

# Getting sharks and manta rays ready for CITES

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*On 14 September 2014, new rules came in place for the international trade in five shark species and all manta rays. But how to concretely implement these rules applicable to valuable, highly mobile, and transboundary marine residents?*

In force since 1975, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) sets the rules of the game for international trade in wildlife in over 35,000 types of terrestrial and aquatic plants and animals through a system of Appendices. Meeting in Bangkok, Thailand for the sixteenth Conference of the Parties (COP) in March 2013, CITES Parties [agreed](#) to regulate international commercial trade in five species of sharks and all manta rays through a CITES Appendix II [listing](#). As of 14 September 2014 countries must take certain administrative and regulatory measures when international commercial trade takes place for scalloped hammerhead shark, great hammerhead shark, smooth hammerhead shark, oceanic whitetip shark, porbeagle shark, and all manta rays, including live and dead specimens, readily recognisable parts and derivatives.

*Species [included](#) in CITES Appendix I are considered threatened with extinction and international commercial trade in specimens of these species is generally prohibited. On the other hand, species included in Appendix II are not necessarily threatened with extinction, but trade in them is strictly controlled to avoid utilisation incompatible with their survival. Appendix III is a list of species included at the request of a CITES party that already regulates trade in the species and that*

*needs the cooperation of other countries to prevent unsustainable or illegal exploitation.*

## **Testing the waters**

Decisions taken at the Bangkok meet did not mark the first time that sharks were included in the CITES Appendices. Sharks first entered CITES's waters in 2000, when the basking shark was included in Appendix III, later uplisted to Appendix II in 2003. In total, CITES now includes eight species of sharks and all manta rays in Appendix II, as well as all species of sawfishes in Appendix I.

The most recent listings, however, were significant for many reasons, not least because the new shark species are commercially valuable. According to the UN Food and Agriculture Organization (FAO), the [global reported annual shark catches](#) from 2000 to 2011 ranged between 750,000-900,000 tonnes per year. Using the [FAO Fisheries and Aquaculture statistics database](#), various shark and ray commodities trade flows – including import, export, and re-export – potentially added up to around US\$1 billion annually during the same period. Disaggregated data for the five shark species in question is not readily available, however, due to the fact that traded goods are generally not identified at the species level. The listings therefore set new challenges and opportunities for CITES Parties around implementing regulations for highly traded fisheries commodities. Noting that an Appendix II listing under CITES does not prohibit commercial international trade, but strictly regulates such trade to ensure it is legal, sustainable, and traceable, the entry into effect of the listings was delayed until 14 September 2014 to give Parties time to resolve related technical and administrative issues.

## **Coming together for sharks**

A global, collaborative effort came together to assist CITES Parties in preparing for the implementation of the new listings. The undertaking greatly benefited from the support from a wide-range of stakeholders including Parties to CITES, intergovernmental organisations, non-governmental organisations, and others. These include Australia, Brazil, Colombia, Germany, India, New Zealand, USA, Southeast Asia Fisheries Development Center (SEAFDEC), Pew Charitable Trusts, International Fund for Animal Welfare (IFAW), and TRAFFIC, to name a few. The CITES Secretariat is most grateful to all those that have played a role over the past year. Close coordination with Regional Fisheries Management Organizations (RFMOs) and Regional Fishery Bodies (RFBs) at the regional level, and national fisheries agencies at the local level is critical for the effective implementation of these new listings. Much effort has gone into engaging directly with these entities, which will continue, to ensure that CITES requirements are complementary to existing measures and contribute to good overall fisheries management.

Furthermore, at the global level, CITES has worked closely with the FAO on the new sharks and manta ray listings. Buoyed by a contribution of €1.2 million from the EU to address the challenge, the two international agencies have worked collaboratively in order to bring the fisheries and CITES communities together in key shark fishing and trading nations. The CITES Secretariat also made interventions at recent session of the FAO Committee on Fisheries

(COFI) and COFI Subcommittee on Fishery Trade (COFI-FT), and joint side events have been held at a number of FAO and CITES meetings. In addition the FAO-CITES partnership led regional consultative workshops, for example in [Casablanca](#), Morocco in February 2014 and later in [Xiamen](#), China in May. The partnership also supported regional and sub-regional workshops hosted by others in [Latin America](#), [Oceania](#), and the [Bay of Bengal](#). In each of these meetings the participation of national representatives of both fisheries and CITES agencies allowed for collective discussion of implementation challenges.

### **Legality, sustainability, and traceability**

Three key issues dominated Parties' preparations for the entry into force of the new CITES-listings of sharks and manta rays: legality, sustainability, and traceability. Legality involves making the necessary legal acquisition finding – in other words, a determination that the wildlife product in question was obtained in accordance with the relevant legal provisions – which can be complex with sharks given many are taken from the high seas. According to Article 89 of the UN Convention on the Law of the Sea (UNCLOS), “[n]o State may validly purport to subject any part of the high seas to its sovereignty” and the high seas are therefore a shared resource. CITES addresses the taking of specimens of listed species in the high seas – in other words, the marine environment not under the jurisdiction of any State – as “[introduction from the sea](#).” The 2013 Bangkok meet saw Parties agree on additional guidance for the uniform interpretation and implementation of this term, after many years of debate, clarifying the CITES documents that must be issued in such instances and which Party is responsible for doing so under different circumstances. Sustainability involves determining that the proposed trade will not be detrimental to the survival of the species, through scientific assessments of the status of the species in the national/regional species, known as “non-detriment finding” (NDF) in CITES language. Traceability under CITES means recording and tracing trade from the country of origin to the country of destination through the issuance of appropriate CITES permits or certificates, together with the inclusion of all relevant trade in national reports to the CITES secretariat, which in turn is publicly reported through the [CITES Trade Database](#).

Related to these matters is the issue of identification, which becomes most challenging when dealing with parts and derivatives such as fins, meat, and oil. To help tackle this issue a number of stakeholders have developed shark identification materials. Although work in this area is still ongoing, all efforts are currently being captured and catalogued in order to appear in the CITES [sharks web portal](#) – a tool that also contains a variety of additional technical and administration resources – and will possibly be followed by an assessment of geographical coverage and specialised training for use of the identification materials by selected stakeholders.

### **Full steam ahead**

CITES was [recognised](#) in the [outcome document](#) of landmark UN conference on sustainable development held in Rio de Janeiro, Brazil in June 2012 as an important “international agreement that stands at the intersection between trade, the environment and development” and one that “promotes the conservation and sustainable use of biodiversity.” Through the listing of additional sharks and all manta rays at the 2013 [Bangkok meet](#) the international

community decided to make good use of this pragmatic and effective agreement to help foster sustainability in our oceans. Implementation, however, is always [essential](#) to ensure executions of the necessary cumulative actions realise the intended goal. Positive progress towards putting in place implementation infrastructure was made in preparation for the entry into force of the new marine CITES listings. As of last month this work moved from theory to practice. Moving forward, the global collective effort to support Parties in managing these new listings will continue for many years to come.

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