

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



Eighteenth meeting of the Conference of the Parties
Geneva (Switzerland), 17-28 August 2019

NOTE FROM THE FAO EXPERT PANEL COORDINATOR ON THE
SIXTH FAO EXPERT ADVISORY PANEL FOR THE ASSESSMENT
OF PROPOSALS TO AMEND APPENDICES I AND II OF CITES
CONCERNING COMMERCIALY-EXPLOITED AQUATIC SPECIES

1. This document has been submitted by Secretariat and prepared by the Food and Agriculture Organization (FAO), in relation to agenda item 105 on *Proposals to amend Appendices I and II*.*

Summary of Results

A summary of the FAO advice, reached by consensus of the FAO Expert Advisory Panel for the assessment of proposal to amend CITES appendices was:

List of species within Proposals that **MEET** the criteria for listing in Appendix II:

- Proposal 45. Black teatfish sea cucumber, *Holothuria whitmaei*

List of species within Proposals that **DO NOT MEET** the criteria for listing in Appendix II:

- Proposal 42. Mako shark, *Isurus oxyrinchus*
- Proposal 45. White teatfish sea cucumber, *Holothuria fuscogilva*

List of species within Proposals for which **NO DETERMINATION** was made due to insufficient evidence:

- Proposal 43. Blackchin guitarfish *Glaucostegus cemiculus* and sharpnose guitarfish, *G. granulatus*
- Proposal 44. White-spotted wedgefish, *Rhynchobatus australiae* and *R. djiddensis*
- Proposal 45. Black teatfish sea cucumber, *Holothuria nobilis*

The full report from the sixth FAO Expert Advisory Panel, short summaries (in five languages) and some explanatory videos are available here: <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>.

Convening the Expert Panel to Assess CoP 18 Proposals

FAO coordinates and hosts the FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species (Expert Panel). The sixth Expert Panel was convened prior to the eighteenth CITES Conference of Parties (CoP18) over five days at FAO Headquarters in Rome (21-25 January 2019).

This Expert Panel was convened promptly after the CITES Secretariat published four proposals to list commercially exploited marine species under CITES Appendix II (January 4th 2019). The prompt sitting of

* 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.

the Expert Panel was purposely arranged to give FAO Members and CITES Parties as much time as possible in their consideration of the information provided by the Expert Panel prior to the 18th CITES Conference of Parties (CoP).

Expert Panel Composition

The sixth Expert Panel's advice comprised input from specialists on fisheries science, management and trade, plus specialists on individual species or species groupings. These participants were selected through a formal process that FAO is required to follow in organising UN expert meetings, which follow modalities requiring Member States clearance for the attendance of one of their experts. Once country clearance had been granted, experts are formally invited to attend in their personal capacity.

Participants of the sixth Expert Panel included women and men, originating from over eighteen countries across six continents¹. Where possible FAO tries to ensure a full range of fishery and conservation views are heard and the full invitee list for the 2019 Expert Panel is also listed in the report. For example, in 2019 in addition to two observers from the CITES Secretariat, both Co-chairs of the International Union for Conservation of Nature (IUCN) Shark Specialist Group, and the Regional Vice-Chair of the Northeast Atlantic Regional Group of the IUCN Shark Specialist Group were invited to attend as Expert Panel members.

Role of the Expert Panel

The role of the Expert Panel is to provide a fair and balanced expert scientific peer review of CITES proposals and to comment on the likely effectiveness of a CITES listing for conservation. This responds to the requirements outlined in the CITES Convention text², the FAO-CITES MoU³ (2006) and the Expert Panel Terms of Reference⁴.

To ensure access to the best available information for its review of proposals, Expert Panel participants were encouraged prior to the meeting to review the information presented in the proposals and to start to collate and review all related relevant data. Expert Panel members were requested to note progress of their research in a standardised template provided by FAO. This noted information relevant to the inherent biology, fishery and trade of the species proposed for listing amendment that would be examined at the Expert Panel sitting. This included information on i) productivity of the species, ii) known declines (historical extent of decline and recent rate of decline), iii) other influencing factors, plus iv) information on the importance of the species in international trade, its current management and the likelihood that a listing of the species in CITES Appendices would improve its outlook for conservation. Expert Panel participants were encouraged to source this information widely and share their findings with all participants of the Expert Panel and other assessment processes⁵.

The determinations made by the Expert Panel assessment process (and other assessments, e.g. proponents and IUCN TRAFFIC) rely on CITES criteria⁶ that have been developed through numerous inter-agency consultations and negotiations over years. These criteria are intended to be applicable for all species, however there are specific guidelines "with respect to application of the definition of 'decline' for commercially exploited aquatic species" (see resolution Annex 5 footnote 2, of 9.24 (Rev. CoP17) that describes the application of decline criteria for commercially exploited aquatic species).

FAO in its role as convener of the Expert Panel ensures the terms of reference and CITES criteria are made clear to participants when the meeting convenes, through both oral presentations and the provision of paper copies of key documentation. FAO also monitors adherence of the Expert Panels processes during the

¹ See Appendix C in sixth Expert Panel report, found here: <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>.

² Article XV, 2 (b) of the CITES Convention text

³ See sections 4, 5 and 6. "The FAO will work together with CITES to ensure adequate consultations in the scientific and technical evaluation of proposals.....".

⁴ See Appendix A in sixth Expert Panel report, found here: <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>. The FAO Committee of Fisheries sets the objective of the Expert Panel as to:

1. assess each proposal from a scientific perspective in accordance with the CITES biological listing criteria;
2. comment, as appropriate, on technical aspects of the proposal in relation to biology, ecology, trade and management issues, as well as, to the extent possible, the likely effectiveness for conservation.

⁵ FAO also shared what we had collated more widely, for example with the IUCN/TRAFFIC assessment process.

⁶ CITES Criteria for amendment of Appendices I and II, Conf 9.24 Rev CoP17

meeting, and invites CITES Secretariat Observers to assist in ensuring that CITES criteria are clear and there is access to further advice or clarifications when needed.

In addition to the proposals, which can be prepared at any time in the extended period between the triennial Conference of Parties⁷, proponents were invited to give an oral presentations directly to the Expert Panel, to provide them a real-time opportunity to offer further insights on the important points in their proposals.

Members of the sixth Expert Panel proved diligent in providing an independent review of all information found in the proposals against the CITES criteria, as well as discovering new information not found in the original proposals. It should be noted that proper peer review requires that each Expert Panel consider the body of evidence available afresh, including new insights into previous studies, and with the full expertise of those convened for each meeting. The chair of the Expert Panel, selected amongst the meeting participants, noted a number of strengths and challenges experienced by the Expert Panel in their deliberations and decision making.⁸

The Expert Panel process strives to make a determination on whether the species or species group information meets or doesn't meet the CITES criteria for listing in CITES Appendices. Importantly, the Expert Panel does not offer advice on whether to list the species or not, as that is a decision for CITES Parties. Notably, the sixth Expert Panel members were able to come to a consensus decision on whether species information in CITES CoP18 proposals 42-45 met the CITES criteria for listing in Appendix II. There was no minority dissent or discord in concluding the determinations made in the sixth Expert Panel report.⁹

Learning from the Past: How Best to Service the Needs of Parties in the Periodic Species Amendment Determinations Process

Noting queries from two of the seven proponents on specific points following the publication of the fifth Expert Panel report in 2016, FAO initiated a peer review of the CoP17 listing advisory process. This peer review was completed by seventeen independent sustainable use and conservation scientists in the period leading up to CoP18. Their review of information found in CoP 17 proposals, the FAO Expert Panel assessments, IUCN –TRAFFIC assessments and CITES Secretariat advice has now been completed with a summary of the study's findings presented in a separate CoP18 Inf. Doc. The full study has been submitted for scientific publication and provides extensive guidance for countries looking for further understanding in relation to workings of the species proposal and advisory process. Findings of this study will assist Parties in their decision making role, by informing them on the strengths and merits of the advisory process that is contributed to by FAO and others.

Contact

As the coordinator of the FAO Expert Panel process, Mr. Kim Friedman, a Senior Fisheries Resources Officer with the Marine and Inland Fisheries Branch of FAO is available to provide further feedback on any questions you may have. Mr. Friedman will attend CoP18 and can be contacted in person or reached on Kim.Friedman@fao.org.

⁷ *Proposals have to be submitted 150 days before a Conference of Parties, or 330 days if the proposal to amend Appendix I or II concerns a species or a population of a species that occurs partly or totally outside of the territory under its jurisdiction, and if it does not intend to consult the other range States before the submission of its proposal.*

⁸ *See Appendix F in sixth Expert Panel report, found here: <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>.*

⁹ *There is scope and precedence for recording of minority views of Expert Panel members.*