco	Yes
106	106	MM	Myanmar	Abstain
107	107	NA	Namibia	Yes
108	108	NP	Nepal	No
109	109	NL	Netherlands	No
110	110	NZ	New Zealand	No
111	111	NI	Nicaragua	Yes
112	112	NE	Niger	Yes
114	114	NO	Norway	No
115	115	OM	Oman	Yes
116	116	PK	Pakistan	Yes
117	117	PW	Palau	
118	118	PA	Panama	Yes
121	121	PE	Peru	Yes
122	122	PH	Philippines	Yes
123	123	PL	Poland	No
124	124	PT	Portugal	No
125	125	QA	Qatar	Yes

126	126	KR	Republic of Korea	Yes
127	127	MD	Republic of Moldova	Yes
128	128	RO	Romania	No
129	129	RU	Russian Federation	No
132	132	LC	Saint Lucia	Yes
133	133	VC	Saint Vincent and the Grenadines	Yes
134	134	WS	Samoa	No
138	138	SN	Senegal	Yes
139	139	RS	Serbia	No
141	141	SL	Sierra Leone	Yes
142	142	SG	Singapore	Yes
143	143	SK	Slovakia	No
147	147	ZA	South Africa	No
148	148	ES	Spain	No
149	149	LK	Sri Lanka	
150	150	SD	Sudan	Yes
151	151	SR	Suriname	No
152	152	SZ	Swaziland	Abstain
153	153	SE	Sweden	No
154	154	CH	Switzerland	No
155	155	SY	Syrian Arab Republic	Yes
156	156	TH	Thailand	Yes
158	158	TG	Togo	
160	160	TN	Tunisia	Yes
161	161	TR	Turkey	Yes
162	162	UG	Uganda	Yes
165	165	GB	United Kingdom of Great Britain and Northern Ireland	No
166	166	TZ	United Republic of Tanzania	No
167	167	US	United States of America	No
168	168	UY	Uruguay	Yes
170	170	VU	Vanuatu	No
172	172	VN	Viet Nam	Yes
173	173	YE	Yemen	Yes
174	900	ZM	Zambia	Yes
175	175	ZW	Zimbabwe	Yes