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OF WILD FAUNA AND FLORA



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IMPLEMENTATION OF CITES APPENDIX II LISTINGS FOR MARINE FISHES

This document has been submitted Secretariat on behalf of the IUCN* to inform the Parties in reference in particular to agenda items 15 (Capacity building), 22 (National laws for implementation of the Convention), 23 (CITES compliance matters), 25 (Enforcement matters), 26 (Illegal international trade in wildlife), 36 (Introduction from the sea), 50 (Sturgeons and paddlefish (*Acipenseriformes* spp.)), 51 (Conservation and trade in *Anguilla* spp.), 54 (Humphead wrasse (*Cheilinus undulatus*)), 56 (Sharks and rays (*Elasmobranchii* spp.)), 78 (Sharing existing written science-based rationales and scientific information for non-detriment findings made for the trade in CITES-listed species), and 88 (Proposals to amend Appendices I and II).

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This Information Document makes recommendations to enhance implementation of the Convention for marine fishes included in CITES Appendix II. It is a contribution from a workshop attended by experts in marine fisheries and CITES implementation, participating in their individual capacities. A report of this workshop¹ and list of participants can be found at www.iucn-seahorse.org/citesmarine. This document is authored by members of the IUCN Species Survival Commission Specialist Groups and Steering Committee².

Although CITES entered into force in 1975, the Convention and its Parties have only relatively recently gathered momentum in regulating the international trade in threatened and potentially threatened marine fish species. Since CoP12 in 2002, CITES has included all species³ of seahorses (*Hippocampus* spp.), eight species of sharks (*Carcharhinus longimanus*, *Sphyrna lewini*, *Sphyrna mokarran*, *Sphyrna zygaena*, *Cetorhinus maximus*, *Carcharodon carcharias*, *Lamna nasus*, *Rhincodon typus*), humphead wrasse (*Cheilinus undulatus*), and both manta rays (*Manta* spp.) on Appendix II, with several more species⁴ proposed for inclusion in Appendix II at the 17th meeting of the Conference of the Parties (CoP17). CITES also includes the partly marine European eel (*Anguilla anguilla*) and sturgeons (Acipenseriformes) on Appendix II, as well as marine invertebrates subject to fisheries such as the queen conch (*Strombus gigas*) and giant clam (Tridacnidae spp.); experiences in implementing the Convention for these taxa can help inform implementation of fully marine fish listings.

In implementing the Convention, it is vital to work to ensure that Appendix II listings for marine fishes be effective in helping populations begin to stabilize and recover. For all Appendix II-listed taxa, the Convention requires that trade be non-detrimental to the survival of that species (Article IV, paragraph 2(a)) and the species be maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs (Article IV, paragraph 3). For commercially-exploited marine species, however, there is a different context for implementation because the criteria for Appendix II listing also include the need for the population to have declined markedly (Resolution Conf. 9.24 Annex 5).

Evaluations of implementation of marine fish listings need to look beyond immediate activity to the effectiveness of that activity. In general, the focus in implementation has tended to be on outputs, using metrics such as reports, workshops, papers, briefings, consultations, toolkits, ID guides and trainings (for a few examples, see www.iucn-seahorse.org/citesmarine). Such outputs can make important contributions towards achieving conservation outcomes. It is vital, however, to also assess how and when these activities have led to outcomes of conservation value to the species concerned. We recommend assessment of implementation at the scale of management change, analyzing whether CITES' efforts have resulted in new or improved protective and/or management measures, underpinned by legal frameworks. In all such assessment, indications of compliance and/or enforcement will be important. Most importantly, we recommend that Parties evaluate impacts, assessing whether their implementation of the Appendix II listing has helped support wild populations. We recognize that it is challenging to assess the conservation benefits of implementation of listings, but it is vital to design programs that at least try to answer these questions.

Implementation of CITES Appendix II listings for marine fishes needs to be advanced considerably. Little is often known about how Parties are implementing the Convention for many species, or about the effect of such work on wild populations. Discussion of implementation usually focuses on the completion of products (outputs) rather than on how Parties are making change (outcomes) or how wild populations are benefiting (impacts). At a global scale, the amount of CITES activity directed at implementation (primarily towards making non-detriment findings, NDFs), relative to the challenges, has been encouraging for most marine and partly-marine fishes (sharks, manta rays, humphead wrasse, European eel and sturgeon) but inadequate for the vast and complex trade in seahorses. At national scales, implementation of marine fish listings on Appendix II varies significantly among Parties, ranging from paying little attention to tight monitoring to careful crafting of fisheries management measures to export quotas. Some Parties have also suspended exports, either because such action is appropriate for making that particular NDF or because they are uncertain how to make NDFs. The CITES Review of Significant Trade (RST) through implementation of Resolution Conf. 12.9 (Rev. CoP13), a critical process, has been invoked for only one fully marine fish taxon, the seahorses (as well as the partly-marine

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³ The Checklist of CITES Species (<http://checklist.cites.org>) includes 51 seahorse species, but a recent comprehensive revision of the genus supports the validity of only 41 species (Lourie *et al.* 2016, *Zootaxa* 4146(1), 66 pp. <http://doi.org/10.11646/zootaxa.4146.1.1>).

⁴ Silky shark (*Carcharhinus falciformes*), Thresher sharks (*Alopias* spp.), devil rays (*Mobula* spp.), Banggai cardinalfish (*Pterapogon kauderni*), Clarion angelfish (*Holocanthus clarionensis*).

sturgeons), and that experience has pointed to some distinct challenges⁵. The most significant among these has been a lack of clarity as to what RST is trying to achieve and a dearth of metrics to measure progress against recommendations.

A review of implementation of marine fish listings to date allows us to make a series of conclusions. More funding is needed for implementation of Appendix II listings for marine fish taxa. CITES capacity building is urgently needed for Parties and their marine/ocean/fisheries agencies and ministries. Effective implementation of the Convention will depend on close cooperation between fisheries agencies and CITES Authorities. Conservation and management of marine fish taxa would also benefit from sustained focused attention by the CITES Secretariat, and by the Animals and Standing Committees. Across all taxa (terrestrial and marine), there is a great need for information-sharing on how the NDFs⁶ required by Article IV of the Convention are made, on what constitutes a good NDF, on results from Parties' required national monitoring of wild populations, and on legal issues affecting trade within countries⁷ and globally. Parties need to be able to access more readily-understood and easily-used tools to help in making NDFs and in monitoring more generally⁸. Importing Parties could do more to help implement the Convention for marine fish species by inspecting export permits with care. Parties would do well to pay more attention to the challenges of addressing bycatch, legal sourcing, traceability, transshipment, introduction from the sea, and the illegal trade in marine species and their parts and products. Much progress could be made in a technical consultative workshop on implementing Appendix II listings for marine fishes.

Our analysis of CITES implementation of marine fish listings – which will be published in the coming year as a full review – leads us to suggest the following 12 recommendations, which could assist Parties in the implementation of the Convention for marine fish species. Effective movement on these recommendations would also serve to support achievement of United Nations Sustainable Development Goals, particularly Goals 12 ([Ensure sustainable consumption and production patterns](#)) and 14 ([Conserve and sustainably use the oceans, seas and marine resources for sustainable development](#)).

General support

1. That there be enhanced efforts to increase funding for implementation of CITES for marine fish taxa included in Appendix II. Especially where the species is of lower economic importance to the Party, there will often be a great need for external financing. We recommend increased efforts to leverage funding from private donors and foundations, government aid agencies, and multilateral agencies. Effective implementation of CITES listings for marine taxa will benefit the conservation of the species concerned, contribute to sustainable livelihoods and development, and promote achievement of the Sustainable Development Goals (SDGs). The primary purpose of the funding would be to assist Parties to implement the Convention. Implementation may, however, require that assistance be requested from relevant Intergovernmental Organizations – including the Food and Agriculture Organization of the United Nations (FAO), Regional Fisheries Bodies (RFBs) and the International Union for the Conservation of Nature (IUCN) – as well as non-governmental organizations and other experts. In such cases, funding will need to be provided to and through these organizations.
2. That Parties enhance their CITES Management and Scientific Authorities' competency in fisheries-related matters, such as fisheries monitoring and population assessment. If they do not themselves include such competency, they should have the means to obtain it. Where this is done by designating fisheries or marine agencies as the Management and/or Scientific Authority for fish or marine species, effective working relationships with national Authorities for other species will be important; forestry or environment agencies often have greater experience with CITES implementation.
3. That the CITES Secretariat and Animals Committee have designated point people for marine fishes (staff in the case of the Secretariat). We also call on the Animals and Standing Committees to establish working groups on marine fish issues, with the Standing Committee paying particular attention to issues of legal acquisition in permitted trade, of illegal trade in marine species and of introduction from the sea. When the Parties select members of the Animals Committee, we encourage inclusion of individuals with marine/fisheries expertise. Given the special provisions that CITES makes with respect to marine taxa,

⁵ <https://cites.org/sites/default/files/E-CoP17-Inf-53.pdf>

⁶ <https://cites.org/sites/default/files/E-CoP17-Inf.-52.pdf>

⁷ An export permit shall only be granted when the specimen has been legally sourced (Article IV, paragraph 2(b))

⁸ A document for CITES Parties on the approaches, challenges and ways forward with monitoring Appendix II marine species in support of CITES implementation is available at www.iucn-seahorse.org/citesmarine.

we also urge the Animals Committee to explore ways to engage more frequently with marine/fisheries expertise. We further recommend that the Parties include a staff person at the Secretariat with marine expertise in the budget of the Secretariat.

Making NDFs

4. That Parties ask the CITES Secretariat to establish a database documenting the basis for NDFs for each Party/taxon combination. This would serve at least three purposes: (i) assist other Parties with data and information sharing; (ii) inform importing Parties as they inspect export permits; and (iii) assist in increasing the effectiveness of the Review of Significant Trade. We urge CITES Parties to contribute to the database, sharing the information, frameworks and processes that led them to conclude that exports are acceptable. For example, several Parties have already shared their NDFs for trade in shark products through the CITES website⁹, providing a valuable resource for other Parties. While we appreciate that such a database would need to be voluntary, it would greatly assist Parties, particularly those in developing countries.
5. That Parties task the Secretariat to develop tools to help make NDFs and other monitoring easier, more transparent and more open. This would greatly assist Parties in learning from each other. Frameworks for making NDFs have thus far been produced for seahorses, sharks and humphead wrasse. We now suggest an automated NDF e-framework that prompts Parties for minimum information and then guides them through the analytical process to produce a transparent analysis.
6. That importing Parties pay full attention to Convention obligations regarding the import, introduction from the sea, and transshipment of Appendix II listed marine species, particularly to ensure the effective implementation of Article IV of the Convention regarding NDFs and legal acquisition. Such action to improve compliance will best be accompanied by good communication and information sharing with source countries.
7. That Parties that are members of Regional Fisheries Bodies (RFBs, which include Regional Fisheries Management Organizations and advisory bodies) ask these to assist Parties in making NDFs for populations or subpopulations (stocks) that cross international boundaries or spill into areas beyond national jurisdiction. The Secretariat could be requested to work with RFBs to this purpose. We also recommend RFBs be urged to promote active sharing of harmonized data among Parties and among RFBs. We further encourage Parties that are members of RFBs to encourage the relevant RFBs to pay increased attention to species within their areas of jurisdiction or taken in fisheries under their jurisdiction in the following categories: (i) they have been overlooked by RFBs (e.g. seahorses); (ii) they are only partly covered by an RFB (e.g. European eels); (iii) they are covered by more than one RFB (e.g. porbeagle, oceanic whitetip shark); or (iv) they are taken in RFB fisheries. In the case where CITES-listed species are taken in or impacted by RFB fisheries, we encourage (1) the adoption of conservation and management measures by the relevant RFB for the species in question and (2) close collaboration and communication between CITES Scientific Authorities and the relevant RFB Scientific Committee.
8. That Parties collaborate to find novel ways to implement Appendix II listings for species taken as incidental catch, non-target catch, and secondary catch. It can be notably difficult to make NDFs for these species, both because little is often known about their populations, extraction or trade and because many common trade management measures (e.g. export quotas) may not reduce pressure on their wild populations. For species caught incidentally or as secondary catch, complementary spatial or temporal management may be the primary means of allowing populations to recover and support export trade.
9. That, because some marine fishes listed on Appendix II are caught outside territorial waters, the Parties ask the CITES Secretariat or Standing Committee to create a simple guide to transnational issues. This might include Introduction From the Sea, Chartering, fishing in another Party's Exclusive Economic Zone, Port State Measures Agreement, conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ¹⁰), and more. It is vital that Port States take responsibility for accepting or challenging NDFs and claims of legal acquisition. Some steps in this direction have already been taken with [Decisions 16.48 to 16.51](#), which address Introduction from the Sea: Chartering.

⁹ https://cites.org/eng/prog/shark/Information_resources_from_Parties_and_other_stakeCoP

¹⁰ See <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-36.pdf>

Legal acquisition of specimens exported with permits

10. That greater attention be given to the requirement of Article IV (paragraph 2(b)) that specimens exported with permits have been legally required. Parties should ensure that specimens were legally sourced – e.g. that they were they caught legally with legal gear and legal methods in areas open to fishing and in accordance with all applicable national and international law – before issuing export permits. Most attention to date has focused on making NDFs. To assist traders and importing Parties in evaluating legal acquisition, CITES should establish a database on national fisheries laws and regional/global regulations, populated by Parties themselves. Improved compliance with requirements of legal acquisition would be facilitated with new toolkits on traceability.

Illegal trade

11. That building on the significant progress Parties have made in addressing many forms of illegal wildlife trade, Parties also direct their efforts at identifying and reducing illegal trade in CITES-listed marine species (both Appendix I and II). Many of the emerging new initiatives to combat illegal wildlife trade (e.g. by ICCWC, UNODC) either omit marine fishes or underplay their relevance to marine species. More might be done to connect action on illegal wildlife trade with relevant aspects of substantial new initiatives on illegal, unregulated and unreported (IUU) fishing, creating synergies between the two processes.

And, finally ...

12. That Parties hold a global technical workshop on implementing Appendix II listings for marine fishes, with sessions on making NDFs (including the Review of Significant Trade), legal acquisition findings, trade in live specimens, and illegal international trade.

The authors of this report recognize that CITES Secretariat, Animals Committee and Standing Committee and Parties – as well as other organizations and agencies – all have roles to play in improving implementation of marine fish listings on Appendix II. The authors stand ready and willing to help in crafting Decisions and in assisting with action on the recommendations, as time and resources allow.

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