

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Species trade and conservation issues

Conservation of sharks

CONSERVATION AND MANAGEMENT OF SHARKS

1. This document has been submitted by Australia.

Purpose

2. To discuss the potential role of CITES in assisting with the conservation and management of sharks¹ through:
 - a) the provision of assistance to FAO Parties in the development and implementation of their National Plans of Action-Sharks; and
 - b) the inclusion of threatened species in the Appendices to CITES, in accordance with Decisions of the Parties to CITES.

Background

3. Concern for the conservation of sharks was acknowledged internationally through the adoption of CITES Resolution Conf 9.17 in 1994 on the Status of International Trade in Shark Species. That concern has not diminished with the adoption by the Food and Agriculture Organization (FAO) of the International Plan of Action on the Conservation and Management of Sharks (IPOA-Sharks) in 1999. The recently revised World Conservation Union (IUCN) *Red List of Threatened Species* (IUCN 2000) has 79 sharks listed as ranging from 'critically endangered' through to 'lower risk near threatened', following the appraisal of just 10 per cent of the taxa.
4. Most shark species are K-strategists because of their life-history characteristics such as late attainment of sexual maturity, long lifespans, slow growth and low fecundity. This means that in many cases they are particularly susceptible to over-fishing, especially in unregulated fisheries. It is estimated that 50 per cent of the global catch of Chondrichthyans is taken as bycatch that is largely unmanaged, thus the bycatch of Chondrichthyans does not appear in official fisheries statistics. Reported landings of Chondrichthyan fishes currently exceed 760,000 tonnes per year. A small component consists of chimaeras, but it appears that most of the landings are fairly evenly divided between sharks and batoid elasmobranchs (rays and skates). In many regions, increased trade in shark products such as fins, cartilage and liver oil has played a significant role in increased shark harvests in recent years.

¹ The term 'shark' in this paper refers to all the fish in the Class Chondrichthyes: sharks, skates, rays and chimaeras. The term 'true shark' is used here to identify those species commonly known as sharks.

Chondrichthyans provide approximately 1 per cent, and hence true sharks about 0.5 per cent, of the world's fisheries products (Walker 1998).

5. A range of organizations have recognized the requirement for shark conservation through multilateral agreements and initiatives, drawing attention to the need to improve the protection afforded to threatened and vulnerable sharks. These organizations and agreements include:
 - a) IUCN, which recognizes 79 shark species as threatened through listings on their Red List, and is working to address shark issues through the Species Survival Commission (SSC);
 - b) the United Nations Convention on the Law of the Sea (UNCLOS), which promotes international cooperation for conservation and optimum utilization of the species and specifically in the case of sharks, those listed on Annex I of UNCLOS;
 - c) the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which has whale sharks listed in Appendix II;
 - d) FAO, which has developed the IPOA-Sharks;
 - e) the APEC project on the conservation and management of sharks, and
 - f) CITES, through the Resolution and Decisions adopted by the Parties for the conservation and management of sharks.

Actions to date

Relevant CITES Resolutions

6. Fuelled by concern over increasing levels of international trade in shark products, and unmanaged exploitation of sharks, a resolution was adopted at the ninth meeting of the Conference of the Parties to CITES in 1994, on the biological and trade status of sharks (Resolution Conf. 9.17). This Resolution requested *inter alia* that (1) FAO and other international fisheries management organizations establish programmes to collect and assemble the necessary biological and trade data on shark species; and (2) all nations using and trading specimens of shark species cooperate with FAO and other international fisheries management organizations.
7. At the 10th meeting of the Conference of the Parties to CITES (1997), Decision 10.48 was adopted regarding the biological and trade status of sharks. This decision aimed to assist the effective implementation of Resolution Conf. 9.17 through the improvement of those methods and systems used to identify, record, and report landings of sharks from directed fisheries and those taken as bycatch in non-directed fisheries. Furthermore, Parties with shark fisheries were to initiate efforts to collect a range of species-specific data, and to reduce the mortality of sharks caught through incidental catch in other fishing activities. Through Decision 10.48, Parties were encouraged to initiate management of shark fisheries at the national level, and to establish international and regional bodies to coordinate management of shark fisheries, to ensure that international trade would not be detrimental to the long-term survival of shark populations.
8. Resolution Conf. 9.17 was repealed at the 11th meeting of the Conference of the Parties, but actions regarding monitoring the implementation of the IPOA-Sharks and improving international records of trade in shark products were addressed in Decisions 11.94 and 11.151. Decision 11.94 addressed the maintenance of liaison between the Secretary of the Committee on Fisheries of FAO and the Chairman of the CITES Animals Committee, in order to monitor the implementation of the IPOA-Sharks. The results of this liaison are reported regularly at meetings of the Animals Committee, and the Chairman of the Animals Committee is to report at the 12th meeting of the Conference of the Parties (CoP12) regarding progress on implementation on the IPOAs. Decision 11.151 instructed the CITES Secretariat

to maintain liaison with the World Customs Organization, to promote the establishment and use of specific headings within the Harmonized System of Standard Tariff Classifications, to discriminate between shark meat, fins, leather, cartilage and other products.

9. An analysis of the extent to which Resolution Conf 9.17 and subsequent Decisions have been implemented effectively has been prepared by the IUCN Species Survival Commission Shark Specialist Group and TRAFFIC (June 2002). *The Role of CITES in the Conservation and Management of Sharks*. (Document revised and updated from document AC18 Doc. 19.2, distributed with Notification to the Parties No. 2002/042 of 24 June 2002) in order to inform discussions at CoP12. Parties may wish to consider this analysis prior to discussions of shark conservation and management at the 12th meeting of the Conference of the Parties

CITES shark listing

10. During the past year, two Parties have taken action on sharks by listing two shark species in Appendix III. Australia has listed *Carcharodon carcharias* (great white shark) and the United Kingdom has listed *Cetorhinus maximus* (basking shark). These listings require the respective Parties to issue export permits to allow trade and all other Parties trading in the species to issue a certificate of origin (stating where the specimens come from). The certificates of origin are reported to the Secretariat each year in the Parties' annual reports, enabling a trail to be built up of where exports of the species are coming from and where they are going. This will assist Australia and the United Kingdom to regulate trade in specimens and enable all Parties to gain a greater understanding of trade in the species and any parts or derivatives of the species.

Relevant FAO actions

11. The 23rd session of the FAO Committee on Fisheries (COFI) held in February 1999, agreed on the IPOA-Sharks. The guiding principles of the IPOA-Sharks are participation of relevant States in management and conservation strategies that aim to keep total fishing mortality for each stock within sustainable levels, with recognition of the sustainability requirements of low-income regions or countries suffering from a shortage of food and that rely upon shark catches for food, employment, income or for traditional reasons. Through the IPOA-Sharks, 113 States report shark landings to FAO, with 18 major shark fishing nations reporting landings exceeding 10 000 tonnes per year.
12. The IPOA-Sharks is voluntary and has relevance to States that have, as part of their Exclusive Economic Zones, waters in which sharks are caught, as well as to States whose vessels catch sharks on the high seas. All States whose vessels conduct directed shark 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). The IPOA-Sharks directs that such shark plans should, *inter alia*, aim to ensure that catches of all species of shark from directed and non-directed fisheries are sustainable, and encourages States to have an NPOA-Sharks prepared by the 24th COFI session held in February 2001.

Discussion

FAO's NPOA-Sharks

13. To be fully effective the conservation and management of sharks requires action from all States with active shark fisheries. Progress with the development of NPOA-Sharks has been very slow with the majority of Parties to FAO. Twenty-nine of the 113 States that report shark landings to FAO reported progress with IPOA implementation at the 24th session of COFI. Only five of the 29 States have Shark Assessment Reports or NPOAs available for public consultation and review (see document AC18 Doc. 19.2). Of these, only two States (Japan and the United States of America) have adopted an NPOA-Sharks. Australia's draft NPOA-Sharks, based upon its comprehensive Shark Assessment Report, is to

be released later this year. Forty-seven FAO member countries indicated that they would not be preparing NPOA-Sharks.

14. A verbal report provided by the Chairman of the CITES Animals Committee at its 18th meeting (April 2002) noted that the progress on implementation of IPOAs was negligible, and appeared to be "less advanced than described at COFI" in February 2001 (CITES 18th Animals Committee, document Doc. 19.2, p.3).

The Role of CITES

15. At the 18th meeting of the Animals Committee, the working group (majority) agreed that '(CITES should)... discuss the potential role for CITES in assisting FAO Parties in the implementation of the IPOA-Sharks, especially in respect of international trade in sharks and their parts and derivatives'. It was agreed that it was appropriate for this to be the subject of a separate agenda item at the 12th meeting of the Conference of the Parties. The committee as a whole adopted the report of the Shark Working Group.
16. There is concern among CITES parties that NPOA-Sharks are not being implemented rapidly enough, despite the significant landings in sharks and their products. This is of concern because CITES is currently bound with the mandate of Decision 11.94 relating to the significant role of FAO and the implementation of the IPOA-Sharks. In addition, there are currently no shark species included in Appendix I or II. It is therefore imperative that CITES Parties convey to FAO concern with progress in implementing the IPOA.
17. In addition, the actions outlined in Decision 10.48 of the Conference of the Parties have not been fully or effectively implemented. In particular, few Parties have instigated the action requiring improvement in the collection of data and biological information, and the introduction of management measures. Even so, the information provided in the shark assessment reports provide a good basis for Parties and the Animals Committee to examine the reports and identify key shark species with a view to progressing possible listing of shark species in CITES Appendix I, II or III.
18. CITES must now establish its future role in the management and conservation of shark species. Indeed, the Animals Committee, in accepting the report of its Shark Working Group, endorsed the need for CITES to continue work on sharks beyond CoP12. In particular, CITES must establish its role in the listing and management of endangered shark species that would benefit from trade restrictions, as distinct from achieving shark fisheries management through reliance solely on the implementation of the IPOA-Sharks.
19. While individual Parties can and should begin the process of proposing specific species of sharks for listing in the Appendices, there is also a parallel role that the Animals Committee can play. In particular, consideration could be given to the role of the Animals Committee in examining information provided by range States in shark assessment reports, with a view to identifying key species and examining these for consideration and possible listing under CITES.

Recommendation

20. In recognition of the trade-related problems facing some shark species, it is recommended that the Conference of the Parties adopt the draft resolution presented in the Annex.

References

Convention on the Conservation of Migratory Species of Wild Animals (CMS) (2000) – <http://www.wcmc.org.uk/cms/>.

Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) – <http://www.cites.org>.

CITES 18th meeting of the Animals Committee (April 2002), Document 19.2 *Report on the Implementation of the International Plan of Action for Sharks* – <http://www.cites.org/eng/cttee/animals/18/E18-19-2.doc>.

Food and Agriculture Organization (1999) International Plan of Action for the Conservation and Management of Sharks 1999 – <http://www.fao.org/fi/ipa/ipae.asp>.

IUCN – The World Conservation Union, *The 2000 IUCN Red List of Threatened Species*[™] – <http://www.iucn.org/>.

IUCN Species Survival Commission Shark Specialist Group and TRAFFIC (June 2002). *The Role of CITES in the Conservation and Management of Sharks*. (Document revised and updated from AC18 Doc. 19.2.).

Stevens J. D., Bonfil R., Dulvy N.K. and Walker P.A. (2000) 'The Effects of fishing on sharks, rays and chimaeras (Chondrichthians), and the implications for marine ecosystems'. *ICES Journal of Marine Science* 57:476-494.2000.

United Nations (1997) *The Law of the Sea* United Nations Convention on the Law of the Sea publication, New York.

Walker T. (1998) *Can Shark Resources be Harvested Sustainably? A question revisited with a review of shark fisheries* Marine and Freshwater Res., 1998, 49, 553-572.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat generally concurs with the conclusions presented in the present document, as well as the recommendations of the Animals Committee on the same subject (see document CoP12 Doc. 10.1), namely that there is a need for further action concerning the conservation of sharks subject to significant levels of offtake and the regulation of trade in specimens of such species. The Secretariat is of the opinion that the actions taken under the auspices of FAO concerning the management of sharks, actions that originated through discussions held at the 10th meeting of the Conference of the Parties, remain highly appropriate and should be supported. It is of concern that the progress with the implementation of FAO's International Plan of Action for the Conservation and Management of Sharks has been limited to date, but it should also be recognized that this programme requires comprehensive measures to be taken by a large number of countries about fisheries and trade involving a large group of species. The Secretariat agrees that the Conference of the Parties should convey its concerns to FAO and encourage the member States of FAO to accelerate their implementation of the International Plan of Action for the Conservation and Management of Sharks.
- B. The Secretariat supports the essence of the actions recommended in the draft resolution presented in the Annex, but recommends that these actions be incorporated in a series of decisions in order to provide a specific time-frame for their implementation. It should be noted, however, that, regarding paragraph b) under RECOMMENDS, instructions to the Chairman of the Animals Committee should come from the Conference of the Parties and not the Secretariat. The recommendation in the draft resolution in the Annex that Parties should "continue to identify endangered shark species that require

consideration for listing, if their management and conservation status does not improve”, paragraph f) under RECOMMENDS, is an existing obligation of all Parties concerning all species, and need not be repeated in a decision of the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conservation and management of sharks

THE ROLE OF CITES IN THE IMPLEMENTATION OF THE IPOA-SHARKS

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

NOTING that States were encouraged 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 PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) the CITES Secretariat raise with FAO concerns regarding the significant lack of progress in implementing the IPOA-Sharks, and urge FAO to take steps to actively encourage relevant States to develop NPOA-Sharks;
- b) the CITES Secretariat direct the Chairman of the Animals Committee to continue activities specified under Decision 11.94 beyond the 12th meeting of the Conference of the Parties;
- c) the CITES Animal Committee to critically review progress towards IPOA-Sharks implementation (NPOA-Sharks) by major shark fishing and trading nations, by a date one year before the 13th meeting of the Conference of the Parties to CITES;
- d) the CITES 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;

- e) Parties to CITES be encouraged to obtain information on IPOA-Sharks implementation from their fisheries departments, and report directly on progress at future meetings of the Animals Committee; and
- f) Parties continue to identify endangered shark species that require consideration for listing, if their management and conservation status does not improve.