



## Convention on the Conservation of Migratory Species of Wild Animals

*Secretariat provided by the United Nations Environment Programme*



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### **CMS comments on CITES listing proposals**

Dear Mr. Scanlon,

Kindly find enclosed comments of the CMS Secretariat and the CMS Scientific Council Chair, Fernando Spina, on proposals to amend CITES Appendices I and II, as requested in your letter of 16 November 2012.

We appreciate that our comments will be communicated to the CITES Parties for their consideration at the 16<sup>th</sup> Conference of the Parties.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Bert Lenßen'.

Bert Lenßen  
Officer in Charge

## CMS comments on CITES listing proposals

### 1. Introduction:

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) was requested by the CITES Secretariat to comment on the following listing proposals:

- ✓ Oceanic whitetip shark (*Carcharhinus longimanus*)
- ✓ Scalloped hammerhead (*Sphyrna lewini*)
- ✓ Great hammerhead (*Sphyrna mokarran*)
- ✓ Smooth hammerhead (*Sphyrna zygaena*)
- ✓ Porbeagle shark (*Lamna nasus*)
- ✓ Manta spp.
- ✓ Discus ray (*Paratrygon aiereba*)
- ✓ South American Freshwater Stingray (*Potamotrygon motoro*)
- ✓ Rosette river stingray (*Potamotrygon schroederi*)
- ✓ West African manatee (*Trichechus senegalensis*)

CMS will not comment on the *Paratrygon aiereba*, *Potamotrygon motoro* and *Potamotrygon schroederi* proposals, as those species are neither listed in CMS Appendices nor does CMS have any exclusive scientific information about their conservation status.

### 2. General background:

CMS lists seven species of Chondrichthyan fishes in its Appendices, including *Lamna nasus* (Appendix II) and *Manta birostris* (Appendix I and II). Table 1 gives an overview of their listing status under CMS and under the Memorandum of Understanding on the Conservation of Migratory Sharks (CMS Sharks MOU) as well as references to recent reviews of their conservation status. More information on the CMS Sharks MOU is provided in section 4, which deals with the only relevant species currently covered by the MOU. *Trichechus senegalensis* is listed in both Appendix I and II of CMS and is covered by the CMS Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia.

CMS Appendix I lists endangered species and in accordance with Article III of the Convention, Parties shall endeavour to provide immediate protection to species on CMS Appendix I.

**Table 1:** Conservation status of marine chondrichthyan species under CMS, which are proposed for listing on CITES Appendices

Species	CMS I	CMS II	Sharks MOU Annex I	CMS Reviews
<i>Carcharhinus longimanus</i>	no	no	no	UNEP/CMS/MS/4 CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1
<i>Sphyrna lewinii</i>	no	no	no	UNEP/CMS/MS/4 CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1
<i>Sphyrna mokarran</i>	no	no	no	UNEP/CMS/MS/4 CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1
<i>Sphyrna zygaena</i>	no	no	no	UNEP/CMS/MS/4 CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1
<i>Lamna nasus</i>	no	yes	yes	UNEP/CMS/MS/4 CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1
<i>Manta birostris</i> (spp.)	yes	yes	no	CMS Technical Series no. 15 CMS/Sharks/MOS1/Doc.7.4 rev.1

### 3. *Carcharhinus longimanus*:

**CMS supports the proposal submitted by Brazil, Colombia and the USA, to list the Oceanic whitetip shark in CITES Appendix II.**

*C. longimanus* is not listed in Appendix I or II of CMS, nor is it covered by the CMS Sharks MOU. However, Recommendation 8.16 requests all Parties to strengthen measures to protect migratory sharks species against threats, including IUU fishing and by-catch.

A *Review of Migratory Chondrichthyan Fishes*, which was prepared by the IUCN Sharks Specialist Group on behalf of the CMS Secretariat in 2007 (CMS Technical Series No.15) revealed that population dynamics and structure were both little known.

It is further stated that the Oceanic whitetip shark was formerly one of the most abundant of oceanic sharks and that it is extremely susceptible to bycatch in intensive fisheries for tuna and

other valuable pelagic species because of its inquisitive nature. According to the IUCN SSG this bycatch is utilized for the sharks' large fins and steep declines in catch rates have been reported in recent decades. It has been assessed as Vulnerable globally, and Critically Endangered in the Northwest Atlantic where the greatest declines are reported.

One conclusion of the review was that, management measures were largely confined to finning bans on the high seas that should reduce bycatch mortality and that the high value of this species' fins and steep population declines recently observed indicated that it should be a much higher priority for collaborative management by Range States and particularly on the high seas.

#### **4. *Lamna nasus*:**

##### **CMS supports the proposal submitted by Denmark on behalf of the European Union to list *Lamna nasus* in CITES Appendix II.**

According to the *Review of Migratory Chondrichthyan Fishes* the porbeagle shark *Lamna nasus* has been targeted in fisheries for its meat for many decades in the North Atlantic, where stocks are assessed as Critically Endangered and Endangered by the IUCN. The Critically Endangered northeast Atlantic stock continues to be targeted because of the vulnerability of aggregations of this species. The structure and migrations of the southern hemisphere population(s) are very poorly known, but the porbeagle is assessed as Near Threatened in most of these regions because of increasing fishing pressure in many areas combined with their high commercial value.

The porbeagle shark is listed by IUCN as Vulnerable globally because of the past and current declines in its populations caused by target fisheries and utilized bycatch of this highly valuable species.

The *Review of Migratory Chondrichthyan Fishes* (noted that although all lamnids were listed in Annex I of UNCLOS (Highly Migratory Species), in recognition of the importance of collaborative management for these sharks, only a few Range States and no regional fisheries bodies had introduced sustainable management for the porbeagle shark, despite many years' discussion of this species as a possible candidate for a CITES Appendix II listing. The porbeagle shark certainly warrants a much higher priority for collaborative management by Range States than is currently the case.

*Lamna nasus* is listed in CMS Appendix II and on Annex I to the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU).

CMS Appendix II lists migratory species that have an unfavourable conservation status and that require international agreements for their conservation and management, as well as those that have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement. Parties that are Range States of migratory species listed in Appendix II are encouraged to take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdiction boundaries.

In March 2010 the CMS Sharks MOU, a daughter agreement in accordance with Article IV 4 of the Convention, came into effect. Its aim is to achieve and maintain a favourable conservation status for migratory sharks based on the best available scientific information, taking into account the socio-economic and other value of these species for the people of the Signatory States. The MOU is accompanied by a conservation plan, which applies to the seven species of migratory sharks, that are currently listed in Annex I to the MOU and that comprise *Lamna nasus*. To date 25 Signatories have signed the MOU, including the USA, the EU and Australia.

The Conservation Plan was adopted at the 1<sup>st</sup> Meeting of the Signatories to the MOU and which was annexed to the MOU. In it Signatories are encouraged to sign CITES and other relevant Agreements if not done already and to cooperate with CITES and other relevant MEAs with a view to conserving migratory sharks. Furthermore, Signatories should develop and implement strategies that seek to ensure that shark products entering international trade are harvested and traded in accordance with existing conservation and management measures and applicable regulations including those of CITES and RFMOs. The Conservation Plan entails the development and implementation of additional measures to ensure legal and sustainable international trade in sharks and shark products and calls for the implementation and enforcement of existing fisheries conservation and management measures and trade regulations on shark fisheries through effective monitoring, control and surveillance.

## **5. Manta spp.**

**CMS supports the proposal submitted by Ecuador, Brazil and Colombia, to list Manta spp. in CITES Appendix II.**

*Manta birostris*, one of the species within the genus *Manta*, was added to CMS Appendix I and II upon the proposal of Ecuador at COP 10 in Bergen 2011. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:

- the taking is for scientific purposes;

- the taking is for the purpose of enhancing the propagation or survival of the affected species;
- the taking is to accommodate the needs of traditional subsistence users of such species; or
- extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time.

Such taking should not operate to the disadvantage of the species.

With its adoption, CMS Parties followed the rationale of the proposal of Ecuador ([http://www.cms.int/bodies/COP/cop10/appendices\\_proposals/1\\_5\\_manta\\_birostris\\_rev1\\_e.pdf](http://www.cms.int/bodies/COP/cop10/appendices_proposals/1_5_manta_birostris_rev1_e.pdf)) which clearly describes that *M. birostris* is very vulnerable to human exploitation such as direct or indirect fishing pressure and that the increased demand for fins, liver and gill filaments has led to an increase in direct fishing of *M. birostris* (other Manta species were not described in the proposal).

In the *Review of Migratory Chondrichthyan Fishes* it was noted that the Manta ray was listed as Near Threatened on the IUCN Red List, with some regional stocks Vulnerable as a result of declines driven by target and bycatch fisheries for their meat and gill rakers (increasingly utilized in traditional Chinese medicine). At that time target fisheries for this species existed in several countries, including Brazil, India, Indonesia, Madagascar, Mexico, Mozambique, the Philippines, Sri Lanka and the United Republic of Tanzania, and regional population declines had been recorded. It was also noted in the review that females give birth to only one or two huge pups at intervals of two to three years, which limits the ability of the species to recover from unsustainable fisheries. Meanwhile, *M. birostris* was classified as Vulnerable globally on the IUCN Red List.

#### **6. *Sphyrna lewini*, *Sphyrna mokarran*, *Sphyrna zygaena*:**

**CMS supports the proposal submitted by Brazil, Costa Rica and Honduras co-sponsored by Colombia, Ecuador, the European Union and Mexico to list *Sphyrna lewini*, *S. mokarran* and *S. zygaena* in CITES Appendix II.**

The three largest and globally distributed species of hammerheads, ***Sphyrna lewini* Scalloped hammerhead**, ***S. mokarran* Great hammerhead**, and ***S. zygaena* Smooth hammerhead**, certainly have an unfavourable conservation status. *S. lewini* and *S. mokarran* have both been reassessed as Endangered by the IUCN because of the steep population declines driven by target fisheries and high bycatch mortality. *S. lewini* is an aggregating seasonally-migratory species at least in part of its continental and insular shelf distribution. Its aggregations are

targeted by fisheries. *S. mokarran* is not usually found in aggregations but is nomadic and migratory in its worldwide coastal-pelagic tropical range. *S. zygaena* was classified as Near Threatened in the *Review of Migratory Chondrichthyan Fishes* as a result of less serious declines in fisheries, but was since then reassessed as Vulnerable globally.

The IUCN Shark Specialist Group has recommended that all three of these rather similar species would benefit from collaborative management initiated under Appendix II listing, since they are fished by many Range States that currently have little or no management for hammerheads.

#### **7. *Trichechus senegalensis*:**

**CMS supports the proposal submitted by Gabon, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone to transfer *Trichechus senegalensis* to CITES Appendix I.**

The West African manatee is classified as Vulnerable by the IUCN. Data are not sufficient for determining trends, but all areas where the species is studied seem to be suffering population declines. While several factors are thought to contribute to this, hunting is seen as a key threat.

The West African manatee was listed in CMS Appendix II in 2002, and in 2008 was in addition put in Appendix I. In the same year, the CMS Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia was concluded in Lomé, Togo. The CMS Action Plan for the Conservation of the West African Manatee, which forms part of the MOU (Annex I), acknowledges commercial trade, both for regional markets and internationally, as one of the driving forces of population declines throughout the species' range. The listing of the species on CITES Appendix I is an Action (Expected Outcome 1.1) recommended in the Action Plan, and enforcement of legislation relating to manatee hunting and trade is of high priority (Expected Outcome 1.4).

#### **8. Relevant documents :**

- **IUCN SPECIES SURVIVAL COMMISSION'S SHARK SPECIALIST GROUP on behalf of UNEP/CMS SECRETARIAT, 2007: *CMS Technical Series No. 15: Review of Chondrichthyan Fishes***  
[http://www.cms.int/publications/TechSeries/ts15\\_migratory\\_sharks.pdf](http://www.cms.int/publications/TechSeries/ts15_migratory_sharks.pdf)
- **UNEP/CMS/MS/4: *Background Paper on the Conservation Status of Migratory Sharks and Possible Options for International Cooperation under the Convention on Migratory Species* (IUCN SSG)**

[http://www.cms.int/bodies/meetings/regional/sharks/pdf\\_docs/Doc\\_04\\_Background\\_Paper.pdf](http://www.cms.int/bodies/meetings/regional/sharks/pdf_docs/Doc_04_Background_Paper.pdf)

- **CMS/Sharks/MOS1/Doc. 7.4 rev.1: Background Paper on the Conservation Status of Migratory Sharks**  
[http://www.cms.int/species/sharks/MOS\\_Mtg/MoS1/mtg\\_docs/e/MOS1\\_Doc\\_7\\_4\\_Rev1\\_Review\\_Status\\_of\\_Migratory\\_Sharks\\_Only\\_E.pdf](http://www.cms.int/species/sharks/MOS_Mtg/MoS1/mtg_docs/e/MOS1_Doc_7_4_Rev1_Review_Status_of_Migratory_Sharks_Only_E.pdf)
- **UNEP/CMS/Recommendation 8.16: Migratory Sharks**  
[http://www.cms.int/bodies/meetings/regional/sharks/pdf\\_docs/Inf\\_03\\_CP8Rec\\_8.16%20%28Migratory%20Sharks%29.pdf](http://www.cms.int/bodies/meetings/regional/sharks/pdf_docs/Inf_03_CP8Rec_8.16%20%28Migratory%20Sharks%29.pdf)
- **Memorandum of Understanding on the Conservation of Migratory Sharks (text of the MOU)**  
[http://www.cms.int/species/sharks/MoU/Migratory\\_Shark\\_MoU\\_Eng.pdf](http://www.cms.int/species/sharks/MoU/Migratory_Shark_MoU_Eng.pdf)
- **CMS Sharks MOU Conservation Plan:**  
[http://www.cms.int/species/sharks/pdf/CP\\_Conservation\\_Plan\\_Final\\_Eng.pdf](http://www.cms.int/species/sharks/pdf/CP_Conservation_Plan_Final_Eng.pdf)
- **Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia (Western African Aquatic Mammals MOU):**  
[http://www.cms.int/species/waam/MoU\\_E.pdf](http://www.cms.int/species/waam/MoU_E.pdf) (also available in French)
- **Action Plan for the Conservation of the West African Manatee (part of Western African Aquatic Mammals MOU):**  
[http://www.cms.int/species/waam/manatee\\_ap\\_E.pdf](http://www.cms.int/species/waam/manatee_ap_E.pdf) (also available in French)
- **CMS Technical Series No. 26 *Conserving cetaceans and manatees in the western African region*:**  
[http://www.cms.int/publications/TechSeries/ts26\\_watch\\_e.pdf](http://www.cms.int/publications/TechSeries/ts26_watch_e.pdf) (also available in French and Spanish)
- **Convention on the Conservation of Migratory Species of wild Animals (text of the Convention)**  
[http://www.cms.int/documents/convtxt/cms\\_convtxt.htm](http://www.cms.int/documents/convtxt/cms_convtxt.htm)