

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

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Interpretation and implementation of the Convention

Species trade and conservation issues

CONSERVATION OF AND TRADE IN STURGEONS AND PADDLEFISH

1. This document has been prepared by the Secretariat.
2. The second RECOMMENDS of Resolution Conf. 12.7 on Conservation of and trade in sturgeons and paddlefish states the following:

RECOMMENDS further, with regards to catch and export quotas, that:

- a) *Parties not accept the import of specimens of Acipenseriformes species from stocks shared between different range States¹ unless:*
 - i) *export quotas for that year have been established by the range States²² concerned and have been communicated by the Secretariat to the Parties;*
 - ii) *the export quotas referred to in subparagraph i) have been derived from catch quotas agreed amongst States that provide habitat for the same stock of an Acipenseriformes species;*
 - iii) *catch quotas are based on an appropriate regional conservation strategy and monitoring regime for the species concerned; and*
 - iv) *the Secretariat is satisfied that catch and export quotas are agreed by all relevant range States, on the basis of information provided to it on the status of stocks of the species concerned; and*
- b) *if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quota established in accordance with this Resolution under stricter domestic measures, this shall not affect the quotas of the other range States of this stock;*

3. In compliance with these provisions, the Secretariat has sought to obtain for shared sturgeon stocks from relevant range States the following: a) details of the annual catch and export quotas established by the range States; b) evidence that catch and export quotas for each year were agreed by all relevant range States; c) information on the status of stocks of the species concerned; and d) evidence that the proposed catch and export quotas were based on this information. The Secretariat also sought confirmation that e) export quotas for each year were derived from and consistent with the catch quotas agreed amongst range States; and that f) catch quotas for each year were based on an appropriate regional conservation strategy and monitoring regime. The Secretariat is of the opinion that it is obliged to obtain this information every year before it can proceed with the publication of annual export quotas for range States that exploit shared sturgeons stocks. Sturgeon range States in the Caspian Sea were not expected to fully comply with all provisions in Resolution Conf. 12.7 before 31 December 2003, when decisions on a series of parallel or overlapping regional actions came to a conclusion. Therefore, the Secretariat could only apply the Resolution's recommendations regarding catch and export quotas to all relevant range States in 2004.

¹ Quotas do not have to be established for specimens from endemic stocks, i.e. stocks not shared with other countries, and captive breeding or aquaculture operations. Quotas communicated for such specimens are voluntary quotas.

² For States that do not have legislation to establish export quotas at the national level, export quotas communicated to the Parties are considered to be export quotas for the purposes of this Resolution only.

4. Since the adoption of the Resolution in 2002, the Secretariat has experienced difficulties in obtaining all of the information referred to above in a timely fashion. This prevented the Secretariat from verifying compliance by relevant range States with Resolution Conf. 12.7, which caused significant delays in the publication of sturgeon export quotas in 2003. At the time of writing of this document (September 2004), only the range States that share stocks of sturgeons in the Northwest Black Sea and Danube River had complied with the provisions, thus allowing the Secretariat to publish their export quotas. The necessary information to publish export quotas for shared sturgeon stocks in the Amur River (China and the Russian Federation), the Azov Sea (Russian Federation and Ukraine), the Caspian Sea (Azerbaijan, Islamic Republic of Iran, Kazakhstan, the Russian Federation and Turkmenistan) and North America (Canada and the United States of America) had not been submitted or was inadequate.
5. Furthermore, the Secretariat has intelligence to suggest that the delays in publishing quotas for 2003 and 2004 led to an increase in the smuggling of caviar since there was no access to legal stocks. Such delays are also believed to be exploited by unscrupulous traders to illegally dispose of caviar that was initially lawfully harvested during periods before the Secretariat could verify compliance with Resolution Conf. 12.7 and publish quotas. Additionally there is intelligence suggesting that following the delayed publication of quotas, fresh stocks of caviar may have been illegally obtained and then exported as part of the annual quota, thereby prompting 'double-harvesting'. This abuse of the current provisions of the Resolution results in over-harvesting, illegal catch and smuggling, rather than in assisting range States in the conservation management of wild sturgeon populations and facilitating legal trade.
6. The Secretariat is of the opinion that clear time schedules for the submission of information in compliance with Resolution Conf. 12.7 and for the subsequent publication of export quotas would improve transparency and avoid ambiguity about annual quotas, and thereby be helpful to range States, importing countries, the sturgeon industry and other stakeholders. It furthermore believes that the implementation of Resolution Conf. 12.7 would be enhanced by specifying what action the Secretariat should take in cases where one or more range States with shared stocks of Acipenseriformes species fail to comply with the Resolution's provisions within the agreed time-frames.
7. In the absence of published export quotas for 2004, certain range States have continued to export caviar and other specimens of Acipenseriformes that, according to declarations to the Secretariat, had been obtained in 2003 or in previous years and that were authorized for export in 2004. However, it has proven difficult to ascertain that all the specimens concerned were actually part of older stocks and had not come from sturgeons harvested in the course of 2004. To avoid this problem, the Secretariat is of the opinion that relevant range States should inform the Secretariat by 31 January of each year about the amounts of sturgeon specimens that were legally obtained in the previous year and that are intended for export during the year, and that all the leftovers of caviar should be exported by 31 March of the year, i.e. within a maximum of 3 months from the quota years' end.
8. Therefore, the Secretariat proposes to amend the provisions of the Resolution to: a) introduce time-frames for the submission of the required information and the subsequent publication of catch and export quotas; b) clarify that range States with shared sturgeon stocks should not exploit these stocks as long as annual catch quotas have not been published; c) include instructions to the Secretariat for instances where one or more range States have not complied with the provisions of the Resolution concerning catch and export quotas for shared sturgeon stocks; and d) insert language concerning the announcement and export of leftover stocks of caviar and other sturgeon specimens of previous years.
9. The proposed amendments to the relevant section of Resolution Conf. 12.7 are presented in Annex 1 to this document. Deletions are indicated in ~~strike through~~, and new text appears in **bold**. Annex 2 contains a clean version of the proposed amendments.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Amendments to Resolution Conf. 12.7

RECOMMENDS further, with regards to catch and export quotas, that:

- a) Parties not accept the import of specimens of Acipenseriformes species from stocks shared between different range States¹ unless:
 - i) export quotas for that year have been established by the range States² concerned, and have been communicated by the Secretariat to the Parties **by 31 January of that year**;
 - ii) the export quotas referred to in subparagraph i) have been derived from catch quotas agreed amongst States that provide habitat for the same stock of an Acipenseriformes species;
 - iii) catch quotas are based on an appropriate regional conservation strategy and monitoring regime for the species concerned; and
 - iv) the Secretariat is satisfied that catch and export quotas are agreed by all relevant range States, on the basis of information provided to it **by 30 November of the preceding year** on the status of stocks of the species concerned **and on their compliance with the provisions in subparagraphs ii) and iii) above**; and
- b) **if relevant range States fail to comply with the provisions laid out in paragraph a, subparagraphs ii) to iv) above, their catch and export quotas for that year will be zero;**
- c) **range States wishing to export specimens of Acipenseriformes species from shared stocks should not initiate harvesting of these species unless the Secretariat has communicated to the range States concerned that it is satisfied that the provisions in paragraph a), subparagraphs ii) to iv) above have been complied with;**
- d) **in instances where a range State wishing to export specimens of Acipenseriformes species from shared stocks has commenced harvesting prior to the communication referred to in paragraph c) above, the Secretariat shall publish a zero export quota for the relevant species from that range State;**
- e) **range States intending to authorize exports in a given year of specimens of Acipenseriformes species from shared stocks that were obtained in a preceding year must inform the Secretariat by 31 January of the nature and quantities of the specimens still held in stock and, having done so, export the caviar by 31 March at the latest; and**
- f) if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quota established in accordance with this Resolution under stricter domestic measures, this shall not affect the quotas of the other range States of this stock;

¹ Quotas do not have to be established for specimens from endemic stocks, i.e. stocks not shared with other countries, and captive breeding or aquaculture operations. Quotas communicated for such specimens are voluntary quotas.

² For States that do not have legislation to establish export quotas at the national level, export quotas communicated to the Parties are considered to be export quotas for the purposes of this Resolution only.

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- b) if relevant range States fail to comply with the provisions laid out in paragraph a, subparagraphs ii) to iv) above, their catch and export quotas for that year will be zero;
- c) range States wishing to export specimens of Acipenseriformes species from shared stocks should not initiate harvesting of these species unless the Secretariat has communicated to the range States concerned that it is satisfied that the provisions in paragraph a), subparagraphs ii) to iv) above have been complied with;
- d) in instances where a range State wishing to export specimens of Acipenseriformes species from shared stocks has commenced harvesting prior to the communication referred to in paragraph c) above, the Secretariat shall publish a zero export quota for the relevant species from that range State;
- e) range States intending to authorize exports in a given year of specimens of Acipenseriformes species from shared stocks that were obtained in a preceding year must inform the Secretariat by 31 January of the nature and quantities of the specimens still held in stock and, having done so, export the caviar by 31 March at the latest; and
- f) if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quota established in accordance with this Resolution under stricter domestic measures, this shall not affect the quotas of the other range States of this stock;

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