



COMMITTEE ON FISHERIES

SUB-COMMITTEE ON FISH TRADE

Seventeenth Session

Vigo, Spain, 25–29 November 2019

BIODIVERSITY CONSERVATION AND TRADE

Executive Summary

Monitoring of fishery and biodiversity conservation reveals fisheries to be falling short of some Sustainable Development Goals (SDG) and Convention on Biological Diversity (CBD) targets. Community concern for the effects of fishing and other pressures on the health of the oceans is translating into ocean issues receiving greater attention in negotiations of multilateral environmental agreements and in conventions that regulate fish trade. This document notes the current and future FAO work across science-based decision making in characterizing risk for fishery species and support for Members in negotiating or implementing binding and non-binding multilateral environmental agreements, many of which have a direct impact on trade.

Suggested action by the Sub-Committee

- Note the increasing focus on management and conservation of commercially exploited aquatic species, and the importance of FAO's provision of science-based fishery information and advice to international environment *fora*;
- Provide guidance on Members' needs in regard to mainstreaming of biodiversity, especially in the evolution of target setting or the establishment of new trade regulations for fish and fishery products under international (Convention on International Trade in Endangered Species of Wild Fauna and Flora [CITES]; Convention on the Conservation of Migratory Species of Wild Animals [CMS]) or national processes;
- Provide feedback to FAO on current and future work on fishery biodiversity conservation issues, in terms of the topics, substance and process to follow, so that FAO can continue to inform and support Members in relation to progressing management and conservation of marine and inland fishery and aquaculture species and their supporting ecosystems.

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INTERNATIONAL BIODIVERSITY CONSERVATION INITIATIVES INFLUENCING THE USE AND TRADE OF COMMERCIALY EXPLOITED AQUATIC SPECIES

1. A proportion of globally agreed fishery and biodiversity mainstreaming targets reflects the general community's expectation of progress in fisheries, particularly in parts of SDG14¹ and the CBD Aichi Biodiversity Targets (especially targets 6² and 11³). Each of these has time-bound thresholds for national achievement, with many countries finding it challenging to achieve fishery and biodiversity-related targets due for delivery in 2020. The current global biodiversity mainstreaming program of work is under re-negotiation to articulate a new vision for biodiversity conservation for 2021–2030 and beyond (known as the 'Post 2020 Global Biodiversity Framework').
2. A new legally-binding agreement for dealing with biodiversity beyond national jurisdiction (BBNJ) is also under negotiation⁴, within the existing legal framework of the United Nations Convention on the Law of the Sea (UNCLOS) and the agreement for the implementation of its provisions, the United Nations Fish Stocks Agreement (UNFSA).
3. In summary, the sustainable development and biodiversity conservation commitments made across a wide range of multilateral environmental agreements (SDG, CBD, CITES, CMS, Ramsar⁵) are prioritizing, amongst other areas of focus:
 - the halting of extirpation (local extinction) and extinction (complete disappearance) of species vulnerable to fishing; and
 - spatial management approaches (marine protected areas and other effective area based conservation measures) to achieve biodiversity conservation.

DIRECT REGULATION OF THE USE AND TRADE OF COMMERCIALY EXPLOITED AQUATIC SPECIES

4. Based on the 2006 Memorandum of Understanding between FAO and CITES and following the endorsement of the Committee on Fisheries (COFI 25), FAO continues its close collaboration with the CITES Secretariat. This cooperation aims to support Members and CITES Parties in decisions relating to listing amendments for commercially exploited aquatic species in CITES Appendices, and in the implementation of CITES provisions for species already listed.
5. The sixth FAO Expert Advisory Panel for the Assessment of Proposals to Amend CITES Appendices was convened in Rome, Italy, 21–25 January 2019. The prompt sitting of the FAO Expert Panel, 17 days after the release of the species proposals by the CITES Secretariat, was purposely

¹ SDG14 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

² CBD Aichi Biodiversity Target 6 - By 2020, all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

³ CBD Aichi Biodiversity Target 11 - By 2020, at least 17 percent of terrestrial and inland water areas and 10 percent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.

⁴ UN General Assembly convened a negotiating conference - see resolution adopted by the General Assembly. <https://undocs.org/A/RES/72/249>).

⁵ The Convention on Wetlands.

arranged to give FAO Members and CITES Parties as much time as possible in their consideration of the information provided by the Expert Panel⁶ before voting on these species at the 18th CITES Conference of Parties (CoP) in August 2019.

6. At the three most recent CoPs, new shark and ray species, invertebrates and an ornamental fish were listed under CITES Appendix II. These events reveal a continued willingness of CITES Parties to list commercially exploited aquatic species as a major new area of focus and work for the Convention, backed by non-governmental organisations (NGOs), funders and some CITES Parties (comprised predominantly of wildlife and environmental agency staff).

7. In 2019, this trend continued at the CoP 18, with Parties proposing and listing five new cartilaginous fish species, and three invertebrate species under Appendix II. With the acceptance of these proposals, an additional 18 shark and ray species will require CITES provisions to have been completed and accepted before any legal exportation can proceed. To date, 46 sharks and rays have been listed in CITES Appendices, with 83 percent of these being put under CITES trade provisions since 2013.

8. One CITES CoP 18 Appendix II listing that has important implications for global trade was the inclusion of the mako shark (*Isurus oxyrinchus*), for which there is no recorded spatial contraction across its global range. This species, which numbers in the millions of individuals, was assessed by the FAO sixth Expert Panel to not meet the CITES criteria for inclusion within Appendix II – the historical extent of the decline, recent rates of decline or these declines in combination – based on data-rich assessments from multiple ocean basins.

9. The proposal for listing mako shark in CITES Appendices was made in accordance with Criterion B of paragraph 2a of the CITES Appendix II listing criteria⁷. This differed from the proposal and listing of commercially exploited silky shark (*Carcharhinus falciformis*) and bigeye thresher shark (*Alopias superciliosus*) made under Criterion A of the same paragraph. The International Union for Conservation of Nature (IUCN) and TRAFFIC experts stated that mako shark does not meet the decline thresholds of Criterion A, in line with the results of the FAO Expert Panel. However, in the analysis of Criterion B⁸ for mako shark, a more flexible interpretation was adopted by IUCN and TRAFFIC, that is not endorsed by FAO. The CITES Secretariat's advice agreed with the FAO Expert Panel's assessment.

10. This potential shift in the strategy towards proposing species under Criterion B, that is receiving a more flexible interpretation of the CITES criteria than the defined thresholds in the 'fisheries footnote', has significant implications for the likely future outlook of inclusion of commercially exploited aquatic species under CITES Appendices. If Appendix II species proposals and listing decisions continue to be advocated for and considered under Criterion B under the current *modus operandi* of the CITES CoP⁹, then stakeholders with an interest may need to revisit the previous discussions between FAO and CITES Secretariats on this issue¹⁰.

⁶ This information included an Expert Panel report, short species summaries (in five languages) and explanatory videos that can be found here: <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>

⁷ <https://www.cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-71.pdf>.

⁸ <http://www.fao.org/3/i2235e/i2235e00.pdf>.

⁹ Whether or not they meet the criteria as understood by FAO. Also see CITES, 2011

(<https://cites.org/sites/default/files/eng/com/ac/25/E25-10.pdf>) Annex 3 paragraph 4, that explains IUCN and TRAFFIC's approach to defining the CITES Criteria ("The current wording of the criterion in Annex 2 a B allows for flexibility in interpretation, so that decisions can be made on a case-by-case basis").

¹⁰ CITES Secretariat described and accepted that there were 'diverse approaches' to the interpretation of Criterion B of paragraph 2a of the CITES Appendix II listing criteria - Sixteenth meeting of the CoP Bangkok (Thailand), 3–14 March 2013. Interpretation and implementation of the Convention amendment of the Appendices (<https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-71.pdf>).

11. Funding for FAO's work on CITES, including the assessments by the FAO Expert Panel process and on supporting Members on implementation of CITES provisions, comes from FAO Regular Programme, with additional support provided by Japan, the United States of America and the European Union.

SPATIAL MANAGEMENT AS NON-TARIFF BARRIERS TO THE USE AND TRADE OF COMMERCIALY EXPLOITED AQUATIC SPECIES

12. Many biodiversity conservation initiatives promote exclusion of fishery activity as a means to conserve biodiversity, as an alternative or in addition to promoting sustainable use approaches for the management and conservation of these renewable aquatic resources¹¹. Such measures impact both food security and trade in fish resources.

13. The definition and criteria of 'other effective area-based conservation measures' (OECMs) were accepted by CBD Parties in late 2018. This offers the fisheries sector a new opportunity for leadership and international recognition for ecosystem related spatial management, delivering both fishery and general biodiversity benefits through spatial controls of fishing across local, national and regional scales.

14. The negotiation of a treaty on recognizing the presence and market potential of marine genetic resources (MGRs) of the seabed and waterbody above and beyond the continental shelf and economic exclusive zone of Member States is underway (BBNJ). This negotiation includes discussion on the issue of defining fish as a commodity within the MGR discourse, how and whether benefit-sharing from the commercialization of MGRs would be conducted on a monetary or non-monetary basis, and also includes strong lobbying from the biodiversity conservation community to exclude extractive activities through spatial management of exploitation.

FAO RECENT ACTIVITIES

15. In July 2019, FAO and the Indian Council of Agricultural Research-Central Marine Fisheries Research Institute (ICAR-CMFRI) held a global expert meeting to document how shark and ray value chain information is being documented. Trade experts from Italy, the United Kingdom of Great Britain and Northern Ireland, the United Arab Emirates, Australia, Mexico, Argentina, Indonesia, Malaysia, Sri Lanka, Nigeria, Somalia, Myanmar, and Namibia worked together to prepare guidelines for such data collection. These guidelines will be published in 2020 to offer support to countries wishing to map and monitor shark and ray value chains in order to further support sustainable fishing and trade.

16. An initiative supported by the 16th Session of the COFI Sub-Committee on Fish Trade (COFI:FT) to examine the trade in shark and ray non-fin commodity value chains, especially shark meat, has commenced in Indonesia, India, Peru and Mexico. Results from this global study will be published in 2020.

17. FAO held an expert meeting on OECMs in the marine capture fishery sector at FAO in Rome, Italy, between 7–10 May 2019, which facilitated discussion of experts with a wide range of perspectives on specific considerations for the identification, establishment and implementation of OECMs in the marine capture fishery sector.

18. FAO is also developing, over a two-year timeframe, in consultation with its Members, a Global Plan of Action for the conservation, sustainable use and development of aquatic genetic resources for food and agriculture, which focused on farmed aquatic species under national jurisdiction and their

¹¹ For example, the IUCN has a global target calling for at least 30% of the ocean having no extractive activities – 30% of each marine habitat to be set aside in highly protected marine protected areas (MPAs) and other effective area-based conservation measures (OECMs) by 2030.

wild relatives. The approach for the Global Plan of Action will extend the focus of conservation down to the level below species (i.e. farmed types and stocks).

19. In August 2019, FAO published a report on the State of the World's Aquatic Genetic Resources for Food and Agriculture¹², an initiative supported by the Commission on Genetic Resources for Food and Agriculture and COFI. The report focused on farmed aquatic species under national jurisdiction and their wild relatives, covering over 700 species reported by countries. The report identifies that, to date, there are relatively few strains with distinguishable characteristics that have been developed for aquaculture, but in time these strains will develop and will have implications for trade. Rapidly evolving molecular techniques used for characterization of aquatic genetic resources will also have application for traceability of fish and fish products across value chains in the near future.

FAO FISHERIES WORK PLAN FOR THE 2020–2021 BIENNIUM

20. The contemporary considerations of biodiversity across food production systems were discussed in COFI 33. FAO was requested by Members to give support on a number of biodiversity-related commitments and to prepare and operationalize a fisheries and aquaculture biodiversity plan, as part of the FAO Biodiversity Strategy and Biodiversity Mainstreaming Platform.

21. Cross border trade and foreign direct investment in fishery and aquaculture activities, especially in developing countries, continue to increase. How this trade will be impacted by the negotiation of new environmental agreements and targets, and regulation of fish trade through conventions such as CITES, will depend on the outcome of current global discussions and the support countries have for implementing agreements.

22. In this regard, FAO plans to:

- Support biodiversity mainstreaming discussions across FAO departments, and present FAO's support for sustainable use of commercially exploited species in negotiations of biodiversity-related international agreements that have the potential to impact the use and trade of aquatic renewable resources;
- Continue cooperation with the IUCN, through an FAO-IUCN technical working group regarding the listing of fisheries species on the IUCN Red List and Red List Index, to describe the complementarity and differences of IUCN, CITES and FAO assessments of marine species and their status¹³;
- Continue to support Members and CITES Parties in deliberations on species under consideration for CITES listing amendments¹⁴;
- Support Members in their implementation of management of commercially exploited CITES listed aquatic species, including on the successes and challenges of data collection, analysis and reporting of trade in CITES Appendix II species;
- Continue its work on conservation, sustainable use and development of aquatic genetic resources, including the development of a Global Plan of Action for review and approval by the Commission on Genetic Resources for Food and Agriculture, and prototype information systems for recording farmed types of aquatic genetic resources;

¹² <http://www.fao.org/3/CA5256EN/CA5256EN.pdf>

¹³ This discussion has implications for future listing of species under CITES, but also potentially Members reporting of information against SDG14.4, where IUCN is requesting recognition of information sourced from 'Red List' methods for use in SDG14.4 reporting from the Inter-agency and Expert Group on SDG Indicators.

¹⁴ For example, for species already considered within the CITES Animal and Standing Committee agenda, despite not being listed in CITES Appendices (Japanese and American eels, tuna, precious corals, tropical sea cucumbers, ornamental and live reef food fish, plus additional sharks and rays).

- Continue to produce and distribute communication materials on the identification and status of commercially exploited aquatic species and their management¹⁵.

¹⁵ Examples of such materials can be seen in Expert Advisory Panel reports (<http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en>), the 'Database of measures on conservation and management of sharks' (<http://www.fao.org/ipoa-sharks/database-of-measures/en/>) and species identification materials (<http://www.fao.org/fishery/fishfinder/en>).