

## **CITES and Marine Fishes Think Tank**

*Salish Lodge, Snoqualmie, WA, USA*

*16-18 May 2016*

Purpose of this meeting: *Take steps to make CITES maximally effective for marine species listed on Appendix II*

### *Participants*

Phaedra Doukakis, co-Chair, IUCN SSC Sturgeon Specialist Group, USA

Nick Dulvy, co-Chair, IUCN SSC Shark Specialist Group, Canada

Kim Friedman, Senior Fisheries Resources Officer, FAO, Italy

Sarah Foster, Project Seahorse, UBC & Member, IUCN SSC Seahorse, Pipefish and Stickleback Specialist Group, Canada [organizer]

Sarah Fowler, Vice-Chair of Policy, IUCN SSC Shark Specialist Group, UK

Matthew Gollock, Chair, IUCN SSC Anguillid Eel Specialist Group, UK

Sue Lieberman, Vice President, International Policy, Wildlife Conservation Society, USA

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Glenn Sant, Fisheries Trade Programme Leader, TRAFFIC International, Australia

Amanda Vincent, Director, Project Seahorse & Chair, IUCN SSC Seahorse, Pipefish and Stickleback Specialist Group, Canada [organizer]

*Visitor:* Kathleen Gobush, Senior Project Developer Wildlife, Vulcan Inc, USA

*Rapporteur:* Lindsay Aylesworth, Project Seahorse

### *Regrets*

Daniel Kachelriess, Marine Species Officer, CITES Secretariat, Switzerland

Erica Reuter, Program Manager, Sharks & Rays, Wildlife Conservation Society, USA

Yvonne Sadovy, co-Chair, IUCN SSC Grouper and Wrasse Specialist Group, Hong Kong SAR, China

Luke Warwick, Director, Global Shark Conservation, The Pew Charitable Trusts, USA

### **Introduction**

Amanda Vincent launched the meeting with a few comments:

- As per the preamble and text of the CITES treaty, including in particular Article IV, **CITES is about the conservation of species subject to or threatened by international trade**, with species maintaining their role in their ecosystem throughout their range... and not about promoting or ensuring commercial benefit.
- We must focus on impacts (healthy fish populations in the ocean). That means confronting the vital need to generate outcomes (e.g. conservation and management changes), rather than being satisfied with outputs (e.g. meetings and briefings).

- In this meeting, we need to develop and embark on a list of things to do (yes, outputs) over the next 4, 6 or 12 months, but they must be things that will actually generate outcomes. Considerations include feasibility, likelihood of success, synergies, and conservation value.
- We have a significant immediate opportunity to help improve CITES' effectiveness for Appendix II marine species at the 17<sup>th</sup> meeting of the Conference of the Parties to CITES (CoP17), to be held in Johannesburg, South Africa from 24 September to 5 October 2016.

The Think Tank spent one half day each on (1) listing proposals (2) conditions for export permits (3) review of significant trade (RST) and (4) illegal wildlife trade (IWT). Throughout the meeting, we identified action items. On the third day, we filtered the action items, set timelines and actors, and completed some of them. This report gives a flavor of our discussions without trying to be exhaustive.

We have established a drop box for information sharing at [https://www.dropbox.com/sh/5bxdps3fxbfv8nv/AABqHoPXH2aCw1r\\_sQvVC8LLa?dl=0](https://www.dropbox.com/sh/5bxdps3fxbfv8nv/AABqHoPXH2aCw1r_sQvVC8LLa?dl=0). All participants are invited to add key papers and documents on CITES and marine taxa in the relevant taxonomic or cross-cutting folders. This will be a public shared resource so is inappropriate for draft or confidential papers.

DAY ONE
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### **Session 1: Listing proposals**

- Noted that it took a long time for CITES to begin listing fully marine fish species on Appendix II, with the first votes to list those of commercial value in 2002, and the first votes to list those of commercial importance in 2013.
- Briefly reviewed the CoP17 marine fish proposals: silky shark, thresher sharks, devil rays, clarion angelfish, banggai cardinalfish and nautilids.
- Discussed criteria for documenting population decline, and acknowledged potential value of narrative data collected in a systematic fashion (especially for lesser known marine taxa).
- Discussed metrics of biological productivity for species of concern and how they can be compared and standardized.
- Noted the need to provide all available data for proposals, without exaggeration or bias. Important to acknowledge weaknesses, gaps and uncertainties.
- Noted that CITES proposals for marine species – particularly those involved in important fisheries – are held to a higher standard (with more data being required) and the listings are much less precautionary (in conservation terms) than terrestrial. In general, with the data that appear to be required to include some marine species in Appendix II, a comparable terrestrial species would be considered for inclusion in Appendix I (with likely adoption).

- Noted the need to explore listing proposals with Parties before a CoP as many Parties arrive with their positions or instructions already formed.
- TRAFFIC has conducted a [risk assessment for overexploitation of aquatic species](#), which could help identify species that might qualify for Appendix II (which Glenn Sant explained on Day 3, generating much engagement).
- Surveyed docs for CoP17 briefly, noting the relevance of Resolutions such as revisions to the Review of Significant Trade (RST) process, Introduction from the Sea, traceability, the CITES National Legislation Project, and the proposed review process for trade in animal specimens reported as produced in captivity.
- Discussed how past listing proposals fared and why, proposal review panels and similarity/differences in their criteria, genus level listings, and split-listings.

Lunch
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## **Session 2. Conditions for export permits**

- Sarah Fowler launched this session with an overview presentation on permitting requirements for Appendix II species (see next bullet), featuring sharks, which led to an energetic discussion.
- Implementation is key to the success of CITES listings. Before issuing export permits, Parties must make positive Non Detriment Findings (NDFs), certify that specimens are legally sourced and ensure that live specimens are humanely transported. It is less recognized that Article IV also requires that populations in the wild and exports be monitored, and that Parties are required to ensure that species are maintained at levels consistent with their role in their ecosystem. We agreed to set aside animal welfare aspects for this meeting.
- FAO is developing an implementation framework for marine species that can be used for assessing the seascape for what is needed if you propose to list a species. Importantly, it can also track the impacts of CITES listings (which Kim Friedman introduced on Day 3 (below), eliciting much interest).

### **2.1. Non Detriment Findings (NDFs)**

- NDFs, required under CITES Article IV, can support existing measures & stimulate new fisheries management measures, but national Scientific Authorities are concerned about how to make NDFs properly and there are issues with transparency.
- SAs making NDFs need to consider all sources of mortality (e.g. domestic use and trade, illegal trade, bycatch, range of impacts on shared stocks). Enabled by data sharing across agencies and borders.
- In most cases, making NDFs requires agencies to deploy a range of tools, not just quotas. It is possible to make positive NDFs in absence of perfect information as long as there is a concurrent NDF requirement for collecting more information and applying it to assist with adaptive management. We recognised the need to support developing countries to find and implement good management options,

rather than necessarily choosing moratoria or zero quotas, without regard for livelihoods and activity in the market (although there are of course circumstances where moratoria or zero quotas are appropriate).

- SAs (with help of NGOs and national experts) must focus on basic data needs for NDF assessments, with particular emphasis on monitoring simple variables in a well-designed programme. If many Parties use the same designs for monitoring it would allow Parties make spatial comparisons of a species' status where there are too few temporal comparisons to be informative.
- We commented on the great opportunity for importing Parties to exercise control, by checking permits thoroughly, and looking behind the permit to ensure findings have been made, and thus to hold exporters to a high standard.
- We saw a great need for / difficulty in making NDFs at stock level, most notably for species and stocks that are accessed across national boundaries.
- Regional Fisheries Bodies (RFBs) should be encouraged and supported to allocate total allowable catches (quotas) among range States. They should also pay attention to species that (i) have been overlooked by RFBs (e.g. seahorses), (ii) are only partly covered by an RFB (e.g. eels), (iii) are covered by more than one RFB (e.g. porbeagle), or (iv) are not in the forefront of RFB interests (e.g. sharks for tuna RFBs). It's important to harmonize data sharing among RFBs.
- In future, it would be useful to have (i) all existing (national and global) data for a taxon made accessible through centralized data storage, (ii) NDF guidelines for data-poor situations, (iii) automated NDF frameworks for countries to complete ... to make the work easier, more transparent and more open. It would also be exceedingly useful in countries shared their NDFs as a matter of practice.
- We see a need for a second global technical workshop on making NDFs (possibly linked to automated NDF frameworks), at least for marine species.

## 2.2. Legal Acquisition

- This aspect of granting export permits (also required under the CITES treaty) needs more attention, with toolkits for legal acquisition and traceability to complement NDF toolkits.
- It would be helpful to have primers on national fisheries laws and relevant regional/global regulations and management measures, to assist MAs in determining legal acquisition. Such material might best be placed on the CITES website.
- Traceability is particularly vital when the specimens are ranched or farmed or bred in captivity. A new Resolution to be considered at CoP17 sets up a process parallel to RST for cases where permits are issued for captive bred animals (for F2 and beyond) but captive breeding is in question. Some attention must be paid to F1 specimens as the RST does not consider them, yet their parents are wild sourced.
- There was much discussion about Introduction from the Sea (IFS), with special mention of concerns around Chartering (as adopted atCoP16). Port States should take more responsibility for accepting or challenging NDFs and findings of legal acquisition.

- We discerned the need for a simple guide to transnational issues such as IFS, fishing in another Party's Exclusive Economic Zone, Port State Measures Agreement and more.
- We speculated that fish imports are scrutinized at ports less than imports of terrestrial wildlife or plants because of lower fear of disease transmission to national species/populations.

DAY TWO
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### **Session 3. Review of Significant Trade (RST)**

- Sarah Foster launched this session with a case study on seahorses, the only fully marine fish to go through the RST so far.
- We noted that the RST is directed at ensuring that Parties make appropriate and science-based NDFs rather than necessarily making defensible NDFs by the time they are let out of the extended review process.
- For progress to be made, timelines for RST recommendations need to be more realistic, and a toolkit of approaches needs to be established with clear metrics.
- Again, well designed monitoring is vital to determine how RST has affected the species.
- Bans and zero quotas are intrinsic to the CITES process but in some cases may not actually do much for the species if IUU catch and trade in the species continues, bycatch of species is discarded, domestic trade increases, etc. In many cases, Parties have adopted bans or zero quotas in response to the RST process, but have lifted these provisions shortly thereafter.
- In its assessments for RST, UNEP-WCMC highlights issues it deems unrelated to Article IV, paragraphs 2 (a), 3 and 6 (a), such as bycatch or illegal trade, yet these must be tackled effectively if CITES is to be effective for species conservation (and are not necessarily independent of Article IV).
- It would be beneficial if (i) the CITES Animals Committee (AC) copied the CITES Plants Committee in having an RST co-ordinator, (ii) Parties could access funding support, if needed, as they work to meet recommendations under the RST, (iii) the AC automatically followed up with Parties 3-5 years after they leave the RST to explore their progress in making valid NDFs, and (iv) the CITES Standing Committee (SC) engaged with Parties that set zero quotas in response to RST to check for proper implementation of that quota and explore changes in illegal trade.

Lunch
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### **4. Illegal Wildlife Trade (IWT)**

- Sue Lieberman launched this session with a presentation on IWT and CITES, highlighting the relationship between wildlife crime and trade in marine species. She emphasized that (i) we need intelligence and intelligence-based law enforcement to keep up with illicit professional, organized traders and markets and (ii) we need prosecution successes with meaningful penalties.

- Much of the discussion surrounded the increasing attention being paid to IWT – for example through strengthening national commitments and enforcement capacity, as well as strengthening inter-government and inter-agency approaches to tackling transnational criminal networks.
- We noted a number of important new initiatives to combat IWT (e.g. by ICCWC, UNODC) but agreed that many did not fully include marine species and that more should be done, not least by connecting work on IWT and IUU Fisheries.
- We agreed that independent trade research is critically important to CITES implementation – for example, it is vital to map trade networks and focus enforcement efforts on trade nodes – and that more funding must be found for such work.
- The more we publicise IWT and successes in controlling it, always keeping marine species to the forefront as key elements in IWT, the more momentum we will gather.

### DAY THREE

#### **6. Action items**

We dedicated most of this day to addressing the long list of action items that had emerged in the course of earlier discussions. The list was filtered by (i) importance (ii) difficulty and (iii) resources needed. We then assigned a probable timing: (a) 2016 (largely pre-CoP17), (b) 2017 or (c) later. From that list, we focused our efforts on the work that should be done in the next four months, before CoP17.

In the morning, we agreed that individually or in small groups, we would produce Inf Docs (briefings that are made available to Parties at CoP17), draft Decisions (for Parties to consider submitting to CoP17), and hold side events at CoP17. Project Seahorse is committed to producing three Inf Docs and to holding two side events as part of its granting obligation with the Paul G Allen Foundation, but many more areas of collective endeavour were also discussed. Participants further decided to put effort behind a number of initiatives from various Parties and organizations at the CoP, where these could benefit marine species listed on CITES.

In the afternoon, we drafted Inf Docs and Decisions, ready for refinement through further consultation with Parties and colleagues.

#### **Final comments**

We repeatedly emphasized the vital need for the CITES AC and SC to address marine issues holistically and comprehensively, from a position of knowledge. This could be facilitated partly through an inter-sessional WG on marine species, with expert support from the Secretariat. In that context, the group recognized that CITES needs to ensure that support for listing of marine commercial species and implementation of the treaty for these species is strong and consistent, with a particular need for a permanent marine species position at the Secretariat. The group also acknowledged

the vital role of FAO in helping to ensure that CITES action for marine fishes is accepted and effective.

The participants in the Think Tank were keen to maintain close communication in support of marine species listed on CITES Appendix II. While no formal group emerged from this meeting – nor was one ever intended – the individuals saw real merit in ongoing co-ordination and mutual support. We plan to meet again during CoP17 and are considering the idea of annual Think Tanks, funds allowing.

### **Acknowledgements**

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**Queries about the Think Tank and its report could be directed to Amanda Vincent ([a.vincent@oceans.ubc.ca](mailto:a.vincent@oceans.ubc.ca) & +1 604 827 5137) in the first instance, or to any other participant in the meeting.**