

## Citing fish

### The Convention on International Trade in Endangered Species of Wild Fauna and Flora will affect fishing communities in developing countries

**C**ITES is the acronym for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This Convention was signed in Washington, D.C, United States (US), on 3 March 1972 and it entered into force on 1 July 1975. At the date of writing of this article, 160 States were contracting members of CITES, that is, were Parties to the Convention. This clearly indicates that most countries throughout the world are Parties to CITES, including the US, contrary to another major international convention in the field of the environment, the Convention on Biological Diversity (CBD).

Considering that international trade implies, in general, two partner countries, we may say that, in practice, any transaction involving a species of wild fauna and flora covered by CITES is subject to its regulations. This includes also the so-called 'introductions from the sea', which refer to specimens taken in international waters not under the jurisdiction of any State and landed on the territory of a State. This is important for marine resources, though not necessarily for fishing communities, whose activities take place in national waters or within the economic exclusive zone (EEZ) of individual States.

The species covered by CITES are included in three Appendices, as follows, without going into details and limiting our comments to aspects relevant to fishing communities:

**Appendix I** includes, in principle, species threatened with extinction, which are or may be affected by international trade. For these species, the trade is regulated through the grant of export and import permits, issued by Management Authorities, under the advice of Scientific

Authorities. No international trade in Appendix-I species may take place if the specimens are to be imported for commercial purposes. This means that trade in Appendix-I species is only possible in exceptional circumstances and essentially in individual specimens.

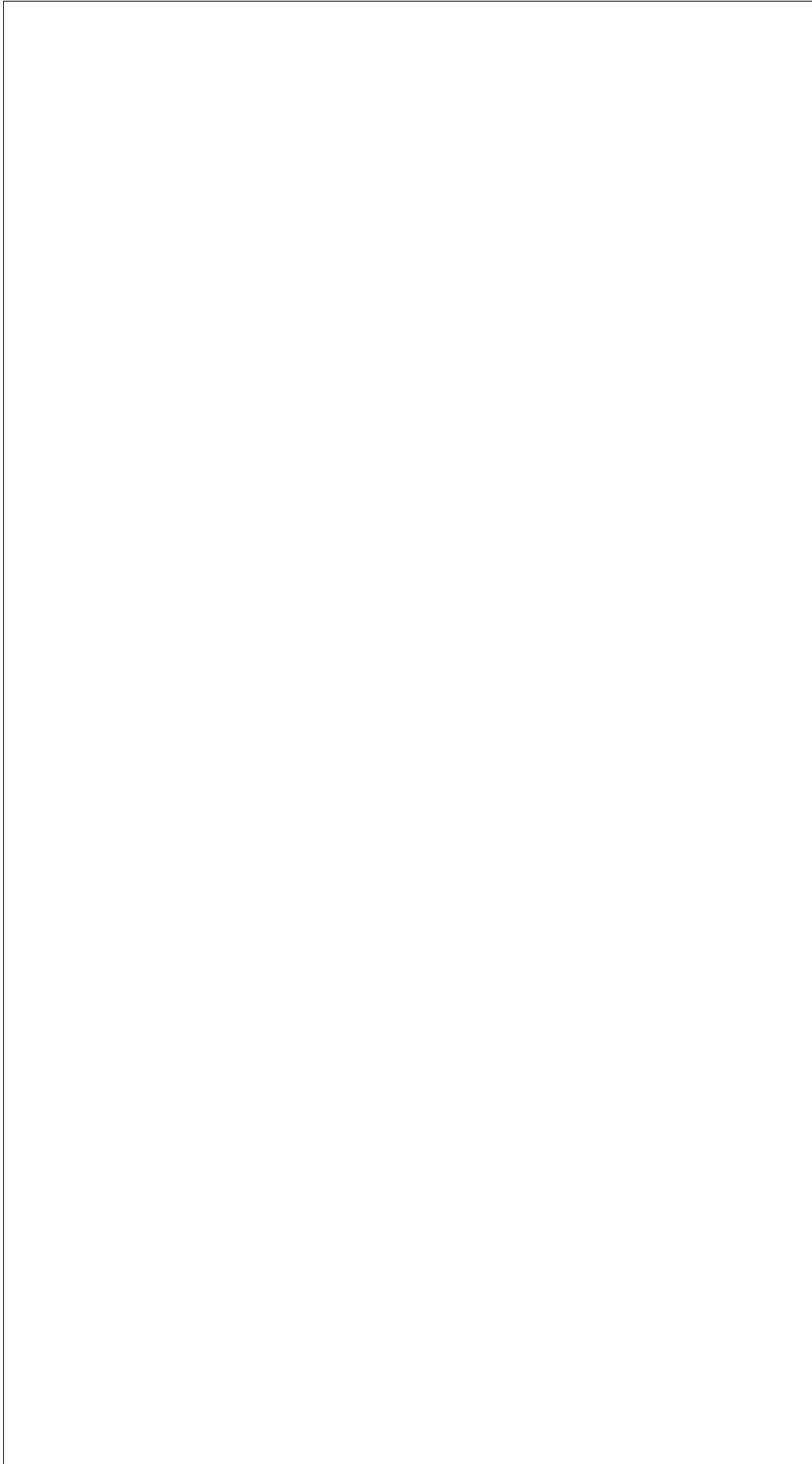
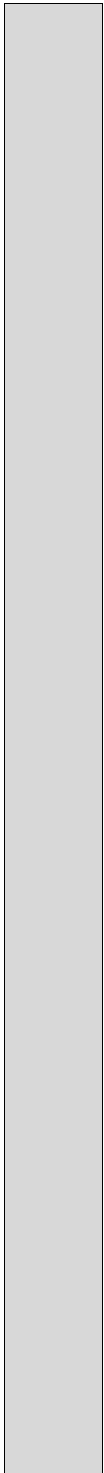
**Appendix II** includes species that are not necessarily threatened with extinction but that may become so unless their international trade is subject to strict regulations and controls. It includes also species that must be regulated and controlled in order that trade in other listed species may be brought under effective control. This last category covers mainly species that resemble other species and are referenced to 'lookalike' species. To trade in specimens of Appendix-II species, of either category, the prior grant, by a Management Authority, of an export permit is required. Thus, international trade in Appendix-II species is possible, but a Scientific Authority must have advised that the export will not be detrimental to the survival of the species in the wild.

A species may be listed in **Appendix III** at the request of a country in which it is regulated, to prevent or restrict exploitation, and which considers that it needs the co-operation of other countries to control the trade. The international trade in Appendix-III specimens is subject to the grant of an export permit by the country that has requested the inclusion or of a certificate of origin by other range States.

#### Re-export

CITES is about international trade only, and thus deals with import, export and re-export of specimens, as well as with introductions from the sea, as said above. CITES is thus not relevant to domestic

**Analysis**



trade, that is, to the fishing and landing of any fish or other aquatic resources taken in the national and EEZ waters of any nation. It is worth noting also, as it appears from the above descriptions of the three Appendices, that CITES does not cover 'endangered' species only, as indicated in the title of the Convention, but may cover any species of wild fauna and flora for which international trade is or may become a threat for its survival.

**I**t is necessary to indicate also that when the word 'specimen' is used within CITES, it means any animal or plant, either live or dead, as well as any parts and derivatives thereof, unless they are formally excluded, as is possible for Appendix-II and -III plants and Appendix-III animals. Thus, if a fish species is included in Appendix II, not only the whole or substantially whole fish would be subject to CITES permits or certificates but any parts or products as well, even after having been processed, and in case of repeated international transactions.

The Parties to CITES gather about every two-and-a-half years at so-called meetings of the Conference of the Parties. The next meeting will take place in Santiago, Chile, from 3 to 15 November 2002. At such meetings, the implementation of the Convention is reviewed, as well as proposed amendments to the Appendices (inclusions, deletions or transfers from one Appendix to another) discussed, and resolutions and other decisions are adopted. The Convention is administered by the United Nations Environment Programme, whose Executive Director provides a Secretariat, which is based in Geneva, Switzerland, the role of which is significant in terms of overseeing the implementation of CITES and advising the Parties on any relevant issues.

The international trade in sea turtles used to be rather important and the listing of all turtle species in Appendix I certainly affected a number of fishing communities all around the world. To change this listing for the populations that are in good conditions has been impossible so far, as exemplified by the repeated failure of Cuba to have the population of hawksbill turtles (*Eretmochelys imbricata*) living in its

water transferred to Appendix II. Thus, Cuba is prevented from benefiting, through the sale of its stock of turtle shell, from the tremendous efforts it has made to properly manage this species, which is legally exploited (to a maximum of 500 turtles a year) by two local communities. The pressure from a number of countries and non-governmental organizations (NGOs) has been very strong, to the point that, this year, Cuba has withdrawn its new proposal even before its discussion at the 12th meeting of the Conference of the Parties (CoP12). The coelacanth, with two known species, is the only fish listed in Appendix I that might have a very marginal importance for fishing communities in strictly limited areas.

The species that are listed in CITES Appendix II, and which may have significance for fishing communities, are mainly invertebrates, in particular the giant clams (*Tridacnidae*), as well the queen conch (*Strombus gigas*), a shell from the Caribbean, which is subject to a high trade in meat in that area and was largely extirpated in the waters of a number of islands due to overharvesting. All stony corals are also listed in Appendix II and are subject to a significant international trade, although such trade is rather small compared to the various uses of corals, including gravel, sand, etc., at the domestic level. All sturgeons (*Acipenseriformes*) are included in Appendix II, except two actually endangered species included in Appendix I. This is not relevant to fishing communities of southern Asia, but very much so to communities around the Caspian Sea and other water bodies of Eurasia.

#### **Shark included**

After their failure, at CoP11, to have them listed in Appendix II, Australia and the United Kingdom (UK) have requested for the inclusion of the great white shark (*Carcharodon carcharias*) and the basking shark (*Cetorhinus maximus*) in Appendix III. Australia requested that all parts and derivatives be covered by the listing, while the UK asked for the covering of fins and parts of fins only, in addition, of course, to whole animals. This means, for instance, that all coastal countries of the Indian Ocean willing to export shark fins from any of these two species to Hong

Kong will have to issue certificates of origin.

**A**t the time of writing this article, CoP12 was scheduled to take place between 3 and 15 November 2002. A significant number of documents relating to marine species and several proposals for the listing of marine species in CITES Appendix II will be considered. Regarding the latter, four proposals are relevant for fishing communities.

The UK will try again to have the basking shark listed in Appendix II, while India and the Philippines, on the one side, and Madagascar, on the other, are submitting two almost identical proposals, most likely prepared by an NGO, to list the whale shark (*Rhincodon typus*) in the same Appendix, which the US failed to have so listed at CoP11. This time, the latter country is proposing the inclusion in Appendix II of all species of the genus *Hippocampus*, seahorses. Six species, *Hippocampus comes*, *H. spinosissimus*, *H. barbouri*, *H. reidi*, *H. erectus* and *H. ingens* should be included as potentially threatened with extinction and the 26 remaining species as 'lookalike' species.

In addition, the US proposes the inclusion of the humphead wrasse (*Cheilinus undulatus*) and Australia that of the Patagonian and Antarctic toothfish (*Dissostichus eleginoides* and *D. mawsonii*).

These highly controversial proposals will certainly generate serious discussions. They will be opposed by those who consider that CITES should not be involved in the management of commercially exploited marine species, at least until the CITES criteria for amendment of the Appendices have been revised to make them applicable to such species, and those who consider that CITES has a role to play in such management.

The first group believes that no marine species should be included in the Appendices until the Food and Agriculture Organization of the United Nations (FAO) and regional fisheries management organizations have completed their analyses of the effects of CITES on these species they consider of their competence, and agreed that listings would be appropriate. The second group, often using the positive role played by CITES for sturgeons as an example, see in CITES a complement to FAO and others' activities. They feign ignorance of the fact that CITES was certainly not drafted with the control of trade in commercially exploited marine resources in mind, and that the implementation and enforcement of CITES for these species would be extremely complicated, cumbersome and time- and effort-consuming.

#### **Unforseeable**

At this stage, it is very difficult to forecast the results of the discussions and to know

whether all, some or none of the proposals will be adopted. As a two-thirds majority is required, it is not so easy to be successful, and the results may depend on the presence or not of a number of delegations of representatives of the fisheries authorities and on the co-ordination amongst delegations of coastal countries.

**S**hould the fishing communities fear CITES? The objective of CITES is not to stop the international trade in any species but to ensure that no species become endangered as a consequence of such trade. Nevertheless, it bans the trade in certain species that are considered as endangered and listed in Appendix I. Basically, we may say that CITES, as a conservation treaty, should be seen, in the long term, as being beneficial to the survival of the species and, therefore, to local communities, including those using aquatic resources. It should contribute to maintain the stocks of the species involved at satisfactory levels and so to guarantee the sustainable use of these stocks, including for future generations.

However, CITES deals only with one element that may affect the survival of a species, international trade. The importance of this element varies greatly from one species to another, and for a number of them, it affects only some parts or products that have a real commercial value on international markets. In the case of Appendix-I species, like the hawksbill turtle in Cuba, the meat is consumed locally but the turtle shell, which may be considered as a by-product in spite of its high commercial value, may not be exported either as raw material or as manufactured items for tourists. This is detrimental to the local communities and also to the government and the research on the species necessary to continue to improve its management and conservation. A rather similar situation could be created with the listing of sharks in the Appendices.

The main argument used to maintain the ban is that any legal trade would generate illegal trade. This may be seriously contested, as demonstrated by the occurrence of illegal trade in specimens of several species, in spite of their listing in Appendix I. Those using this argument—

## IWMC World Conservation Trust

- is a global non-profit organization promoting the conservation of habitat and wildlife resources
- advocates the use of science-based wildlife management techniques and the humane, ethical and fair treatment of all people whose customs and traditions involve the sustainable use of wildlife resources
- works to strengthen international co-operation among all those concerned with wildlife conservation; promotes public education and aims to foster understanding of the importance of the sustainable use of wildlife resources in our changing world

a number of States and many protectionist NGOs opposed to any use—deny that CITES is an effective treaty, capable of regulating a limited trade and preventing illegal activities. It is our opinion that CITES may be effective and that if it could be demonstrated that it is not, it would have lost its *raison d'être*. Therefore, when a species has recovered, or when a population is safe, well-managed and used sustainably, it should be allowed to enter in trade again, without excessive difficulties. This is unfortunately rarely the case.

The international trade in Appendix-II species is possible on certain conditions and, for as long as the harvest is limited to the actual recruitment capacity of the species, the implementation of CITES should not impact on the local communities. However, to determine that the export of specimens will not be detrimental to the survival of the species is not very easy, although it is a prerequisite for the issuance of export permits. Therefore, governments may be inclined, as well as pushed by certain NGOs, to be rather restrictive to avoid criticism, instead of making efforts to manage populations on the basis of scientific data.

### Close relation

They should be in close relation with the local communities, which have, in

general, a long experience in the species concerned, and could contribute to a management based on such experience and adapted to varying circumstances. This is, however, rarely the case, and, in many countries, not much effort is made to help local communities to ensure that species be harvested sustainably. What happened recently in India with regard to some shark species is a good example of the way governments take the interest of their local populations into consideration.

**I**t must be added that many countries, in general industrialized ones, into which specimens are imported tend not to trust the countries of export, mostly developing ones, and implement so-called stricter domestic measures that may considerably affect the volume of trade. Some require the issuance of import permits, as for Appendix-I species, when they are not just prohibiting the import of any wild specimens.

Some of the documents submitted for consideration at CoP12 are also of concern. They suggest strict measures on the establishment of voluntary quotas for the export of specimens of Appendix-II species, although this is clearly the responsibility of the range States. If adopted, these measures might have a serious impact on the trade, and those benefiting from it, local communities, in particular, although many of the species concerned may not be threatened at all. This represents a new attempt of rich countries to impose their views on countries with limited resources.

We have seen that species may be listed in Appendix II not because they are facing a risk of extinction but simply because they look like other species listed due to their conservation status. Logically, the trade in these species should not be hampered by excessive paperwork. However, when listed, CITES does not make a difference between the two categories of Appendix-II species, and the same documentation is required. This should be a reason for limiting the listing of 'lookalike' species as much as possible. In fact, we may notice the contrary and the case of the seahorses is a good example. The US, strongly pushed by

NGOs, is proposing, as already indicated, the inclusion in Appendix II of the whole genus, that is, 32 species. Six of them are proposed because it is considered that if their international trade is not subject to strict controls, they would become threatened with extinction. The other 26 species are not considered as threatened at all but are still proposed for listing in Appendix II, because they are said to be difficult to distinguish from the others. We may doubt that this is the case of all, in particular because seahorses are essentially traded as entire, live or dead, specimens. On the other hand, we may not have much doubt that if the proposal is accepted, the trade in these 26 species, or at least in a number of them, would be seriously affected, largely to the detriment of local communities.

If properly implemented, CITES should not have a detrimental impact on fishing communities in developing countries, at least in the long term, as its objective is not to ban the international trade in the listed species, unless they are actually endangered, but to ensure that the use of the species is sustainable. CITES is neither a threat to activities at the local level, since it deals with international trade only.

Nevertheless, the way it is often implemented, mainly under the pressure of countries and NGOs opposed to the use of wildlife, even when it is sustainable, is of genuine concern. It is therefore important that the range States favourable to the sustainable use of their natural resources work together, whatever the species involved, to defend their interests and to prevent the adoption by CITES of decisions that are contrary to such interests, without having necessarily any positive effects on the conservation of the species concerned.

#### **Government role**

Local communities should actively persuade their governments to take their interests into account when dealing with CITES issues and participating in CITES meetings. Regarding fisheries issues, the authorities in charge of them should be consulted, and this would be particularly important for CoP12, where many such issues will be considered. This should not be left only to people whose interests are far from those directly concerned.



**O**n the other hand, the fishing communities should take care of the natural resources they live on, and understand that they cannot be used without any limits, or with destructive practices.

Not taking this into account would provide arguments to those who devote more importance to wild species than human beings, and are ready to use considerable means to influence delegations at CITES meetings to push them to support decisions that have not much to do with the fundamental principles of CITES and the CBD. ♣

This article is by Jaques Berney (iwmcch@attglobal.net), Executive Vice-President, iwmc World Conservation Trust, Lausanne, Switzerland and former Executive Secretary and Deputy Secretary General of CITES