

**REPORT OF THE
ASEAN-SEAFDEC REGIONAL CONSULTATION ON COMMON/COORDINATED
POSITION OF THE CEAS AT THE CITES-COP16**

Bangkok, Thailand, 22 January 2013

I. Introduction

1. The ASEAN-SEAFDEC Regional Consultation on Common/Coordinated Position of the Commercially-exploited Aquatic Species (CEAS) at the CITES-CoP16 was convened in Bangkok, Thailand on 22 January 2013.

2. The Consultation was attended by the SEAFDEC Council Directors as well as representatives from the ASEAN-SEAFDEC Member Countries, namely: Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam together with their respective delegations. The Consultation was also attended by the Secretary-General, Deputy Secretary-General and senior officials of SEAFDEC. The list of participants appears as **Annex 1**.

II. Opening of the Meeting

3. The Secretary-General of SEAFDEC, *Dr. Chumnarn Pongsri* welcomed the participants to the Consultation. He mentioned that this one-day Consultation is meant to confirm and endorse the common/coordinated position of the ASEAN-SEAFDEC Member Countries on the proposed listing of commercially-exploited aquatic species into the CITES Appendices during the CITES-CoP16. He added that the Consultation would also develop the common/coordinated position on the proposed amendment of rule 25 on the methods of voting using Secret Balloting at the CITES-CoP. While stressing the importance of the Consultation in paving the way for concretizing the coordinated position with respect to the aforementioned proposals, he requested the Consultation to always bear in mind that such coordinated position would be crucial for the sustainability of small-scale fisheries in the Southeast Asian region. His Welcome Remarks appears as **Annex 2**.

4. The Chairperson of the SEAFDEC Council for 2012-2013, *Mr. Khin Ko Lay* thanked SEAFDEC for convening the Consultation and for the arrangements of the Consultation. He also expressed his gratitude to SEAFDEC for the continued support extended to the Member Countries through its various programs and activities, especially in providing avenues for discussion of issues related to the proposed listings of commercially-exploited aquatic species during the CITES-CoP16. He reiterated that the confirmation of the countries' position on the proposed listing of commercially-exploited aquatic species in the CITES Appendices and on the proposal to Amend Rule 25 on Methods of Voting Using Secret Balloting from the Consultation would be used by the Member Countries in conveying their respective positions during the CITES-CoP16 in order to safeguard regional interests, and in manifesting the real situation of the fisheries of Southeast Asia. His Opening Remarks appears as **Annex 3**.

III. Selection of the Chairperson of the Regional Consultation

5. The Chairperson of the SEAFDEC Council for 2012-2013, *Mr. Khin Ko Lay* was unanimously selected as the Chairperson of the Consultation.

IV. Adoption of Agenda

6. The Agenda which appears as **Annex 4** was adopted.

V. Meeting Arrangements

7. The Consultation took note of the background and arrangements of the Consultation which was presented by the SEAFDEC Secretariat. Specifically, it was clarified that the countries' positions which were formulated during the ASEAN-SEAFDEC Regional Technical Consultation on International Fisheries-related Issues convened in October 2012 and endorsed during the 15th Meeting of the Fisheries Consultative Group of the ASEAN-SEAFDEC Strategic Partnership (FCG/ASSP) in November 2012, had already been discussed during the ASEAN Expert Group (AEG) on CITES which was organized in Cambodia and that the recommendations of the AEG had been conveyed to the ASEAN authorities through the ASEAN Senior Officials on Forestry (ASOF) by the ASEAN Secretariat. However, since the final decision on some proposals have not been finalized yet, this Regional Consultation is therefore deemed necessary.

VI. Overview on the Proposed Listing of CEAS into the CITES Appendices

8. The Consultation noted the overview on the proposed listing of commercially-exploited aquatic species which was presented by the SEAFDEC Secretariat (**Annex 5**). Specifically, the Consultation took note of the changes of the proposal numbers which would be adopted during the CITES-CoP16, viz: **Proposal 19 to Proposal 42**: Listing of oceanic whitetip shark, (*Carcharhinus longimanus*) in Appendix II; **Proposal 14 to Proposal 43**: Listing of scalloped hammerhead shark, great hammerhead shark and smooth hammerhead sharks (*Sphyrna lewini*, *Sphyrna mokarran* and *Sphyrna zygaena*) in Appendix II; **Proposal 20 to Proposal 44**: Listing of porbeagle shark (*Lamna nasus*) in Appendix II; **Proposal 9 to Proposal 45**: Transfer of freshwater sawfish (*Pristis microdon*) from Appendix II to Appendix I; **Proposal 21 to Proposal 46**: Listing of Manta rays (*Manta* spp.) in Appendix II; **Proposal 27 to Proposal 47**: Listing of Ceja river stingray (*Paratrygon aiereba*) in Appendix II; and **Proposal 28 to Proposal 48**: Ocellate river stingray and Rosette river stingray (*Potamotrygon motoro* and *Potamotrygon schroederi*) in Appendix II.

9. During the discussion, the Council Director for Brunei Darussalam expressed the concern that since many of the aquatic species proposed for listing into the CITES Appendices are not commercially exploited in his country, therefore the position of Brunei Darussalam on the said proposals would follow the consensus of the ASEAN-SEAFDEC Member Countries. Similarly, the Council Director for Cambodia also explained that some species of sharks that have been proposed for listing are not found in the waters of his country, thus, Cambodia would also follow the consensus of the Consultation.

10. On the other hand, the representative from Indonesia reiterated that shark fishery remains very crucial for the livelihoods of small-scale fishers in some areas of the country. He added that as a matter of fact, shark fishery has provided job opportunities for the women and youth in rural fishing communities. In this regard, the representative from Indonesia expressed his country's wish to oppose the proposed listings of commercially-exploited aquatic species into the CITES appendices.

11. Notwithstanding the relevance of only two proposals, *i.e.* Proposals 47 and 48 to the fisheries of Lao PDR, the Council Director for Lao PDR expressed its support to the

common/coordinated position of the ASEAN Member States with respect to the aforementioned proposals. Nevertheless, he requested SEAFDEC to continue assisting the countries in collecting relevant data on the commercially-exploited aquatic species that have been proposed for listing in the CITES Appendices, which could be used in the discussions and negotiations during the CITES-CoP16.

12. While also supporting the position of the ASEAN Member States on the aforesaid proposals, the Council Director for Malaysia informed the Consultation that SEAFDEC/MFRDMD had already published the Field Guide to Sharks of the Southeast Asian Region while the Look-a-like Sharks and Rays Species of the Southeast Asian Region would be published before the CITES-CoP16. In this connection, he suggested that the Member Countries could refer to the scientific information in the aforementioned publications to justify their positions with respect to the proposals. He added that in the future, the countries could also consider conducting research studies on biology of sharks, *e.g.* life cycle, habitats, etc. and data collection, based on the such publications as reference.

13. The Council Director for Myanmar informed the Consultation that the country had already adopted ways and means of achieving the sustainable management of sharks through its National Plan of Action on Sharks. He added that Myanmar would go along with the consensus of the Consultation with regards to the proposals for listing of commercially-exploited aquatic species during the CITES-CoP16.

14. The Council Director for Japan, who has been involved in CITES meetings, explained that CITES-CoP meetings are unique and are not flexible in its decisions unlike in fisheries management. Therefore, once certain aquatic species is listed in the CITES Appendices there will be no more de-listing, in which case it would be difficult for the countries to collect data and information on such aquatic species since these would already be considered endangered. Moreover, he also expressed the concern that trading of some species of sharks and rays is difficult to monitor and data collection is almost not possible, as these species are mostly consumed in coastal areas.

15. The Council Director for the Philippines suggested that the countries should decide freely on their respective positions with regards to the proposals based on certain principles taking into consideration the common indicators proposed by the region's experts on sharks and rays, *i.e.* (1) insufficient data on most proposals to justify listing of the concerned species in the CITES Appendices making it difficult for the countries to support such proposals; (2) most species in the proposals are not directly caught or not targeted species but are caught as by-catch, and as such could not be discarded; and (3) constraints related to enforcement due to difficulties in identifying shark species once the fins have been removed.

16. The representative from Singapore agreed with the views expressed by other members that listing sharks in CITES is difficult to enforce. She observed that most shark species caught are usually not traded live or whole but processed into various forms such as fins and meat. If a consignment of assorted shark's fins is presented to Customs for clearance, it would be a challenge to correctly identify the species and verify it against the accompanying permit. Hence, listing sharks in CITES may end up as a paper exercise and not add any conservation value to the species.

17. While expressing the view that identification of shark species would be difficult in international trade, the Council Director for Thailand suggested that strong scientific evidence on the proposed species to be listed in the CITES Appendices should be presented during the CITES-CoP16. However, he also commented that in the future, the Member

Countries should consider all the aquatic species that are proposed for listing in the CITES Appendices during the CITES-CoP.

18. While supporting the ASEAN modality, the representative from Vietnam informed the Consultation that the catch data collected for some species in the proposals represented only some regions of the world, and therefore could not be considered as global data. In this regard, the countries should take into consideration all available data from other regions, for example those found in the FAO Statistical Reports.

VII. ASEAN-SEAFDEC Common/Coordinated Position on Commercially-exploited Aquatic Species

19. While considering the countries' positions on the proposals for listing of commercially-exploited aquatic species in the CITES Appendices as discussed in the previous fora, and taking into consideration the principles in confirming respective countries' positions, the Member Countries confirmed and adopted their respective countries' positions appears as **Annex 6**.

20. As for **Proposal 45** on the transfer of freshwater sawfish (*Pristis microdon*) from Appendix II to Appendix I, the Member Countries were of the view that the common position would not be necessary as this would depend on the individual country's decision, and considering that this species had not been exploited commercially in the Southeast Asian region. For **Proposal 46** on the listing of manta rays (*Manta* spp.) in Appendix II, the Member Countries opposed the proposal except the Philippines which supports the Proposal in accordance with its national law.

VIII. Overview on the Proposal to Amend Rule 25 on Methods of Voting Using Secret Balloting

21. The Consultation noted the overview presented by the SEAFDEC Secretariat on the Proposal to Amend Rule 25 on Methods of Voting Using Secret Balloting (**Annex 7**). It was recalled that during the previous discussions on this issue, although the Member Countries considered the issue on secret balloting during the CITES-CoP a very significant system to ensure the right of each party, the countries requested that thorough consultation on this issue should be made internally. After such consultations, the countries indicated their respective positions on the said issue.

22. The Council Director for Thailand expressed the view that in spite of the pros and cons of this issue, it is the right of the parties to vote in a transparent manner, since there is the tendency for decisions of developing countries to be influenced by more powerful countries as well as NGOs. Consequently, he declared his country's position to oppose the Proposal of EU and Mexico on the amendment of the Rules of Procedure of the Conference of Parties of CITES that involves restricting the Methods of Voting Using Secret Balloting.

23. The Council Director for the Philippines also expressed the view that voting during CITES-CoP should be same as in national elections where a vote is a right that should be protected. He then expressed the position of the Philippines to oppose the said proposal.

24. While noting the views from the Member Countries, the Consultation adopted the Common Position of the Countries on the Proposed Amendment of the Rules of Procedure of the Conference of the Parties which appears as **Annex 8**.

25. In this connection, the Secretary-General of SEAFDEC raised the concern that since such position came only from the fisheries point of view, he suggested that the countries should carefully consult with their respective countries' CITES authorities on this matter. In addition, the Council Director for Japan requested the countries' representatives during the CITES-CoP16 to be present starting from the first day (*i.e.* 3 March 2013) as voting on some proposals could be made as early as the first day.

IX. Other CITES-related Issues

9.1 Resolution Conference 14.6 (Rev. CoP15) on “Introduction from the Sea”

26. The Consultation took note of the proposal on Interpretation and Implementation of the Convention Trade Control and Marking “Introduction from the Sea” which was presented by the representative from Singapore. However, since the proposal is considered complicated in nature making it difficult for the Member Countries to decide on the issue as of the moment and that thorough internal discussion on the issue would be necessary, the Consultation did not make any common/coordinated position on the said proposal.

9.2 Selection of Member of the Animals Committee for the Asian Region at the CoP16

27. The Consultation was informed by the Council Director for Japan that *Dr. Nobuo Ishii*, who is currently the representative for Asia in the Animals Committee of CITES, will be nominated for selection as member of the Animals Committee for the Asian Region at the CITES-CoP16. In this regard, the SEAFDEC Council Directors and country representatives agreed to support the nomination of Dr. Ishii as member of the Animals Committee of CITES for the Asian Region, and encouraged the ASEAN Member States to support this recommendation for the benefit of the countries in the region. His Curriculum Vitae appears as **Annex 9**.

9.3 Down-listing of *Crocodylus siamensis* and *Crocodylus porosus* from Appendix I to Appendix II

28. The representative from Thailand informed the Consultation that Proposals 24 and 25 on down-listing of *Crocodylus siamensis* and *Crocodylus porosus*, respectively, from Appendix I to Appendix II will be put forward during the CITES-CoP16 in March 2013. In this regard, he requested the Member Countries to support the proposal since Thailand has already succeeded in its captive program on these species.

29. In the ensuing discussion, the Council Director for Japan expressed the view that the decision of the countries should be discussed and confirmed with the other agencies in the respective countries since crocodile is not under the purview of fisheries. In addition, the Council Director for Brunei Darussalam suggested that Thailand should provide information on the population of wild crocodiles to justify the country's proposal as well as provide the concerned national agencies with sufficient information that could be used for their justifications during the CITES-CoP16. Meanwhile, the Council Director for Myanmar encouraged the other Member Countries to invest on crocodile farm in Myanmar as well as in ecotourism-related activities. The possibility of having crocodile entertainment in Myanmar and crocodile aquaria would enable the country to attract more tourists in the future.

9.4 Others

30. The representative from Thailand informed the Consultation that the Department of Fisheries, Thailand will organize the ASEAN Fisheries Conference and ASEAN Food Exhibition in late 2013. This is aimed at enhancing the competitiveness of the ASEAN fishery products in the global market and offering opportunities to facilitate the preparation of the realization of the ASEAN Economic Community in 2015 when the ASEAN Member States is going to have a single market system. He added that the detailed information on these two major fora will be provided during the forthcoming Meeting of the SEAFDEC Council.

X. Conclusion on the ASEAN-SEAFDEC Common/Coordinated Position

31. While the Consultation opposed Proposals 42, 43, 44, 47 and 48 on listing of commercially-exploited aquatic species in the CITES Appendices, the decision on Proposal 45 for the transfer of freshwater sawfish (*Pristis microdon*) from Appendix II to Appendix I, was left for the countries to sort out and resolve. For Proposal 46 on the listing of manta rays (*Manta* spp.) in Appendix II, although the ASEAN countries opposed the proposal, the Philippines expressed the view that in accordance with its national law, the country would support the said Proposal. Moreover, on the proposed Amendment of the Rules of Procedure of the Conference of the Parties, the Consultation agreed to oppose such proposal.

32. With regards to the Interpretation and Implementation of the Convention Trade Control and Marking on “Introduction from the Sea”, the Member Countries were not able to come up with common/coordinated position considering that this issue would need thorough internal discussion with the agencies concerned in their respective countries. In another note, the Consultation supported the selection of *Dr. Nobuo Ishii* to serve as member of the Animals Committee for the Asian region during the selection at the CITES-CoP16.

33. Furthermore, the SEAFDEC Council Directors and country representatives were requested to inform their respective representatives during the CITES-CoP16 to be present on the first day of the Meeting to be able to express their votes on issues that would have impacts on the sustainable development of small-scale fisheries in the Southeast Asian region.

XI. Closing of the Meeting

34. While expressing his gratitude to all concerned for the success of the Consultation, the Chairperson reiterated the importance of fisheries for food security in our region which should aggressively put forward during the deliberations and negotiations in the forthcoming CITES-CoP16. He therefore urged the Member Countries to continue their support in the resolution of issues that would have impacts on the fisheries sector in the region. After seeking the commitment of the Member Countries to sustain and enhance their efforts and contributions to boost the regional cooperation, he declared the Consultation closed. His Closing Remarks appears as **Annex 10**.

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