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**WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)**

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**AN OVERVIEW OF THE FAO ACTIVITIES IN RELATION TO CITES AND  
COMMERCIALY-EXPLOITED SPECIES**

**SUMMARY**

*This paper provides an overview of the CITES related activities undertaken by the FAO Fisheries and Aquaculture Department, including work on listing criteria and the evaluation of listing proposals concerning commercially exploited aquatic species, legal and implementation issues of the Convention relevant to fisheries, and assistance provided by FAO on the assessment and management of listed species. Specific attention is given to species of relevance to the Western Central Atlantic region.*

**INTRODUCTION**

1. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement established with the objective to protect and conserve endangered species by ensuring that their survival is not threatened by international trade. Roughly 5,000 species of animals and 28,000 species of plants are protected by CITES against over-exploitation through international trade. Those species are listed in one of three Appendices, and international trade in these species is controlled according to the degree of protection they require. The CITES Appendices currently include close to 100 commercially-exploited aquatic species of fish, molluscs and echinoderms, including amongst others, sturgeons (*Acipenseriformes*), whale shark (*Rhincondon typus*), Napoleon wrasse (*Cheilinus undulatus*), Caribbean queen conch (*Strombus gigas*), giant clams (*Tridacnidae*) and the sea cucumber (*Isotichopus fuscus*).

2. The increased involvement of CITES on aquatic species exploited by fisheries raised several concerns by FAO Member countries on the application of the Convention to commercially-exploited aquatic species. Discussions on the issue held at COFI and COFI-FT meetings showed for instance a lack of consensus among countries on the merits of CITES as an instrument, complementary to traditional fisheries management, to protect and promote the sustainable use of fisheries resources. Countries on the other hand generally agree on the need for greater input from national fisheries agencies in the elaboration of listing proposals dealing with fish stocks and from FAO in the evaluation of these proposals. The need to refine the criteria and guidelines for listing species on CITES Appendices to reflect the specific characteristics aquatic resources was noted. As a follow up to the above discussions, a substantive workplan for FAO on CITES in relation to commercially-exploited aquatic species was approved by the Twenty-fifth Session of COFI in 2003.

3. This report provides an overview of the CITES related activities undertaken by the FAO Fisheries Department under the workplan and by a subsequent Trust Fund Project on “CITES and commercially-exploited aquatic species, including the evaluation of listing proposals” funded by the Government of Japan. Emphasis is given in this report to issues of relevance to the Western Central Atlantic region.

## FAO INPUT ON THE CITES LISTING CRITERIA

4. CITES was specifically designed to protect species threatened with extinction by international trade. A set of criteria and guidelines (Res. Conf. 9.24) were developed by CITES to assist in evaluating whether or not species should be listed. These criteria and guidelines provided very broad directions to be taken into account in the evaluation of proposals for listing any species of animal or plant. Analysing the appropriateness of the CITES Res. Conf. 9.24 listing criteria and guidelines in relation to resources exploited by fisheries in marine and large freshwater bodies, FAO<sup>1</sup> concluded that several important improvements could be made and that, in particular, quantitative guidelines could and should be developed.

5. FAO formulated recommendations on the CITES listing criteria and process for evaluation of proposals at the Second Technical Consultation on the Suitability of the CITES Criteria for Listing Commercially-exploited Aquatic Species (Windhoek, Namibia, 22-25 October 2001). These were endorsed by the Eighth Session of COFI:FT (Bremen, Germany, February 2002) and submitted to CITES for their consideration. No final agreement was reached by CITES on amendment to the Conference Resolution 9.24 listing criteria at the 12th Conference of the Parties (Santiago, Chile, November 2002). After further discussion within CITES, in which FAO participated, CoP 13 adopted by consensus revised listing criteria (CITES Res. Conf. 9.24 (Rev. CoP13)<sup>2</sup>) that included the key recommendations from FAO related to commercially-exploited aquatic species.

## CITES FAO/MOU

6. There was consensus at the 9th Session of COFI:FT to adopt an FAO proposal for a CITES/FAO MOU and on a process to reach agreement with CITES on the text of the MOU. This was referred to the FAO Secretariat for appropriate action. After a long process of negotiation between the two organizations, the MOU was signed by FAO and CITES during the 54th Meeting of the Standing Committee of CITES, held in Geneva, October 2006.

7. The signed MOU<sup>3</sup> has as the main objective to strengthen cooperation between CITES and FAO on issues related to commercially-exploited aquatic species through different means, including improved communication and exchange of information on issues of common interest, technical cooperation to facilitate capacity building on issues relating to species listed on CITES Appendices, and cooperation on technical and legal issues relating to the listing and implementation of listings. Importantly the MOU recognizes the role of FAO in carrying out scientific and technical reviews of proposals for including commercially-exploited aquatic species in CITES Appendices. As will be described below, the process for conducting such scientific review by FAO was established by the 25<sup>th</sup> Session of COFI (2005), when the Terms of Reference for an FAO Ad Hoc Expert Advisory Panel for the Assessment of Proposals to Amend CITES Appendices I and II were adopted.

## FAO AD HOC EXPERT ADVISORY PANEL FOR THE ASSESSMENT OF PROPOSALS TO AMEND CITES APPENDICES

8. The Twenty-fifth session of COFI (2003) established the Terms of Reference for an ad hoc expert advisory panel for assessment of listing proposals to CITES concerning commercially exploited aquatic species. The TOR defined the process and composition of a technical panel, which should be established by the FAO Secretariat in advance of each CoP, with the main task to assess proposals from a scientific perspective and in accordance with CITES biological listing criteria. The panel was also responsible for commenting on technical aspects of the proposals in relation to biology, ecology, trade and management issues.

9. The first ad hoc Advisory Panel met in July 2004 to consider the following proposals submitted to the CITES Secretariat by Parties to CITES for decision at CoP-13 (Bangkok, Thailand in October 2004):

- *Carcharodon carcharias* (white shark) to be included in Appendix II with a zero annual export quota;
- *Cheilinus undulatus* (humphead wrasse) to be included in Appendix II;
- *Lithophaga lithophaga* (Mediterranean date mussel) to be included in Appendix II;
- *Helioporidae* spp., *Tubiporidae* spp., *Scleractinia* spp., *Milleporidae* spp. and *Stylasteridae* spp.; an amendment of the annotation to these taxa to exclude fossils from the provisions of the Convention.

<sup>1</sup> FAO. 2001. A Background Analysis and Framework for evaluating the Status of Commercially-Exploited Aquatic Species in a CITES context. Second Technical Consultation on the Suitability of the CITES Criteria for Listing Commercially-exploited Aquatic Species, Windhoek, Namibia, 22-25 October 2001. FI:SLC2/2001/2

<sup>2</sup> Available at [www.cites.org](http://www.cites.org).

<sup>3</sup> Available at <http://www.fao.org/fishery/cites-fisheries/en>.

10. The report of the Panel was forwarded to FAO Members and the CITES Secretariat and made available to the Parties to CITES in accordance with Article XV of the CITES convention. The recommendations were noted and widely welcomed by CoP 13 although they were not consistently adhered to in the final decisions, in which it was agreed to list white sharks (without the constraint of a zero quota), humphead wrasse and Mediterranean date mussel in Appendix II.

11. Following the endorsement of the Twenty-sixth Session of COFI, the 10<sup>th</sup> Session of COFI:FT agreed that FAO should convene an ad hoc Expert Panel to assess listing proposals made to the CITES Conference of the Parties (CoP)-14 and for subsequent meetings of the CoPs. It was also agreed that the Sub-Committee should evaluate after each CITES CoP whether the Panel recommendations had been taken into account and, if not, why they had not been.

12. The second ad hoc Advisory Panel met in Rome, Italy, from 26 to 30 March 2007, hosted by FAO with funding from FAO Regular Programme and the Trust Fund Project “CITES and commercially-exploited aquatic species”. The Panel considered the following seven proposals submitted to the CITES fourteenth Conference of the Parties (The Hague, 3 – 15 June 2007):

- *Lamna nasus* (porbeagle shark) to be included in Appendix II;
- *Squalus acanthias* (spiny dogfish) to be included in Appendix II;
- all species of the family Pristidae (sawfishes) to be included in Appendix I;
- *Anguilla anguilla* (European eel) to be included in Appendix II;
- *Pterapogon kauderni* (Banggai cardinalfish) to be included in Appendix II;
- *Panulirus argus* and *P. laevicauda* of the Brazilian lobster population to be included in Appendix II;
- all species in the genus *Corallium* (red/pink corals) to be included in Appendix II.

13. The Panel supported the inclusion of European eel (*Anguilla anguilla*) in Appendix II (controlled trade) and of all species of sawfishes (Pristidae) in Appendix I (no commercial trade allowed). It did not support the remaining five proposals to include species in Appendix II because, according to the Panel evaluation of the proposals, the species did not meet the biological criteria for listing commercially-exploited aquatic species in Appendix II specified in CITES Res. Conf. 9.24 (Rev. CoP13).

14. In the case of the Brazil populations of *Panulirus argus* and *P. laevicauda*, the information provided in the proposal to support inclusion in Appendix II did not demonstrate a decline to threshold levels. In fact, more recent data and analyses based on formal stock assessment methods suggested that the *P. argus* population in Brazil has been fluctuating without a long-term trend for at least the past 30 years, albeit at high exploitation levels (*P. laevicauda* is probably under the same situation). The Panel also concluded that existing fishery regulations were sufficient to ensure sustainability of this fishery, however strict enforcement of management regulations was lacking. The above conclusions, coupled with implementation difficulties due to split listing<sup>4</sup>, minimum size difference between the two species and product identification, suggested that the proposed listing would be difficult to implement and unlikely to achieve the desired results.

15. After considerable discussions during the CoP-14 meeting, decisions made by Parties on the proposals for listing commercially-exploited aquatic species were all in line with the FAO ad hoc Panel recommendations. Two proposals were accepted (European eel and sawfishes) and five were rejected (spiny dogfish, porbeagle, red/pink corals) or withdrawn by proponents (cardinalfish and Brazilian lobster populations).

## **EXPERT CONSULTATIONS ON LEGAL AND IMPLEMENTATION ISSUES OF THE CONVENTION**

16. In accordance with the workplan on CITES adopted by the 25th Session of COFI, two Expert Consultations were held to evaluate legal and implementation aspects of CITES of relevance to fisheries.

17. The Expert Consultations on “Legal Issues Related to CITES and Commercially-exploited Aquatic Species” was held in June 2004. The Consultation agreed on a list of recommendations that draws attention to actions that it considered would lead to improvements in the legal interpretation and implementation of CITES in relation to commercially-exploited aquatic species, including the interpretation of the term “introduction from

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<sup>4</sup> Split-listing, or listing a population in an Appendix and leaving the other populations outside the Appendices, is not recommended by CITES due to implementation difficulties. In this particular case, the split-listing would raise the problem of distinguishing products originating in Brazil from products from the same or similar species originating elsewhere.

the sea”. The report from the Consultation<sup>5</sup> was made available to CoP-13 and helped to inform discussions on relevant issues.

18. The Expert Consultation on “Implementation Issues Associated with Listing Commercially-exploited Aquatic Species on CITES Appendices”, also held in 2004, agreed on a number of key recommendations, some of which are presented here. The recommendations included the need for States to improve communication and coordination between their national governmental agencies responsible for CITES implementation and those responsible for natural resource management, including fisheries. The Consultation also raised the need to examine alternative approaches to those presently used within CITES to assist in identifying specimens in trade that would avoid unnecessary listing of look-alike species while still effectively addressing enforcement and identification issues. The Consultation raised the need for capacity-building to assist States to meet their obligations under CITES. Attention was drawn to the fact that implementation of the FAO Code of Conduct for Responsible Fisheries and the associated international plans of action should help to reduce the incidence of listing proposals for commercially-exploited aquatic species. The report from the Consultation<sup>6</sup> was also made available to CoP-13 and helped to inform discussions on relevant issues.

## **ASSISTANCE IN RELATION TO LISTED SPECIES OF RELEVANCE TO THE WESTERN CENTRAL ATLANTIC**

### *SHARKS*

19. With the slow progress in the implementation of the IPOA-Sharks by FAO Member countries, and fuelled by a strong criticism from NGOs and Parties on the lack of a stronger role of FAO in fostering shark fisheries management internationally, there has been an increasing level of attention from CITES on the conservation of shark species affected by international trade. In this context, CITES requested FAO to convene a workshop on shark management to promote the development and implementation of national plans of action for shark conservation and management. In response to this request, and with the endorsement of the 26<sup>th</sup> Session of COFI, FAO undertook an Expert Consultation to Review Implementation of the International Plan of Action (IPOA) for Sharks at National Levels, in Rome 6 – 8 December 2005.

20. The results of the consultation<sup>7</sup>, indicated several problems that were hampering the implementation of the IPOA-Sharks. These included: 1) the lack of information on population biology and catch and effort data needed to inform management decision; 2) the low political priority to shark fisheries resulting in a lack of effective policy and institutional practice; and 3) a basic lack of funds and human resources to manage shark fisheries at the national level. It was also concluded that the voluntary basis of the IPOA-Sharks did not provide the necessary incentives to increase political attention to shark fisheries management.

21. Informed by the results of the Expert Consultation and based on the work of the Sharks Working Group of the CITES Animals Committee, several decisions<sup>8</sup> were adopted by Parties at CoP14 concerning future activities of CITES on sharks, including encouraging Parties, through their delegations to COFI, to call on FAO to facilitate greater support for countries with limited capacity to assess and manage their shark fisheries, and to provide the resources necessary for FAO to undertake this work.

22. The shark species currently listed on CITES Appendices are the white shark *Carcharodon carcharias*, whale shark *Rhincodon typus* and basking shark *Cetorhinus maximus*, all three listed in Appendix II. In addition, at CoP-14 it was decided to include all seven species of sawfishes (family *Pristidae*) in Appendix I. Of the seven listed species, two (*Pristis pectinata* and *P. perotteti*) occur in the Western Central Atlantic region.

23. The 27th Session of COFI in 2007 concurred that efforts towards implementing the IPOA-Sharks were improving, but that further intensive work was required. Noting the concerns being expressed in CITES and FAO about the short-comings in management of shark fisheries in many areas of the world, and the significant international trade in shark products (e.g. meat and fins), it is likely that there will be strong incentives for

<sup>5</sup> Report of the Expert Consultation on Legal Issues Related to CITES and Commercially-exploited Aquatic Species. Rome, 22-25 June 2004. FAO Fisheries Report. No. 746. Rome, FAO. 2004. 21p.

<sup>6</sup> Report of the Expert Consultation on Implementation Issues Associated with Listing Commercially-exploited Aquatic Species on CITES Appendices. Rome, 25–28 May 2004. FAO Fisheries Report. No. 741. Rome, FAO. 2004. 24p

<sup>7</sup> Report of the FAO Expert Consultation on the Implementation of the FAO International Plan of Action for the Conservation and Management of Sharks. Rome, 6–8 December 2005. FAO Fisheries Report. No. 795. Rome, FAO. 2006. 24p.

<sup>8</sup> Decisions 14.101 to 14.117 (available at [http://www.cites.org/eng/dec/valid14/14\\_101-117.shtml](http://www.cites.org/eng/dec/valid14/14_101-117.shtml)).

Parties to propose listing more commercially exploited species of shark in CITES Appendices in the future, unless FAO Member Countries that have not already done so take firm steps towards the implementation of the IPOA-Sharks. The limited progress by FAO Member Countries is providing a justification for some CITES Parties and NGOs to call for a greater role for CITES.

24. In an effort to address one of the important problems that are hampering the implementation of the IPOA-Sharks – the poor monitoring of shark fisheries - FAO is organizing a technical workshop on the "Status, limitation and opportunities for improving the monitoring of shark fisheries and trade", to be held in Rome from 3 to 6 of November 2008. Funded by the CITES Trust Fund Project, the workshop will bring together experts from a number of main shark fishing and trading countries to discuss and agree upon the main limitations and to identify opportunities to improve the monitoring of shark fisheries and the trade in shark products. The workshop is expected to provide a focus for further activities of the Organization on the development of capacity for the conservation and management of shark species most affected by international trade.

#### *CARIBBEAN QUEEN CONCH*

25. The Caribbean queen conch was listed in CITES Appendix II in 1992 following concerns that overexploitation for international trade was threatening the survival of the species throughout its area of distribution in the Caribbean. In order to assist queen conch fishing countries with the implementation of CITES regulations, FAO initiated the development of a 'Manual for the monitoring and management of queen conch' in consultation with a number of local agencies and in cooperation with the CARICOM Regional Fisheries Mechanism and the Caribbean Fisheries Management Council. A working version of the manual, which includes some guidelines on the requirements for responsible management of queen conch fisheries, was published in 2005<sup>9</sup>. A revised and expanded version of the manual was published in 2008<sup>10</sup>, with the support of UNEP Caribbean Environment Programme (CEP).

26. During 2005, FAO provided advice and assistance to Caribbean countries exporting queen conch and to the CITES Secretariat on sustainable use of this regionally important resource. These actions coincided with and contributed to efforts to implement recommendations arising from a second review of significant trade in queen conch *Strombus gigas*, initiated by the CITES Animals Committee in 2001-2003 because of concerns that the levels of authorized exports might not be sustainable.

27. Considering the need to improve capacity in the region for the management of queen conch fisheries, a Regional Workshop on the Monitoring and Management of Queen Conch, *Strombus gigas*, was held in Kingston, Jamaica, 1 – 5 May 2006. The workshop was jointly organised by FAO WECAFC and UNEP Caribbean Environment Programme (UNEP-CEP) and sponsored by the FAO Project GCP/INT/987/JPN "CITES and Commercially-exploited Aquatic Species", UNEP-CEP, the Caribbean Fishery Management Council (CFMC) and the Caribbean Regional Fisheries Mechanism (CRFM). The workshop was attended by most queen conch range States in the Wider Caribbean and led to several recommendations for improving queen conch fisheries management at national and regional levels. The results of the workshop were published as a FAO Fisheries Report in 2007<sup>11</sup>.

28. Building on the results and recommendations of the Regional Workshop, a Memorandum of Understanding has been signed between the Western Central Atlantic Fishery Commission (WECAFC) and the Regional Coordinating Unit of the Caribbean Environment Programme (UNEP-CAR/RCU) to assist selected Parties of the Specially Protected Areas and Wildlife (SPAW) Protocol to develop management plans for their queen conch fisheries. Work is currently ongoing in Barbados and St. Vincent and the Grenadines.

#### *SEA CUCUMBERS*

29. International trade in sea cucumber (*bêche-de-mer*) is considered by CITES a significant conservation issue, particularly considering the poor status of sea cucumber fisheries management worldwide. Ecuador is currently the only country that has listed a species of sea cucumber (*Isostichopus fuscus*) in CITES Appendix III, in an attempt to control the overfishing of the species resulting from illegal international trade.

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<sup>9</sup> Manual for the Monitoring and Management of Queen Conch. FAO Fisheries Circular No. 1012. Rome, FAO.2005. 58p.

<sup>10</sup> Monitoring and managing queen conch fisheries: a manual. FAO Fisheries Technical Paper. No. 514, Rome, FAO. 2008. 60p.

<sup>11</sup> Report of the Regional Workshop on the Monitoring and Management of queen conch, *Strombus gigas*. Kingston, Jamaica, 1 – 5 May 2006. FAO Fisheries Report No. 832. Rome, FAO.2007. 174 p.

30. In the Wider Caribbean region there are few reported fisheries targeting sea cucumbers to supply *bêche-de-mer* to the Asian markets, including in Panama, Venezuela, Cuba, Costa Rica, Colombia and Nicaragua<sup>12</sup>. However, with few exceptions, these fisheries are generally not well documented. It is suspected that for many countries in the region, catches supplying the international trade include catches from illegal, unreported and unregulated fishing activities. Despite the paucity of information available on sea cucumber fisheries in the Caribbean region, it appears that some high valued commercial stocks have been depleted and the risk of fishery collapses is high due to the small size of stocks, the strength of market forces and the unregulated nature of these fisheries

31. CITES held in March 2004 a technical workshop to consider and review biological and trade information to assist in establishing conservation priorities for sea cucumbers. Results from the workshop were not conclusive on the value of a CITES listing because of insufficient information at that stage to base an evaluation of the conservation benefits of such listing. It was however recommended that further CITES considerations for certain species and countries be examined. Attention by CITES since then has been on the development of recommendations for Parties to improve the conservation of sea cucumber stocks. At CoP14 Parties adopted a decision that brings to the specific attention of FAO the need to increase efforts to address current challenges in the sustainable management of sea cucumber fisheries.

32. At the 26th Session of COFI, several Members suggested that it would be beneficial for FAO to develop a sea cucumber management strategy and to review the global status of that taxonomic group. Through the Trust Fund Project "CITES and Commercially-exploited Aquatic Species" FAO has initiated several activities aimed at improving knowledge and capacity for the management of commercially exploited sea cucumber species. The activities include the review and analysis of the available information on the global status of commercially-exploited sea cucumber stocks and on any 'hot spots' where management action may be particularly urgent, the production of guides to facilitate the identification of sea cucumber species and products in trade, and the development of guidelines for the sustainable management of sea cucumber fisheries. A global review on the status of sea cucumber fisheries and trade has been recently finalized<sup>13</sup>, and the draft guidelines for the sustainable management of sea cucumber fisheries developed during a technical workshop held in the Galapagos Islands, from 19 to 23 of November 2007 are under preparation.

#### **FUTURE ACTIVITIES BY FAO**

33. Subject to COFI's on-going agreement and availability of funds, FAO will continue to implement the FAO ad hoc Expert Advisory Panel to evaluate proposals to amend the CITES Appendices addressing commercially-exploited aquatic species and to advise FAO Members and CITES Parties accordingly. The next CITES Conference of the Parties, which is likely to consider proposals related to commercially-exploited aquatic species, is scheduled for January 2010.

34. Within the means and resources available to it, FAO will continue to provide assistance to Member countries and regions to improve their ability to implement CITES regulations concerning commercially exploited species that have been listed in CITES Appendices, including continued support to the conch producing countries in the Western Central Atlantic. In this regard the Government of Japan is thanked for the funds provided for the implementation of the Trust Fund Project "CITES and commercially exploited species", which has enabled many of the recent activities of FAO on CITES issues reported in this paper.

35. FAO is also committed to strengthen the implementation of the IPOA-sharks by assisting member countries in the development and implementation of National Plans of Action for the conservation and management of sharks. Efforts are also directed at evaluating potential management measures to improve the status of the shark species considered most threatened by international trade. Currently, all this work is supported mainly by the Trust Fund Project "CITES and commercially exploited species". However, additional funds are urgently required if FAO is to provide the full level of support that is required.

36. Finally, FAO is also planning to work in the near future on approaches to address enforcement and identification issues in order to avoid unnecessary listing of lookalike species and to facilitate the implementation of split listing of species in CITES. This is consistent with one of the key recommendations from the 2004 FAO Expert Consultation on implementation issues.

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<sup>12</sup> Toral-Granda, V. 2008. Population status, fisheries and trade of sea cucumbers in Latin America and the Caribbean. P. 143 – 160. In: Toral-Granda, V.; Lovatelli, A.; Vasconcellos, M. (eds). Sea cucumbers. A global review on fishery and trade. FAO Fisheries Technical Paper. No. 516. Rome, FAO. 2008. 319p.

<sup>13</sup> Toral-Granda, V.; Lovatelli, A.; Vasconcellos, M. (eds). Sea cucumbers. A global review on fishery and trade. FAO Fisheries Technical Paper. No. 516. Rome, FAO. 2008. 319p.