CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

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**CITES Management Authority of the People's Republic of China**

# "Sharks" and COP12 – A Case for Caution

Everyone agrees that it is important to conserve sharks and to manage them responsibly. Conflict exists over the goals of management. Should they be to achieve sustainable use, or to stop the use of sharks altogether! The livelihoods of millions of fishermen around the world, many of whom live in poverty, depend on uses being sustained.

Achieving sustainability within shark fisheries requires investment in research and experimental management. It cannot be achieved through stopping or banning trade, nor by diverting scarce management resources to cosmetic concerns.

At COP12, the role of CITES in commercial fisheries, including sharks, is being discussed. CITES is a potentially powerful tool for stopping trade, but has limited credentials for the technical task of improving the sustainability of uses. This is particularly so with commercial marine fisheries, where FAO rather than CITES is the lead agency.

At COP12, proposals to list two of the most charismatic species of sharks will be evaluated by the Parties: the Whale Shark (*Rhincodon typus*) and the Basking Shark (*Cetorhinus maximus*). The ramifications of listing any sharks before the role of CITES in commercial marine fisheries is resolved are potentially serious, from both humanitarian and conservation viewpoints.

**1. CITES is Not a Tested Mechanism for Regulating Shark Fisheries**

The assumption that CITES is an appropriate treaty for regulating commercial shark fisheries is untested. It is an important tool for conserving some wildlife species threatened with biological extinction through international trade, but biological extinction is not the issue with sharks. Overfishing, where it occurs, reduces wild populations and the numbers that can be used by people - but it rarely places the species at risk of biological extinction.

**2. The Role of CITES in Shark Fisheries Needs to be Agreed before Species are Listed**

At COP12, the Parties will be discussing the potential role of CITES, in partnership with FAO and other organizations, in managing commercial marine fisheries. Listing sharks on Appendix II at COP12, before the Parties reach agreement on this role, is clearly premature and may result in management confusion. A major conflict will occur if the Parties list sharks and other commercial marine fisheries species on the one hand, but do not support the involvement of CITES in commercial marine fisheries on the other.

**3. FAO should be the Lead Agency for International Cooperation in Commercial Marine Fisheries**

CITES in its current form is not considered by many Parties to be an appropriate agency for managing commercial fisheries species. CITES has considerable power under international law, but it is restricted to approval of trade transactions. FAO has been active in the field of fisheries management for almost 60 years, and is technically competent to assess and invoke the science of sustainable fisheries management. If the Parties to CITES believe FAO needs more political power to combat unsustainable fisheries, then they should work towards that goal within their own National political frameworks.

**4. CITES and FAO Can Work Together**

The International Plan of Action-Sharks was developed within FAO in response to concerns within CITES about the overexploitation of sharks. It requires individual States to assess the status of shark stocks within their exclusive economic zones, and those fished on the high seas. In cooperation with FAO, CITES can contribute by encouraging Parties to comply with the IPOA-Sharks.

**5. The "Thin Edge of the Wedge"**

Parties, fisheries organizations and NGOs are all aware that the listing of any charismatic species on CITES involves an element of the "thin edge of the wedge". That is, creating a precedent that opens many avenues through which a flood

of listing proposals can follow for similar species - particularly species that may be difficult to distinguish in trade. The listing of species on Appendix II can also be expected to be followed by attempts to list them on Appendix I, where all trade is banned, and where a return to Appendix II is very difficult to achieve (eg elephants, sea turtles).

## 6. The Possibility of Trade Bans

Regardless of CITES and FAO, some level of illegal trade will always occur. In the case of CITES-listed species, the biological significance of illegal trade may be overshadowed by its emotional significance. Emotion should not influence the decision-making processes of CITES. The economic ramifications of incorrect and inappropriate decisions are profound. It can lead to international conflict, bilateral trade bans or threats thereof, or trade bans imposed by CITES itself because of regulation problems rather than threats to extinction. Although all nations have vested interests in promoting legal trade over illegal trade, few can afford to fund management measures that are cosmetic. These issues need to be resolved by the Parties to CITES before sharks or other commercial marine resources are listed on the appendices.

## 7. Fisheries and Non-Fisheries Resources

The proven success of CITES with wildlife species threatened with extinction through trade, which are mostly terrestrial species, has created expectations about regulation, non-detriment findings and data collection that are not readily transferable to commercial fisheries species. For example:

- Determining real population size is impossible for many marine species.

- Fisheries management involves the deliberate reduction of populations to maximize a sustained yield, and population declines, often viewed with concern by "non-fisheries" people, are a normal and essential feature of sustainable fisheries.

- Biological extinction is typically not an issue with commercial marine fisheries. Commercial catches can be greatly reduced, but the species may still be represented by millions of individuals.

- The criteria used to highlight vulnerability to overharvesting (long-lived, low fecundity, late maturing), are also assets for avoiding extinction, as has been well demonstrated in crocodilians, sea turtles and sharks.

- The IUCN criteria for listing wildlife species is as threatened is a comprise arrangement - it grossly exaggerates the risks of biological extinction in long-lived late-maturing species.

## 8. Implementation Difficulties

> "*… the Secretariat remains concerned about…… the regulation of trade in some parts and derivatives*" (CITES Secretariat, Prop. 36)

The shark proposals present considerable difficulties for implementation:

- Regulation of marine fisheries is usually under different national legislation and bureaucracies than those directly involved with CITES.

- The listing of all shark species in trade on Appendix II because they "look like" species on Appendix II, can be justified under CITES. However, it creates an obligation that Parties will manage common shark species as though they were endangered species in order to trade, which diverts scarce resources away from management priorities.

- Listing requires shark products in trade (including meat, fins, oil, cartilage, soups, fish meal, medicinal products) to be identified to species, and it requires Customs officers to be able to identify them. The onus will be on Parties that export sharks to prove Appendix II listed species or products are not mixed with unlisted species.

- Producer countries may find that they are only able to export whole shark bodies with fins and heads in place (for identification), such that all value adding would be restricted to consumer nations.

- Identification of products in international trade will represent a major cost to all Parties engaged in shark fishing and trade, and will have limited conservation value.

**9. The Criteria (Conf. Resolution 9.24)**

The current criteria for listing species on the Appendices of CITES (Conf. Resolution 9.24) have serious problems with commercial marine species, and are being reviewed with FAO assistance. The proposals to list shark species at COP12 rely on the old criteria. For example:

Whale Shark

> "*There does not seem to be sufficient information available to conclude that the species is in decline as the result of harvesting for trade, except in a few localities*" (CITES Secretariat, Prop. 35)

The Whale Shark proposal emphasizes short-term declines in sightings and some changes in catch per unit effort in some Range States. However, the link between status and international trade is poorly made. It assumes, without any basis, international demand for meat and fins is increasing, when the meat is mostly used locally, as a cheap form of protein. The fins are of low quality and are not in high demand. There is no evidence of increasing harvest pressure, especially with India and the Philippines ceasing their traditional harvests. With no information on population size, rates of decline, seasonal changes in abundance and historical harvests, the Conf. Resolution 9.24 criteria for listing a species in Appendix II are not met. Furthermore, it can be argued that the life history characteristics assumed to make the species vulnerable to excessive exploitation are major buffers against biological extinction.

Basking Shark

In some local areas, but not in the global population as a whole, the Basking Shark may meet Conf. Resolution 9.24 criteria for Appendix II B(i). There is no evidence indicating the global population is significantly threatened, nor threatened by international trade. In most cases there is insufficient information on trends in catch per unit effort to determine the extent of any reduction that may have taken place, nor the degree to which it is related to exploitation for international trade. The information on which the proposal is based does not justify listing the global population on Appendix II.

**10. Assumptions**

The two shark proposals rely heavily on the acceptance of five basic assumptions, each of which is questionable:

Assumption 1**: Whale Sharks and Basking Sharks have slow growth rates, late maturation, long gestation, low fecundity and long lives, and therefore they are vulnerable to extinction through trade.**

In reality, such species with long series of life stages in the population are remarkably well buffered against biological extinction. Reproduction can cease for decades and the species still retains the ability to restart and build populations. In addition, the real rates at which these populations recover when depleted are often much greater than predicted from theory, due to a variety of density-dependent compensations.

Assumption 2: **Population declines, even in local areas, reflect increased risks of biological extinction at a global level.**

Whale Sharks and Basking Sharks have global distributions, and local depletion may be insignificant in terms of the risk of biological extinction at the global population level. In the case of Whale Sharks, there is insufficient data with which to separate declines due to movement from declines due to harvesting (IUCN/TRAFFIC analysis).

Assumption 3: **Population declines and harvesting always constitute increased risk of biological extinction.**

This proposed association between use, population decline and risk of extinction has little basis in fact. Life history parameters alone cannot be used to predict how species will respond to harvest. In the absence of data, the available evidence needs to be interpreted for what it is - evidence of population declines in some local areas, but no evidence for

any threat of biological extinction locally or globally.

Assumption 4: **The status of local populations should be applied to the global population.**

The status of most globally distributed species ranges from good to bad, with various "in-between" positions. It is irresponsible to manage locally abundant species as though they were rare, or rare species as though they were abundant.

Assumption 5: **Commercial demand for meat and fins is exceptionally high and by logic alone can be expected to drive selective fishing**

Whale shark meat is sold in India and the Philippines for $USD 0.15-0.20/kg and is mostly consumed locally - it can hardly be considered an exotic, high-priced product. Meat that does end up in trade, in Taiwan, is around $USD 1-2/kg. The situation with the fins of these large sharks is similar. Only small quantities are traded on an opportunistic basis, and the price is minor relative to the fins of preferred species.

**11. Non-Detriment Findings**

> "*It is not clear how any Party would be able to make a non-detriment finding because of the paucity of information on this species, its highly migratory nature, and the lack of specific management programmes for this species on the high seas or in national waters*" (CITES Secretariat, Prop. 35)
>
> "*… the Secretariat remains concerned about the ability of Parties to make a non-detriment finding for this species …..*" (CITES Secretariat, Prop. 36)

If listed on Appendix II the exporting nation is required [Article IV2(c)] to demonstrate that the harvesting has been carried out in a way that is not detrimental to the wild population. If Parties are unable to make a non-detriment finding, then no international trade can take place.

There are no guidelines for what constitutes "non-detriment", and the issue is usually interpreted differently by fisheries and non-fisheries experts. This critical issue needs to be resolved before CITES is forced into commercial marine fisheries issues, by the premature listing of species.