

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

AUSTRALIAN PROPOSAL FOR AN ANNOTATION TO THE NOMINATION OF
SAWFISH TO APPENDIX I BY THE USA AND KENYA

1. The attached document has been submitted by Australia.
2. The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries.

Australian Proposal for an Annotation to the Nomination of Sawfish to Appendix I by the USA and Kenya

Sawfish are categorised as Critically Endangered by IUCN with the key threat arising from fishing (formerly targeted but now mostly by-catch) to supply trade in fins, meat and rostra, as well as from habitat destruction. Only one species of sawfish is listed on the threatened species list of the Australian Government's *Environment Protection and Biodiversity Conservation Act* (EPBC) – *Pristis microdon* (listed as vulnerable).

Australia is the only country engaged in live sawfish trade to supply public. Less than 10 sawfish per year have been exported from Australia since 1998. Informal advice from a world recognised expert in sawfish is that up to 10 juvenile sawfish per year could be taken from rivers without impacting adversely on wild sawfish populations in Australia. Australia's Scientific Authority for marine species agrees with this advice and thus Australia is seeking CITES agreement to a continuation of a small level of export in live sawfish.

The sawfish exported from Australia help raise public awareness about a rare and iconic species that is found primarily in remote localities (in rivers and coastal waters in the north of Australia) and thus not immediately accessible to the public or subject to habitat destruction. Additional arguments to support the continuation of a small live export trade include:

- Raising public awareness of the iconic sawfish species is an important step in their conservation;
- In Australia the remote and largely inhospitable areas in which sawfish are found means that aquariums provide the best, and often only opportunity for raising public awareness;
- The take of sawfish for their fins, meat and rostrums and habitat destruction are the major adverse impacts on sawfish populations and as such Australia supports the listing of sawfish on Appendix I but also considers the continued educational role of aquariums supports the continuation of a small and highly regulated live export trade from Australian populations which have the best conservation status of all sawfish throughout their range;
- Expert opinion is that it is likely that up to 10 juvenile specimens per year from Australian populations could be taken as part of a sustainable operation; and
- By placing a 'cap' on the number of sawfish which can be taken for live trade, and ensuring the strict regulation of such trade, Australia can continue to strictly monitor the sustainability of the take (a copy of the agreement used to ensure the sustainability of the take and welfare of sawfish during the export is attached).

Amendment proposals to CITES Appendices under consideration by a Conference of the Parties (CoP) can only be amended to narrow the scope of the nomination.

The definition of broadening or narrowing needs to be tested against the intent of the original proposal. That is, was the proposal easing trade or restricting it. Any amendment, such as an annotation, that takes the proposal further in the direction of what it was doing is broadening the proposal. So an amendment, including an annotation, could be considered to be either broadening or narrowing the proposal, depending on how it is compared with the original proposal.

Using Australia and Madagascar's nomination of the Great White Shark that was considered at CoP13 as a case study:

- The original proposal circulated for range state consultation was to put the Great White Shark on Appendix I which was a restricting of trade. As a result of the consultations, the proposal's proponents amended the nomination to be for Appendix II with a zero quota.

Advice from the Secretariat was that this would have been a more restrictive proposal as this type of Appendix II listing would not allow some forms of trade that are allowed in Appendix I. Hence it was a broadening of the proposal. To ensure the amendment of the nomination was a narrowing an Appendix II without a quota was proposed. This was a less trade restrictive amendment than the original and so was a narrowing – hence it was allowed.

As the nomination of sawfish is to Appendix I which would restrict trade to scientific and other non commercial purposes, the Australian proposal for an annotation to allow a small amount of live trade for commercial purposes would ease trade and thus be a narrowing of the nomination.

From the CITES Website: *“The names of species in the Appendices may be annotated to qualify the listing. For example, separate populations of a species may have different conservation needs and be included in different Appendices (e.g. the wolf populations included in Appendix I are only those of Bhutan, India, Nepal and Pakistan, whereas all others are included in Appendix II). Such specifications can appear next to the species name or in the Interpretation section through a cross-reference (e.g. ‘#1’).”*

Examples of current annotations

Balaenoptera acutorostrata (Except the population of West Greenland, which is included in Appendix II)

Felidae spp. (Except the species included in Appendix I. Specimens of the domesticated form are not subject to the provisions of the Convention)

Acinonyx jubatus (Annual export quotas for live specimens and hunting trophies are granted as follows: Botswana: 5; Namibia: 150; Zimbabwe: 50. The trade in such specimens is subject to the provisions of Article III of the Convention) (appendix I)

Ceratotherium simum simum (Only the population of South Africa and Swaziland; all other populations are included in Appendix I. For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)

Crocodylus porosus (Except the populations of Australia, Indonesia and Papua New Guinea, which are included in Appendix II)

The Australian proposal for an annotation to the sawfish nomination is:

“(Except for the populations of Australia from which there may be granted the export of up to 10 live specimens per year. The trade in such live specimens is subject to the provisions of Article IV of the Convention.)”

Or

“(Annual export quota for live specimens is granted as follows: Australia: up to 10. The trade in such live specimens is subject to the provisions of Article IV of the Convention.)”

Or

“(Except the populations of Australia, which are included in Appendix II for the exclusive purpose of allowing international trade in up to 10 live animals annually for the aquarium display trade.)”

Australia considers any one of the proposals for an annotation to be a narrowing of the scope of the nomination as part of the range of the species would be under less CITES stringent controls.

AGREEMENT BETWEEN

**Exporter,
Australia**

**and
Importing Aquarium**

**and
The Australian Department of the Environment and Heritage**

1.0 Preamble

- 1.1 Part 13A, sections 303FD, 303FE and 303FF and Regulations 9A.10, 9A.11 and 9A.12 of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) provides that, for a live export of a koala, platypus, wombat or Tasmanian devil, or an animal of an eligible listed threatened species, the exporter, the importer and the Department enter into an agreement about the treatment and disposal of the animal and any progeny.
- 1.2 The Australian Department of the Environment and Heritage (DEH), Exporter and Importing Aquarium agree to enter into a mutual Agreement which will meet the requirements of Part 13A of the Act and which will also foster and support cooperative endeavours in nature conservation and management of biological diversity both in Australia and overseas.
- 1.3 All parties acknowledge the importance of reporting on all conditions and circumstances which affect the health, well-being and use of all animals covered by this Agreement, and undertake to only take action in relation to the future care and dealings with the animals in accordance with this Agreement or such variations as agreed.

2.0 Scope of Agreement

- 2.1 This Agreement shall apply to all Freshwater Sawfish *Pristis microdon* that have been imported from Australia, their progeny and subsequent generations (refers only to stock that are a minimum 50% genetically Australian) and is not limited to those individual that are the subject of the current permit. The term 'Freshwater Sawfish' refers to those animals covered by this Agreement.
- 2.2 The importing Aquarium agrees that all Freshwater Sawfish held at their institution will be managed in accordance with the conditions of this Agreement and any permit conditions.
- 2.3 This Agreement will remain binding while Freshwater Sawfish are held by the Importing Aquarium and the Agreement can only be terminated provided that the future housing and management of any Freshwater Sawfish held by the Importing Aquarium has been agreed to in advance by DEH.

3.0 Husbandry Requirements

- 3.1 All Freshwater Sawfish will be housed at the Importing Aquarium in well maintained facilities that are suitably equipped to meet the behavioural and biological needs of the specimens.
- 3.2 The Importing Aquarium agrees to limit handling to the minimum necessary for the animal(s)' management and medical care, and to guarantee that they will not be handled for commercial or publicity purposes.
- 3.5 The Importing Aquarium agrees that it will not allow direct or indirect handling of the animal(s) by the public or other persons that is not essential for the welfare of the animal(s).

4.0 Display Requirements

- 4.1 The Importing Aquarium will display the animal(s) in a manner that reasonably represents their habitat in the wild.
- 4.2 The Importing Aquarium will provide to the public, educational and interpretative information on the species, its habitat and its natural behaviour. This information must be made available to DEH on request.

5.0 Cooperative Management Requirement

- 5.1 The Importing Aquarium agrees to cooperate with other zoological institutions in the display and breeding of this species and agrees to participate in and support any studbook or management plan endorsed by DEH.

6.0 Reporting Requirements

- 6.1 The Exporter will provide DEH with a report on all births, deaths and movements 12 months from the date of export.

7.0 Transfer of Animals

- 7.1 The Importing Aquarium agrees that it will not loan, move, trade or transfer any Freshwater Sawfish to another organisation or locality without the prior notification of DEH¹. DEH reserves the right to refuse permission for transfer.
- 7.2 The Importing Aquarium shall not remove the Freshwater Sawfish from its approved facility (as determined under the DEH permit) except for emergency or medical reasons, without informing DEH.

8.0 Variations to this Agreement

8.1 Further variations to this Agreement must be in writing and must have received the endorsement of the Importing Aquarium, the Exporter and DEH before they can be implemented.

This Agreement shall be signed by a person authorised to sign on behalf of each party and shall take effect on the date on which it is signed by all parties.

name.....

name.....

name.....

signature:

signature:

signature:

Exporter

The Importing Aquarium

Assistant Secretary
Department of the
Environment and
Heritage

Date:

Date:

Date: