

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



Nineteenth meeting of the Animals Committee  
Geneva (Switzerland), 18-21 August 2003

Biological and trade status of sharks  
(Resolution Conf. 12.6 and Decision 12.47)

IMPLEMENTATION OF RESOLUTION CONF. 12.6 AND DECISION 12.47

1. This document has been prepared by the Secretariat.

Background

2. At its 12th meeting (Santiago, 2002), the Conference of the Parties adopted Resolution Conf. 12.6, *Conservation and management of sharks* (see Annex 1). In addition to Decision 11.151, which remains in effect, three new Decisions related to sharks were adopted (Decisions 12.47, 12.48 and 12.49). Only Decision 12.47 is directed to the Animals Committee (AC). However, Decisions 12.48 and 12.49 which are directed to the Secretariat have direct relevance to the work of the AC and are therefore also considered here.
3. The Decisions are as follows:

***Directed to the Animals Committee***

12.47 *The Chairman of the Animals Committee shall maintain the liaison established with the Secretary of the Committee on Fisheries of the United Nations Food and Agriculture Organization, to monitor the implementation of the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks). The Chairman of the Animals Committee shall report on progress with the implementation of IPOA-Sharks at the 13th meeting of the Conference of the Parties.*

***Directed to the Secretariat***

11.151 *The Secretariat shall continue to liaise with the World Customs Organization to promote the establishment and use of specific headings within the standard tariff classifications of the Harmonized System to discriminate between shark meat, fins, leather, cartilage and other products.*

12.48 *The Secretariat shall transmit to FAO the concerns of the Conference of the Parties regarding the lack of progress in implementing the IPOA-Sharks, and urge FAO to take steps to encourage the implementation of the IPOA-Sharks by States and regional fisheries management organizations.*

12.49 *The Secretariat shall encourage CITES authorities of Parties to obtain information on IPOA-Sharks implementation from their national fisheries departments and report on progress at future meetings of the Animals Committee.*

4. The Chairman will provide an oral update with regard to progress made to implement Decision 12.47.
5. In compliance with Decision 12.48, the Secretariat transmitted to FAO on 14 April 2002 the concerns of the Conference of the Parties regarding the lack of progress in implementing the IPOA-Sharks. A response from the Department of Fisheries of FAO was received on 14 May 2003 (see Annex 2).
6. Concerning Decision 12.49, the Secretariat is preparing a Notification to the Parties requesting them to provide information regarding their progress in the implementation of the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), through the preparation and implementation of a national Shark Assessment Report (SAR) and National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks). Parties will also be requested to provide copies of relevant reports on shark conservation and management. Responses to the Notification will be presented at the 19th meeting of the AC.
7. Decision 12.49 requires the Secretariat to report on progress at each meeting of the AC. It is therefore anticipated that unless a more effective approach is determined, a comparable Notification will be issued before future meetings of the AC until such action is no longer considered appropriate by the Conference of the Parties.

#### Work of the AC at its 19th meeting

8. In order to facilitate discussion by the AC of a process to implement relevant elements of Resolution Conf. 12.6, each of the four elements directed to the AC are detailed below with accompanying notes. The AC will need to establish a process to implement the appropriate elements of this Resolution. For ease of reference, these have been informally attributed roman numerals:
  - i) *DIRECTS the Animals Committee to continue activities specified under Decision 11.94 beyond the 12th meeting of the Conference of the Parties, and to report on progress at the 13th meeting of the Conference of Parties;*
  - ii) *DIRECTS the Animals Committee to critically review progress towards IPOA-Sharks implementation (NPOA-Sharks) by major fishing and trading nations, by a date one year before the 13th meeting of the Conference of the Parties to CITES;*
  - iii) *DIRECTS the Animals Committee to examine information provided by range States in shark assessment reports and other available relevant documents, with a view to identifying key species and examining these for consideration and possible listing under CITES;*
  - iv) *DIRECTS the Animals Committee to make species-specific recommendations at the 13th meeting and subsequent meetings of the Conference of the Parties if necessary on improving the conservation status of sharks and the regulation of international trade in these species.*
9. Regarding point i), Decision 11.94 was repealed at CoP12 (Santiago, 2002), with the substance of Decision 11.94 now forming Decision 12.47.
10. Regarding point ii), the AC has been directed to review progress towards IPOA-Sharks by a date one year before CoP13, scheduled for October 2004. Hence this review would need to be completed by October 2003, which will be prior to the 20th meeting of the AC (likely to be held in March or April 2004). When discussing the critical review, the AC members may find reference to the following documents useful, all of which are available on the CITES website:
  - a) AC18 Inf. 1 Report by the Management Authority of Australia on the progress regarding the conservation of sharks
  - b) AC18 Inf. 7 Letter from FAO concerning the *International Plan of Action for the Management and Preservation of Sharks*
  - c) Notification to the Parties No. 2002/042 of 24 June 2002, transmitting *The Role of CITES in the Conservation and Management of Sharks* (a revised and updated version of document AC18 Doc. 19.2 – *Report on Implementation of the International Plan of Action for Sharks*, prepared by the IUCN Species Survival Commission's Shark Specialist Group and TRAFFIC)

11. Regarding point iii), the Notification to the Parties being prepared by the Secretariat to implement Decision 12.49 will include a request for Parties to provide copies of their National Shark Assessment Reports. The AC will need to determine whether this approach is sufficient to provide the information required to implement this element of the Resolution.
12. Regarding point iv), it should be noted that in order for any recommendations of the AC to be considered at CoP13, the discussion papers on the subject should be submitted to the Secretariat at least 150 days before the CoP, i.e. by approximately 6 May 2004. For such items to be considered at AC20, relevant documents should be submitted to the Secretariat 90 days before the AC meeting.
13. Noting that the Resolution demands relatively significant input from the AC before CoP13 and that the timing for implementing particular elements does not coincide with its regular meetings, the Secretariat suggests that the Committee consider the establishment of an intersessional working group to progress implementation of the Resolution and Decisions. If such a group is deemed appropriate, the Committee will need to develop its terms of reference for this group. It should report to the AC, and its work would seemingly need to extend beyond CoP13. The group might wish to prioritize the tasks allocated to it, and its work will probably need to be conducted by email and in English only.



## Conf. 12.6

## Conservation and management of sharks

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RECOGNIZING that sharks are particularly vulnerable to overexploitation owing to their late maturity, longevity and low fecundity;

RECOGNIZING that there is a significant international trade in sharks and their products;

RECOGNIZING that unregulated and unreported trade is contributing to unsustainable fishing of a number of shark species;

RECOGNIZING the duty of all States to cooperate, either directly or through appropriate sub-regional or regional organizations in the conservation and management of fisheries resources;

NOTING that IUCN – The World Conservation Union's Red List of Threatened Species (2000) lists 79 shark taxa (from the 10 per cent of taxa for which Red List assessments have been made);

RECOGNIZING that the International Plan of Action on the Conservation and Management of Sharks (IPOA-sharks) was prepared by FAO in 1999 and that all States whose vessels conduct directed fisheries or regularly take sharks in non-directed fisheries are encouraged by COFI to adopt a National Plan of Action for the Conservation and Management of Shark Stocks (NPOA-Sharks);

NOTING that, through the adoption of Resolution Conf. 9.17 and Decisions 10.48, 10.73, 10.74, 10.93, 10.126, 11.94 and 11.151, Parties to CITES have previously recognized the conservation threat that international trade poses to sharks;

NOTING that two shark species are currently listed in Appendix III of CITES<sup>1</sup>;

WELCOMING the report adopted at the 18th meeting of the Animals Committee that noted that CITES should continue to contribute to international efforts to address shark conservation and trade concerns;

NOTING that States were encouraged by FAO to have prepared NPOAs for sharks by the COFI 24th session held in 2001;

NOTING that there is a significant lack of progress with the development and implementation of NPOAs;

CONCERNED that insufficient progress has been made in achieving shark management through the implementation of IPOA-Sharks except in States where comprehensive shark assessment reports and NPOA-Sharks have been developed;

CONCERNED that the continued significant trade in sharks and their products is not sustainable;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that a lack of progress in the development of the FAO IPOA-Sharks is not a legitimate justification for a lack of further substantive action on shark trade issues within the CITES forum;

INSTRUCTS the CITES Secretariat to raise with FAO concerns regarding the significant lack of progress in implementing the IPOA-Sharks, and to urge FAO to take steps to actively encourage relevant States to develop NPOA-Sharks;

DIRECTS the Animals Committee to continue activities specified under Decision 11.94 beyond the 12th meeting of the Conference of the Parties, and to report on progress at the 13th meeting of the Conference of Parties;

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<sup>1</sup> This was correct at the time of the adoption of the Resolution but changed on 13 February 2003.

DIRECTS the Animals Committee to critically review progress towards IPOA-Sharks implementation (NPOA-Sharks) by major fishing and trading nations, by a date one year before the 13th meeting of the Conference of the Parties to CITES;

DIRECTS the Animals Committee to examine information provided by range States in shark assessment reports and other available relevant documents, with a view to identifying key species and examining these for consideration and possible listing under CITES;

ENCOURAGES Parties to obtain information on implementation of IPOA-Sharks from their fisheries departments, and report directly on progress to the CITES Secretariat and at future meetings of the Animals Committee;

URGES FAO COFI and Regional Fisheries Management Organizations to take steps to undertake the research, training, data collection, data analysis and shark management plan development outlined by FAO as necessary to implement the IPOA-Sharks;

ENCOURAGES Parties to contribute financially and technically to the implementation of the IPOA-Sharks;

DIRECTS the Animals Committee to make species-specific recommendations at the 13th meeting and subsequent meetings of the Conference of the Parties if necessary on improving the conservation status of sharks and the regulation of international trade in these species;

RECOMMENDS that Parties continue to identify endangered shark species that require consideration for inclusion in the Appendices, if their management and conservation status does not improve; and

REQUESTS Management Authorities to collaborate with their national Customs authorities to expand their current classification system to allow for the collection of detailed data on shark trade including, where possible, separate categories for processed and unprocessed products, for meat, cartilage, skin and fins, and to distinguish imports, exports and re-exports. Wherever possible these data should be species-specific.

Implementation of Decision 12.48

1. Relevant extract from the letter of 14 April 2003 of the Secretary-General of the CITES Secretariat to the Assistant Director-General of the Fisheries Department of the Food and Agriculture Organization of the United Nations:

*Decision 12.48 directs the CITES Secretariat to 'transmit to FAO the concerns of the Conference of the Parties regarding the lack of progress in implementing the IPOA-Sharks and urge FAO to take steps to encourage the implementation of the IPOA-Sharks by States and regional fisheries management organizations.' During COFI-25, some Members advised that their efforts to develop national plans of actions had not progressed to a significant extent. One Member noted that the lack of progress had contributed to the listing of two shark species in the Appendices to CITES. Members were encouraged to establish and implement national plans of action on sharks, but some Members indicated that additional technical assistance from FAO and data for assessment were needed. It is hoped, therefore, that FAO might be able to respond to these needs and otherwise identify specific ways in which it could broaden and deepen its efforts to promote the implementation of the IPOA-Sharks, building on positive past experience.*

2. Relevant extract from the letter of 14 May 2003 of the Assistant Director-General of the Fisheries Department of the Food and Agriculture Organization of the United Nations to the Secretary-General of the CITES Secretariat:

*The concerns of the Parties to CITES about the conservation status of some shark species are shared by FAO Members and the Secretariat, as is evidenced by the initial development and the continued interest in the IPOA-sharks within FAO. As you correctly stated in your letter, some Members reported to the Committee that they had not made significant progress in developing national plans of action to implement the IPOAs on sharks, and some referred to a lack of technical assistance from FAO as a partial cause of this problem. The FAO Secretariat is well aware of the problems but faces the same tight budgetary constraints as CITES, severely limiting the amount of assistance that can be given to our Members. The Regular Programme budget of the Fisheries Department at FAO simply does not allow for substantive technical assistance to member countries, and the Secretariat is dependent on extra-budgetary funds for such work. To date, despite repeated requests, only one Member, the Government of Japan, has provide a moderate amount of funding to provide technical assistance in the implementation of the IPOA-sharks. The Department is using this money for that purpose. At the same time we are actively attempting to locate additional funding for a number of key activities, including the implementation of the four IPOAs. In this regard, I note with appreciation the encouragement at CoP12 for CITES Parties "to contribute financially and technically to the implementation of the IPOA-Sharks" (Summary Report of Committee I No. 12 (Rev.)) and look forward to the assistance of the CITES Secretariat in eliciting a positive response from Parties to this proposal.*