

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November -1 December 2017

Species specific matters

Maintenance of the Appendices

Listing of marine species

COOPERATION UNDER THE FAO-CITES 2006 MOU, WITH SPECIAL REFERENCE
TO THE SCIENTIFIC AND TECHNICAL EVALUATION OF COMMERCIALY
EXPLOITED AQUATIC SPECIES LISTING PROPOSALS

1. This document has been submitted by Japan.*
2. The purpose of this document is to discuss how the Standing Committee could further improve the process for the delivery of scientific and technical advice for Parties on listing proposals for commercially exploited aquatic species. This task is largely the responsibility of proponents of species proposals, the Food and Agriculture Organization of the United Nations (FAO) and the CITES Secretariat.

Background

3. With regards to amendments to Appendix I and II, the Convention states in Article XV, paragraph 1 (a):

Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of subparagraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

Paragraph 2 (b) referred to above further states:

For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

4. Since the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), FAO has convened an Expert Advisory Panel prior to every CoP to provide CITES Parties with scientific and technical advice on marine species listing proposals in response to the consultations called for in paragraph 2(b) above.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

5. The FAO's role with regard to listing proposals for commercially exploited aquatic (marine and freshwater) species was further detailed and formalized in the Memorandum of Understanding between FAO and CITES agreed in 2006, where the organisations agreed to collaborate i) to ensure adequate consultation in the scientific and technical evaluation of proposals for commercially-exploited aquatic species amendments, based on the criteria agreed by the Parties to CITES; ii) FAO to communicate to the CITES Secretariat the findings of a FAO Expert Advisory Panel scientific and technical review of species proposed for listing amendment, against mutually agreed Terms of Reference; and iii) for CITES to communicate to Parties the views expressed and data received from FAO and others, and its own findings and recommendations, respecting, to the greatest extent possible, the results of the FAO scientific and technical review of proposals to amend the Appendices.
6. As the Conference of the Parties notes in Resolution Conf. 9.24 (Rev. CoP17) on "Criteria for Amendment of Appendix I and II", it is important to ensure that decisions to amend the Conventions Appendices are founded on sound and relevant scientific information, take into account socio-economic factors, and meet agreed biological and trade criteria for such amendments. In the case of marine species, the reports from the FAO Expert Advisory Panel provide such advice to the CITES Secretariat and Parties.
7. Next to being based on sound and relevant scientific information, it is also important that advice is made available allowing sufficient time for in-country consultation across respective agencies and ministries with responsibility for fisheries and environmental issues, consultation across regional partnerships in relation to management of fisheries resources e.g. regional fisheries management organisations and for subsequent decision making for voting intentions at upcoming CITES meetings.
8. In an intervention at CoP17, FAO pointed out several challenges for providing CITES Parties with a coherent, balanced and unified scientific analysis, in particular within the short-time frame available for the consultation process. They welcomed the opportunity to work with the CITES Secretariat to strengthen assistance provided to the CITES Parties for their decision making. FAO reiterated its wish to ensure the CITES Secretariat and Parties are offered a clear view of the best available scientific and trade information, to allow them to make informed decisions that would strengthen the Convention, as work on implementation could thereby be concentrated on species that best reflect the purpose of the Convention. The full statement can be found in CoP17 Com. I Rec. 6 (Rev. 1), Appendix 1)
9. FAO's request at CoP17 (CoP17 Com. I Rec. 6 (Rev. 1), Appendix 1) has subsequently been supported by the FAO Committee on Fisheries Sub-Committee on Fish Trade that was held in Busan, the Republic of Korea (see COFI FT Decisions para 51 to 54). COFI-FT re-iterated the need for species assessments to be based on best available science and communicated in an orderly, timely and harmonized, transparent process, that offers clear guidance well in advance of voting at the CITES CoP, so there is sufficient time for reflection and decision making.

Provision of information on aquatic species proposals for amendment of CITES Appendices

10. When examining the current process for delivery of information for decision making on amendments to CITES Appendices I and II for marine species there are several steps where strengthening of the process may be possible:
 - i) in the process of submitting proposals by Parties;
 - ii) in the assessments of those proposals by the FAO Expert Advisory Panel and others;
 - iii) in the delivery of the CITES Secretariats recommendations on proposals to Parties; and finally
 - iv) the discussion of the proposals at the CoP prior to voting.
11. In respect to point i) it is worthwhile to recall that the mandate of the CITES Animals Committee includes the provision of scientific advice and guidance on draft listing proposals when submitted at one of its meetings. For aquatic species proposals, early consultation of bodies with responsibility for fisheries and/or environmental issues, where not already happening, would simplify their subsequent review and communication of the issues at stake.
12. The timeline is another important aspect under point i): The earlier proposals are public, the more time is available to resolve questions during their review. Noting that Article XV of the Convention, paragraph 1 a) refers to "at least 150 days" and that paragraph 2.(b), states that the Secretariat should immediately release

information on marine species being proposed for listing to the Parties, promoting earlier submission of proposals, or draft proposals that could be further amended up to 150 days before the CoP, would provide more time for reflection on arguments and counterarguments for listing.

13. Considering point ii): The FAO Expert Advisory Panel and others (e.g. IUCN – TRAFFIC panel) assess proposals to amend CITES appendices, and complete independent assessments on whether species proposals meet the criteria for listing agreed by the Conference of the Parties in Resolution 9.24 (Rev. CoP17) on [Criteria for amendment of Appendices I and II](#). Given that all such reports aim to meet the needs of the Parties and conform to the provisions of the Convention, it may be helpful to discuss synergies and opportunities for harmonisation.
14. Considering point iii) from paragraph 10: Pursuant to Article XV of the Convention, sub-paragraph b), the Secretariat, in addition to communicating the views expressed and data provided by statutory bodies such as FAO, is required to communicate its own findings and recommendations to the Parties [Resolution Conf. 5.20 (Rev. CoP17)]. In the FAO-CITES MoU, the CITES Secretariat agreed that it will respect, to the greatest extent possible, the results of the FAO scientific and technical review, but it also takes into account responses from all the relevant bodies associated with management of the species in question. Where conflicting interpretations arise between these different bodies, it may be useful to consider if ad-hoc consultations between the Secretariat, FAO or other relevant bodies associated with management would be a feasible way to improve coherence of the advice given.
15. Considering point iv): Interventions on the floor of the CITES CoP rightly prioritise Party interventions prior to voting on species amendments. Noting that marine species proposals have attracted considerable interest, debate and controversy in the past, sufficient time should be allocated for discussion of marine species proposals, with precedence, as far as possible, for speakers from relevant fisheries and environmental bodies.

Recommendations

16. The Standing Committee is invited, on the basis of the above information, to discuss how the process to provide relevant and coherent scientific and technical advice in a timely fashion on listing proposals for commercially exploited aquatic species, can be further strengthened.
17. The Standing Committee may also consider whether it wishes to develop draft decisions on this issue for the consideration of the 70th Standing Committee, to be submitted to the 18th meeting of the Conference of the Parties and how the CITES Secretariat and Food and Agriculture Organisation of the United Nations could best support the Committee in this regard.