

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

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APPLICATION OF THE CRITERIA FOR LISTING COMMERCIALY EXPLOITED AQUATIC SPECIES IN THE CITES APPENDICES BY THE FIFTH FAO EXPERT ADVISORY PANEL FOR THE ASSESSMENT OF PROPOSALS TO AMEND APPENDICES I AND II OF CITES CONCERNING COMMERCIALY-EXPLOITED AQUATIC SPECIES.

This document has been submitted by Bangladesh, Bhutan, Comoros, The European Union and its Member States, Fiji, Maldives, and Sri Lanka in relation to amendment proposals CoP17 Prop. 42 on inclusion of Silky shark *Carcharhinus falciformis* in Appendix II and Prop. 43 on inclusion of genus *Alopias* spp. in Appendix II*.

Resolution Conf. 9.24 (Rev. CoP16) (<https://cites.org/eng/res/09/09-24R16.php>) defines the Criteria for amendment of Appendices I and II. Criterion A in Annex 2a to Res Conf. 9.24 is most commonly used when considering commercially exploited aquatic species for listing in Appendix II. It is important to use the Definitions, explanations and guidelines provided in Annex V of Res Conf. 9.24, and the guidance on the interpretation of the Annex V footnote on commercially-exploited aquatic species provided by FAO in CoP 14 Inf. 64 (<https://cites.org/sites/default/files/common/cop/14/inf/E14i-64.pdf>).

This document explains the proponents' approach to applying Criterion A to the proposals to list shark taxa in Appendix II. The guidance for Criterion A may briefly be summarised as follows (underlining added for emphasis):

The qualifying biological criterion supporting CITES listing proposals for aquatic species is usually a marked decline in the population size in the wild, which can either be in the past, or ongoing, or inferred or projected. For widely distributed aquatic species proposed for listing, a 'decline' is a reduction in abundance. A decline/reduction in abundance can be expressed in two ways:

- i) as an overall long-term extent-of-decline from historic baseline, which the guidelines for aquatic species note should be the primary criterion for listing in Appendix I, and
- ii) as a marked recent rate-of-decline of 50% or more in the last 10 years or three generations, whichever is the longer, which is important where information on decline from baseline is poor.

The guidance for commercially exploited aquatic species states:

"In general, the historical extent of decline should be the primary criterion for consideration of listing in Appendix I. However, in circumstances where information to estimate the extent of decline is limited, the rate of decline over a recent period could itself still provide some information on the extent of decline."

* 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.

“For listing in Appendix II, the historical extent of decline and the recent rate of decline should be considered in conjunction with one another. The higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is.

“A general guideline for a marked recent rate of decline is the rate of decline that would drive a population down within approximately a 10-year period from the current population level to the historical extent of decline guideline.”

Extent of decline from historic baseline

We appreciate expert work by FAO in relation to marine species, in particular the Report of the Fifth FAO Expert Advisory Panel for the assessment of proposals to amend Appendices I and II of CITES concerning commercially-exploited aquatic species (FAO 2016). The report correctly stated that the biological criteria and extent of decline guidance for Appendix II is 20-30% of historic baseline for low productivity species. However, it did not explain how or when the Panel set this baseline, nor how they attempted to extrapolate from the available data and other sources to calculate the historic extent of decline for any of the shark stocks that they reviewed.

The historic baseline for many pelagic shark species dates from the 1950s-1960s, when large-scale oceanic pelagic teleost fisheries commenced. These fisheries take sharks as an unwanted bycatch or as a secondary target. Discarded shark bycatch frequently experiences high discard mortality. A few high value species, particularly those that occur in coastal waters, have also been targeted for meat since before the 1950s. Shark fin demand and value rose sharply in the late 1980s, leading to increased fishing mortality.

Figure 1 in each FAO species listing proposal evaluation is titled “Percent of baseline stock declines”, while the correct title should rather read “Percent declines for each dataset examined”. Very few of the datasets evaluated presented in these Figures represent the extent of decline since an historic baseline in the 1950s, and not all of these ended close to the present day. However, many of even the short-term datasets, spanning roughly a decade (less than one generation period) illustrate recent declines that exceed or are close to the historic extent of decline guidance.

Recent rate of decline

The Panel has understood the guidance for recent rate of decline to be a decline of 70-80% over a two-generation period (pages 6, 8, 23, 88 in the Panel report), while the guidance states the decline of a 70-80% decline over a three-generation period (Annex V of Res Conf. 9.24). The majority of datasets used by the Panel to estimate recent declines are less than two generations long. Several span less than one generation. Extrapolating from these datasets and other sources to the entire three-generation period would have produced better estimates of the recent rate of decline and historic extent of decline.

As noted above, however, the significance of a marked recent rate of decline is when this would, if projected into the future, drive the population down within approximately ten years from the present to the historic extent of decline guideline. It must be considered in conjunction with the historic extent of decline. The FAO Panel report did not describe how the Panel calculated the historic extent of decline to the present day, or the recent rate of decline over three generations, nor how the Panel used these two declines in conjunction with each other to determine what the stock status would be in ten years from now, if current decline trends continue.

Graphical illustration

The Information Documents presented by the governments of the Maldives (CoP17 Inf.13) and Sri Lanka (CoP17 Inf.14) explains the proponent governments’ approach. They include graphics developed using a simple spreadsheet to illustrate estimates of historic extent of decline of silky sharks and thresher sharks from baseline and their recent rate of decline. The recent rate of decline was then used to extrapolate from the present to the potential extent of decline in ten years time. Where no long term trend data are available for these species, trends in swordfish biomass were examined and a conservative trend for bycaught sharks

extrapolated from those data. These graphics illustrate why there is a strong case for listing these species according to the CITES listing criteria.