

## GENERAL INFORMATION ON CITES WITH RESPECT TO FISHERIES

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### 1. INTRODUCTION

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was concluded in 1973 and entered into force on 1 July 1975. It now has more than 150 countries as contracting parties. The treaty was developed in response to concerns about the potential detrimental effects on species' survival of high levels of international trade in wild animals and plants. It establishes the international legal framework for the prevention of trade in endangered species and for an effective regulation of trade in certain other species.

The fundamental principle of the Convention is to govern the species to be listed in various Appendices on the basis of the different levels of threat posed by international trade and detail appropriate levels of trade regulation. The three Appendices to the Convention form the basis for implementation of the treaty. Appendices I, II, and III establish different levels of trade restriction. For species listed in Appendix I, trade is banned. For those listed in Appendix II trade is possible only with certifications and permits. Appendix III listings are voluntary by countries that are seeking international support in controlling trade in species of concern to them.

When the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was prepared in the early 1960s and adopted in Washington, D.C. in 1973, it obviously appeared that marine species subject to commercial fisheries were not fully covered. A small number of marine species were included in Appendices I and II particularly marine mammals (such as whales, cetaceans) and sea turtles. A few marine fish species were included in CITES appendices such as coelacanth which still had a commercial value but not subject to a commercial fishery.

The concept to list commercially exploited marine fish species in the CITES appendices emerged in the early 1990s. This has undoubtedly resulted from the attempt of some NGOs, concerned by the exploitation of the marine resources, which use the CITES forum to express their philosophies and views on the marine resources management principles practiced by the world communities and the various international organizations such as FAO and so on. They have been able to persuade a few governments to support their views and to submit several amendment proposals, although not with the success they expected. Currently, FAO in collaboration with CITES is preparing the criteria for listing commercially exploited aquatic species into CITES.

This paper reviews the current issues of CITES with respect to fisheries, in order for ASEAN countries to find their positions for the Twelfth meeting of the Conference of the Parties to CITES (COP 12) between 3-15 November 2002, Santiago, Chile.

## 2. MARINE SPECIES IN CITES LIST

As mentioned earlier, apart from marine mammal species and marine turtle species, there are also many other marine species listed in the CITES Appendices. At the eighth meeting of the Conference of the Parties to CITES (COP 8, Kyoto 1992), Sweden proposed to enlist Atlantic Blue Fin Tuna partly in Appendix I and partly in Appendix II. The proposal had been withdrawn with a commitment by the International Commission for the Conservation of the Atlantic Tuna (ICCAT) to take appropriate measures to manage tuna stock. The proposal has been resubmitted again by Kenya at COP 9 (Fort Lauderdale, 1994) but withdrawn subsequently. At COP 10 (Harare, 1997), USA proposed the inclusion in Appendix I of all Pristiformes but it was rejected. In addition, USA also proposed the establishment of working groups on marine fish species but it was also rejected. However, the proposal of Germany and USA to include all Acipensiformes (Sturgeon) in Appendix II was accepted by consensus. This was supported by the largest caviar producers. At COP 11 (Nairobi, 2000) the proposals listing three shark species in Appendices I or II by Australia, the United Kingdom, and USA were also rejected. Nevertheless the United Kingdom requested to include Basking Shark (*Cetorhinus maximus*) in Appendix III and it entered into force on 13 September 2000. Apart from animals, dead or alive, which are, by definition subject to the provisions of Article V of the Convention on the regulation of trade in specimens of species included in Appendix III, the United Kingdom asked that fins and parts of fins only be subject to CITES controls, as made possible by Article I para. (b) (ii). It should be noted that CITES does not cover the trade of specimens of Appendix III species taken in international waters.

To date, marine species listed in CITES Appendices include all stony corals in Appendix II (COP 5, Buenos Aires 1985) except the black coral which listed in Appendix II at COP 3 (New Delhi, 1981) and Giant Clams (Tridacnidae) listed in Appendix II at COP 4 (Gaborone, 1983). In addition, Queen Conch (*Strombus gigas*) was also included in Appendix II at COP 9 (Fort Lauderdale, 1994).

## 3. CURRENT ISSUES OF CITES REGARDING FISHERIES

Currently, there are several issues of CITES with respect to fisheries. They include the proposal to dawn listing whale species, trade and the proposal to dawn listing marine turtles, the proposal to enlist shark species, the interpretation and implementation of Article III, IV and V relating to introduction from the sea, trade in freshwater turtles and tortoises to and in Southeast Asia, trade in seahorses and other members of the Syngnathidae, movement of sample crocodylian skin, and so on. However, the conservation and management of sharks generates concerns for ASEAN countries. Therefore, the shark issues will be carefully examined.

The conservation of sharks was internationally acknowledged through the adoption of CITES Resolution Conf. 9.17 in 1994. That concern was not diminished with the FAO adopting the International Plans of Action on Conservation and Management of Sharks (IPOA-Sharks) in 1999. The recently revised World Conservation Union (IUCN) Red List (IUCN 2000) now has 79 sharks listed as ranging from 'critically endangered' through to 'lower risk near threatened', following the appraisal of just 10 percent of the taxa.

At the Ministerial meeting on Fisheries in March 1999, the FAO Committee on Fisheries (COFI) endorsed plans of action to reduce by-catch of seabirds, conserve sharks, and

manage fishing fleet capacity. These voluntary plans of action will be implemented through national plans of action developed by FAO members States. The plan of action for sharks is directly related to CITES through Conf. 9.17, Decision 10.73 and Decision 10.74, while the two other issues are crucial to international conservation efforts.

### **The International Plan of Action for Conservation and Management of Sharks**

The current state of knowledge of sharks and the practices employed in shark fisheries cause problems in the conservation and management of sharks. There is a general lack of available data on catch, effort, landings and trade, as well as limited information on the biological parameters of many species and on their identification. CITES has played a pivotal role in the collection of biological and trade data related to sharks. Resolution Conf. 9.17 urged the Parties to submit to the Secretariat all available information concerning the trade and biological status of sharks and directed the Animals Committee to review such information, summarize the biological and trade status of sharks subject to international trade, and prepare a discussion paper before COP 10. It also requested that FAO and other international fisheries management organizations establish programs to collect biological and trade data on shark species, and requested all nations utilizing and trading specimens of shark species to co-operate with FAO and other international fisheries management organizations. The resolution also requested all nations to assist developing States in the collection of species-specific data.

At COP 10, the Conference further directed the Parties to work towards the effective implementation of Resolution Conf. 9.17 by collaborating with FAO and other international fisheries management organizations, to improve methods to identify, record, and report landings of sharks, by species, that are landed as directed catch or as a by-catch. The Parties were also encouraged to initiate management of shark fisheries at the national level and to establish international and/or regional bodies to co-ordinate management of shark fisheries throughout the geographic range of species, to ensure that international trade is not detrimental to the long-term survival of shark populations. The improve statistics on trade in sharks and shark parts and derivatives.

In response to the increased concern about the expanding catches and their potential negative impacts on shark populations, a proposal was made at the twenty-second session of the FAO COFI, in March 1997, that FAO organize an expert consultation to develop guidelines leading to a plan of action. As a result, the International Plan of Action for Conservation and Management of Sharks (IPOA-SHARKS) was developed. The CITES Animals Committee participated in the development of the IPOA-SHARKS. The voluntary IPOA-SHARKS calls upon States to adopt a national plan of action for conservation and management of shark stocks (shark plan) if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries. States should strive to have a shark plan in place by the COFI session in 2001. States should conduct a regular assessment of the status of shark stocks subject to fishing, to determine whether there is a need to develop a shark plan. The shark plan should aim to ensure that shark catches from directed and non-directed fisheries are sustainable, that unutilized incidental catches of sharks are minimized, that waste and discards from shark catches are minimized, that improved species-specific catch and landings data and monitoring of sharks is facilitated, and that the identification and reporting of species-specific biological and trade data is facilitated.

The FAO will support States in the implementation of the IPOA-SHARKS, including the preparation of shark plans and will provide in-country technical assistance projects. The major activities planned by FAO to implement the IPOA-SHARKS include:

- a) Improving quality of shark landings data;
- b) Improving data on shark trade;
- c) Identification of elasmobranch species;
- d) Assessment of shark stocks; and
- e) Management of sharks.

CITES has played an important role in highlighting the need to improve data collection related to sharks and shark management and can continue to assist in the implementation of the IPOA-SHARKS.

Resolution 9.17 was repealed at the 11<sup>th</sup> Conference of the Parties, but actions regarding monitoring the implementation of the IPOA-Sharks and improving international records of trade in shark products were addressed in Decision 11.94 and 11.151. Decision 11.94 addressed the maintenance of liaison between the Secretary of the FAO and the Chairman of the CITES Animals Committee, in order to monitor the implementation of the IPOA-Sharks. The results of this liaison are reported regularly to meetings of the Animals Committee, and the Chairman of the Animals Committee is report at the 12<sup>th</sup> Conference of the Parties (COP 12) regarding progress on implementation on the IPOAs. Decision 11.151 instructed the CITES Secretariat to maintain liaison with the World Customs Organization, to promote the establishment and use of specific headings within the Harmonized System of Standard Tariff Classifications, to discriminate between shark meat, fins, leather, cartilage and other products.

During the past year, two Parties have taken action on shark by listing two shark species on CITES Appendix III. Australia has listed *Carcharodon carcharias* (Great White Shark) and the United Kingdom has listed *Cetorhinus maximus* (Basking Shark). These listings require the respective Parties to issue CITES permits to allow trade and all other Parties trading in the species to issue a Certificate of Origin (stating where the specimens come from). The certificates of origin are reported to the Secretariat each year in the Parties' annual reports, enabling a trail to be built up of where exports of species are coming from and where they are going. This will assist Australia and the United Kingdom to regulate trade in specimens and enable all Parties to gain a greater understanding of trade in the species and any parts or derivatives of the species.

The IPOA-Shark is voluntary and has relevance to States that have, as part of their Exclusive Economic Zones (EEZ), waters in which sharks are caught, as well as to States whose vessels catch sharks on the high seas. All States whose vessels conduct directed shark fisheries or regularly take sharks in non-directed fisheries are encouraged by COFI to adopt a National Plan of Action for the Conservation and Management of Shark Stocks (NPOA-Sharks). The IPOA-Shark directs that such shark-plans should, inter alia, aim to ensure that catch of all species of shark from directed and non-directed fisheries are sustainable, and encourages States to have a NPOA-Sharks prepared by the 24<sup>th</sup> COFI session held in February 2001.

To be fully effective the conservation and management of shark requires action from all States with active shark fisheries. Progress with the development of NPOA-Sharks has been

very slow with the majority of Parties to FAO. Twenty-nine of the 113 States that report shark landings to the FAO reported progress with IPOA implementation at the 24<sup>th</sup> Session of COFI. Only 5 of the 29 States have Shark Assessment Reports or NPOAs available for public consultation and review. Of these, only two States (the United State of America and Japan) have adopted a NPOA-Sharks. Australia's draft NPOA-Sharks, based upon its comprehensive Shark Assessment Report, is to be released later this year. Forty-seven FAO member countries indicated that they would not be preparing NPOA-Sharks.

#### **4. CONCLUSION AND DISCUSSION**

At COP 12 (November 3-15, 2002, Santiago, Chile) there are five proposals to list sharks and other commercial marine fish species on CITES Appendix II pursuant to Article II of the Convention. ASEAN countries should examine these proposals carefully whether they meet the criteria set forth by the Resolution Conf. 9.24 in accordance with Article II. With regard to enlist shark species, there are two key questions (i) Is a CITES listing the most effective way to manage and conserve the target shark population, and (ii) What other mechanisms would be appropriate. In this connection, progress with the development of NPOA-Sharks among ASEAN countries will be examined, and SEAFDEC will provide assistance in this matter.