

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

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STATEMENT FROM THE FAO FISHERIES AND AQUACULTURE DEPARTMENT  
ON COP15 PROPOSAL 19 TO LIST THE ATLANTIC BLUEFIN TUNA IN APPENDIX I

The attached document\* is submitted by the CITES Secretariat at the request of the Food and Agriculture Organization of the United Nations.

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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

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**STATEMENT FROM THE FAO FISHERIES AND AQUACULTURE DEPARTMENT ON  
COP15 PROPOSAL 19 TO LIST THE ATLANTIC BLUEFIN TUNA IN APPENDIX I**

1. The proposal to list Atlantic bluefin tuna *Thunnus thynnus* on Appendix I has potentially far-reaching consequences for conservation of the species and its sustainable use. It requires, in part, a choice as to whether the relevant regional fisheries management organization, ICCAT, should retain its sole mandate to do so or whether CITES is also required. The FAO Secretariat has noted the discussions and consultations by Parties to CITES reported in the media and informally to us by several Members of the Organization. Noting this ongoing careful consideration being given by countries to this proposal, the FAO Fisheries and Aquaculture Department has taken the unusual step of releasing its statement to CoP15 on the proposal before the event, in an attempt to assist countries in coming to an optimal decision.
2. In accordance with the UN Law of the Sea and the UN Fish Stocks Agreement, FAO recognises and respects the mandate of regional fisheries management organisations (RFMOs) for conservation and management of living resources in the areas of the high seas. Fundamentally therefore, FAO is supportive of these bodies having the primary management function for straddling fish stocks and highly migratory fish stocks. At the same time, the rights granted to these bodies by international law brings with it legal obligations including, in particular, the need to "adopt measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks and promote the objective of their optimum utilisation"<sup>1</sup>.
3. With this background, as the Secretariat of FAO, the United Nations Organisation responsible for supporting the sustainable use and conservation of fisheries resources including through RFMOs, we regret the situation in which the effectiveness of RFMOs to achieve their goals is having to be questioned by the international community. We take this opportunity to strongly urge each and every RFMO to double its efforts to improve its effectiveness in attaining its intended goal and the FAO Secretariat commits itself to renew its efforts to provide assistance towards this goal.
4. Turning to the proposal, the opinions of FAO Member States differ widely on the appropriate extent of the role for CITES in the conservation of commercially-exploited aquatic species. Taking note of the conclusions of the FAO Expert Advisory Panel, in this particular case we are of the view that invoking a CITES Appendix I listing would almost certainly bring some benefits to the conservation of the species but also that there may be some risks for the longer-term sustainable use of the species. This statement addresses both aspects.
5. When FAO convened the 2009 Expert Advisory Panel to evaluate listing proposals to CoP15, it ensured that the Panel included high-level experts in both scientific and implementation aspects relevant to the species. The FAO Secretariat has absolute confidence in the Panel and in the recommendations and conclusions it put forward. In accordance with the Terms of Reference provided by FAO's Committee on Fisheries, the Panel considered the proposal from a scientific perspective in accordance with the CITES biological listing criteria, and also commented on technical aspects of the proposal including management issues and the likely effectiveness for conservation.
6. As described in the Panel's Assessment Summary and full report, a majority of the Panel considered that the available evidence supported the proposal to include Atlantic bluefin tuna in Appendix I. This conclusion was based on the estimate that both populations of Atlantic bluefin tuna are below the threshold of 15% of baseline and therefore meet the relevant decline criterion for inclusion in Appendix I. There are underlying scientific reasons why there was not consensus on the conclusion which are explained in the report and will not be addressed here.

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<sup>1</sup> 1995 UN Fish Stocks Agreement, Article 5(a).

7. The Panel also noted a number of risk and mitigating factors. Amongst the factors that the Panel considered increased the risk to the stock was the combination of high fishing mortality, low stock biomass and overcapacity of the fleet for both the Eastern and Western stocks. Substantial illegal catches were an additional risk factor noted by the Panel.
8. In terms of mitigating factors, the Panel noted that there have been important improvements in the management approach implemented by ICCAT for the Eastern stock, including a commitment to follow the best available scientific advice in the future, a scheme to reduce fleet capacity and a stock rebuilding plan with the objective of reaching *MSY* in 2023. The Panel also noted encouraging progress in combating IUU fishing in the Mediterranean. For the Western stock, the Panel noted that it has been under a formal rebuilding plan since 1998, which was strengthened in 2008 in response to the observation that the stock is not rebuilding as rapidly as had been anticipated. In the view of the Panel, in recent years ICCAT has made substantial improvements in the overall management approach to the species.
9. Referring to the likely effectiveness of CITES Appendix I listing, the Panel noted that an Appendix I listing would be likely to substantially reduce demand for the species and, as a result, harvest levels would be more likely to be commensurate with or lower than the recommended TACs for allowing stock recovery. While the benefits of the listing for legal fishing would differ for Eastern and Western stocks, the Panel concluded that overall the rebuilding of the stock would be likely to benefit from an Appendix I listing. It also noted that a CITES listing would provide some additional tools in combating illegal trade and thereby illegal fishing.
10. It is now up to the CITES Parties to decide on the best course for ensuring effective management and conservation for the species. An Appendix I listing would involve a ban on all commercial trade. As noted by the Panel, this would be likely to assist in the rebuilding of the stock. This benefit does bring with it a risk, though, and it is significant that a number of FAO Member countries have expressed their concerns about 'problems in the de-listing process' and what they consider to be 'the great difficulty in de-listing a species even when there was good scientific support for such a decision.'<sup>2</sup> This could be particularly problematic in aquatic species such as tuna which frequently show considerable variability in abundance. The risk that the ban on commercial fishing for Atlantic bluefin tuna from a CITES Appendix I listing would remain in effect even though the species had recovered to an extent where it no longer met the criteria, is therefore a concern to FAO which has a fundamental mandate for sustainable use of resources to contribute to improving the living standards of all.
11. In this regard, the FAO Fisheries and Aquaculture Department acknowledges the annotation to the proposal by Monaco which attempts to mitigate this problem but notes that the process proposed would still require a decision by the Conference of the Parties with the potential for a delay that this could bring. It is therefore not clear that the annotation would significantly improve the likelihood of the species being timeously down-listed or de-listed in response to improved status. We also wish to draw the attention of the Parties to CITES to the observation by the FAO Expert Panel that implementation of an Appendix I listing would impact on many of the indices currently used by ICCAT for monitoring the status and trends of the species. The potential problem referred to is that an Appendix I listing would likely result in a substantial reduction in and changes to the nature of current legal fishing. As monitoring of catches and effort in the fishery provides the primary source of the indices of abundance and stock status, an Appendix I listing would be likely to impact significantly on the ability to monitor trends in the stock.
12. In addition to summarising the conclusions of the Panel, we would therefore like to bring to the attention of the CITES Parties the potential problems of i) accurately monitoring the trends in stock status under an Appendix I listing and ii) de-listing or down-listing the species when the status of the population has improved to a point that justifies it. We urge the Parties to CITES and ICCAT to work together to ensure that, while the healthy conservation status of Atlantic bluefin tuna is assured, whatever measures are implemented include clear and pre-determined conditions to ensure that restrictions on fishing are commensurate with the status of the population. Should an Appendix I listing be approved, this would require implementation of a process that ensures that properly controlled harvesting, in accordance with international law and agreements, will be permitted without delay when the relevant listing criteria, as interpreted on the basis of the best current knowledge of fish biology and dynamics, are no longer met.

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<sup>2</sup> para 17, *Committee on Fisheries. Report of the Eighth Session of the Sub-Committee on Fish Trade. Bremen, Germany, 12-16 February 2002. FAO Fisheries Report No. 673. Rome, FAO. 2002. 90p.*