

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Summary record of the 13th session of Committee I

23 March 2010: 09h15 - 12h10

Chairman:	J. Donaldson (South Africa)
Secretariat:	R. Bolješić D. Morgan
Rapporteurs:	J. Jorgenson K. Malsch C. McLardy J. Robinson

68. Proposals to amend Appendices I and II (continuation)

As the Chair of the working group on Malagasy succulent plants, the United Kingdom of Great Britain and Northern Ireland thanked all the participants for their contributions and reported that the group had reviewed the proposals in proposals CoP15 Prop. 22-24, 26-27, 30, 34-36 and 39-41 and had formulated recommendations on whether the proposals should be accepted or withdrawn. They also reported that the working group had suggested draft decisions as outlined in document CoP15 Com. I. 15, and suggested one amendment to paragraph a) of the first decision, to replace “and” with “but” preceding “not adopted”. To support the draft decision, they estimated that core funds of approximately USD 30,000 would be required, as would an additional USD 60,000 from external sources, and that these budgetary issues would need to be considered by Committee II.

Following a query by Mexico on the criteria that had been used to formulate the working group recommendations, the United Kingdom clarified that a table of information relevant to the biological and trade criteria had been compiled from the information within the proposals, from additional trade data provided by the United States of America and the United Kingdom and from field expertise provided by the Malagasy participants. They noted that this was available upon request. With the proposed amendment, the draft decisions were accepted.

Madagascar announced that they would withdraw proposals CoP15 Prop. 22, 30, 34, 36 and 40 in line with the working group recommendations, as additional trade data and population status information was required for these species with large distributions. They encouraged Parties to provide financial support to undertake the activities directed to their country in the draft decision. The remaining proposals CoP15 Prop. 23, 24, 26, 27, 35, 39 and 41 were accepted by consensus.

The United States of America, as co-proponent with Palau, introduced proposal CoP15 Prop. 15 for the listing of *Sphyrna lewini* (scalloped hammerhead shark) on Appendix II, noting that the species satisfied criterion A in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14). The proposal also included four look-alike species on the basis of criterion A in Annex 2 b, but, in the light of the assessments of the Food and Agriculture Organization of the United Nations (FAO) and the Secretariat, they withdrew *Carcharhinus plumbeus* (sandbar shark) and *C. obscurus* (dusky shark) from the proposal, leaving only *Sphyrna mokarran* (great hammerhead shark) and *S. zygaena* (smooth hammerhead shark). The United States highlighted the precipitous population decline of the scalloped hammerhead shark, the negative impacts of international trade and the lack of species-specific management under any of the regional fisheries management organizations (RFMOs). Palau, noting its history of conservation, emphasized the need for international cooperation to conserve the oceans' biodiversity and urged Parties to support all proposals to

list sharks in Appendix II. They also announced the removal of its reservations to CITES-listings, which was lauded by Australia.

New Zealand, supported by Australia, Norway, and Spain, on behalf of the European Union and its Member States, urged the Parties to follow the advice of the FAO Expert Advisory Panel available in Annex 3 to document CoP15 Doc. 68, which supported the proposal as amended, on the basis of available scientific evidence. New Zealand supported the listing proposals for scalloped hammerheads, oceanic whitetip and porbeagle sharks, noting that they were severely depleted and in decline. In the absence of catch limits or appropriate management measures for shark species through the RFMOs, they stated that CITES could provide concrete benefits to the proposed shark species and the look-alike species. Australia echoed these comments and, noting the prevalence of illegal, unreported and unregulated (IUU) fishing reported by TRAFFIC, felt that while RFMOs had the primary responsibility for managing fisheries, CITES could play a complementary role. They strongly supported the Appendix-II listing, noting that it would continue to allow legal trade subject to non-detriment findings. They noted that a non-detriment finding workshop held in Mexico in 2008 found that there was not a large impediment to issuing non-detriment findings for shark species. They expressed their support for all four shark proposals, including the amended scalloped hammerhead shark proposal.

Norway, supported by Brazil and Croatia, expressed concern for the overexploitation of hammerhead sharks worldwide and supported the amended proposal. Norway emphasized that a CITES listing did not replace fishery management, but could help to relieve the fishing pressure and improve controls along the commodity chain. Brazil noted that an Appendix-II listing would provide an important tool for the sustainable management of sharks that were naturally vulnerable to overexploitation. Saudi Arabia, while recognizing the importance of marine resources as a food source, supported the proposal as amended, on the basis of the scientific evidence. Monaco, noting the adverse impacts that declining shark populations have had on coral reef ecosystems, supported the proposal and urged Parties to do more to combat IUU fishing activities.

The International Commission for the Conservation of Atlantic Tunas (ICCAT) clarified the conservation measures that had been implemented for sharks to date. They highlighted the prohibition on finning that was adopted in 2004, their resolution urging Parties to reduce their catch of porbeagle (*Lamna nasus*) and shortfin mako sharks (*Isurus oxyrinchus*), the conservation measures for bigeye thresher sharks (*Alopias superciliosus*) and the mandatory submission of data on shark catches. They noted, however, that feedback relating to shark catch data had been minimal and that there were currently no specific management measures in place for hammerhead sharks.

Spain, on behalf of the European Union and its Member States, emphasized that scalloped hammerhead sharks were particularly vulnerable and that their transboundary nature meant that national fisheries management alone was insufficient. They requested that the Secretariat establish contact with RFMOs in order to foster collaboration to meet common goals. They noted that the 18-month delay in implementing the proposal would allow for the development of identification guides, both morphological and molecular, to assist with enforcement and noted that the inclusion of the look-alike species would also help to ensure effective implementation of the listing. They agreed with the FAO Expert Advisory Panel that the hammerhead species met the relevant listing criteria and supported the proposal, as amended.

Senegal recognized that sharks were heavily over-fished but recalled that ICCAT had developed integrated control measures to combat IUU fishing such as strengthening Port State measures, establishing catch documentation to ensure traceability, and harmonization of a scientific observer programme. They emphasized that most shark catches were accidental bycatch and that technical problems relating to implementation of the listing could not be resolved within the suggested delayed implementation period of 18 months. China, supported by Japan, Saint Lucia and Senegal, opposed the proposal, suggesting that RFMOs were the appropriate management body for the shark species included within the proposal. China acknowledged that regional efforts were in need of improvement, especially with regard to addressing bycatch in industrial fisheries.

Japan pointed out that hammerhead sharks were a coastal species and therefore their management would be best achieved through a combination of regional organizations and national implementation measures by range States within their 200 nautical-miles jurisdiction. They highlighted the major problem of illegal finning by small scale long-liners and that the conservation needs of the species would be best addressed through improved enforcement efforts rather than by an Appendix-II listing. They suggested that an alternative approach to CITES-listing would be to work with developing countries to encourage compliance measures, also noting that many developing States lacked the capacity to implement national plans of action. They believed that an Appendix-II listing would hamper the conservation efforts of developing

States and deny them the opportunity to utilize their marine resources in a sustainable manner as stipulated under the United Nations Convention on the Law of the Sea and the United Nations Fish Stocks Agreement. They further urged socio-economic factors to be taken into account noting that the species was consumed in many Asian and Latin American countries.

China, supported by Japan and Saint Lucia, considered that enforcement of the proposal would be problematic, as the meat of hammerhead sharks was largely processed and difficult to identify. In their experience, Japan considered that the inclusion of the whale shark (*Rhincodon typus*) in Appendix II had driven higher demands for the species and the original conservation intention of the Appendix-II listing had not been realized. Saint Lucia echoed these comments in relation to their queen conch (*Strombus gigas*) fisheries. China referred to the requirement in Resolution Conf. 9.24 (Rev. CoP14) for listing proposals to address how look-alike problems could be resolved and whether or not it was reasonable that an informed non-expert could identify the proposed species in trade. They reported that their enforcement officers had found it impossible to identify unprocessed hammerhead shark products to species level. China stated that consignments of shark fins were sorted by size and noted further identification problems associated with the presence of mixed and processed fins, meat, teeth and oil. They added that DNA techniques were not readily available or rapid enough to be practical as shipments could not realistically be delayed at entry points. They recognized the 18-month implementation delay in the proposal, but noted that administration and technical problems should have been addressed prior to its submission.

Cuba commented that they shared the concerns over the conservation of sharks and that, as a matter of fact, fisheries targeting these species had been closed 20 years ago. Sharks still continued to be caught in traditional fisheries in their country, but the development of a management plan was underway. Whilst the species was utilized for food and medicinal products domestically, souvenirs containing skin and teeth were traded internationally, as were fins. They stated that they were not in a position to develop trade controls and opposed the proposal, believing that the cost of CITES implementation would outweigh any benefits resulting from exports.

Saint Lucia noted the lack of species-specific data within the proposal and, should the proposal go to a vote, requested a secret ballot.

Argentina, Colombia, the Libyan Arab Jamahiriya and Qatar also supported the proposal. They cited the biological characteristics of the taxa, as well as the high trade volumes that had been reported and the inability of RFMOs to manage the species successfully. Colombia believed that the Appendix-II listing of the queen conch had made a significant contribution to its conservation in their country and hoped that the listing of the shark species would have a similar effect. They added that CITES should play a complimentary, rather than competitive, role to RFMOs. The United Arab Emirates indicated the need for synergy with other conventions, and coordination between Parties on enforcement and capacity building for the matter, as well as the need to have a 24-month delay in implementation of the proposal to resolve the related technical and administrative issues. This delay was supported by Guinea Bissau and Libyan Arab Jamahiriya.

Guinea Bissau and Indonesia were opposed to proposal CoP15 Prop. 15. They cited the lack of documented scientific evidence to support the proposal, the existence of national management plans and RFMOs that already managed the taxa, the absence of any consideration of the livelihoods of those who harvest the species, and identification difficulties to differentiate the fins of the several species. Singapore said that CITES was not designed to regulate commercially exploited marine species, mentioning difficulties with the preparation of non-detriment findings and issues associated with the interpretation of introduction from the sea, and ongoing discussions on the applicability of CITES listing criteria for aquatic species.

FAO summarized their activities with regard to the species. Making reference to Annex 3 to document CoP15 Doc. 68 (*Report of the Third FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species*), they indicated that the available evidence supported the proposal to include *Sphyrna lewini* in CITES Appendix II in accordance with Article II paragraph 2(a), along with the look-alike species, *S. mokarran* and *S. zygaena*, in accordance with Article II paragraph 2(b). However, they considered that there was insufficient evidence to include *Carcharhinus plumbeus* and *C. obscurus* in accordance with Article II paragraph 2(b), due to inadequate evidence relating to "look-alike" considerations. They also suggested that by-catch was a major problem for these species and that being listed in Appendix II may not be sufficient to reverse their deteriorating conservation status. The preparation of identification materials was also necessary to assist enforcement officials.

IUCN indicated their support to include the scalloped hammerhead in CITES Appendix II in accordance with Article II paragraph 2(a), along with the look-alike species, the great hammerhead shark and the smooth hammerhead shark, in accordance with Article II paragraph 2(b). This determination was made by the IUCN/SSC Shark Specialist Group and was based on a series of 13 workshops and the participation of 300 species experts.

The United States accepted the request to amend the proposal by delaying implementation for 24 months rather than 18 months. They also committed to supporting capacity-building activities as well as working with others on this species.

The call by Saint Lucia for a secret ballot was supported by more than 10 other Parties. This call was opposed by the Libyan Arab Jamahiriya. The result of the vote for the proposal in document CoP15 Prop. 15, as amended by the United Arab Emirates, was 75 in favour, 45 against, and 14 abstaining. The proposal was rejected as it did not have a two-thirds majority.

The United States introduced proposal CoP15 Prop. 16 to include the oceanic whitetip shark (*Carcharhinus longimanus*) in Appendix II. They summarized that, although the species was one of the most widespread sharks, it was overexploited and often retained as bycatch due to its highly valuable fins. They highlighted the significant declines noted in some populations and stated that these populations were likely to deteriorate further unless regulation of international trade was implemented. They also asked Parties to consider the fact that there were no RFMOs specifically for the species, and that effective implementation of such management may take many years. They pointed out that fins of this species were highly distinctive and easily identified, but that they would nevertheless like to amend the proposal to extend the proposed implementation delay from 18 to 24 months, in anticipation of some Parties' concerns regarding the lack of time available to resolve administrative and technical issues, as in the case of the previous shark proposals. They also reiterated their commitment, as previously requested by the United Arab Emirates, to incorporate capacity-building activities into the proposal, as well as the need for synergy with other conventions.

New Zealand, Saudi Arabia, Spain, on behalf of the European Union and its Member States, and the United Arab Emirates, along with all of the Parties that had already articulated their consistent support for all shark proposals at the beginning of the session, expressed their support for the proposal. New Zealand reiterated that the species was subject to substantial demand for its fins, that there were no RFMOs for the species, that the proposal was supported by the FAO expert panel and that, as the fins were distinctive, there should be fewer identification issues. The United Arab Emirates noted the dire condition of many shark stocks and welcomed the United States' assurances regarding capacity building and the need for synergy with other conventions. Spain, on behalf of the European Union and its Member States, highlighted that the proposal contained extensive and praiseworthy recent data concerning population declines by the species. They noted that estimates of historical levels of decline for all range States were difficult to obtain, and not listing this species at this time would only make conservation actions more difficult in the future. They also added that identification guides including illustrations of cut-off fins were in development, but would require more work and coordinated efforts, which was the purpose of the proposed delayed implementation. Saudi Arabia noted that they were in the process of carrying out monitoring surveys for the species in the Red Sea and the Arabian Gulf. They recognized that the species was under considerable human pressure world-wide and noted that it had been rarely encountered during the surveys in regional waters.

South Africa stated that any decisions to list a species in the Appendices should be science-based, and highlighted the important role of FAO. They added that, if the species was not well managed by the RFMOs for example, then CITES could have an important role and should collaborate with RFMOs through Memoranda of Understanding. They also urged that more work be carried out to resolve issues relating to 'Introduction from the Sea' and encouraged Parties to improve management of shark species.

Chile, China, Indonesia, Japan, the Republic of Korea, the Bolivarian Republic of Venezuela and Viet Nam opposed the proposal. China also reminded Parties that the Committee had already rejected proposal CoP15 Prop. 15 that was similar to this one and that this proposal was therefore subject to the same problems. In addition, China emphasized their commitment to sustainable fisheries but considered that there were still major implementation issues to be addressed. They felt that the argument that sharks were targeted due to their high value fins contradicted the fact they were mainly obtained as bycatch. They also stated that work should be initiated to reduce catch to help conserve the species and that FAO and RFMOs should play a more important role in the species' management. China also highlighted that most harvest would require the preparation of non-detriment findings and the issuance of 'Introduction from the Sea' certificates. Due to the species' widespread distribution, this might prove to be problematic, thereby

hindering Parties' abilities to comply with the Convention, or alternatively, halting trade and negatively affecting local livelihoods. The Bolivarian Republic of Venezuela, supported by Japan, indicated that the listing of sharks in CITES affected their sovereign rights to utilize coastal fisheries, and that implementation problems could result in sanctions if it was thought that CITES was not being properly implemented. Chile drew attention to the lack of biological and trade data as well as identification materials regarding parts and derivatives and felt that catch data was not adequate to justify an Appendix-II listing. Viet Nam stated that a decision should be based on strong scientific evidence after careful surveys had been conducted. The Republic of Korea added that ICCAT intended to create a new panel to deal with bycatch issues, including shark species, and that species management measures should be adopted by RFMOs.

Japan requested a secret ballot, which received the required support of more than 10 other Parties.

The proposal, with the amendment of a 24-month delay in entry into force, went to vote by secret ballot, with 75 Parties voting in favour, 51 voting against, and 16 Parties abstaining. The proposal did not receive a two-thirds majority and was therefore rejected.

The session was closed at 12h10