



IWMC  
World Conservation Trust

3, Passage Montriond  
1006 Lausanne, Switzerland  
Tel +41(21) 616-5000

1470 Heather Ridge Blvd, Unit 104  
Dunedin, Florida 34698, USA  
Tel +1(727) 738-9500

email: [iwmc@iwmc.org](mailto:iwmc@iwmc.org)  
[www.iwmc.org](http://www.iwmc.org)

- PROPOSAL: CITES CoP18 – **Prop. 42 App. II**  
**Mako sharks (*Isurus oxyrinchus* and *Isurus paucus*)**
- PROPOSAL: CITES CoP18 – **Prop. 43 App. II**  
**Guitarfishes (*Glaucostegus* spp.)**
- PROPOSAL: CITES CoP18 – **Prop. 44 App. II**  
**Wedgefishes (*Rhinidae* spp.)**
- PROPOSALS: Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d’Ivoire, Dominican Republic, Egypt, European Union, Gabon, Gambia, Jordan, Lebanon, Liberia, Maldives, Mali, Mexico, Nepal, Niger, Nigeria, Palau, Samoa, Senegal, Sri Lanka, Sudan and Togo
- PROPOSALS: Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d’Ivoire, Egypt, European Union, Gabon, Gambia, Maldives, Mali, Mauritania, Monaco, Nepal, Niger, Nigeria, Palau, Senegal, Sierra Leone, Sri Lanka, Syrian Arab Republic, Togo and Ukraine
- PROPOSALS: Bangladesh, Benin, Bhutan, Brazil, Burkina Faso, Cabo Verde, Chad, Côte d’Ivoire, Egypt, Ethiopia, European Union, Fiji, Gabon, Gambia, India, Jordan, Kenya, Lebanon, Maldives, Mali, Mexico, Monaco, Nepal, Niger, Nigeria, Palau, Philippines, Saudi Arabia, Senegal, Seychelles, Sri Lanka, Sudan, Syrian Arab Republic, Togo and Ukraine
- SUBJECT: Inclusion in App. II

**IWMC RECOMMENDS – REJECTION of PROP. 42, 43, 44**

IWMC has always respected the findings from the FAO Panel of Experts in establishing its recommendations. However, the three proposals for Sharks and Rays submitted for consideration at CoP18, Proposals 42, 43 and 44, need to be evaluated in the light of three other important factors. Therefore, independently of the findings from the FAO Panel of Experts, IWMC strongly recommends to the CoP18 Parties to reject these 3 proposals by the above-mentioned proponents for the following reasons:

## I. Appendix II... or I... or II... or I?

### 1. Introduction

On 29 July 2016, the Secretariat of the Convention on Migratory Species, CMS, published its recommendations on the marine species proposals submitted for consideration at CITES CoP17.

*“The CMS Secretariat is pleased to bring to your attention the comments of CMS on the proposals to Amend CITES Appendices I & II (Marine Species)...*

*...3. Mobula or Devil Rays (Mobula spp.) All nine species of the genus Mobula were listed on Appendix I and II of CMS in 2014 as well as Annex 1 of the CMS Sharks MOU in 2016. Consequently, the 124 Parties to CMS, out of which 123 are also Parties to CITES (see Table 2), have committed to strictly protect all species of the genus Mobula by: prohibiting the taking of such species, with very restricted scope for exceptions; conserving and where appropriate restoring their habitats; preventing, removing or mitigating obstacles to their migration and controlling other factors that might endanger them. Thus, these 123 Parties to both Conventions have already adopted measures which would preclude the issuing of Non-Detriment Findings for these species.”*

Article III Paragraph 2., sub-paragraph (a) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) creates the legal obligation to issue a NDF prior to the issuance of an export permit for specimen of Appendix II species:

*“2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:*

*(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;”*

**The CITES Appendix II listing of the genus Mobula, adopted at CoP17, is the equivalent of an Appendix I listing for the (now) 126 CITES Parties which are also Parties to the as these Parties are precluded to issue a NDF certificate, as required by CITES. No NDF, no authorized exportation.**

### 2. The current situation

Currently, in addition to the 9 species of Mobula rays, the listings of the Great white shark (*Carcharodon Carcharias*) and of the Basking shark (*Cetorhinus maximus*) in Appendix II of CITES, fall in the category of “effective” Appendix I listings.

The Third Meeting of Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks: 10-14 December 2018 (MOS3), in deciding to include the Oceanic white tip (*Carcharhinus obscurus*) and the Smooth hammerhead sharks (*Sphyrna zygaena*) in CMS Appendix I, created a similar situation for the those species already listed in CITES Appendix II. Those 126 Parties to CITES cannot legally trade in an Appendix II species as authorized by the text of the Convention.

**The outcome of this interlocking of responsibilities and obligations of Parties, members of both CMS and CITES, deprives them from rights they have under CITES. In other terms it annihilates the Sovereign Rights that they shall have under the Convention.**

### 3. Sharks and Rays Proposals for CITES CoP18 (Prop. 42, 43, 44)

The documents from MOS3 indicate that Senegal and Sri Lanka, also proponents of the three CoP18 proposals (42, 43, 44), were among the main proponents of the CMS Annex I listings.

#### **COP18 Prop.42 Mako Sharks**

The two species of Mako sharks are included in Appendix II of CMS. If, at some point, thanks to its simplified procedures, CMS decides to list the Mako sharks in its Appendix I, it will create the same situation as described above.

#### **COP18 Prop.43 Guitarfishes**

The adoption of this proposal will create a de facto Appendix I listing for 126 CITES Parties as result of listing decided by CMS.

#### **COP18 Prop.44 Wedgefishes**

The adoption of this proposal will create a de facto Appendix I listing for 126 CITES Parties as result of listing decided by CMS

## **II. Difficulties encountered with previous listings**

Against the background of more proposals for marine fish listings in CITES Appendices, it is evident that in the period after CoP12, the rapid increase in the listing of aquatic species has not been matched, despite some capacity building efforts, by adequate measures of implementation or calibration of efficacy. Sometimes, listings have boosted illegal activities (SC69 Doc.47.2). Generally, this has placed a considerable burden upon the resources of relevant regulatory and Management Authorities.

Previous listings of Marine fish species on CITES Appendices has proven, so far, to be at least problematic, to use an euphemism. Three examples are notorious:

1. *Anguilla anguilla* is a prime example of a questionable application of the listing of an aquatic species. Contrary to expectations, in terms of conservation, sustainability, managing global trade and boosting public trust, it generated mostly negative returns. Yet the promise was...

2. A reasonable expectation would be that 15 years after the listing of *Cheilinus undulatus* in Appendix II, CITES should be capable of demonstrating effective, efficient, efficacious results. Unfortunately, it cannot do so. As a result of serious implementation and enforcement problems, the species has been repeatedly on the agenda of meetings of the Animals Committee and the Standing Committee, as well as on meetings of the Conference of the Parties.
3. And what about Sea Horses?

### **III. No evidence of conservation effectiveness of previous listings**

Because of the considerations in II. above, no conservation benefits have yet been established by CITES for the marine fish species listed prior to CoP16; and NOTING that no process has been established by CITES to measure any conservation benefits for the species listed at CoP16 and CoP17.

### **Conclusions**

1. **These three proposals for listing in CITES Appendix II are Appendix I proposals (43 and 44). Prop.42 carries the potential of becoming a CITES Appendix I listing by virtue of decisions taken by another International instrument. All three proposals shall be withdrawn and represented at CoP19, as proposals for listings in Appendix I.**
2. **These proposals are premature.**

**All three proposals shall be withdrawn and represented at CoP19, as proposals for listings in Appendix I, but in any case, they shall be rejected by the Conference of the Parties**