

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



Seventy-third meeting of the Standing Committee
Online, 5-7 May 2021

SHARKS AND RAYS (ELASMOBRANCHII SPP.)

1. This document has been submitted by Germany* in relation to agenda item 27 (Any other business), to inform the Secretariat and the Standing Committee on its activities under Res. Conf. 12.6 (Rev. CoP18) paragraph 6 regarding improved coordination between the focal points for and activities of Regional Fisheries Management Organizations (RFMOs), Regional Fishery Bodies (RFBs) and CITES, and to request feedback from the Standing Committee on these activities.
2. Resolution Conf. 12.6 (Rev. CoP18) DIRECTS the Standing Committee to provide guidance on regulatory matters in connection to the implementation of the listings of sharks and rays in the CITES Appendices, including but not limited to the determination of legal acquisition, traceability and enforcement issues, as appropriate; and the Animals Committee and Standing Committee to report progress on shark and ray activities at the meetings of the Conference of the Parties, as appropriate.
3. Decision 18.224 directs the Standing Committee to:
 - a) develop guidance on the making of legal acquisition findings, and related assessments for introductions from the sea for CITES-listed shark species in the context of the implementation of Resolution Conf. 18.7 on Legal acquisition findings;
 - b) develop new guidance or identify existing guidance on the control and monitoring of stockpiles of shark parts and derivatives, in particular for specimens caught prior to the inclusion of the species in Appendix II; and
 - c) report its findings under Decision 18.224, paragraphs a) and b) to the 19th meeting of the Conference of the Parties.
4. The BMU warmly acknowledges the work of FAO Members and CITES Parties to achieve closer engagement and coordination between national environment and fisheries departments, including through the Regional Fishery Bodies¹, in order to improve the conservation and management of sharks. An unprecedented number of projects and activities have been delivered to assist Parties with implementation of the Convention for sharks and rays listed in Appendix II during the eight years since CoP16.
5. Despite these activities, there has not been an evaluation of individual RFB activities directed at improving the conservation and management status of the shark species listed in Appendix II (or for non-CITES shark species taken in RFB fisheries).

* *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.*

1 *Regional Fishery Bodies (RFBs) include advisory RFBs and the Regional Fisheries Management Organizations (RFMOs).*

6. The BMU has therefore commissioned the following:
 - a) a review of the threats, conservation, trade and management status of shark species, and the contributions of RFBs to the implementation of the CITES listings of shark species; and
 - b) an interview survey seeking the views of experts from CITES Parties (both Environment and Fisheries ministries/departments/agencies); Regional Fishery Bodies and other non-governmental sectors regarding those areas where the conservation and management of sharks could benefit from greater cooperation. (This survey is still underway – see Annex to this document.)

The results of these studies will be presented at CITES-RFB webinars in May and June 2021 as well as during the second half of 2021.

7. The above activities have already identified a number of perspectives on opportunities for strengthened cooperation between RFBs and CITES Authorities, particularly regarding the development of Non-detriment findings (NDF), Legal acquisition findings, and implementation of CITES for specimens taken in the marine environment not under the jurisdiction of any State (Introductions from the Sea) for shared stocks of sharks listed in Appendix II, with emphasis on those stocks fished in international waters.
8. Another CITES-RFB webinar, drawing upon the results of the status review and interview survey, may be held later in 2021. This will provide an opportunity to discuss the potential for further collaboration and synergies between the efforts of RFBs and CITES regarding the conservation and management of sharks. The aim of this events is to identify strategies to more effectively deliver the protection and conservation of sharks, including legal and sustainable use when appropriate, recognising that RFBs and CITES share common objectives for the recovery of depleted stocks as well as legal and sustainable fisheries and trade.
9. Finally, depending on the outcomes of these activities, the BMU is considering convening a high-level conference on these issues, and related actions identified in Resolution Conf. 12.6 (Rev. CoP18) on the Conservation and Management of Sharks. This will be informed by the results of the activities described in paragraphs 6–8 above.
10. Given the above plans, the BMU would appreciate any comments on these activities and associated outputs from the Standing Committee, CITES Parties and Regional Fishery Bodies, and observers. The BMU will continue to report on progress with and outcomes of this project through the CITES Animals Committee and Standing Committee.

Summary of activities: interview survey regarding
implementation of CITES Appendix II shark² listings

Introduction

Interviews with CITES Parties, Fisheries, Regional Fishery Bodies and other relevant inter-governmental and non-governmental sectors (e.g. CITES and FAO Secretariats) are currently being carried out as part of a survey aimed at gathering expert perspectives and experience on opportunities and strategies to strengthen the collaboration between CITES and Regional Fishery Bodies (RFBs) regarding the conservation of sharks and rays (hereafter referred to as sharks).

The mandates and programs of work of CITES and other environmental treaties (e.g. CMS – the Convention on the Conservation of Migratory Species, and the RSCAPs – Regional Seas Conventions and Action Plans), and the RFBs are expanding to address over-fishing and the other conservation and management issues facing this increasingly threatened group of fishes. CITES Parties and RFB Members (the Contracting or Cooperating Parties – CCPs) frequently identify the need for closer collaboration between CITES and RFBs in order to fulfil CITES mandates for sharks.

Less attention has been paid to establishing the details of such collaboration, including at national level – recognising that the great majority of States which are Members of RFBs are also Party to CITES. Therefore, the interviews conducted during the present study seek to benefit from the expertise and informed opinion of experts working in these areas. They aim to identify, *inter alia*, the forms that more effective collaboration between CITES and RFBs might take, and how this could serve the mandates and concerns of both sectors in areas of mutual concern.

Methodology

Interviews are being requested with individuals working in government fisheries and environment Ministries or departments, the Secretariats of Multilateral Environmental Agreements (MEAs) and RFBs, and other selected experts working in these sectors.

An interview template is circulated in advance to each interviewee, so that they can identify the topics that fall within their areas of expertise and interest.

Subjects discussed may include, *inter alia*:

- Inter-agency coordination (national and international) on CITES and RFB activities for sharks;
- The development of Non-detriment findings (NDFs) for CITES-listed sharks;
- Issuing national Introduction from the Sea certificates;
- Making Legal acquisition findings;
- Views on enhancing cooperation between CITES and RFBs for shark conservation and management;
- Opportunities and constraints to formalising RFB-CITES collaboration;

Responses to the questionnaires are confidential, unless specific permission is granted to cite an interviewee.

² The term “sharks” is used here to refer to all species of sharks and rays (the elasmobranch fishes).

Interim results

The comments from interviews undertaken at the time of writing range across strategies for achieving high-level policy change, in order to enhance or mandate closer collaboration between wildlife and fisheries bodies; through suggestions for better implementation of policies and procedures; to practical suggestions for capacity-building.

Interviewees broadly recognised the benefits of and need for better cooperation and coordination for shark conservation and management, from national to international level, between Environment/CITES and Fisheries/RFB agencies and bodies. Many noted that improved mutual understanding of the respective mandates, roles and responsibilities of CITES and RFBs is still required, including areas of alignment between them. For example, the value of CITES as a complementary trade measure that can contribute to fisheries management and sustainable fisheries is often poorly understood. However, CITES-FAO collaborations in recent years and the work of the CITES Secretariat through the Marine Species Officer have already contributed significantly to CITES implementation for sharks at national and regional levels, fostering relationships and improved mutual understanding across CITES and RFBs.

i) Policy

Multilateral: Some interviewees noted that, since FAO, RFBs and CITES are all member-based intergovernmental organisations, their individual Members/Parties carry the major responsibility for action, including decision-making and supporting the implementation of decisions. Converting proposals for institutional reform, research, budgets, and adopting scientific advice, into Commission decisions (e.g. Conservation and Management Measures), depends on the interventions and sustained commitment of individual CPCs³, likely working with other CPCs to achieve the critical political mass to secure decisions.

Recognizing other multilateral collaborations and initiatives (e.g. the UN Regional Seas Programme, Large Marine Ecosystem Projects, and Sustainable Development Goals), perhaps these regional structures could also provide opportunities for collaboration with RFBs and CITES to promote synergies and improved cooperation on shark conservation and management and related issues.

National: inter-agency coordination on shared mandates for sharks under MEAs and RFBs varies. It is usually not formally established nor institutionalized. This is not a problem in some countries, but elsewhere it impedes CITES implementation and other efforts to advance management and conservation of sharks.

ii) Implementation

Many interviewees agreed that working from the “ground up”, i.e. from the technical/scientific level, to build institutional collaboration between CITES and RFBs will have the best chances for success.

Information was provided on how CITES NDFs are (and are not) being conducted, including for species that fall under a shared remit with RFBs. There is broad agreement that NDFs for shared stocks of CITES-listed sharks, including data-poor species, could be improved and require expert advice from RFB scientific bodies. Processes for adopting scientific advice in decision-making could be strengthened within and between RFBs.

iii) Capacity-building, tools and resources

Limited capacity at international, regional and national levels poses many challenges and constrains expanded sectoral and cross-sectoral efforts. Improving CITES and RFB collaboration requires additional financial and human resources, directed towards *inter alia*, support for established structures and procedures, legal frameworks, technical expertise, etc.

There is a need to enhance capacity-building (e.g. guidance, engagement, facilitation) around CITES requirements for NDFs and Introductions from the Sea. These are still not well understood by many CITES Authorities and certainly not by RFBs.

Poor catch data is a major obstacle to action at RFB level, where decisions are traditionally based on stock assessments. New methods for assessing the status of data-poor sharks, developed under the FAO-led ABNJ Tuna Project, could enable more – and more active – status assessments of shark species, and support advice and decision-making on shark species in RFBs.

³ CPC: Contracting Parties and Cooperating non-Contracting Parties, Entity or fishing Entity to an RFB.

iv) Interviewees' suggestions for action

- Establish a joint CITES-RFB Committee, with membership comprised of Contracting Parties, facilitated by the Secretariats. The Committee's MoU and ToR should be agreed by all Parties. Additional benefits would be derived if this Committee met during the annual FAO RFB Secretariat's Network meeting.
- At the Secretariat level, designate focal points within each RFB and the CITES Secretariat to communicate and coordinate both amongst themselves and with their respective national focal points.