



# COMMITTEE ON FISHERIES

## SUB-COMMITTEE ON FISH TRADE

### Nineteenth Session

11-15 September 2023

## BIODIVERSITY CONSERVATION INITIATIVES AND INTERNATIONAL TRADE

### Executive Summary

This document examines the current consideration of commercially exploited aquatic species in Multilateral Environmental Agreements (MEAs) from a trade perspective and the difficulties that Members face in implementing and reporting on biodiversity conservation MEA requirements.

It also highlights that the scientific and technical advice provided by FAO on the status of commercially exploited aquatic species to inform the parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) appears to currently have limited influence on the decision-making process, with possible repercussions for the ability of Members to trade legal and sustainable production from both fisheries and aquaculture.

### Suggested action by the Sub-Committee

- Note the continued increasing focus by MEAs, especially CITES, on commercially exploited aquatic species.
- Suggest novel approaches for FAO to better support decision outcomes on CITES risk assessments concerning which commercially exploited aquatic species meet CITES listing criteria.
- Suggest how FAO could adapt its process of communicating evidence-based information and advice to CITES parties so that sustainable and legal trade does not incur unnecessary costs or barriers to trade.

- Provide feedback on gaps and misalignments between fisheries and aquaculture and MEAs so that FAO can continue to inform and support Members, with a view to taking corrective actions to strengthen FAO's current and future work direction.

Queries on the substantive content of this document may be addressed to:

Mr Kim Friedman, Senior Fishery Resources Officer  
E-mail: [kim.friedman@fao.org](mailto:kim.friedman@fao.org)

## **LINKS TO TRADE IN INTERNATIONAL BIODIVERSITY CONSERVATION AGREEMENTS**

1. Multilateral Environmental Agreements (MEAs), particularly the Convention on Biological Diversity (CBD) and CITES have objectives related to biodiversity conservation in aquatic systems that influence trade and the consumer acceptance of fisheries and aquaculture products.
2. In the case of the CBD, the Kunming-Montreal Global Biodiversity Framework (K-M Framework) articulates goals and targets for biodiversity conservation for 2021-2030 and beyond, including to ensure human-induced extinction of threatened species is halted (Target 4); the use, harvest and trade of wild species are sustainable, safe and legal, preventing overexploitation (Target 5); the sustainable use of wild species provides social, economic and environmental benefits for people (Target 9); and the sustainable consumption choices are encouraged and enabled (Target 16).
3. Many countries struggle with capacity and resource shortfalls in establishing the requirements for implementing and reporting these legally and non-legally binding initiatives for biodiversity conservation. In addition, community interest and pressure are growing for increased investment to ensure that these biodiversity-related commitments are achieved.

## **RECENT EVENTS THAT HAVE THE POTENTIAL TO AFFECT THE USE AND TRADE OF COMMERCIALY EXPLOITED AQUATIC SPECIES**

4. The new K-M Framework goals and targets have a limited direct focus on fisheries and aquaculture. However, trade-related issues are indirectly addressed through spatial controls on fishing and aquaculture (Target 3) and actions on threatened species, sustainable use, and consumption (Targets 4, 5, 9 and 16).
5. FAO continues to support Members and CITES parties under the 2006 Memorandum of Understanding between FAO and CITES by providing scientific and technical information regarding aquatic species additions and amendments to CITES Appendices and assisting parties in implementing CITES provisions for already-listed species in order to facilitate legal and sustainable trade.
6. The 19<sup>th</sup> Conference of Parties (CoP) of CITES held in Panama in late 2022 considered a variety of species under investigation by the parties but not currently listed or proposed for CITES Appendices I or II. This subset of species comprised marine ornamental or aquarium species, tropical eels, and additional 263 aquatic species categorised as threatened or near threatened on the International Union for Conservation of Nature (IUCN) Red List.
7. In July 2022, FAO convened the 7th FAO Expert Advisory Panel for the Assessment of Proposals to amend CITES Appendices in response to the publication of CITES listing proposals. The expert panel provided advice on the eligibility of species from a scientific perspective following the CITES biological listing criteria and commented on technical aspects of the proposals in relation to

biology, ecology, trade and management issues, as well as, to the extent possible, the likely effectiveness for conservation.<sup>1</sup>

8. The findings of the FAO Expert Panel were widely disseminated in a variety of formats, including a technical report,<sup>2</sup> summary reports in the six UN languages, videos, and Regional Fisheries Body and regional CITES consultations, as well as through the distribution of flyers and conducting side events at CoP19 in Panama.

9. Even though the FAO Expert Panel determined that many proposals did not meet the CITES listing criteria, the CITES Secretariat advised CITES parties of the acceptance of proposals for listing species in Appendix II. At CoP19, CITES parties incorporated 119 species, 97 percent being sharks and rays, into CITES Appendix II, adopting each of the six proposals for commercially exploited aquatic species.

10. At CoP19, discussions leading to decisions regarding whether species "met" or "did not meet" CITES listing criteria were highly polarized. This can be associated with several factors:

- Parties and non-governmental organization observers advocating for listings, using the threat status determinations of the IUCN Red List as analogous to FAO Expert Panel advice, leading to confusing signals.<sup>3</sup>
- The long-standing ambiguity in the understanding of the required threshold of evidence for proposals made in accordance with Criterion B of paragraph 2a of the CITES Appendix II listing criteria.<sup>4</sup>
- The limited formal guidance on listing taxa under the CITES "look-alike" principle. If one or more of the taxa are threatened by international trade,<sup>5</sup> taxa regarded to look similar are listed together in the same Appendix.
- Difficulties when commodities associated with commercially exploited aquatic species in trade are derived from untargeted or incidental species mortality, typically associated with by-catch and for food security reasons, considering that the FAO International Plan of Action for Conservation and Management of Sharks (IPOA-Sharks) promotes the full use of dead sharks.<sup>6</sup>
- The listing of a species on Appendix I or II of CITES requires the implementation of trade regulations for both wild and hatchery products leading to concerns about how to implement trade controls for species in the wild without negatively impacting the rearing and trade of hatchery-reared specimens of the same species. A decrease in hatchery production may have the unintended consequence of increasing market pressure on wild populations.

11. CITES regulates four categories of trade: import, export, re-export and introduction from the sea (IFS)<sup>7</sup>. IFS certifications are required for the movement from the high seas to the port of specimens or commodities of any species captured in the marine environment not under the jurisdiction of any State. To date, parties have difficulties implementing IFS requirements, and only a few countries report these movements regularly.<sup>8</sup>

12. FAO and fisheries management bodies are also requesting resolution on simplified procedures to issue permits and certificates to facilitate and expedite trade that will have negligible or no impact on the conservation of the species concerned, including for the cross-border movement of samples for research or diagnostic purposes.<sup>9</sup>

---

<sup>1</sup> <https://www.fao.org/documents/card/en/c/cc1931en>

<sup>2</sup> <https://www.fao.org/documents/card/en/c/cc1931en>

<sup>3</sup> <https://www.fao.org/3/cb1489en/cb1489en.pdf>

<sup>4</sup> <https://www.fao.org/3/nb387en/nb387en.pdf>

<sup>5</sup> <https://cites.org/sites/default/files/document/E-Res-09-24-R17.pdf>

<sup>6</sup> <https://www.fao.org/ipoa-sharks/en/>

<sup>7</sup> <https://cites.org/sites/default/files/document/E-Res-14-06-R16.pdf>

<sup>8</sup> <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-51.pdf>

<sup>9</sup> <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-44.pdf>

13. Since 2000, CITES has compiled a report from the CITES Trade Database on the commercial trade in CITES-listed sharks and rays, sorted by species and, where possible, by product.<sup>10</sup> This revealed a larger-than-anticipated discrepancy between the trade in products of CITES-listed sharks recorded in the CITES Trade Database and the information available on catches of listed species.

14. Considering the challenges CITES parties face with the addition of more aquatic species listed, there is a need for improved funding and guidance to support the making of non-detriment findings (NDFs), especially in data-poor, multi-species, small-scale, and non-target (by-catch) circumstances, so that trade in sustainably and legally caught CITES-listed species can continue.

15. CITES has established an intersessional working group of 35 parties and 24 observers to examine the biological distinction between Chondrichthyes species and other marine species. Continued consideration of more precautionary CITES listing criteria for all cartilaginous fish (a new approach to listing sharks and rays) could pose a challenge to promoting a common practice of risk-based decisions making. If more precautionary listing criteria are eventually adopted, the likelihood of additional trade controls on elasmobranchs will increase.

16. Although some CITES parties advocated for greater emphasis on subsistence and food security when evaluating the eligibility of commercially exploited aquatic species for listing in the CITES Appendices,<sup>11</sup> this proposal was rejected at CoP19. If the proposal were adopted, new information about the trade value of these aquatic species would be necessary.

#### **RELEVANT FAO WORK PLANNED FOR 2023-2024**

17. Members requested FAO to support a number of biodiversity-related commitments and operationalize a fisheries and aquaculture biodiversity plan as part of the FAO Biodiversity Strategy and Biodiversity Mainstreaming Platform at the 35th Session of the Committee on Fisheries (COFI). Contemporary considerations for biodiversity mainstreaming are fundamental to fishery management. In this context, FAO is coordinating with the CBD Secretariat to define better fisheries and aquaculture monitoring, evaluation, and reporting requirements concerning the trade and biodiversity components of the K-M Framework.

18. Cross-border trade and foreign direct investment in the fisheries and aquaculture sector continue to rise, particularly in developing countries. Establishing environmental goals and targets and trade regulations through conventions such as CITES can directly affect investments, consumer support for fisheries and aquaculture, and trade flows.

19. In this regard, FAO plans for the period 2023-2024 to:

- Promote biodiversity mainstreaming dialogues and strategic processes throughout FAO Divisions and Regional Offices, including livelihood considerations and aquatic food trade considerations.
- Maintain and strengthen collaboration with the IUCN on the status of commercially exploited aquatic species when such assessment has trade implications.
- Continue the FAO procedure for informing CITES parties on the eligibility of CITES proposals for listing commercially exploited aquatic species in CITES Appendices I and II, subject to Members' guidance.
- Provide advice to Members on implementing CITES provisions required for the trade of commercially exploited CITES-listed aquatic species or in negotiations to amend CITES listing criteria. This encompasses work at all value chain stages, from fishers to exporters.
- Continue to produce and distribute communication materials on the identification and status of commercially exploited aquatic species and their management.

<sup>10</sup> <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-67-03.pdf>; <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-67-02.pdf>

<sup>11</sup> [https://cites.org/sites/default/files/documents/E-CoP19-87-01\\_0.pdf](https://cites.org/sites/default/files/documents/E-CoP19-87-01_0.pdf)