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THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

Executive Summary

Commercially-exploited aquatic species will be proposed for listing under CITES Appendices within the next six months. Before they are voted on at the triennial CITES Conference of Parties, FAO and others will provide advice on whether these species “meet” or “do not meet” the CITES listing criteria. This information paper provides background information on this process, and the responsibility FAO has under the Convention.

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I. INTRODUCTION

1. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),¹ regulates international trade in species listed on its three Appendices², to ensure that international trade in specimens of wild animals and plants does not threaten their survival.
2. CITES Parties (i.e. 182 member states plus the European Union) may propose amendments to these Appendices, which are usually considered at Conferences of the Parties (CITES species amendment [listing] process). In Resolution 9.24 (Rev. CoP17)³ the Conference of the Parties resolve, among other things, that when considering proposals to amend Appendices I and II, species should be included in Appendix II when they satisfy specific criteria, which are listed in the respective Annexes of the resolution. Annex 2a) and Annex 2b) contain the criteria for inclusion of species in Appendix II in accordance with Article II, paragraph a) of the Convention text. Annex 5 of Resolution 9.24 (Rev. CoP17), especially the footnote therein, provides specific guidance for the consideration of amendment proposals for commercially exploited aquatic species.
3. For amendment proposals on marine species, the Secretariat also consults inter-governmental bodies having a function in relation to those species, as instructed in the Convention text⁴, especially with a view to obtaining scientific data these bodies may be able to provide and to ensure co-ordination with any conservation measures enforced by such bodies and communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
4. The current practice for amendment proposals of commercially-exploited marine species is, that a range of information is assessed by Parties, FAO (FAO Expert Advisory Panel for the assessment of proposal to amend CITES appendices), the International Union for Conservation of Nature (IUCN - Traffic Assessment Panel) and the CITES (Secretariat) against the above mentioned CITES criteria, to determine if a species proposed for listing, meets or does not meet CITES listing criteria.² Parties utilize advice from experts to inform them; i) when they are considering the preparation of CITES listing amendment proposals and ii) when voting on commercially-exploited marine species submitted for CITES listing amendment.
5. Advice to Parties is provided from a number of sources, but especially from the CITES Secretariat⁵ and FAO. FAO and CITES have a Memorandum of Understanding (MOU) (2006)⁶ that describes how each organization will operationalize their functions in regards the CITES listing process. IUCN (see IUCN/Traffic Panel, not directly linked to the Convention text) also provides information as do various non-governmental organizations (NGOs). Parties are not limited to the

¹ <https://www.cites.org/sites/default/files/eng/disc/CITES-Convention-EN.pdf>

² Appendix I lists species that are the most endangered among CITES-listed animals and plants (see Article II, paragraph 1 of the Convention), under strict trade controls. Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled (and "look-alike species", see Article II, paragraph 2 of the Convention). International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate. No import permit is necessary for these species under CITES (although a permit is needed in some countries that have taken stricter measures than CITES requires). Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation (see Article II, paragraph 3, of the Convention).

³ <https://www.cites.org/sites/default/files/document/E-Res-09-24-R17.pdf>

⁴ See Article XV(2b) of CITES Convention Text.

⁵ Pursuant to past practice, in line Article XII h) & XV 2 b) and c) of the Convention Text and Resolution Conf. 5.20 (Rev. CoP17), <https://www.cites.org/sites/default/files/document/E-Res-05-20-R17.pdf>.

⁶ <https://www.cites.org/sites/default/files/eng/disc/sec/FAO-CITES-e.pdf>.

various forms of advice provided, and also seek and obtain advice from their own scientists and experts.

II. CHALLENGES AND OPPORTUNITIES FOR THE PROCESS OF PROVIDING ADVICE TO CITES IN REGARDS COMMERCIALY-EXPLOITED AQUATIC SPECIES PROPOSED FOR LISTING AMENDMENTS

6. In the last two CITES Conference of Parties (CoP 16 and CoP17), commercially-exploited marine species have been added to the CITES Appendices at unprecedented rates for commercially-exploited aquatic species. This has lead to some question on the effectiveness and utility of the process to inform Parties on whether the species in question ‘met’ or ‘did not meet’ the CITES criteria⁷.

7. Questions have been raised by FAO and IUCN and some CITES Parties (Sri Lanka, Japan and others) on the process employed in evaluation of species proposals (i.e. the determinations made) and whether there is sufficient time following the delivery of information for adequate reflection and use by the CITES Parties⁸.

8. Statements from CITES Parties have been both supportive and questioning of components of the current FAO process and the processes of others. As an example, FAO has noted that the content of some species proposals have presented obsolete or incomplete information, which created the requirement for significant work to be undertaken for expert analysis of such proposals and communication of their findings.

9. Both Sri Lanka and Maldives have queried the FAO Expert Panel Report process and findings⁹. Additionally, Bangladesh, Bhutan, Comoros, the European Union and its Member States, Fiji, Maldives and Sri Lanka have presented counter arguments to the advice of i) the FAO Expert Panel, ii) the advice of the IUCN-Traffic Panel and iii) the advice of the CITES Secretariat.¹⁰

10. The IUCN has questioned the adequacy of available guidance for evaluation of species being considered for amendment of CITES listing, and presented ideas on various topics of the assessment that could benefit from increased technical and scientific direction.

11. At the 69th Standing Committee, a CITES Party made a submission that suggested exploring opportunities to further improve the process for the delivery of scientific and technical advice for Parties on listing proposals for commercially exploited aquatic species¹¹. This submission was debated by CITES Parties and observers, with many of the CITES Parties stating that they were satisfied with the current process of reviewing amendment proposals and the provision of advice to Parties. Despite this general satisfaction, recommendations adopted by the Standing Committee noted the importance of Parties having access to the best available scientific information on species proposed for listing, well prior to meeting of the Conference of the Parties; encouraging Parties to consult more generally when considering submissions of proposals for marine species and encouraging the CITES Secretariat to consider ways to further enhance communication of reports of the FAO Expert Panel¹².

⁷ <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-71-01.pdf>; <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-71-02.pdf>; <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-72.pdf>.

⁸ CoP17 Com. I Rec. 6 (Rev. 1). https://cites.org/sites/default/files/eng/cop/17/Com_I/SR/E-CoP17-Com-I-Rec-06-R1.pdf.

⁹ <https://cites.org/sites/default/files/eng/cop/17/InfDocs/E-CoP17-Inf-14.pdf>; <https://cites.org/sites/default/files/eng/cop/17/InfDocs/E-CoP17-Inf-13.pdf>.

¹⁰ <https://cites.org/sites/default/files/eng/cop/17/InfDocs/E-CoP17-Inf-69.pdf>.

¹¹ <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-71-01.pdf>.

¹² Recommendations of the CITES Standing Committee on Agenda 71. Listing of marine species, Item 71.1. Cooperation under the FAO-CITES 2006 MoU, with special reference to the scientific and technical evaluation of commercially exploited aquatic species listing proposals (SC69 Doc. 71.1, also see page 71 of CITES Standing Committee summary record, <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-SR-DRAFT.pdf>).

12. Noting the different interpretations of assessments of the commercially exploited aquatic species proposals by the CITES Secretariat, FAO Expert Panel, IUCN/TRAFFIC Panel and Proponents of species proposals in 2016, and recognizing the recommendations adopted by the CITES Standing Committee at its 69th session, FAO is completing a retrospective expert assessment on the advisory processes to CITES CoP17, with input from fisheries and environment sector experts. The project's aim is to promote helpful engagement in management and conservation of threatened and potentially threatened exploited commercial aquatic species, by seeking to provide feedback on potential improvements in the approaches and activities taken by the CITES Secretariat, FAO Expert Panel and IUCN-Traffic Panel, who were all involved in providing information/advice to Parties for their use in the decision process for listing of commercially exploited aquatic species under CITES Appendices II¹³.

III. CONCLUSION

Considering the above,

13. the FAO Secretariat has the opportunity to work with its Members and the CITES Secretariat to strengthen the effectiveness of the implementation of the "Memorandum of Understanding between the Food and Agriculture Organization of the United Nations (FAO) and the Secretariat of the Convention on International Trade in Endangered Species (CITES)" signed in 2006, and in particular of its point 6 *"In order to ensure maximum coordination of conservation measures, the CITES Secretariat will respect, to the greatest extent possible, the results of the FAO scientific and technical review of proposals to amend the Appendices, and technical and legal issues of common interest and the responses from all the relevant bodies associated with management of the species in question"*.

14. the FAO Secretariat can assist the CITES Secretariat to offer further support for CITES Parties in the formulation of their amendment proposals for commercially exploited aquatic species, so that such proposals arrive for submission in a state where they reflect the best available scientific and technical information, as required for their assessment against the CITES listing criteria.

15. the FAO Secretariat may further promote recognition of the important need for information providers, including the FAO Expert Panel, to provide the CITES Secretariat (and hence CITES Parties) with advice based on scientific and technical assessment of species proposals against the CITES criteria in a timely manner. Such recognition may support FAO's work to promote helpful engagement in management and conservation of threatened and potentially threatened exploited commercial aquatic species, through the provision of feedback in the form of potential improvements to the approaches taken by the FAO Expert Panel, IUCN-Traffic Panel and CITES Secretariat, in provision of advice to CITES Parties.

16. the FAO Secretariat could disseminate the results of the FAO Expert Advisory Panel for the assessment of proposal to amend CITES appendices more widely, so that it is available in multiple formats and languages, well prior to the next CITES Conference of Parties, to ensure CITES Parties have ample time to receive and consider the advice in their deliberations on whether to list or delist species on CITES Appendices.

17. the FAO Secretariat has the opportunity to work with its Members to actively ensure that there are procedures in place for inclusion of fisheries authorities in national delegations to relevant meetings, such as the CITES Standing Committee and Conference of Parties, and involvement of their fisheries authorities in CITES decision-making processes at a national level concerning the potential regulation of trade in fishery species under CITES. This would assist with CITES processes in regards commercially exploited aquatic species, as national CITES Scientific and Management Authorities do

¹³ It is recognized by the CITES Secretariat, FAO and IUCN-Traffic and NGOs, that Parties will, and should be able to, make independent sovereign listing decisions on CITES proposals, based on the best available scientific and technical information as well as their own political and policy considerations.

not, in general, possess the necessary expertise and knowledge on aquatic resources and fishery management.

18. the FAO Secretariat may wish to strengthen support to assist traceability studies of CITES Appendix II listed species entering in legal trade.