



Our ref.: SG/RG/2022/DOALOS/01
Your ref.: /

Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs and
United Nations Legal Counsel

Geneva, 22 June 2022

Subject: **CITES contribution to the report of the Secretary-General on oceans and the law of the sea**

Dear Mr de Serpa Soares,

I have the pleasure of writing to you in response to your letter, dated 11 April 2022, in which you solicited the contribution of the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to the report of the Secretary-General on oceans and the law of the sea.

In this context, I am pleased to report that a number of scientific, legal and enforcement activities have been undertaken under CITES. The main developments that have occurred during the period since our last report, following on from the latest meeting of the Conference of the Parties to CITES (CoP18, Geneva, 2019), and in preparation for the forthcoming meeting of the Conference of the Parties (CoP19, Panama, 2022), include the following:

Scientific developments – conservation and management of marine species

As previously reported, CoP18 resulted in the inclusion of three species of **teatfish (sea cucumbers)** and 18 additional species of **sharks and rays** in Appendix II of CITES. A number of Resolutions and Decisions were adopted or revised that focus on the maintenance of biodiversity of oceans and marine ecosystems and ensuring that international trade in CITES-listed marine species does not endanger the survival of these species in the wild.¹

Resolution Conf. 12.6 (Rev. CoP18) on Conservation and management of sharks encourages Parties to strengthen measures for conservation and management of sharks by improving data collection and reporting, developing non-detriment findings (NDFs), and working regionally to collect and share information on shared stocks. COP18 mandated the CITES Secretariat to organize an international workshop on NDFs, which intends

¹ See Decision 16.136 (Rev. CoP18) on Identification and traceability of sturgeons and paddlefish, Decisions 18.197 - 18.202 on Eels (*Anguilla* spp.), Decision 18.209 on Humphead wrasse (*Cheilinus undulatus*), Decisions 18.210-18.217 on Marine turtles (*Cheloniidae* spp. and *Dermochelyidae* spp.), Resolution Conf 12.6 (Rev. CoP18) on Conservation and management of sharks and Decisions 18.218-18.225 on Sharks and rays (*Elasmobranchii* spp.), Decisions 18.228 - 18.233 on Seahorses (*Hippocampus* spp.), Decisions 18.263-18.265 on Banggai cardinalfish (*Pterapogon kauderni*), Decisions 18.292 - 18.295 on Totoaba (*Totoaba macdonaldi*) Decisions 18.296 – 18.298 on Marine ornamental fishes, and Decisions 18.275 - 18.280 on Queen conch (*Strombus gigas*).

to include a workstream on marine or aquatic species, including regional implications for shared species, introduction from the sea and a workstream on applying adaptive management and precautionary approaches, also in low data and low-capacity situations, recognizing that sharks and rays and other marine species are good examples of the challenges faced by Parties when preparing NDFs in these situations.

Regarding marine turtles (Cheloniidae spp. and Dermochelyidae spp.), a follow up to the study on the legal and illegal international trade in marine turtles, entitled ***Status, scope and trends of the legal and illegal international trade in marine turtles, its conservation impacts, management options and mitigation priorities***, was conducted to identify the impact of bycatch on marine turtle trade. The study, entitled ***the scale and importance of marine turtle bycatch relating to trade***, assessed marine turtle bycatch and its relationship to trade at the global level was shared at the 74th meeting of the Standing Committee (SC74, Lyon, March 2022).

CITES maintains a list of forensic providers able and willing to carry out wildlife forensic analyses upon request from other countries on a range of samples including those from aquatic animals. In fulfilment of Decision 16.136 (Rev. CoP18) on Identification and traceability of sturgeons and paddlefish (Acipenseriformes spp.), a study on “Identification of species and hybrids, source and geographical origin of sturgeon and paddlefish (Acipenseriformes spp.) specimens and products in trade” was finalized and presented to SC74. The study as well as laboratories capable of conducting forensic analysis of specimens of Acipenseriformes species are available on the CITES Wildlife Forensics page to aid in the identification and traceability of sturgeon and paddlefish in trade.

Legal developments – Regulating international trade in marine species

With regards to the making of legal acquisition findings, essential for trade in CITES listed marine species, the CITES Secretariat presented revised guidance to SC74. Additional guidance on requirements and practicalities of making legal acquisition finding has been developed by Forest Trends and the Center for International Environmental Law (CIEL) in their ***Handbook on Legal Acquisition Findings***. In collaboration with the governments of Peru and of the United Kingdom of Great Britain and Northern Ireland, the Secretariat is organising workshops where information and best practice can be exchanged in order to support Parties in their regulation of trade in marine species.

At SC74, discussions were held on CITES trade in specimens of marine species from areas beyond national jurisdictions (introduction from the sea). The Secretariat analysed the ten most frequently asked questions by Parties and the challenges faced in implementing new marine species listings, including the challenges faced by common flag-states and provided responses in document SC74 Doc. 51. In addition, a study on the apparent mismatch between trade in shark products, especially regarding introduction from the sea, and the volumes of trade reported by the Parties in their annual reports was shared with the Committee.

The CITES Secretariat worked in close collaboration with the Food and Agriculture Organization of the United Nations (FAO) to deliver two sub-regional workshops in the Pacific and Caribbean regions based on the publication “Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through national fisheries legal frameworks: a study and a guide”. A growing commercial market for marine species has caused increased concerns for the conservation status of such species, in turn leading to the inclusion of more marine species in the CITES Appendices, and in this context the publication explains how key elements and provisions of CITES should be implemented and applied in national fisheries’ legal frameworks.

Close collaboration has continued between the CITES Secretariat, the United Nations Conference on Trade and Development (UNCTAD) and the Organisation of Eastern Caribbean States (OECS) on the project “Seizing the trade and business potential of Blue BioTrade products for promoting sustainable livelihoods and conservation of marine biodiversity in selected Organisation of Eastern Caribbean States (OECS) Countries”. The project which aims to empower small-scale coastal producers from the main queen conch producing nations in the eastern Caribbean, while ensuring sustainability.

Enforcement activities – fighting illegal trade in marine species

CITES has been supporting efforts to combat wildlife crime related to marine species. Several activities have taken place and are planned, including ongoing activities to address the illegal trade in totoaba (*Totoaba macdonaldi*) swim bladders. In accordance with Decision 18.294, adopted at CoP18, the CITES Secretariat convened in October 2021 an online meeting which brought together representatives of range, transit and consumer States of the totoaba, as well as partner organisations, to strengthen efforts to halt illegal fishing of totoaba and the associated trafficking of its swim bladders. In May 2022, the CITES Secretariat undertook a

verification mission to Mexico in order to assess the enforcement of CITES requirements on the ground in relation to totoaba fishing and its impact on the highly endangered vaquita.

Pursuant to Decision 18.199 on Eels (*Anguilla* spp.), the CITES Secretariat commissioned a study on levels of eel trade and trade patterns, especially in live eels for aquaculture, for more effective future management of harvests of and trade in eels. The study, entitled *Status of use and trade of anguillid eels*, was presented to SC74.

The CITES Secretariat appreciates the opportunity to provide input to the report of the Secretary-General and agrees to the posting of the present letter on the website of the Division for Ocean Affairs and the Law of the Sea.

Any enquiries regarding the above can be directed to Rachel.Gaughan@un.org, with a copy to cites.infocites@un.org. The Secretariat remains at your disposal as may be needed.

Yours sincerely,



Ivonne Higuero
CITES Secretary-General

Copy to: Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs

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