

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES  
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Septuagésima séptima reunión del Comité Permanente  
Ginebra (Suiza), 6–10 de noviembre de 2023

Conservación y comercio de especies

Fauna

Especies acuáticas

Tiburones y rayas (*Elasmobranchii* spp.)

EVIDENCIA DE QUE CONTINÚA EL COMERCIO  
QUE NO SATISFACE LOS REQUISITOS PARA LAS ESPECIES DE TIBURONES  
INCLUIDAS EN EL APÉNDICE II (*CARCHARHINUS LONGIMANUS*)

1. Este documento ha sido presentado por Maldivas\* al Comité Permanente en respuesta a las Resoluciones Conf. 12.6 (Rev. CoP.18), Conf. 12.8 (Rev. CoP18), y elementos de las Decisiones 19.222 a 19.227 sobre *Tiburones y rayas*, y tomando en plena consideración el documento Doc. 65 CoP19 de la CITES. Se presenta un análisis global de la aplicación de la inclusión en el Apéndice II del tiburón oceánico (*Carcharhinus longimanus*), que fue aprobada en la 16ª reunión de la Conferencia de las Partes en la CITES (2013), y que entró en vigor el 14 de septiembre de 2014. En este documento se aborda el posible alcance de la pesca ilegal, no declarada y no reglamentada (pesca INDNR), así como el comercio de esta especie que pueda no estar en pleno cumplimiento de la CITES.
2. El Anexo del presente documento fue presentado por Maldivas a la 32ª reunión del Comité de Fauna de la CITES, fue publicado por la Secretaría como documento informativo AC32 Inf. 3, e incluye información y medidas pertinentes para la 77ª reunión del Comité Permanente (SC77).
3. En este documento se pone de relieve una grave cuestión de incumplimiento de las obligaciones básicas de la CITES, y converge con los debates sobre la aplicación de las Resoluciones Conf. 12.6 (Rev. CoP18), Conf. 12.8 (Rev. CoP18) y las Decisiones 19.222 a 19.227.
4. Este análisis se llevó a cabo por la especial preocupación que suscita la situación biológica y del comercio de *Carcharhinus longimanus*. Desde su inclusión en el Apéndice II, el tiburón oceánico fue reclasificado en la Lista Roja de la UICN sobre Especies Amenazadas como En Peligro Crítico en todo el mundo (Rigby *et al.* 2019).
5. Existen indicios de un volumen significativo y sostenido de comercio internacional de esta especie, que, en algunos casos, ha sido registrado en la base de datos sobre el comercio y está siendo investigado actualmente en el marco del Examen del Comercio Significativo de la especie y, en otros casos, no está siendo registrado en la base de datos de la CITES ni en las capturas notificadas a la Organización de las Naciones Unidas para

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\* Las denominaciones geográficas empleadas en este documento no implican juicio alguno por parte de la Secretaría CITES o del Programa de las Naciones Unidas para el Medio Ambiente sobre la condición jurídica de ninguno de los países, zonas o territorios citados, ni respecto de la delimitación de sus fronteras o límites. La responsabilidad sobre el contenido del documento incumbe exclusivamente a su autor.

la Alimentación y la Agricultura (FAO). El problema del comercio persistente y no notificado a la CITES debería ser abordado por el Comité Permanente, en particular, en su próxima 77ª reunión.

6. El Gobierno de Maldivas, por lo tanto, presenta el análisis que figura en el Anexo del presente documento sobre la aplicación actual de la Convención en relación con el tiburón oceánico (*Carcharhinus longimanus*).
7. Reconociendo las pruebas aquí presentadas sobre el comercio internacional sustancialmente documentado de una especie En Peligro Crítico e incluida en la CITES y el riesgo de no contar con dictámenes de extracción no perjudicial adecuados para autorizar el comercio, el Gobierno de Maldivas acoge con beneplácito la decisión del Comité de Fauna de seleccionar al tiburón oceánico, *Carcharhinus longimanus*, para el proceso de Examen del Comercio Significativo durante el actual período entre reuniones.
8. Ahora bien, habida cuenta de que el análisis presentado en este documento demuestra que, además del comercio documentado, parecería haber un comercio internacional ilegal y no documentado de la especie, que plantea un considerable y grave riesgo para una especie en peligro crítico, además de la posibilidad de que no se estén expidiendo dictámenes de adquisición legal adecuados, el Gobierno de Maldivas considera que es necesario adoptar medidas adicionales.

#### Recomendaciones

9. Se solicita al Comité Permanente que examine el análisis presentado en este documento y su Anexo y que estudie la necesidad de adoptar medidas para hacer frente al problema del comercio no documentado de *Carcharhinus longimanus*.
10. Como mínimo, a la luz de las conclusiones de este documento, el Gobierno de Maldivas recomienda que el Comité Permanente estudie la posibilidad de adoptar alguna de las siguientes medidas.

Teniendo en cuenta las conclusiones que se presentan en este documento, solicitamos lo siguiente:

1. Abordar los volúmenes de captura y/o comercio de tiburón oceánico notificado en las bases de datos de las organizaciones regionales de ordenación pesquera y la FAO que no estén documentados en la base de datos sobre el comercio CITES, y que:
  - a. **El Comité Permanente solicite a la Secretaría que asigne prioridad a *Carcharhinus longimanus* en su estudio emprendido en virtud de la Decisión 19.223, párrafo c), sobre el desajuste entre los datos del comercio y los datos de las capturas.**
2. Para abordar la cuestión, las confiscaciones realizadas en lugares de importación y los estudios de mercado indican un aparente y continuo comercio de tiburón oceánico por las Partes en la CITES que no está siendo notificado en ningún sitio, y que:
  - a. **El Comité Permanente:**
    - i. **Solicite a las Partes, especialmente a aquellas cuya participación histórica en el comercio de *Carcharhinus longimanus* está bien documentada, como se indica en el Cuadro 8 del Anexo del presente documento, que informen a la Secretaría de sus esfuerzos de aplicación y su reglamentación a nivel nacional para aplicar la inclusión de *Carcharhinus longimanus*;**
    - ii. **Solicite a la Secretaría que recopile las respuestas de las Partes y que las presente a la 78ª reunión del Comité Permanente (SC78); y**
    - iii. **Sobre la base de las respuestas de las Partes y el informe de la Secretaría, detecte posibles casos de incumplimiento; considere la posibilidad de elaborar orientaciones para apoyar la presentación de informes completos sobre el comercio de tiburones; y estudie la necesidad de enmendar las Resoluciones pertinentes de la Conferencia de las Partes.**

3. Para abordar la cuestión del aparente escaso cumplimiento de las obligaciones de la CITES en materia de introducción procedente del mar, y la captura de especímenes en zonas fuera de la jurisdicción nacional (Res. Conf. 14.6 (Rev. CoP16)), y teniendo en cuenta el hecho de que no se ha notificado ninguna captura de tiburón oceánico como introducción procedente del mar, que:
  - a. **El Comité Permanente solicite a la Secretaría que asigne prioridad a *Carcharhinus longimanus* con arreglo a la Decisión 19.225, en que se solicita a la Secretaría que siga vigilando la aplicación de las disposiciones sobre introducción procedente del mar.**
4. Para velar por que todas las Partes den prioridad al cumplimiento de la inclusión del tiburón oceánico en el Apéndice II, que:
  - a. **El Comité Permanente aliente encarecidamente a las Partes que tengan confiscaciones o incautaciones de especímenes de *Carcharhinus longimanus*, o que hayan tenido dificultades para aplicar la inclusión de la especie en la CITES, a que incluyan esa información en sus informes presentados al Comité Permanente y a la Secretaría.**

## DOCUMENTO INFORMATIVO AC32 INF.3 RESUMEN

En este documento presentamos pruebas de la presencia continuada de comercio internacional de tiburón oceánico –una especie clasificada como En Peligro Crítico– y de que el volumen de dicho comercio es significativamente más alto y es realizado por un número mucho mayor de Partes de lo que se ha notificado a la CITES. En el análisis de este documento se indica que un total de 36.216 ejemplares de tiburones oceánicos fueron comercializados ilegalmente a través de la RAE de Hong Kong durante tres años, de 2015 a 2017, comparado con los apenas 11.815 ejemplares registrados en la base de datos del comercio CITES durante ese período.

Los tiburones oceánicos son una especie muy vulnerable, que se captura de forma incidental en las actividades de pesca pelágica en todo el mundo. Antes de la inclusión en la CITES, las preocupaciones en torno al descenso continuado de las poblaciones de la especie (actualmente clasificadas por la UICN como En Peligro Crítico en todo el mundo) ya habían llevado a una mayor protección del tiburón oceánico a través de una serie de medidas de gestión de la pesca, conservación de la diversidad biológica (CMS) y reglamentación del comercio, a nivel nacional, regional y mundial. La combinación de estas medidas hace cada vez más improbable que las Partes puedan expedir dictámenes de adquisición legal y dictámenes de extracción no perjudicial, así como aplicar los requisitos del proceso de expedición de permisos CITES necesarios para autorizar el comercio internacional.

Para evaluar los niveles recientes de comercio internacional de tiburón oceánico, se utilizaron los datos de capturas y comercio de esa especie que se encuentran disponibles en las estadísticas en línea de la Organización de las Naciones Unidas para la Alimentación y la Agricultura (FAO), las organizaciones regionales de ordenación pesquera (OROP) para el atún (Comisión Internacional para la Conservación del Atún Atlántico (ICCAT), Comisión del Atún para el Océano Índico (IOTC), Comisión Interamericana del Atún Tropical (CIAT), y Comisión de Pesca para el Pacífico Occidental y Central (WCPFC)), la base de datos sobre el comercio CITES, los datos de la aduana de la RAE de Hong Kong, y los registros de confiscaciones del Departamento de Conservación de los Recursos Agrícolas y Pesqueros de la RAE de Hong Kong, y se compararon con investigaciones que analizan la composición mundial del comercio internacional de aletas por especie.

Los datos oficiales sobre desembarcos notificados por los Gobiernos a las organizaciones regionales de ordenación pesquera para el atún indican una reducción de las capturas desde que la especie fue prohibida en los cuatro organismos. Se ha registrado un bajo volumen de comercio en la base de datos sobre el comercio CITES desde que la inclusión de la especie en el Apéndice II entró en vigor, lo que indica un cumplimiento satisfactorio de estas medidas. Sin embargo, las incautaciones de aletas de tiburón oceánico no procesadas y fácilmente identificables que han sido objeto de comercio ilegal y las investigaciones realizadas en los mercados mundiales de comercio minorista de aletas de tiburón indican que los datos oficiales enmascaran una notificación insuficiente a la FAO, las OROP y la CITES por las Partes.

Se estima que la RAE de Hong Kong representa el 50 % del comercio mundial de aletas. Cuando se importan las aletas a la RAE de Hong Kong, se realiza una preparación inicial para su procesamiento, durante la cual se elimina el exceso de carne, piel y cartílago. Estos desperdicios se venden para el consumo como subproducto barato de tiburón. Los análisis genéticos a largo plazo de estos desperdicios, que representan la totalidad del comercio de aletas de tiburón (Fields *et al.* 2018, Cardeñosa *et al.* 2022), indican que en los mercados de la RAE de Hong Kong y China continental se han seguido comercializando aletas de tiburón oceánico en niveles comparables a los anteriores a la entrada en vigor de la inclusión en el Apéndice II de la CITES en 2014.

De manera general, existen claras discrepancias entre los volúmenes de tiburón oceánico registrados en la base de datos sobre el comercio CITES y los que se encuentran en el comercio mundial de aletas. Además, como se explora en este documento, existen más discrepancias entre los datos sobre desembarcos de tiburón oceánico notificados a las OROP y la FAO y el comercio documentado en la base de datos sobre el comercio CITES. Este análisis parecería indicar que un gran volumen de productos de tiburón oceánico está siendo comercializado sin la debida documentación CITES y, por lo tanto, en contravención de la Convención.

Estas cuestiones de cumplimiento atañen a todos los órganos de comercio y pesca, en lo que hace a la reglamentación del comercio internacional de gran valor de las aletas de tiburón oceánico. Los niveles de pesca y comercio INDNR son sustanciales: se notificaron 382,48 toneladas métricas (TM, peso entero estimado) en la base de datos sobre el comercio CITES entre 2015 y 2017, mientras que 2.605,71 TM ingresaron a la RAE de Hong Kong o la República Popular China durante ese período, sobre la base del cálculo de las cantidades observadas en los mercados minoristas. En cuanto a las capturas notificadas, las OROP para el atún notifican 1.524 TM y Fishstat de la FAO 537 TM. Esta es una discrepancia de 1.141,52 TM en el comercio, y 4.674 TM en capturas, que representan 36.216 y 150.774 ejemplares, respectivamente, a nivel mundial.

Teniendo en cuenta las conclusiones que se presentan en este documento, solicitamos urgentemente lo siguiente:

1. Reconociendo las pruebas presentadas en este documento de que existe un comercio internacional sustantivo y documentado de una especie En Peligro Crítico, sumado al comercio internacional continuado ilegal e indocumentado de la especie, así como el riesgo de que se estén expidiendo dictámenes de adquisición legal y dictámenes de extracción no perjudicial inadecuados para autorizar este comercio: **que el Comité de Fauna seleccione al tiburón oceánico para el Examen del Comercio Significativo durante el actual período entre reuniones, y que remita la cuestión del comercio no documentado al Comité Permanente.**
2. Para hacer frente a los volúmenes de captura y/o comercio de tiburón oceánico notificados en las bases de datos de las organizaciones regionales de ordenación pesquera y la FAO que no estén documentados en la base de datos sobre el comercio CITES: **que se asigne prioridad al tiburón oceánico en virtud de la Decisión 19.223, párrafo c), dirigida a la Secretaría, en relación con el análisis del desajuste entre los datos del comercio y los datos de las capturas.**
3. Para abordar la cuestión del aparente comercio continuo de tiburón oceánico por las Partes en la CITES que sigue sin notificarse en ningún sitio: **que las Partes, en particular aquellas con una participación histórica en las capturas de esta especie, aclaren el nivel de sus esfuerzos de aplicación y su reglamentación a nivel nacional en relación con el tiburón oceánico en virtud de la Decisión 19.224.**
4. Para abordar la cuestión del aparente escaso cumplimiento de la Resolución de la CITES sobre Introducción procedente del mar (Res. Conf. 14.6 (Rev. CoP16)), habida cuenta de que no se ha notificado ninguna introducción procedente del mar para el tiburón oceánico, **dar prioridad al tiburón oceánico en virtud de la Decisión 19.225**, en que se solicita a la Secretaría que vigile la aplicación de las disposiciones sobre introducción procedente del mar.
5. Para velar por que todas las Partes asignen prioridad a la aplicación de la inclusión del tiburón oceánico en el Apéndice II, se alienta encarecidamente a las Partes que tienen confiscaciones, o que tienen dificultades para aplicar esta inclusión, a que presenten información en sus informes al Comité de Fauna y al Comité Permanente.
6. Solicitamos que los datos y otra información sobre las actividades antes mencionadas, que se presentan en este documento, se tomen en consideración durante el Examen del Comercio Significativo del tiburón oceánico antes de la CoP20.

El informe fue elaborado sobre la base de los mejores datos disponibles sobre el comercio y los desembarcos en el momento de redactarlo, y abarca el período que finaliza el 31 de diciembre de 2022 inclusive, por lo que es posible se hayan publicado nuevos datos desde entonces.

**Detailed analysis of the implementation of the CITES Appendix II listing of *Carcharhinus longimanus* (Oceanic whitetip shark)**

**Section A – Conservation status**

At the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 16<sup>th</sup> Meeting of the Conference of the Parties (CoP16), Parties voted to include the oceanic whitetip shark (*Carcharhinus longimanus*) in Appendix II in accordance with Article II paragraph 2 (a) of the Convention and satisfying Criterion A in Annex 2a of Resolution Conf. 9.24 (Rev. CoP14). The listing came into effect on 14 September 2014 after an 18-month delay that was adopted to give Parties time to resolve any technical and administrative issues required for the implementation of the Listing. By this time, the species had already been prohibited in all four major tuna RFMOs (tRFMO), but compliance monitoring for these measures was weak.

CITES Parties found that the oceanic whitetip shark (hereafter referred to as OWT) qualified for inclusion in Appendix II because a combination of its biological and behavioural characteristics, and overexploitation had led to population declines consistent with the decline criterion set out in Resolution Conf. 9.24 (Rev. CoP14). This overexploitation occurred primarily for their fins, which are large and highly valued in international trade, and to a lesser extent their meat, likely consumed domestically given its low quality and value (CITES 2013a). This low-productivity species was harvested in global pelagic fisheries, typically targeting tuna or billfish, with the high value fins providing an incentive for retention. At the time of submission of the proposal to CoP16 by the proponents (Brazil, Colombia, and the United States), unsustainable fisheries driven by unregulated international trade posed the greatest threat to the species' continued existence in the wild. The OWT was assessed at the time as 'Vulnerable' globally by the International Union for Conservation of Nature (IUCN) Red List of Threatened Species (IUCN Red List, 2006). The trade measures that result from a species' inclusion in CITES Appendix II, are complementary to existing tRFMO fisheries management measures, particularly through aiding compliance monitoring and enforcement.

Formerly one of the world's most abundant pelagic sharks, OWT have a circumglobal distribution stretching from tropical to warm-temperate oceanic waters where, irrespective of location, they commonly encounter fleets regulated by the major tRFMOs (Quiroz et al. 2019). At a similar time to when CITES Parties decided to include the OWT in Appendix II, it had become the only shark species protected by all tRFMOs, which prohibited its retention, transshipment, and landing. These measures reflect global understanding of its dire conservation status and the urgent need for management action.

Unfortunately, the bycatch prohibitions and trade management measures enacted in the early 2010's did not arrest this species' decline (Pacoureau et al. 2021), summarized below in Figure 1, taken from Young and Carlson, (2020). The most recent IUCN Red List assessment has reassessed the OWT as 'Critically Endangered' globally, citing population declines exceeding 98% in all oceans (IUCN Red List, Rigby et al. 2019). In less than a single generation (20 years), the species has been reclassified from 'Vulnerable' to 'Critically Endangered' (Rigby et al. 2019).

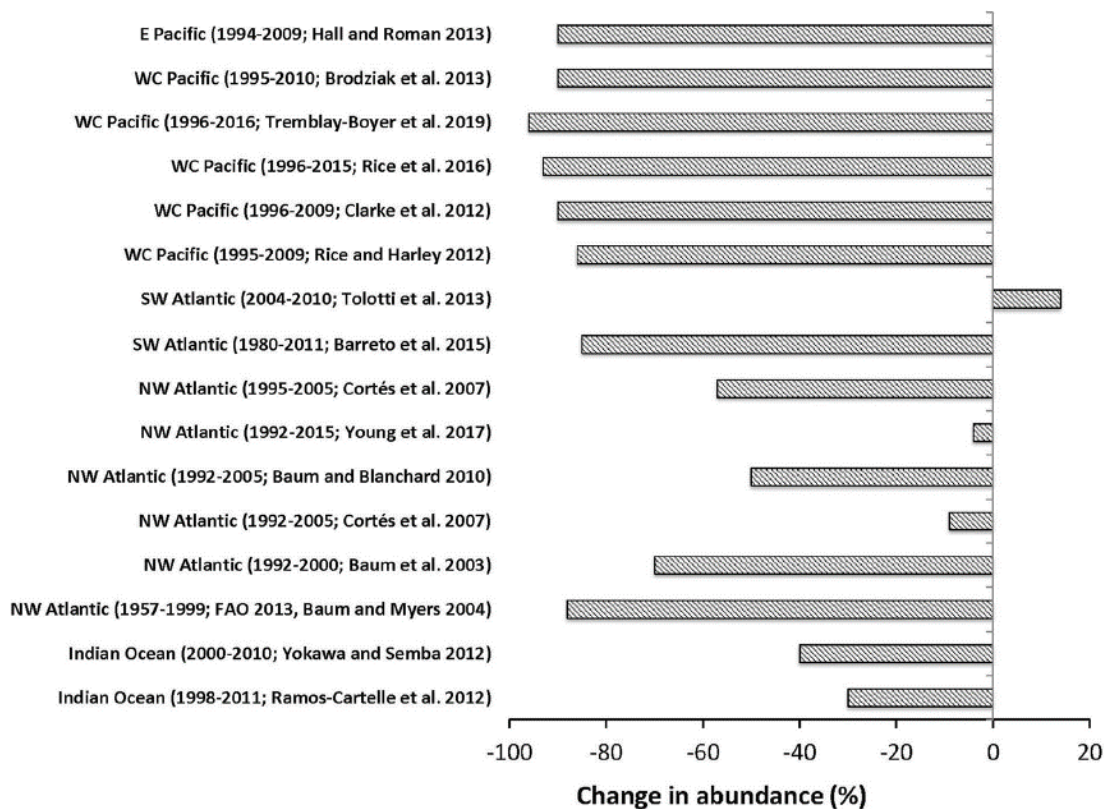


Figure 1. Summary of the trends in abundance for OWT based on stocks assessments and standardized catch rates, except for the E. Pacific, which is based on nominal catches. Taken from Young and Carlson, 2020

Most recently, the Western and Central Pacific Fisheries Commission OWT population stock assessment concluded that, despite retention being prohibited, current fishing pressure will render the species regionally extinct in the long term (Tremblay-Boyer et al. 2019). The convention on the Conservation of Migratory Species of Wild Animals (CMS) Parties voted in 2019 to list the species in Appendix I, in recognition of this migratory species' Critically Endangered status.

Moving forward, legal, sustainable international trade at any significant scale is likely to be near-impossible for most CITES Parties until populations recover. Given the intrinsically low population growth of OWT, this situation is likely to be the case for decades, during which period bycatch mortality and trade must be minimized.

Clearly, urgent and decisive action is needed to ensure that the Appendix II listing of OWT is effectively implemented, stocks recover, and sustainable fisheries and trade can resume in future.

## Section B – Policy framework

A review of international and national regulations governing the management of OWT was conducted to identify potential source and trading Parties and assess Parties' implementation of and compliance with CITES Appendix II requirements.

### CITES

Legal Acquisition Finding (LAF): International trade in the species should have been regulated under CITES since September 2014. Before issuing an export permit, the CITES Management Authority must be satisfied that a specimen was not obtained in contravention to national law (often called "Legal Acquisition Finding"/LAF).

Non-Detriment Finding (NDF): At the same time the Scientific Authority must advise the Management Authority that the export is non-detrimental to the survival of the species in the wild (often called a “Non-Detriment Finding”/NDF). These documents do not have to be made public.

Introduction From the Sea (IFS): The definition of “international trade” under CITES includes “Introduction From the Sea”. Under Resolution Conf. 14.6 (Rev. CoP16), any specimens captured in waters outside of the jurisdiction of a specific country (previously referred to as the High Seas, now Areas Beyond National Jurisdiction-ABNJ) and later landed anywhere also fall under CITES regulation, even if only one country is involved (“one-state-transaction”); these landings also require an LAF and NDF. There is also a requirement for Parties to “take into account” if relevant applicable international law was followed and that the specimens were not obtained through IUU. What the weaker formulation “take into account” for IFS vs. “shall require” for an export, means in practice, e.g., for the possibility of compliance measures to be taken, have not yet been put to the test.

CITES Parties are permitted to take out a reservation within 90 days of adoption of a proposal to amend the Appendices by the CITES CoP, or when a new Party accedes to the Convention. For OWT, only Japan and Guyana have taken a reservation. Since these CITES Parties are also Contracting Parties and Cooperating non-Contracting Parties (CPCs) to the tRFMOs where their fleets fish, the retention of OWT from ABNJ is prohibited, but they are not Party to CMS. See Annex 2 for more details.

#### Regional fishery management organization (RFMO):

Based on their ability to mandate immediate mortality reduction by regulating catch, the measures put in place by the tRFMOs have significant conservation potential for the species, as they extend beyond CITES Parties and international trade (Table 1). OWT remain the only pelagic shark species subject to a retention ban across all major tRFMOs: International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC), Inter-American Tropical Tuna Commission (IATTC), and Western and Central Pacific Fisheries Commission (WCPFC), making them difficult to land legally across a large majority of the world’s oceans, thereby reducing trade by default via the inability to supply it. See Annex 3 for more details.

*Table 1. A summary of the current oceanic whitetip shark (OWT) regulations within tuna focused Regional Fishery Management Organizations (tRFMOs) and the dates they entered into force.*

Regional fishery management organization	Date Adopted/ Date entered into force	Regulation
International Commission for the Conservation of Atlantic Tunas (ICCAT)	2010 / 14th June 2011	Recommendation 10-07: specifically prohibits the retention, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of OWT in any fishery.
Inter-American-Tropical-Tuna-Commission (IATTC)	2011/ 1st January 2012	Resolution C-11-10: on the conservation of oceanic whitetip sharks caught in association with fisheries in the Antigua Convention Area prohibits retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of OWT in the fisheries covered by the Antigua Convention.
Western and Central Pacific Fisheries Commission (WCPFC)	2012/ 1st January 2013	Conservation Management Measure (CMM) 2011-04: prohibits vessels flying their flag and vessels under charter arrangements to the CCM from retaining onboard, transshipping, storing on a fishing vessel, or landing any OWT, in whole or in part, in the fisheries covered by the Convention. WCPFC also adopted a CMM 2014-05 (effective July 2015) that requires each national fleet to choose either banning wire leaders or banning the use of shark lines.
Indian Ocean Tuna Commission (IOTC)	2013/	Resolution 13/06: prohibits, as an interim pilot measure, all fishing vessels flying their flag and on the IOTC Record of Authorized Vessels, or authorized to fish for tuna or tuna-like species managed by the IOTC on the high seas to retain onboard, transship, land or store any part or whole carcass of OWT except for scientific observers collecting biological samples. The provisions of this measure do not apply to artisanal fisheries operating exclusively in their respective Exclusive Economic Zone for the purpose of local consumption.



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It must be acknowledged that these tRFMO regulations contain exemptions, e.g., vessel size, fishing location, coastal state exemptions in own waters (see Annex 4) but fundamentally retention is prohibited in all fisheries governed under these conventions, although compliance processes within RFMOs are unclear, as is domestic implementation. On top of the existing tRFMO regulations, 49 countries appear to have domestic measures in place that prohibit the catch and/or export of OWT (see Annex 4).

Despite these exemptions, one would expect legal export of OWT from tRFMO member countries to be low to non-existent, particularly as the tRFMO measures frequently overlap geographically and thematically with other national regulations, and both NDFs and LAFs should be difficult to make. For example, India took out a reservation against the IOTC retention ban for OWT, but has national legislation prohibiting the export of all shark fins from India. Another reason why legal catch from tRFMO members would be expected to be close to zero is that OWT is predominantly caught in the ABNJ, where several of the exceptions (Annex 4) are less relevant, or do not apply.

Table 1 summarizes why the countries/territories that are members of tRFMOs are only under very specific circumstances able to legally land OWT and are unlikely to do so in significant volumes. Annex 4 presents a likely incomplete list of national regulations that implement these and other conservation and management measures for the species (e.g., CITES and CMS).

At the 13<sup>th</sup> meeting of the Conference of the Parties (CoP13) to CMS (Gandhinagar, India, February 2020), the global OWT population was included in CMS Appendix I (entered into force, 22 May 2020). The implications for CMS Parties translate into a prohibition on harvest for OWT and conservation of their habitats within their Exclusive Economic Zones (EEZs). For Parties that are signatories to both CITES and CMS, the recent Appendix I listing on CMS provides an area where CITES/CMS can collaborate to ensure conservation and international trade regulation work together to maximum effect.

The international and regional measures mean that not only was OWT already a prohibited species throughout its ABNJ range in fisheries managed by the tRFMOs, when listed in Appendix II, but since 22 May 2020 should also be protected within the EEZs of Parties to CMS. Management Authorities of CITES Parties bound by and implementing either of these measures through national legislation should, therefore, always have had difficulty in making a CITES Legal Acquisition Finding for Introductions from the Sea; this will now become equally difficult for catches within the EEZ of CMS Parties. Even if a specimen can be legally acquired, the species' Critically Endangered status would make it difficult to justify a positive NDF for OWT.

In addition to the international, multinational/regional, and domestic regulations aimed at reducing catches and trade for the conservation of OWT, CITES has defined procedural mechanisms to address issues of continued trade and trade in high volumes of species listed in its Appendices, see Annex 2 for details on Resolution Conf. 12.8 (Rev. CoP18) on "Review of Significant Trade; and Resolution Conf. 12.6 (Rev.CoP18) on "Conservation and Management of sharks". However, these processes are heavily reliant on the data which Parties self-report to the CITES secretariat to be included in the CITES trade database.

Incomplete and late reporting has been identified as an issue by the Secretariat (e.g., 53% of Parties had submitted an annual report for 2018 as of 12 March 2020), which severely hinders the ability of the CITES processes to identify where remedial action is required and to act in a timely and efficient manner (Pavitt et al., 2021). To supplement the CITES trade database, various other data sources e.g., FAO catch and trade statistics, tRFMO landings, Hong Kong SAR retail market data, and peer-reviewed research provide novel ways to assess the trends and scale of trade which is unreported in the CITES trade database. These can also be incorporated into CITES processes like Review of Significant Trade.

## Section C – International trade

### **What is known from the markets**

Hong Kong SAR's prominence in the consumption and trade of shark products makes it a strategic location for a quantitative assessment of the global fin trade. An important global nexus of the international fin trade via air, land, and sea, it is estimated that Hong Kong SAR deals in approximately ~50% of the global imports (Clarke et al. 2006 a, b; Shea and To 2017; Fields et al. 2018). As a result, studies attempting to quantify the composition and volume of the international fin market have focused on the Hong Kong SAR dried seafood trade.

In Hong Kong SAR, fin traders visually sort fins into roughly 30-45 named categories, based on the quality and hence value of their marketable ceratotrichia (Yeung et al. 2000). Clarke et al. (2004, 2006a) used genetic analyses to identify 14 species, including OWT, from 11 common fin trade categories and quantified the partial species composition of the Hong Kong SAR fin trade. OWT fins were found to be highly valued and sought-after in the fin trade, priced at \$45-85 per kg (CITES 2013). Clarke et al. (2006a, 2006b) assessed Hong Kong SAR fin trade auction data during 1999-2001 and used species-specific fin weights to determine that OWT represented ~1.8% of the international market and was ranked as the 8<sup>th</sup> most abundant species in trade.

Subsequently, as the sustainability of the international fin trade was questioned and Hong Kong SAR traders' operations faced greater scrutiny, researchers were no longer permitted access to the same fine scale trade auction data. Instead, a novel survey of fin products sold by vendors in the dried seafood market in Hong Kong SAR was conducted to determine the contemporary species composition and proportion of the fin-related trade (Fields et al. 2018). Shark fins are shipped rapidly from landings sites to processing centers such as Hong Kong SAR. The first stage in fin processing is removal of excess cartilage, muscle and skin from the base of the fin. This produces a byproduct of low-quality inexpensive fin trimmings which are sold in the dried seafood district. Randomized surveys are conducted to purchase fin trimmings and use genetic analyses to identify their species composition (Fields et al. 2018). The results are modeled to infer the species composition and proportion of the Hong Kong SAR fin retail market and hence global trade, based on the estimated proportion of the Hong Kong SAR market relative to the global market. This study is regularly repeated and has now been extended to the Guangzhou retail market, Guangdong Province, the largest shark fin trade hub in mainland China, see Annex 6 for further details (Cardeñosa et al. 2018, Cardeñosa et al. 2020; Cardeñosa et al. 2022). These surveys concluded the following key results:

- i) From 2014-2015, the raw data found that OWT made up 1% of all trimmings sampled. Additionally, the results estimated the mean number of OWT fin trimmings in the market to be 0.3% (range 0.1-0.6%) during the survey period, inferring that OWT comprise 0.3% of the global fin trade (Fields et al. 2018).
- ii) The 2014-2015 results found OWT to be ranked the 7<sup>th</sup> most abundant shark in trade in Hong Kong SAR out of the 76 species identified, which was up one ranking place from 8<sup>th</sup> out of the 14 species identified in the 1999-2001 survey of Clarke et al. (2006b), but these studies used different methodologies and the results may not be comparable (Fields et al. 2018).
- iii) Subsequent studies extended the time series, from February 2014 through 2018, and aimed to assess the change in the relative importance of the CITES CoP16 listed species in the Hong Kong SAR fin market after implementation (Cardeñosa et al., 2018; 2020; 2022). Across all five years, OWT maintained a varied but continued presence in the Hong Kong SAR fin market based on the fin trimmings time series 2014-2018 (Figure 2, Table 2).
- iv) OWT were observed in from 1-6% of sampling events in the retail market (Figure 2). This demonstrates that they are occurring consistently in the market over time, not being detected in pulses.
- v) Sampling of the largest shark fin trade hub in mainland China, located in Guangdong Province from June 2015 to August 2017, concluded OWT fins represented 1.58% (n=27) of samples inferring trade continues at significant levels post Appendix II listing (Cardeñosa et al. 2022).

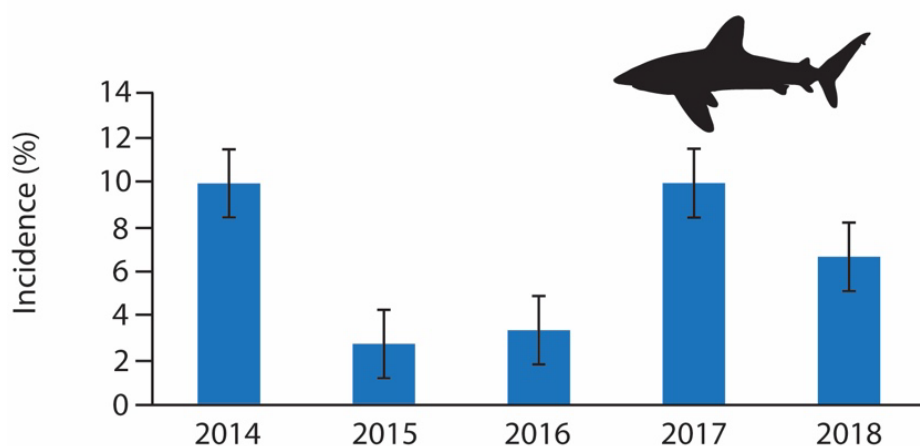


Figure 2: shows the incidence, i.e., the percentage of sampling events (bags of trimmings purchased), which yielded at least one oceanic whitetip shark (*Carcharhinus longimanus*) fin trimming in Hong Kong SAR markets 2014-2018.

	2014	2015	2016	2017
OWT fin trimmings	41	4	4	28
Percentage of total fin trimmings	1.25%	0.19%	0.21%	1.60%

These published studies have provided evidence of the contemporary presence and proportion of OWT in the Hong Kong fin trade (Fields et al. 2018), and the continued trade of OWT post its inclusion of the species on CITES Appendix II coming into force, (Cardeñosa et al. 2018; Cardeñosa et al. 2020; Cardeñosa et al. 2022). It could be argued that this contemporary OWT trade was being supplied by pre-convention stocks, or that traders may have started stockpiling OWT fins in anticipation of the listing, however continued studies of fin trimmings that now stretch over five years, indicate a consistent presence of OWT fins in the market at fairly stable levels, indicating continued wild sourcing of fins within this timeframe.

Because data recorded by the FAO and Hong Kong SAR Customs authorities aggregate all sharks, the above genetic surveys of random samples of the Hong Kong SAR fin retail market provide an accurate proxy for the species composition of and species-specific trends in the shark fin trade. They demonstrate that international trade in OWT fins has continued at significant levels since the CITES Appendix II listing.

Caution should be taken when inferring causality of changes in trade over time, as it is often the result of oversimplification of the trade chain dynamics. The drop in the percentage of OWT trimmings observed in 2015/2016 could be both a lag in CITES Parties putting in place the necessary requirements, e.g., NDFs, for trade and/or an initial pulse of stricter compliance around the time of entry into force of the CITES Appendix II listing. If the latter explanation holds true then we observe with concern that based on the Hong Kong SAR fin trimming data, the proportion of OWT fins in trade seems to have returned to historical levels.

### Seizures/confiscations

As a major importer of shark fins, Hong Kong SAR is playing a key role in effectively implementing and enforcing the CITES regulations as they apply to Appendix II listed species. CITES Appendix II obligates Parties to issue CITES export permits, to accompany shipments, only upon issuance of a positive Non-Detriment Finding (NDF) by the Scientific Authority of the country of export, or the country of Introduction in the case of Introduction from the Sea. Any imports without required CITES documentation and findings (NDF and legal acquisition) are not in compliance with the Convention. Data from Hong Kong SAR's Agriculture Fisheries Conservation Department (AFCD) show that there is active illegal trade in OWT fins (*Personal Communication*-Endangered Species Protection Division, Agriculture Fisheries and Conservation Department (AFCD), Hong

Kong SAR). Since September 2014 to 2021, records indicate 5231.2 kg of oceanic whitetip fins, whose shape and colouration make them easily identifiable, have been confiscated by AFCD upon entry into Hong Kong SAR via one of 23 inspection points (Table 3). Illegal shipments were detected at both seaports and airports, and consignments were confiscated because the country of export failed to include the required CITES permits. It is important to note that this is a conservative estimate of the volume of OWT fins confiscated upon entry to Hong Kong SAR as only volumes assigned to the species level were included. There have been multiple confiscations of mixed species shipments that contain OWT fins but have not been weighed to the species level, to date.

The continued presence of OWT fins in these confiscations reconfirms that the species continues to be caught and traded internationally. It is estimated that products entering the Hong Kong, SAR market represent capture from the respective previous year given estimated transportation and processing timelines. Of potential concern is the increasing frequency of confiscations by AFCD. Increasing numbers of seizures could reflect increased international trade, improved enforcement, or a combination of both. It should be noted that AFCD has undergone substantial training on enforcement and implementation of the CITES shark listings (*Personal Communication*-Endangered Species Protection Division AFCD, Hong Kong SAR).

Though there is limited overlap in the two time-series, there is a correlation between the “dip” in presence of OWT in both datasets (seizures and presence in the market from trimmings) during the years of 2015 and 2016, suggesting that trends in confiscations may reflect the trends in annual trade volumes of OWT in Hong Kong SAR. The driver of such a dip is unknown, as it could reflect inter-annual variation in catch volumes (i.e., a poor catch period), a lag until frameworks were in place to issue CITES permits or perhaps an initial and brief pulse of compliance to the new CITES listing being implemented.

Table 3. OWT confiscations made by AFCD Hong Kong SAR, of imports by volume (kg), year, number of cases listed in parentheses, mode of transport, and exporting country. Details from 2020 are pending due to ongoing investigation. Data were provided via Personal Communication-Endangered Species Protection Division, Agriculture Fisheries and Conservation Department (AFCD), Hong Kong SAR.

	2014	2015	2016	2017	2018	2019	2020	2021
<b>Volume (kg)</b>	980.46	283.45	0.25	1263.09	143.3	604.61	720	1236
<b>Exporters</b>	Colombia	Seychelles	<i>Abandoned</i>	Egypt	Indonesia	Kenya (2)	Ecuador	Somalia (2)
		UAE		India	Kenya	Mexico (2)	Guyana	Colombia
				Kenya	Madagascar	Pakistan	Mexico	Senegal
				Seychelles	UAE	Senegal	Morocco	
				Somalia		Sri Lanka (4)	Somalia (2)	
				UAE			Sri Lanka (2)	
<b>Transport</b>	Sea(1)	Air (2)	Air (1)	Air (1), Sea (5)	Sea (4)	Air (3), Sea (7)	<i>Unavailable</i>	Sea (4)

Since 2016, the United States Fish and Wildlife Service Office of Law Enforcement (USFWS) and Transportation Security Administration (TSA) have confiscated ~35 tons of CITES-protected shark fins shipped illegally through the United States. Shipments which contained OWT fins in varying quantities are listed below (Table 4).

Table 4. Shipments that contained OWT fins alongside other CITES listed sharks confiscated by USFWS Office of Law Enforcement since 2016. Total volume of shipment, where it originated, where it was destined for and the location and method of interception are

included, en route to China from Mexico (2) and Panama (1). <https://medium.com/@USFWS/sharks-should-be-respected-not-feared-1138226e82e5>.

Intercepted	Volume (MT)	Destination	Additional spp. present in seizure	Method
Louisville, Kentucky	0.49	PR, China	<i>Carcharhinus falciformis</i>	Cargo shipment, interception
Seattle, Washington	3.63	PR, China	<i>Sphyrna mokarran</i>	Cargo shipment, interception
Oakland, California	24.49	PR, China	<i>Sphyrna lewini</i> , <i>S. zygaena</i> , and <i>Lamna nasus</i>	Cargo shipment, interception
Honolulu, Hawaii	0.09	Indonesia	<i>C. falciformis</i> and <i>Alopias superciliosus</i>	Airport passenger luggage

Continued, regular confiscations reinforce the findings of the fin trimmings studies that OWT trade continues at significant levels, that exceed the levels recorded in the CITES trade database, and include several countries who have submitted no formal trade records for the species. We look forward to further updates from Parties in this regard.

### **Hong Kong, SAR trade database analysis**

Hong Kong SAR collects trade statistics on the fin-related trade regarding the origin and destination countries and for IFS, the country of introduction, as well as trade volumes, forming a comprehensive trade dataset that can be used for trade analysis (Shea & To et al. 2017). Such statistics offer an overview of the dynamics and trends of the Hong Kong SAR fin trade and can be used, in conjunction with established ratios, and extrapolated to indicate trends in the global fin trade. Unlike the CITES trade database, the commodity codes used in the Hong Kong SAR statistics contain details on the form that the fin is in when traded. Forms include dried, wet, frozen, and brined, and combinations of these forms with or without cartilage (See Shea & To 2017 for a detailed description of the various commodity/HS codes). However, the Hong Kong SAR statistics are not recorded to species level and therefore it is only possible to conduct analysis on the total volume of the Hong Kong SAR fin market for all species

(The Census and Statistics Department of the Government of Hong Kong SAR).

To estimate the volume of whole OWT represented by the volume of their fins recorded in the import data for Hong Kong SAR 2012-2018, the methodology used by Shea & To (2017) was adapted. Hong Kong SAR shark fin import data were downloaded (last accessed 8 May 2020) and cumulative imports, (i.e., one category of shark fin encompassing all species), were split into a pre-listing period (2012-2014) and a post-listing period (2015-2018). Hong Kong SAR import trade data are available for 2019, however they were excluded from analysis as the corresponding Hong Kong SAR fin trimming market study data are not available at present, due to pandemic related delays in processing collected samples.

All traded products had assigned specific trade/commodity codes (HS codes) that were used to calculate the round weight of OWT catch equivalent to the fin trade documented with form specific conversion factors applied. For the dried fins, a dry fin to wet fin ratio of 0.25 was applied (Hindmarsh, 2007), followed by a wet fin to round weight conversion of 5% (Hindmarsh, 2007; Biery and Pauly, 2012). For the wet/frozen/in-brine fins, a wet fin to round weight conversion of 5% was used (Hindmarsh, 2007). Both conversion factors are based on established and accepted values (Clarke et al. 2006ab, Shea & To 2017) although it must be stressed that these are average conversion factors used to *estimate* whole weights. The fraction of OWT in the total fin trade was taken as a conservative 0.3% for all years, based on the Fields et. al (2018), and Cardeñosa et al. (2022) studies. The volume of the Hong Kong SAR fin trade was assumed to be 50% of the global fin trade (Fields et. al 2018 range is 30-50%; Clarke et al. 2006a, range is 44-59%). And based off the reported Hong Kong SAR shark fin imports, a global OWT catch was inferred (Table 5).

Table 5 Total volume of Hong Kong SAR shark fin trade derived from Hong Kong SAR Import database, for pre-CITES listing period of 2012-2014, and a period after the Appendix II listing had entered into force of 2015-2018. All volumes are listed as metric tons (MT).

	2012 - 2014 (3 years, Pre-listing)	2015 - 2017 (3 years, Post-listing)
Total volume of equivalent wet fins, all species	44,796.96	43,428.45
Est. volume wet fins of OWT	134.39	130.29
Round weight OWT derived from wet fin weight	2,687.82	2,605.71
Inferred OWT global catch	5,375.64	5,211.41

These results estimated that the volumes of OWT present in the Hong Kong SAR fin trade exhibited a slight decline (↓ 4.11 MT), but overall trade appears similar (~2600 MT) for both pre-implementation and post-implementation periods (Table 5). This provides further evidence to suggest that trade in OWT is continuing at historic levels.

#### Section D – CITES trade database records

International trade conducted in line with the provisions of CITES is recorded in the CITES trade database (<https://trade.cites.org>). Legal exports of fins to Hong Kong SAR, as reported to CITES, should match Hong Kong SAR shark fin import statistics and also be reflected in the quantity of fins being processed there. The version used for this study (downloaded on 10 January 2023) contains data on the international trade in CITES-listed sharks and rays from 2000-2021 (as reported by CITES Parties). Since Parties report their annual trade to the CITES trade database in October each year for the preceding year, the deadline for 2022 data is October 2023. However, reports can be up to three years late before non-compliance penalties are pursued (Nakamura and Kuemlangan, 2020).

Results were filtered by species to extract those for *Carcharhinus longimanus* (OWT). Two trade records that only specified “Family Carcharhinidae” were omitted. These were for personal use and consisted of teeth (n=1) and skin (n=1), products not reported for OWT in the remainder of the database.

A total of 117 OWT trade transactions have been reported, 86 after excluding specimens reported as pre-Convention (O, n=25), and confiscated/seized (I, n=6) specimens. There were zero OWT transactions reported for 2022, but this is likely due to delays in Parties' annual reporting rather than all trade ceasing.

Of these 86 trade transactions, 29 were reportedly for commercial trade (purpose code “T”), with the remaining 57, using purpose codes identifying them as educational (E, n=19), traveling exhibit (Q, n=25), and scientific (S, n=13). Trade transactions with purpose codes “E” and “Q”, are primarily associated with international CITES implementation and training, for use in shark fin identification workshops (D. Abercrombie, and R. Jabado *pers. comm.*).

All but one commercial trade transactions for OWT were comprised exclusively of fins, with one transaction between Benin and Ghana reported as 18 whole specimens. Based on the CITES trade database and if Hong Kong SAR, Taiwan PoC, and People’s Republic of China are considered one Party, then 14 CITES Parties have issued export permits for OWT (Table 6).

The majority of records (n=24; 83%) had a specified weight (kg) as the traded unit, while four records simply stated a numeric value (3, 9, 100.14, and 500) with no accompanying unit. The assumption was made that where no unit is recorded, the quantity represents the total number of specimens (CITES 2013b). Regardless, trade transactions with no specified unit of volume were excluded from further analysis to ensure accuracy. The defined volumes of individual trade transactions ranged from 11.3 to 11835.85 kg, with the largest reported transaction from Yemen to Hong Kong SAR (2021). No Parties identified have a publicly available NDF for OWT. In total, a net export volume of 31.95 metric tons was recorded in commercial trade. It has been observed from compiled RFMO records that the CITES Trade Database does not actually reflect the real

catches of CITES-listed sharks (Okes and Sant, 2022). For example, prior to the CITES Appendix II listing of oceanic whitetip shark (which entered into force in September 2014), IOTC CPC's logged only 1 687 OWT landed between 2008 and 2013 (Pavitt et al., 2021).

Table 6. Official trade in OWT labeled as Commercial (purpose code "T") in the CITES Trade database.

Year	Importer	Exporter	Origin	Importer reported quantity	Exporter reported quantity	Term	Unit	Source
2013	Hong Kong SAR	Seychelles			100.14	fins		W
2014	Ethiopia	United Arab Emirates	Yemen		3	fins		W
2014	Singapore	Sri Lanka		451	451	fins	kg	W
2015	Hong Kong SAR	Singapore	Sri Lanka	745.6	1153	fins	kg	W
2015	Singapore	Sri Lanka		872	872	fins	kg	W
2015	XX	Ecuador			9	fins		W
2016	Hong Kong SAR	India			1431	fins	kg	W
2017	Hong Kong SAR	India			660	fins	kg	W
2017	Hong Kong SAR	Seychelles		11.3	11.3	fins	kg	W
2018	PR China	Oman			200	fins	kg	W
2018	Hong Kong SAR	Yemen			970	fins	kg	W
2019	PR China	Oman			483	fins	kg	W
2019	Hong Kong SAR	Oman		1737.6	1400	fins	kg	W
2019	Hong Kong SAR	Oman			500	fins		W
2019	Hong Kong SAR	Senegal		150		fins	kg	W
2020	Hong Kong SAR	Sri Lanka		1138.1	1500	fins	kg	W
2020	Hong Kong SAR	Oman		600	370	fins	kg	W
2020	Hong Kong SAR	Seychelles			72	fins	kg	W
2020	Hong Kong SAR	Yemen			1500	fins	kg	W
2020	Taiwan PoC	Seychelles			875	fins	kg	W
2021	PR China	Kenya			315	fins	kg	W
2021	Ghana	Benin			18	specimens		W
2021	Hong Kong SAR	Colombia		931		fins	kg	W
2021	Hong Kong SAR	Indonesia		32.6		fins	kg	W
2021	Hong Kong SAR	Kenya	XX	35.94		fins	kg	W
2021	Hong Kong SAR	Oman		4601.1	5220	fins	kg	W
2021	Hong Kong SAR	Singapore	Sri Lanka		149.3	fins	kg	W
2021	Hong Kong SAR	Senegal		270		fins	kg	W
2021	Hong Kong SAR	Yemen		2899.3	11835.85	fins	kg	W

#### *Estimating number of sharks logged in the CITES databases*

Since 2014-2021, the CITES trade database recorded a net export (excluding re-exports) of 31.95 metric tons of OWT fins. To ensure calculations were conservative, to best reflect the expected underreporting of OWT trade to CITES, all fins were assumed to be dried fins, the lightest form in which fins are commonly traded. In order to convert the volume of OWT products in trade to a unit that could be compared to the volumes captured in tRFMOs, established conversion ratios were applied to reverse-calculate an approximate weight of whole landed OWT required to produce the weights of dried fins documented in trade. A dry fin to wet fin ratio of 0.25 was applied (i.e., 1 kg of dried fin, has a wet weight of 4 kgs), and then a wet fin to round weight conversion of 5% was used, with fins representing 5% of the total mass of the whole animal. Based on these calculations it was conservatively estimated that a catch volume of approximately 2,486.2 metric tons of



whole OWT would be needed to supply the corresponding volume of fins logged in trade in the CITES database between 2014-2017 as included in the comparative analysis. The comparison of the quantity of OWT estimated to be in trade based on the Hong Kong SAR published market surveys versus the volume officially recorded in the CITES trade database infers chronic underreporting of exports (Table 5). A potential explanation is that CITES Parties may be capturing and retaining stockpiles of OWT fins while NDFs are undertaken, but this is unlikely at that scale and for Introduction From the Sea a NDF would have had to be issued prior to introduction. This provides significant evidence of substantial volumes of unreported international trade in OWT, that is likely continuing illegally (Okes and Sant, 2022).

## Section E – Catch data in tRFMOs and FAO reporting

The evidence presented here, corroborated by independent datasets discussed in sections C and D, obtained from intercepts along the wildlife trade chain suggests that international trade in OWT fins is ongoing at near historical levels, despite the CITES Appendix II listing. To determine where the shortcomings in the current implementation of the listing lie, it is important to understand the components of the OWT trade especially supply-source dynamics. Mortality resulting from pelagic fisheries, both as targeted and incidental catch, is the primary threat to OWT populations (IUCN Red List, 2019).

Globally, OWT have been afforded a suite of management and conservation regulations that could influence the volume and supply-source location of international trade, see Section B for details. Given the species' pelagic life-history and spatial overlap with commercial fisheries targeting tuna/billfish (Quiroz et al., 2019), a significant regulatory change were the OWT retention prohibitions adopted by all of the major tuna-Regional Fisheries Management Organisations i.e., ICCAT, IATTC, IOTC, and WCPFC (Sherman et al., 2022). When reviewing such fisheries data with respect to the tRFMO retention prohibitions, it is important to note that their implementation frequently includes exemptions (Section B).

The tRFMO OWT prohibitions came into effect shortly before the CITES Appendix II listing entered into force, making it difficult to tease apart the influence these two groups of measures had on the volume and logistics of catch and trade. By examining the OWT catch volumes reported by the major fishing fleets and fisheries, and comparing those with volumes in trade, it provides an opportunity to identify where reported volumes differ and the potential cause of these discrepancies.

Global oceanic whitetip capture production was assessed using the available fisheries landings datasets from four major tRFMOs (ICCAT, IOTC, IATTC, and WCPFC), compared to the Food and Agriculture Organization of the United Nations (FAO) capture production database (FishStatJ, 2022). Annual reporting of catch for these various organizations occurs at different times, and at the time of writing the most recent reported data available was up to and including 2018, for the tRFMOs, and 2017 for FAO. Since landings data from each tRFMO is reported in a different structure, it was harmonized into a single format for ease of comparison using the R statistical program (R Development team, 2020).

### **Regional Fisheries Management Organization and FAO scale Reporting**

The cumulative reported catch for OWT was calculated for each tRFMO individually, the sum of the four tRFMOs, and landings data reported to the FAO for the period 2000-2018, and 2000-2017 respectively (Figure 3). During this period, cumulative OWT landings for the four tRFMOs peaked between 2008-2010, with an estimated total landed volume of 4000 MT. The subsequent observed declines in OWT reported catch were expected and likely reflect the implementation of the tRFMO retention prohibitions in various stages/capacities at this time.





The cumulative OWT catch reported to the FAO by all countries was consistently lower than the cumulative catch reported to the four tRFMOs (Figure 3). This discrepancy suggests that there is limited reporting of OWT to the FAO by countries, when compared with landings reported to the individual tRFMOs during the same period. There should be more countries reporting to the FAO (194 members) than to the tRFMOs, and the regions covered by the FAO include landings in EEZs and types of fisheries that are often outside the tRFMO's areas of competence, however it is possible some catches of OWT are included in more general aggregated shark catch categories. Furthermore, some countries have different departments responsible for submitting data to RFMO vs FAO, which may account for these differences. This idea is supported when examining the total shark catch volumes reported to the FAO and the sum of the four tRFMOs (Figure 4 below). In this case the catch reported to the FAO by all countries is higher than the total catch reported to the four tRFMOs, as would be expected, as the FAO data goes beyond tuna fisheries. This suggests that either species-level reporting for the OWT shark to the FAO requires assistance to improve/increase capacity and accurate reporting, or that landed OWT are being intentionally mis-labeled to circumvent regulations for the species as is the case with other marine species (Kroetz et al., 2020). This could be indicative of a wider issue with shark/ray landings data reported to the FAO (Garibaldi, 2012), as total shark catch reported by the FAO exhibits a downward trend while the opposite trend is observed from the tRFMO data for the same period. Alternatively, coastal stocks and catches that are also recorded in FAO data could be declining while pelagic effort and catches rise. Considering the higher resolution of the available OWT data, all analyses conducted at the country scale were performed using the OWT landing data reported to the tRFMOs.

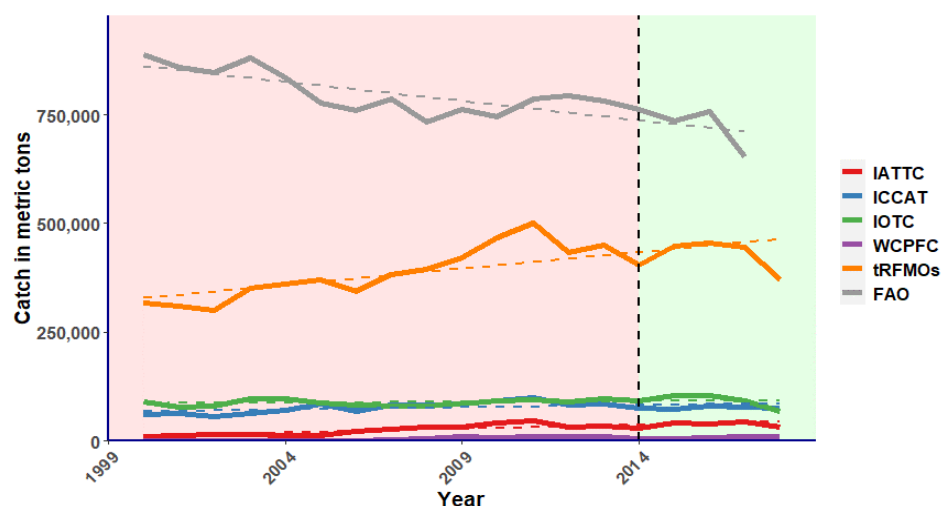


Figure 4. The annual total cumulative shark catch (all species) reported for i) four major tRFMOs individually: IATTC, ICCAT, IOTC,

## Country/Party scale

While there is value in determining which ocean basins and tRFMO fleets contribute the most OWT catch based on reported landings, it does not help with the identification of Parties who appear to be non-compliant, to either tRFMO measures, CITES regulations, or both. Since the CITES and tRFMOs decisions were taken, there is an observed decline in the reported official landings for the four major tRFMOs and FAO, suggesting good compliance. However, the Hong Kong SAR retail market fin trimming surveys demonstrate that the proportion of OWT in trade is comparable to historical levels, which suggests the proportion and volume of OWT being captured similarly remains largely unchanged.

Considering the lack of publicly available NDFs and sparse CITES Trade database records, but strong evidence of trade at historic levels, a logical first step would be to identify the Parties involved in this continued international trade, and those that continue to catch OWT, both historically and at present. Countries with historically high OWT catch were assessed, as it is possible that some tRFMO members may simply be reporting zeros for any OWT landings, to avoid compliance questions.

OWT landing data reported to four tRFMOs (IOTC, ICCAT, WCPFC, and IATTC) was analysed to determine which Party/Countries' fleets comprised the top 10 countries landing OWT before and after the species was listed on CITES Appendix II. Since OWT CITES implementation came into effect in September 2014, after an 18-month delayed implementation, with available catch data from the four tRFMOs updated up to 2018, the two time periods were defined as: pre- CITES Appendix II period of four years (2011-2014), and post-Appendix II listing entry into force period of four years (2015-2018). The catch production volumes of the fishery before and after implementation were measured by aggregating the total catch for OWT sharks for the period before and after the CITES Appendix II listing came into force (Figure 5). Given that Japan has a reservation for the OWT CITES Appendix II listing, they were excluded from further analysis.

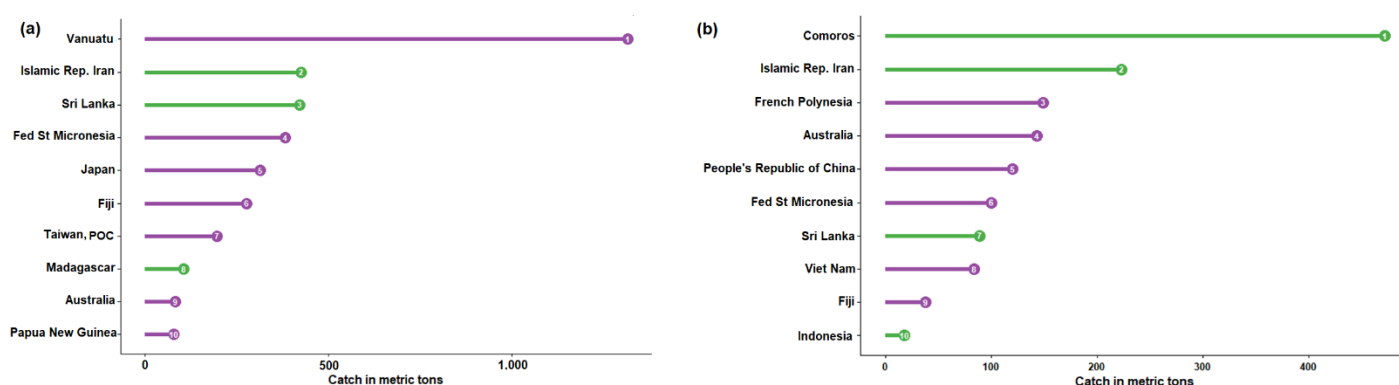


Figure 5: The top 10 countries sorted by OWT reported catch volume (MT) from tRFMOs, ranked in descending order for the periods (a) before CITES listing came into force 2011-2014, and (b) after the CITES listing came into force 2015-2018. Data are colour-coded by tRFMO: IOTC (green) and WCPFC (purple).

During the pre-CITES Appendix II listing period of four years (2011-2014), the top ten countries aggregate 3,600 MT of OWT catch out of a total of 3,867 MT of OWT catch reported to the four tuna RFMOs. The catch from the ICCAT area was 19 MT and the catch from the IATTC area was zero. Prior to the effective date of the CITES listing the top 10 OWT catching fleets were responsible for 93.1% of the global OWT landings.

During the period after the CITES Appendix II listing came into force, the top ten countries aggregate 1,437 MT of OWT catch out of a total of 1,524 MT of OWT catch reported by the four tuna RFMOs. The catch from ICCAT was 16 MT and the catch from IATTC was zero. These top 10 OWT catching fleets were responsible for 94.3% of the global OWT landings. It is questionable that CPCs identified as a top 10 fisher of OWT, would reduce their catch volumes so abruptly given what we know about the timescales for broad scale regulatory changes to take effect. From these findings, we hypothesize there is a significant chance that undocumented OWT sharks are being traded from the top 10 countries reporting catches to the FAO and respective tRFMOs for the period from 2000-2014 and in the 2015-2020, as well as those indicated in confiscations.

Throughout both periods the top ten fishing fleets for landing OWT belonged to member countries/territories of either the IOTC or WCPFC. This may be driven by the fact that Atlantic pelagic sharks were depleted first, before fisheries expanded elsewhere, with the WCPFC, being the most recently exploited oceans (Pacoureau et al. 2021). It appears that a select few fleets are potentially in violation of their respective tRFMOs regulations (likely given where the species is caught). These same fleets may be responsible in supplying the majority of the undocumented trade, without an accompanying CITES permit, and subsequently illegal international trade (section B).

Despite each vessel flying the flag of the country where they are registered, the process of identifying which Party has ultimate responsibility for the catch is complicated by the presence of foreign flagged fleets. Some countries have an open registry, which means they allow foreign vessels to register and fly their flags, with the sole condition that the vessel owner pays the fee and meets the registration requirements. Upon meeting those requirements, the flagged state often takes no responsibility for the conduct of the vessel or provides no oversight to ensure fisheries regulations are complied with. The International Transport Federation has identified 35 'Flag of Convenience states'. Of the 35 Flags of Convenience's identified, three appear in the list of top 10 nations catching and reporting OWT either before or after its inclusion on CITES Appendix II, and all are CITES Parties (Vanuatu, Sri Lanka, and Comoros). To accurately reflect which Parties are ultimately responsible for the fleets identified above, a check against known tRFMO reflagging arrangements was conducted (Table 7). Some of the top 10 catching countries listed are not CITES Parties, however upon examination of the relevant tRFMO chartering arrangements which report that these are in fact vessels belonging to the CITES Parties listed in the table below, and considering CITES Parties' IFS obligations, these have been included (WCPFC-TCC5-2009/10). The issue of reflagging and IFS is a complex one, but it is worth considering in this analysis that some of these data come from reflagged fleets, hence it is included to ensure an accurate reflection of the current Parties landing OWT.

*Table 7. The top ten catchers of OWT prior to (2011-2014) and after (2015-2018) the CITES App. II listing came into force. Shading indicates the tRFMO to which the fleet belongs: IOTC (light blue) or WCPFC (dark blue).*

Rank	2011-2014	Reflagged fleet	2015-2018	Reflagged fleet
1	Vanuatu	PR China/Fiji	Comoros	
2	Islamic Republic of Iran		Islamic Republic of Iran	
3	Sri Lanka		French Polynesia	
4	Federated States of Micronesia	PR China/Japan	Australia	
5	Japan		People's Republic of China	
6	Fiji	PR China/Vanuatu/Rep of Korea	Federated States of Micronesia	PR China/Japan
7	Taiwan, Province of China		Sri Lanka	
8	Madagascar		Viet Nam	
9	Australia		Fiji	PR China/Vanuatu/Rep of Korea
10	Papua New Guinea	Taiwan, Province of China	Indonesia	

OWT have an affinity for pelagic environments, areas of ocean that for all but some oceanic island nations, lie outside national jurisdiction. These ABNJ are frequently subjected to commercial longline fisheries, which leads to a high rate of OWT capture (Quieroz et al. 2019). The CITES definition of international trade includes "Introduction from the sea" (IFS), which is defined as: "transportation into a State of specimens of any species

which were taken in the marine environment not under the jurisdiction of any State” and was operationalized in Resolution 14.6 (Rev. CoP16). Any OWT prior to being introduced from the sea shall, since 14 September 2014, require a certificate from the CITES Management Authority of the State of introduction (available at: <https://www.cites.org/eng/prog/ifs.php>), after the Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species in the wild. This means that most specimens of OWT taken in a RFMO fishery should also be reported in the CITES trade database as IFS.

## Section F – Analysis

Since the CITES Appendix II listing came into effect in September 2014 and up until 2019, limited official trade in OWT has been reported within the CITES trade database (4.78 MT, all but one transaction declared as fins). This could mean that Parties are fully compliant with the requirements of the CITES Appendix II listing, and tRFMO prohibitions, since a large proportion of OWT are believed to be caught in tRFMO fisheries and in ABNJ. Certainly, official tRFMO and FAO statistics show sharply decreasing landings since 2011. However, the continued worldwide decline in OWT populations, coupled with reviews of the species composition and volume of trade in OWT in the Hong Kong SAR fin market, and confiscated shipments of OWT fins, strongly suggest significant non-compliance, warranting a more detailed review of trade and landings data. Analysis was restricted to the pre- and post listing time periods of equal duration where all data were present.

In order to make meaningful comparisons between different data formats, average conversion factors were used to estimate whole weights of oceanic whitetips from products in trade. Data from the CITES trade database, the Hong Kong SAR trade statistics database, and Hong Kong SAR OWT fin confiscations, were compared with capture production weights reported to the tRFMOs and FAO during the same time period. Conversion of CITES trade database fin weights to global capture production can be challenging as the CITES trade database does not report the fin product form. Therefore, all fin weights reported here were assumed to be dried to ensure the most conservative whole weights were inferred. Such comparisons can indicate general trends and discrepancies in trade, which allow the assessment of compliance of the OWT CITES Appendix II listing (Figure 3).

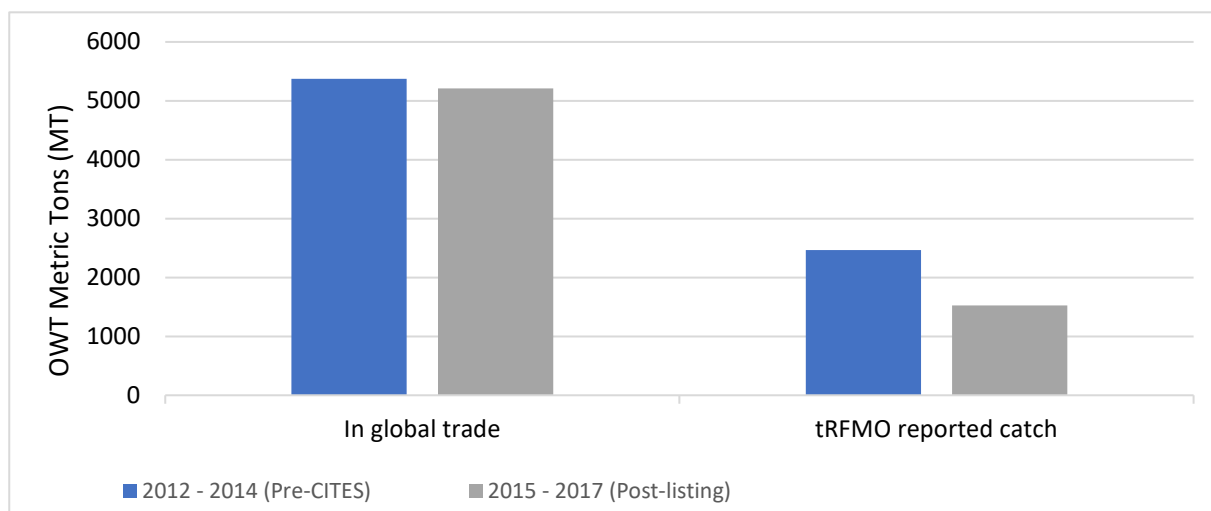


Figure 6. Comparisons of recorded volumes of OWT captured by tRFMOs, and traded internationally based on Hong Kong SAR markets, expressed as whole weight, for two periods 2012-2014 before the CITES listing (blue), and 2015-2017 after the CITES Appendix II listing.

The strength of this analysis is that using the proportion of OWT relative to the rest of the fin trade derived from the Hong Kong SAR fin trimming study, makes it possible to tease out the OWT specific volume, which was not possible before (Fields et al. 2018; Cardeñosa et al. 2018, Cardeñosa et al. 2020; Cardeñosa et al. 2022). The whole OWT catch weight corresponding to the volume of trade recorded in the CITES database was 382.48 metric tons (MT), whereas the cumulative reported catch by tRFMOs was 1,524 MT, during the same period. Considering the retention bans implemented by the tRFMOs, such a large volume of catch suggests poor compliance with these measures.

Results calculated for the post-implementation period of 2015-2017, estimated the total catch volume of OWT needed to supply what is represented in the global trade at 5211.41 MT, comparable to historic levels (5375.64 MT) Fig. 3. When compared against the cumulative catch volume reported by all tRFMOs for the same period, it indicated a deficit in the reported of 3,687 MT, as the tRFMO reported OWT catch was 1,524 MT. The same analysis was compared against the OWT capture volumes reported to the FAO for the same period and calculated an even greater deficit of 4,674 MT, as only 537 MT were reported. Similarly, the whole weight for OWT trade recorded in the CITES trade database (382.48 MT), and confiscated OWT fins seized by Hong Kong SAR AFCD officials (123.74 MT) were calculated (Figure 4). When reviewing these datasets together, there appears to be 1141.52 MT of OWT trade that is unaccounted for in the CITES trade database, when comparing with the volumes reported by tRFMOs. This undocumented trade in OWT was calculated to represent approximately 36,216 OWT individuals (Figure 4, Annex 5).

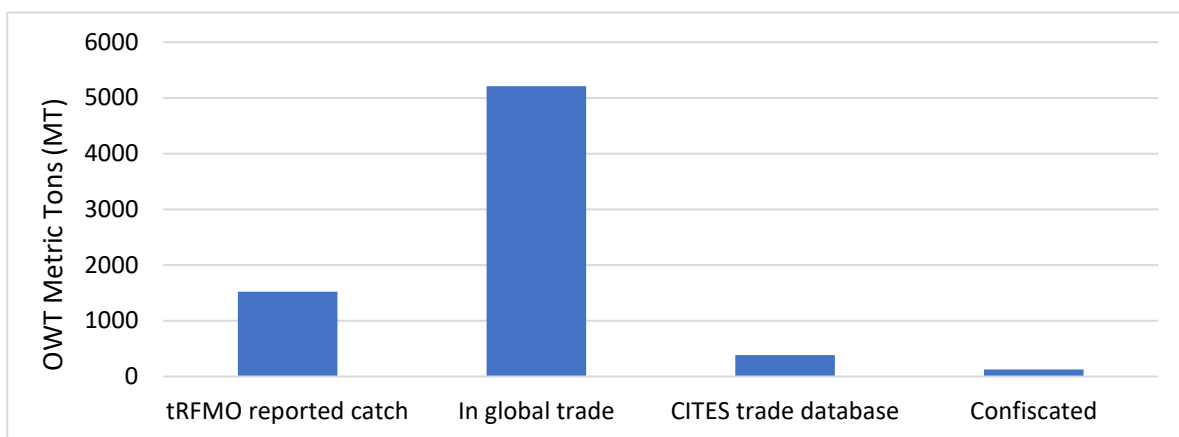


Figure 7: Comparisons of recorded volumes of OWT captured by tRFMOs, traded in Hong Kong, SAR, confiscated fins by AFCD Hong Kong SAR, and recorded in the CITES trade database expressed as whole weight for the post implementation period of 2015-2017. All volumes are expressed in metric tons (MT).

The results of the Hong Kong SAR market analysis presented here suggest that globally the catch and volume of OWT in trade continues to be comparable to the levels observed in the 3 years prior to the CITES Appendix II listing, despite the tRFMO measures (Figure 3). However, the equivalent whole weight of OWT reported in

the CITES trade database is substantially less than the global reported OWT capture production from the FAO, as well as that reported by the tRFMOs.

Illegal trade in OWT has been well documented from seizures since 2014 (Table 4.). From 2014-2018 Agriculture Fisheries Conservation Department (AFCD) and Customs and Excise Department authorities of Hong Kong SAR have made 24 confiscations of illegally traded OWT fins estimated to represent an equivalent of 262.01 MT of whole OWT (Clarke et al. 2006ab; Shea & To, 2017).

Additionally, comparison of Hong Kong SAR's import data with the exporting countries/territories CITES trade records, tRFMO landings, and FAO landings declarations indicates that some countries/territories are consistently underreporting shark fin exports (Shea & To, 2017), and further there is substantial underreporting of OWT fins traded to the CITES trade database. We hypothesize that the majority of this unaccounted OWT trade is illegal, and highly unsustainable. This makes OWT an urgent priority species to investigate further in terms compliance of both CITES and tRFMO regulations. Especially given that the WCPFC regional OWT stock assessment (Tremblay-Boyer et al. 2019), concluded that the region's population will become extinct in the future at current fishing levels. A complete absence of reporting of fins that originate from the high seas also supports that underreporting is rife, OWT are captured in longline and purse seine fisheries that function consistently on the high seas beyond specific countries jurisdiction (Young and Carlson, 2020; CITES 2013a). It would be expected that at least some OWT fins in trade would be from ABNJ, yet none are reported in the CITES trade database, or registered as being the result of Introduction From the Sea.

## Section G – Conclusions

The OWT is afforded a suite of multilateral protections, in recognition of its steep and rapid population declines, the species' Critically Endangered status, and historic high levels of trade. This document used the information available from FAO, and tRFMO fisheries and trade statistics, CITES export permit data, survey data of the Hong Kong SAR fin market, AFCD Hong Kong SAR customs trade and confiscation data to evaluate the current state of international OWT trade. Official government landings data and trade statistics from fisheries and CITES show reduced catches and low volumes of registered trade since the OWT tRFMO retention prohibitions and CITES Appendix II decisions were taken, indicating good compliance. However, the results of peer-reviewed research on the Hong Kong SAR fin market, used to determine the proportion of OWT in trade, showed the continued contemporary presence of OWT. The known proportion of OWT in the Hong Kong SAR fin trade was used in conjunction with total shark fin import data from Hong Kong SAR Customs to estimate the volume of OWT in trade, and concluded that international trade in OWT is continuing at historical levels. As was the case before the CITES Appendix II listing, the trade is comprised of high value fin exports.



While it is hypothetically possible that such OWT trade is sourced only from fisheries to which the tRFMO measure exemptions apply, non-CITES Parties or Parties with Reservations, authorized trade with a LAF and positive NDF, or a combination of these, it seems unlikely that trade volumes of such magnitude would be supplied this way. The numerous national level regulations implementing international and regional controls and/or further restricting OWT fisheries add to that picture. The breadth of regulations for OWT, if implemented in national legislation, will limit the number of CITES Parties able to make a LAF. The global status and inherent biological vulnerability of the species cast doubt on the ability to make positive NDFs. Therefore, unless officially documented via the CITES Trade database, it suggests these large volumes of trade are unreported and illegal. This would reflect poor compliance with both CITES and RFMO measures as the inferred global catch of the species remains comparable (↓ 164.22 mt).

Based on discrepancies in the volumes of OWT being landed in tRFMOs, volumes reported to the FAO, and those which are documented in the CITES trade database; it is clear that large volumes of OWT, ranked the 7th most abundant species in trade out of the 76 species identified in Hong Kong fin market, are being traded internationally without the proper CITES documentation, and therefore are non-compliant with CITES. This suggests that only 26% of the total tRFMO reported catch, has CITES documentation, most of which will fall under CITES “Introduction From the Sea” yet no accompanying IFS certifications are observed. Even the trade documented with CITES permits is of questionable sustainability, given the global conservation status and scale of intergovernmental legislation severely limiting the conditions under which the legal acquisition of OWT could be met. Furthermore, these undocumented OWT in trade may be illegally landed as the product of IUU fishing given the comprehensive protections afforded to the species under tRFMOs. Evidence of OWT being subject to IUU fishing has been documented by foreign flagged vessels in the Galapagos Marine Reserve in Ecuador (Bonaccorso et al. 2021), coupled with studies showing significant underreporting of OWT interactions and resultant discards from Atlantic fleets (Mucientes et al. 2022). Despite the range of exemptions to the tRFMO restrictions, legal catch is still expected to be low especially given that the majority of OWT catch occurs in the high seas.

There appear to be compliance issues that cut across the trade and fisheries bodies. CITES, tRFMOs, and FAO official statistics appear to have a common issue of intentional non-reporting, suggesting compliance with protective measures for a Critically Endangered species is poor. Of the commercially traded shark species listed on CITES Appendix II, OWT are visually distinct. This facilitates easy identification of whole animals and enables the collection of species-level landings and trade data. Improved data collection to species level may help reduce some of the large deficits between reported catch and trade of OWT.

*Table 8. Parties and territories identified as stakeholders in the ongoing catch and trade of OWT, gleaned from confiscations records (Section C), the CITES trade database (Section D), the top 10 historical or contemporary catchers of OWT (Section E), and the top 20 shark fishing countries by reported volume for all species (TRAFFIC, 2019). Parties included on the list only because they are a top 20 shark catcher but for no other reason are indicated with an Asterix (\*).*

Argentina*	Mexico
Australia	Morocco
Benin	New Zealand*
Brazil*	Nigeria*
People's Republic of China	Oman
Colombia	Pakistan
Comoros	Papua New Guinea
Ecuador	Peru*
Egypt	Portugal*
Ethiopia	Republic of Korea
Fiji	Senegal
French Polynesia (France)	Seychelles
Ghana	Singapore
Guyana	Somalia
Hong Kong, SAR	Spain*
India	Sri Lanka
Indonesia	Taiwan, POC
Islamic Republic of Iran	United Arab Emirates
Japan	United States of America*
Kenya	Vanuatu
Madagascar	Viet Nam
Malaysia	Yemen



We see that there is a patchwork of information on regulations and measures that are publicly discoverable, such information gaps are expected given not all NDFs and regulations are publicly available. But given the continued presence of OWT in trade, greater clarity is needed. An improved understanding of what measures are in place will allow enforcement efforts to differentiate between legal and illegal trade. India has the only publicly available positive NDF, although it appears to be superseded by additional Indian law that prohibits the trade in fins. It makes sense that seemingly few NDFs exist given prohibition measures and the species' Critically Endangered status would make it difficult to demonstrate wild harvest is non-detrimental. However, since no quality standard of NDFs has been established, it is up to the discretion of Scientific Authorities as to how they conduct a NDF, therefore a Review of Significant Trade is needed to assess standards of NDFs for OWT.

The analysis in AC31 Doc. 13.4 Annex 2 designed to assist the Animals Committee with selecting species for inclusion in the Review of Significant Trade (RST) after CoP18, identified OWT as a species of concern, based on current levels of trade, all sourced from the wild. Based on current data, the OWT satisfies criterion i) Endangered Species, and criterion iii) Sharp Increase (Country), of the five RST criteria. Species categorized as Critically Endangered or Endangered according to the IUCN Red List of Threatened Species (any species-country combinations with trade meet the criteria). Taxon/country combinations met this criterion if the volume of direct exports in 2018 for a taxon were more than three times the average trade volume of the preceding five years as exported by a particular country. For the OWT the sharp increase in exports" criterion was triggered by continued exports of endangered OWT from India, Sri Lanka, and Oman. However, based on this document we identify several additional Parties that should be considered for the RST process, based on data from the global trade hub, FAO, and tRFMO landings where the majority of the species is caught. There is the need to expand coverage to outside those Parties listed in the CITES trade database, because they may be the only ones identified by adhering to the reporting requirement of the convention. At a minimum this study highlights Parties which have had OWT fin confiscated on entry into Hong Kong by AFCD and we suggest their inclusion (Table 5). Furthermore, Parties highlighted in Section E are of similar concern and warrant inclusion in RST given historical and ongoing tRFMO landings.

Therefore, we suggest it would be important to

- 1) ensure that recorded continued international trade OWT is being conducted sustainably and in accordance with Article IV of the Convention, and to identify remedial action where it is needed with the ultimate intent of improving the implementation of the Convention; and
- 2) continue to investigate the apparent mismatch between the trade in products of OWT recorded in the CITES Trade Database and what would be expected from RFMO and FAO catches

We note that there is already a decision by CoP19 to investigate the apparent gap in CITES data on international shark trade (Decision 19. 223) and we suggest that in line with 2) that this study should pay particular attention to Parties with historic and current catch of OWT and review their actions to implement and enforce CITES for OWT, effective September 2014, and RFMO no-retention measures. It also seems appropriate to investigate the steps Parties, which previously participated in the international trade of oceanic whitetip sharks, took to ensure effective implementation of the CITES Appendix II listing and strong compliance and enforcement. The results in this document indicate that much more needs to be done to strengthen both implementation and compliance.

In conclusion, we suggest that OWT is prioritized in upcoming discussions around RST, and the additional data provided here be considered as part of that process. With a near total lack of IFS information for the species, using this additional information from tRFMO's on high seas catching nations will be essential, to gain an accurate picture of countries continuing to catch, Introduce From the Sea, and trade in the species.



The report was compiled based on the best trade and landings data available at the time of writing, which covers up to and including the 10<sup>th</sup> January 2023, it is possible that new data have since been made available.

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**Annex 1**

Parties	Top 20 shark catcher	Top 10 OWT catcher before listing	Top 10 OWT catcher after listing	Reported trade in CITES trade database	Indicated in Hong Kong SAR confiscations
Argentina	X				
Australia		X	X		
Benin				X	
Brazil	X				
Colombia				X	X
Comoros			X		
Ecuador	X			X	X
Egypt					X
Ethiopia				X	
Federated States of Micronesia		X	X		
Fiji		X	X		
France	X				
French Polynesia			X		
Ghana				X	
Guyana					X
Hong Kong SAR				X	
India	X			X	X
Indonesia	X		X	X	X
Islamic Republic of Iran	X	X	X		
Japan	X	X			
Kenya				X	X
Korea (Rep of)	X				
Madagascar		X			X
Malaysia	X				
Mexico	X				X
Morocco					X
New Zealand	X				

Nigeria	X				
Oman				X	
Pakistan	X				X
Papua New Guinea		X			
People's Republic of China			X	X	
Peru	X				
Portugal	X				
Senegal				X	X
Seychelles				X	X
Singapore				X	
Somalia					X
Spain	X				
Sri Lanka		X	X	X	X
Taiwan, Province of China	X	X		X	
United Arab Emirates				X	X
USA					
Vanuatu		X			
Viet Nam			X		
Yemen	X			X	

## Annex 2 – CITES and CMS

As Parties to CITES, we have agreed to “take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof” (Article VIII, paragraph 1). In Resolution Conf. 12.8 (Rev. CoP18) on “Review of Significant Trade” the Conference of the Parties further recalls that “the proper implementation of Article IV is essential for the conservation and sustainable use of Appendix-II species” and sets up a “process [...] to ensure that trade in Appendix II species is being conducted sustainably and in accordance with Article IV of the Convention, and to identify remedial action where it is needed with the ultimate intent of improving the implementation of the Convention,” the Review of Significant Trade.

Through Resolution Conf. 12.6 (Rev.CoP18) on “Conservation and Management of sharks” the Conference further encourages improved coordination in the implementation of measures between CITES, RFMOs, Regional Fisheries Bodies (RFBs) and CMS (compare paragraph 6) and “in close cooperation with FAO, RFBs and RFMOs, to undertake or facilitate continued research to improve understanding of the nature of illegal, unreported and unregulated (IUU) fishing concerning sharks” (paragraph 10).

Convention for the Conservation of Migratory Species (CMS<sup>6</sup>): At the 13th meeting of the Conference of the Parties (CoP13) to CMS, the global OWT population was included in CMS Appendix I. Given its recent entry into force, effective 22<sup>nd</sup> May 2020, for much of the data collected, the Appendix I listing would not have applied but will moving forward making monitoring any ongoing trade a priority. Species qualify for CMS Appendix I if they are migratory, and if their populations are documented to be at risk of extinction across a significant portion of their distribution. Parties that are a Range State must aim to strictly protect Appendix I species by prohibiting their harvest and conserving their habitats; it is the highest level of protection possible under CMS and full details can be found in the CMS convention text<sup>6</sup> and on the CMS website ([www.cms.int](http://www.cms.int)). Convention for the Conservation of Migratory Species (CMS) There are 131 Parties to CMS, and of those, 130 are also Parties to CITES therefore 130 out of 183 CITES Parties are obligated to comply with both Conventions for OWT.

<sup>6</sup>CMS - <https://www.cms.int/en/convention-text>

CMS Sharks MoU: In 2018, the Oceanic Whitetip Shark was added to Annex 1 of the Convention on Migratory Species (CMS) Memorandum of Understanding (MoU) for Migratory Sharks. The Sharks MoU is aimed at facilitating regional conservation of listed shark and ray species.

## Annex 3 – Tuna-focused RFMOs:

A comprehensive search of online resources including but not limited to, the CITES shark portal (<https://www.cites.org/eng/prog/shark>, last accessed 2 January, 2021), tRFMO websites (last accessed 2 January, 2021), International Plan of Action for Conservation and Management of Sharks (IPOA-sharks), and the Food and Agricultural Organisation (FAO, last accessed 2 January, 2021), revealed an extensive list of international and national level protective measures for the OWT. The degree to which international measures are implemented through national law was not assessed and could warrant further study. The complete list of specific measures, policies and regulations is listed below.

However, to elucidate the real-world implications of such measures and their impact on supplying trade, it is important to understand the nuance and context of when and where they are applicable. The implementation of tRFMO measures frequently includes exemptions regarding vessel size, scale of the fishery (artisanal vs. industrial), fishing location, coastal state reservations in own waters (see convention text below). Despite these exemptions, one would expect legal export of OWT from tRFMO member countries to be low to non-existent, particularly as these measures frequently overlap with other national regulations, and both non-detriment and legal acquisition findings should be difficult to make. For example, India took out a reservation against the IOTC retention ban for OWT, but has national legislation prohibiting the export of all shark fins from India. Another reason why legal catch from tRFMO members would be expected to be close to zero is

that OWT is predominantly caught in the High Seas, where several of the above exceptions are less relevant, or do not apply.

International Commission for the Conservation of Atlantic Tunas (ICCAT<sup>1</sup>); (2010) Recommendation 10-07 specifically prohibits the retention, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in any fishery (ICCAT Rec-10-07; entered into force 14<sup>th</sup> June 2011).

<sup>1</sup>ICCAT - <https://www.bmis-bycatch.org/sites/default/files/2016-12/2010-07-e.pdf>

Indian Ocean Tuna Commission (IOTC<sup>2</sup>); (2013) Resolution 13/06 on a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries, it is prohibited as an interim pilot measure to retain onboard, transship, land or store any part of whole carcass of oceanic whitetip sharks with exceptions for artisanal fisheries fishing in their EEZ for local consumption and for collection of biological samples (IOTC-2015-SC18[E]). Oceanic whitetips shall, when possible, be promptly released unharmed.

<sup>2</sup>IOTC - <https://www.iotc.org/cmm/resolution-1306-scientific-and-management-framework-conservation-sharks-species-caught>

Inter-American Tropical Tuna Commission (IATTC<sup>3</sup>); (2011) Resolution C-11-10 on the conservation of oceanic whitetip sharks caught in association with fisheries in the Antigua Convention Area prohibits retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in the fisheries covered by the Antigua Convention. It is required that all oceanic whitetip sharks are released unharmed if possible (Res. C-11-10; entered into force 1<sup>st</sup> January 2012)

<sup>3</sup>IATTC - <https://www.iattc.org/PDFFiles/Resolutions/IATTC/English/C-11-10ActiveConservation%20of%20Oceanic%20whitetip%20sharks.pdf>

Western and Central Pacific Fisheries Commission (WCPFC<sup>4</sup>); (2012) Conservation Management Measure (CMM) 2011-04 prohibits vessels flying their flag and vessels under charter arrangements to the CMM from retaining onboard, transshipping, storing on a fishing vessel, or landing any oceanic whitetip shark, in whole or in part, in the fisheries covered by the Convention. WCPFC also adopted a CMM 2014-05 (effective July 2015) that requires each national fleet to choose either banning wire leaders or banning the use of shark lines (CMM 2011-04; entered into force 1<sup>st</sup> January 2013).

<sup>4</sup>WCPFC - <https://www.wcpfc.int/doc/cmm-2011-04/conservation-and-management-measure-oceanic-whitetip-sharks>

Commission for the Conservation of Southern Bluefin Tuna (CCSBT<sup>5</sup>); Adopted the Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs. This resulted in the OWT being afforded the same prohibitions as in the other trFMOs.

<sup>5</sup>CCSBT - [https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_ERS\\_Alignment.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/Resolution_ERS_Alignment.pdf)

## **Annex 4 – National Implementation**

National legislation prohibiting catch or trade (*listed in alphabetical order by country name in English*)

**Australia:** September 2014, Negative NDF - no harvest permitted, any harvest of this species would be considered detrimental to its survival. 2017, the NDF was revisited and it was concluded that no new information was available. The NDF process will only be conducted again when new data become available.

**The Bahamas:** 2011, Prohibits commercial fishing and the trade, possession, and export products of all shark species, across entire Exclusive Economic Zone. *S.I. No.64 of 2011*

**Belize:** 22 July 2011, Belize flagged fishing vessels operating on the high seas shall prohibit retaining onboard, transshipping, landing, storing or offering for sale any part or whole carcass of oceanic whitetip shark in any fishery. Owners/operators/masters shall ensure that catches of oceanic whitetip sharks are promptly released unharmed, to the extent practicable when brought alongside their vessel. Conservation of oceanic whitetip sharks. Issued in accordance with *Part II 3 (1)(f) and Part VII 19(1)(2) of the Belize High Seas Fishing Act, 2003 - FVC-009-2011*.

**Cabo Verde:** April 2016, Prohibition throughout Cape Verde's EEZ of fishing, detention on board, transshipment, landing, storage, sale or supply of part or all of the remains of OWT shark.

**Dominican Republic:** July 2017, Prohibits the catch and trade of all species of sharks, as well as their products and derivatives, across entire Exclusive Economic Zone. *Resolution No. 0023/2017*.

**Egypt:** 2005, Shark fishing is prohibited throughout Egyptian Red Sea territorial waters to 12 miles from the shore, as is the commercial sale of sharks throughout the country.

**EU:** No retention, transshipment or landing allowed in any fishery.

**Honduras:** 2010, Prohibits commercial fishing and the trade, possession, and export products of all shark species, across entire Exclusive Economic Zone. *Agreement No. 002–2010*.

**India:** 6 February 2015, Notification No. 110 (RE-2013)2009-2014, Foreign Trade (Development and Regulation) Act, 1992. Sl. No. 31A, which prohibits of the export of shark fins of any species.

**Republic of Indonesia:** 30 November 2014, Indonesia's Minister of Marine Affairs and Fisheries prohibited the export of OWT from Indonesia, which has been repeatedly extended under Marine Affairs and Fisheries Regulations: No. 59/PERMEN-KP/2014; No. 34/PERMEN-KP/2015; No. 48/PERMEN-KP/2016, and No. 5/PERMEN-KP/2018, and No. 61/MEN/KP/2018. Additionally, Indonesia has a number of provincial prohibitions on the landing of OWT: *Perda* of Raja Ampat No. 9 of 2012 concerning Prohibition of Catching Sharks, Manta Rays, and Certain Fish Species in the Waters of Raja Ampat; West Manggarai *Bupati* instructions DKPP/1309/VII/2013 on Prohibition of Catching Sharks, Manta Rays, Certain Fish Species, and Other Marine Biotas in the Waters of West Manggarai; DKI Jakarta Governor Instruction No. 78 of 2014 on Prohibition of Consuming Sharks and Manta Rays and Their Processed Products for Officials and Employees of the DKI Jakarta Government; South Sumatera Governor Regulation No.27 of 2015 on the Prohibition of Consuming, Capturing and Trading Sharks, Manta Rays, and/or their processed products; West Nusa Tenggara Province Regulation No.12/2017 on West Nusa Tenggara Coastal Area and Small Islands Zoning Plan of 2017-2037; South Kalimantan Province Regulation No.24 of 2008 on Supervision and Protection of Fish Resources in South Kalimantan. These provincial regulations further reduce the capacity for OWT to be legally caught and consumed domestically.

**Israel:** 1980, All elasmobranchs are protected in Israeli waters (all shark fishing and finning illegal)

**Kuwait:** 2008, Shark fishing is prohibited for all species except graceful shark and grey sharpnose shark. Finning is prohibited for all species.

**Malaysia:** 17 July 2019 OWT gain country-wide protection under the Federal Fisheries (Control of Endangered Species of Fish) Regulations 1999, Fisheries Act 1985. As per the regulation, no person shall fish for, disturb, harass, catch, kill, take, possess, sell, buy, export or transport any of the specified protected species except with written permission from Malaysia's Director-General of Fisheries.

**The Maldives:** March 2010, Prohibits commercial fishing and the trade, possession, and export products of all shark species, across entire Exclusive Economic Zone. (1) NO: FA\_D2/29/2009/212.

**New Zealand:** Fully protected throughout NZ waters under the Wildlife Act 1978 (Wildlife (Oceanic Whitetip Shark) Order 2012) since 3 January 2013.

**Palau:** 14 October 2009, Prohibits commercial fishing and the trade, possession, and export products of all shark species, across entire Exclusive Economic Zone. *Senate Bill No. 8-105*.

**Philippines:** All shark and ray species listed on CITES Appendix II are automatically subject to national prohibitions under *The Philippines Fisheries Code RA10654, Sec 102*.

**Samoa:** 1 March 2018, Prohibits commercial fishing and the trade, possession, and export products of all shark species, across entire Exclusive Economic Zone. *Prime ministerial declaration*.

**South Africa:** Large Pelagic Longline Fishery - species is prohibited (on NPOA and SBMP)

**Sri Lanka:** No person engaged in fishing operations in high seas shall transship, land, store, sell or offer for sale any OWT shark. Fisheries and Aquatic Resources Act 1996, No. 2 of 1996. 2016-02-17(Section 61(1)(t).)

**United Arab Emirates:** September 2014, fully protected in United Arab Emirates' waters. March 2019, The Ministry of Climate Change and Environment (MOCCA) issued the Ministerial Resolution No. 43 of 2019, prohibiting the import and re-export of shark fins whether fresh, frozen, dried, salted, smoked, canned, or in any other form.

**United States of America:** OWT designated as "Threatened" under the U.S. Endangered Species Act (ESA), requiring the species to be the subject of a recovery plan. At this time the recovery plan for OWT is still being drafted, but at its most restrictive it could designate it unlawful for any person subject to the jurisdiction of the United States to: import/export into the US; take in the territorial sea of the United States, or the high seas; possess, sell or offer for sale in interstate or foreign commerce. (83 FR 4153; March 1, 2018).

At the time of writing, additional CITES implementation via national measures that include the OWT, have been publicly announced for Senegal, Colombia, and Ecuador, but it is unclear when they will come into effect due to pandemic-related delays.

## **Annex 5**

The analysis of top ten historical catchers of OWT (Section E) identified that fleets belonged to either the IOTC or WCPFC RFMO, indicating landings came from either the Indian or Pacific Oceans. The mean total length of OWT captured in the WCPFC (165cm TL, Tremblay-Boyer et al. 2019) was input into the species-specific length-weight conversion formula described by Anderson and Ahmed (1993),  $W = 1.822E-05 * TL^{2.78}$  to estimate the average weight (W) of an individual OWT caught based on its total length (TL). The result estimated that the average weight of an individual OWT caught in WCPFC as 26.6 kg. For OWT captured in the Indian Ocean, it was possible to use the average weight documented by IOTC (WPEB/16/Data/09-SFData) to determine the average weight of individuals as 35.4 kg. These weights were used to calculate the average weight of OWT captured for both tRFMOs. Results determined the average weight of OWT landed by IOTC and WCPFC fleets as 31.0 kg.

## **Annex 6**

Using this approach, Fields et al. (2018) conducted an initial survey from January 2014-February 2015, with 2 bags (average of 235 trimmings per bag) purchased from ten vendors selected randomly every two weeks. Over 4800 trimmings were analyzed and a minimum of 76 species (maximum of 115 species) were identified, with resolution to species-level not always possible. Trimmings where species-level identification was not possible were resolved to family-level instead, which accounted for the range of species characterized in the market (76-115 spp.). Results from the raw data found that OWT made up 1% of all trimmings sampled. Additionally, the results of the Bayesian model performed estimated the mean number of OWT fin trimmings in the market to be 0.3% (range 0.1-0.6%) during the survey period, inferring that OWT comprise 0.3% of the global fin trade. The model was performed to provide a typical species composition after taking into account any variation in the raw data that is the result of the sampling design. i.e. the model mitigates for the influence that variation between vendors or sampling periods may have on results. Here, the model results validated the results of raw data (Fields et al. 2018), thereby proving the effectiveness of the survey method. The results found OWT to be ranked the 7<sup>th</sup> most abundant shark in trade in Hong Kong SAR out of the 76 species identified, which was up one ranking place from 8<sup>th</sup> out of the 14 species identified in the 1999-2001 survey of Clarke et al. (2006b), but these studies used different methodologies and the results may not be comparable. It is assumed that all species recorded in the fin trade are processed equally and that despite size differences between intra-species juvenile and adult individuals they would all require some degree of trimming. The fin trade analysis included parameters in the models performed aimed to best account for this uncertainty in the results. Currently it is unknown how a species' proportion present in the fin trimming studies relates directly to its proportion in trade, and whether this metric best reflects volume or number of individuals or a combination of both. However, it is the best available contemporary proxy of the species composition of the Hong Kong SAR fin trade, and the species rank order compares well with the studies of Clarke et al. whose work was related directly to volume (Clarke et al. 2006a, b).

A subsequent study by Cardeñosa et al. (2018), applied the same sampling design and survey methodology as Fields et al. (2018) and aimed to assess the change in the relative importance of the CITES CoP16 listed species in the Hong Kong SAR fin market after implementation. This survey built on the earlier study and ran from March 2015-December 2016, with the conservative assumption that trimmings in the retail market provided an index of the species composition of fin imports within the past year, i.e., a one-year lag. Cardeñosa et al. (2018) identified that the group of Appendix II listed species consisting of OWT, porbeagle, and great hammerhead species comprised 1.9% of trimmings for the survey period. The two studies combined provided continuous sampling from February 2014 to December 2016 (total of n=9200, fin trimmings). Together these published studies have provided evidence of the contemporary presence and proportion of OWT in the Hong Kong fin trade (Fields et al. 2018), and the continued trade of OWT post its



inclusion of the species on CITES Appendix II coming into force, though the species-specific volume data were subsequently published in (Cardenaosa et al. 2018, Cardenaosa *et al.* 2020). It could be argued that this contemporary OWT trade was being supplied by pre-convention stocks, or that traders may have started stockpiling OWT fins in anticipation of the listing, however continued studies of fin trimmings that now stretch over five years, indicate a consistent presence of OWT fins in the market at fairly stable levels, indicating continued wild sourcing of fins within this timeframe.

The same methodology was applied to the largest shark fin trade hub in mainland China, located in Guangdong Province (Cardenaosa et al. 2020). From June 2015 to August 2017, fin trimmings from the Guangzhou retail market were sampled every 2–3 months (n=10) to determine the species composition and proportion in trade. In Guangzhou, OWT fins represented 1.58% (n=27) of samples inferring trade continues at significant levels post Appendix II listing.