

**The Proposal to List Great White Sharks (*Carcharodon carcharias*)
in Appendix II with a Zero Quota:
A Discussion of Issues**

This document has been submitted by China.

Abstract

The rationale behind Australia and Madagascar's attempt to ban all trade in Great White Shark products is unclear. The species has been on Appendix III since 2001 and trade data are now being compiled. The degree to which the species meets the criteria for Appendix II within Resolution Conf. 9.24 (Rev. CoP12) has been questioned by FAO fisheries experts. The addition of a "zero quota", which implies that no Range States could manage their bycatch responsibly, may be an ambit claim to be withdrawn later - it is difficult to understand why it would be suggested otherwise. No conservation advantages from listing Great White Sharks on Appendix II are apparent. It may drive previously reported bycatch and trade underground, and major trading nations are likely to lodge reservations. There is clearly the potential for serious enforcement problems if Parties are expected to guarantee no Great White Shark parts or derivatives are included in mixed shipments of other shark products exported.

Retention of Great White Sharks on Appendix III is the preferred option.

1. Introduction

The Government of Australia failed in a previous bid to list Great White Sharks on Appendix I at CoP11 (Kenya, 2000). They subsequently listed the species on Appendix III (with effect from 2001). Without noting the success or otherwise of the Appendix-III listing, Australia informed Range States in 2004 that it would again seek an Appendix-I listing of Great White Sharks at CoP13 (Thailand, 2004). However, the proposal finally submitted by Australia and Madagascar (as co-sponsor) for CoP13 was for an Appendix-II listing with a zero quota, which is an even stricter trade ban than Appendix I. It does not even allow trade for scientific purposes.

The reasons why Australia has decided to champion this cause are unclear, but perhaps the successful listing of Whale Sharks and Basking Sharks at CoP12 (Chile, 2002) has rekindled an interest in banning commercial trade in all "large sharks". The situation with the species has not changed since the Parties debated and rejected Australia's COP11 proposal, and so little would be gained by altering the previous position of the Parties and accepting the COP13 proposal.

2. The Issues

The basic issues against which the Australia-Madagascar CoP13 proposal needs to be assessed, are:

- i. **The Criteria.** Does the information in the supporting statement support the view that the global population of Great White Sharks meet the criteria for Appendix II outlined in Resolution Conf. 9.24 (Rev. CoP12) Annex 2a, Criteria A and B i) and ii).
- ii. **"Zero Quota".** If so, is there any basis for justifying the "zero quota", or must Parties simply support the Australian view that large marine species should not be used and traded commercially.
- iii. **Conservation Status.** Over and above these technical concerns, is there any evidence that listing Great White Sharks on the Appendices would improve the conservation status of this species?
- iv. **Trade Difficulties.** Is the listing of Great White Sharks on the Appendices likely to create significant enforcement problems with other fisheries in international trade?

3. Assessment

3.1. The Criteria

Repeated use of words such as "rare", without any qualification, do little to instill confidence in the proposal. Likewise, the implication that low productivity species "must" be overexploited, rather than "may be vulnerable to overexploitation" is a subtle but important distinction. In other words, the proposal strives to paint the worst case scenario for status, rather than trying to assess it objectively.

Compliance with the technical criteria was examined in depth by FAO experts. They found the evidence presented in the proposal does not establish compliance with Annex 2a Criterion A or B, or support the view that improved regulation of international "trade" was a significant factor influencing the current status of Great White Sharks.

International trade appears to emanate largely from bycatch, and by stopping legal trade (Appendix II with a zero quota), bycatch would presumably need to be discarded. An Appendix-II listing will not reduce bycatch mortality *per se*, it will simply stop any of the catch being used commercially.

The evidence presented on the size of the global population of Great White Sharks was considered by FAO to be inadequate and incomplete, with at least one important estimate ignored. Evidence on the rate of decline of the wild population at numerous sites was plagued with real errors and exaggerated claims of decline.

Although not referred to by the FAO panel of experts, it is unclear whether monitoring data derived from a public safety eradication program in a local area truly meets the definition of "decline" in Annex 5 of Resolution Conf. 9.24 (Rev. CoP12). Regardless, no decline in status meriting an Appendix-I listing is established as a real possibility, let alone one driven by international trade.

When taken together, FAO fisheries experts found no compelling evidence that Great White Sharks met the criteria for listing on Appendix II of CITES. They did consider that prior to protection the rate of harvest of Great White Sharks in some strongholds such as southern Australia may not have been sustainable in the long-term. Protection should have reversed these trends, but no information on recovery rates following protection have been provided by Australia.

No information at all has been provided by Madagascar on the conservation, management or extent of use and trade of Great White Sharks from Madagascan waters.

3.2. Zero Quota

If an Appendix-II listing was supported by the Parties, then Range States wishing to trade in Great White Sharks would have the ability to do so. They would need to comply with Article IV and be able to demonstrate that trade was not detrimental to the survival of the species.

To insist on a "zero quota", for all Range States, Australia and Madagascar appear to be implying that Range States are not capable of responsibly managing their Great White Shark resources.

A further alternative is that the "zero quota" annotation is an ambit claim, which Australia and Madagascar will "withdraw" in order to secure an Appendix-II listing. Getting the three species of large sharks (Whale Shark, Basking Shark and Great White Shark) all on Appendix II is a significant milestone for some NGOs.

3.3. Conservation Status

While it seems likely that Great White Sharks are not as abundant as they were historically, and that reductions in the mean size of shark caught in heavily fished areas are a response to excessive harvesting in those areas, these are not unexpected nor surprising results. The species was targeted for sport-fishing in the areas where they congregate, which was additive to beach-netting and other harvest and bycatch losses.

The national protective measures and restrictions on fishing that have been implemented in various countries are the appropriate response to rectifying local declines. However, the proposal offers no data or opinions on how these programs, at the national level, are working. Indeed, it is unclear whether the

programs aimed at recovering the populations of Great White Sharks are being monitored at all. That there is simply blind faith in the view that "protection" will lead to population increases.

The concept that banning international trade (through listing on Appendix I, or Appendix II with a zero quota), will automatically improve the conservation of Great White Sharks is an untested assumption. Banning trade may create significant barriers between regulatory authorities and fishermen, impact negatively on the bycatch data collected from legitimate fisheries, and promote illegal trade in bycatch products.

3.4. Impacts of other Fisheries

The extent of the global international market for teeth and jaws as curios is unknown, as is the degree to which the demand can be legitimately supplied through bycatch. When Australia banned the possession and sale of Great White Shark parts, reducing world supply, prices for teeth and jaws were anticipated as increasing (www.nzherald.co.nz). Thus prohibiting legal trade in legal products may have adverse effects on conservation.

The fins of Great white Sharks are not in demand for shark-fin products, but they are traded in mixed shipments of fins. Traders often buy all fins to ensure their supply of the most valued ones is not compromised. The meat of Great Whites Sharks is not in high demand. The skin finds its way into shark skin leather production and manufacturing, as reported by Mexico, and there would seem little doubt that the meat, cartilage and oil all find their way into mixed shipments, including fish meals.

Whereas some products (eg teeth) can perhaps be readily identified, DNA analysis is the only option for many mixed species or processed products. This all raises legitimate concerns about how Parties will be able to ensure that no Great White Shark parts or derivatives are traded internationally, within mixed products. If listed on the Appendices of CITES concerns about "look-a-like" products would be real, and could be expected to lead to many shark species being proposed for listing on Appendix II in accordance with Article II.2.b of the Convention at future CoPs.

4. Conclusions

The proposal to list Great White Sharks on Appendix II of CITES has been examined closely by many scientists. Of particular significance was the FAO panel of experts, who are truly global expert in the technical evaluation of fisheries issues. They found serious discrepancies in the evidence that was supposed to establish small global population size, and in the evidence assembled to support the view that there was a serious and ongoing decline in abundance taking place. Densities have no doubt declined relative to pristine abundance, but there is no evidence to indicate survival is threatened, that international trade is responsible, or that that the decline is ongoing given the protective legislation introduced in regional strongholds.

Maintenance on Appendix III would continue to provide objective information on trade and would give countries such as Australia time to assess whether their own national initiatives aimed at assisting Great White Sharks are working. Shark fishermen in southern Australia report *C. carcharias* numbers have increased, but this is not reported formally. Without such information, and without any clear definition of the conservation problem, listing on Appendix II of CITES is not warranted (with or without a "zero quota").