

23 September 2022

Sarah Bagnall
International Team
Department of Conservation - Te Papa Atawhai
PO Box 10420
Wellington 6143

SUBMISSION ON MATTERS TO BE DISCUSSED AT CONVENTION ON TRADE IN ENDANGERED SPECIES (COP 19) 2022

1. Fisheries Inshore New Zealand Ltd (Fisheries Inshore) thanks you for the opportunity to provide feedback on the Matters to be discussed at Convention on Trade in Endangered Species (CITES), Conference of Parties (COP 19) 2022.
2. Fisheries Inshore New Zealand Ltd (Fisheries Inshore) represents the majority of quota-owners and operators in the commercial inshore and highly migratory fisheries of New Zealand.
3. Fisheries Inshore's key outputs are the development of, and agreement to appropriate policy frameworks, processes and tools to assist the sector to more effectively manage inshore, pelagic and tuna fish stocks, to minimise their interactions with the associated ecosystems and work positively with other fishers and users of marine space where we carry out our harvesting activities.
4. We represent the inshore commercial fishers who trawl, setnet, longline or seine in the New Zealand EEZ but more particularly in the territorial sea. They will catch a number of Requiem sharks and Hammerhead sharks in the course of fishing. Our interest in this CITES session is primarily in respect of:
 - a. Proposal 37 requiem sharks
 - b. Proposal 38 hammerhead sharks
5. We have read and make comments below as appropriate on
 - a. Agenda item 51 introduction from the sea
 - b. Agenda item 64 marine turtles
 - c. Agenda item 65 sharks and rays
 - d. Agenda item 43 non detriment findings beyond national jurisdiction
 - e. Agenda item 87.3 Aquatic species – new approach to listing
6. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly referred to as CITES, is an international agreement between governments. Its aim is

to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species. The species covered by CITES are listed in Appendices, according to the degree of protection they need.

- a. Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances.
 - b. Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival.
7. The Conference of the Parties (CoP) has agreed in Resolution Conf. 9.24 (Rev. CoP17) on a set of biological and trade criteria to help determine whether a species should be included in Appendices I or II. CoP also agreed that specimens of the species in the form in which they are traded resemble specimens of a species included in Appendix II may under Annex 2b, Criterion A be included in Appendix II.

Proposal 37 Requiem Sharks

8. The proposal before CITES at COP19 is to include 19 requiem sharks (*Carcharhinidae* spp.) in Appendix II and to include a further 35-40 shark species under “look alike” provisions.

The Principal Proposal

9. While a number of parties have provided their comments on the proposals, we consider the FAO expert panel to provide the most authoritative, independent assessment of the proposal. The Expert Panel review found that three species met the criteria for CITES listing, twelve species did not, and scientific data and technical information were insufficient for another four species to allow a decision against the criteria to be reached. If viewed as a single proposal, it does not meet the CITES criteria as only three species meet the CITES criteria in their opinion. Viewed more appropriately as 19 separate proposals, only 3 species would meet the criteria for inclusion in Appendix II, the remainder should not be supported.

“The Look-alikes”

10. In respect of the look-alikes, the FAO expert panel noted that listing the 35 species proposed under look-alike provisions would have substantial socioeconomic, surveillance, enforcement and prosecution implications – far in excess of requirements and impacts for the 19 species singled out for addition to Appendix II of CITES. In summary, the Expert Panel noted that the extensive list of species in the proposal and included as “look-alikes” was insufficiently justified. If there was a desire to consider the status of the look-alike shark species, informed analyses should be prepared for each species.
11. The panel noted in particular that while blue sharks make up the bulk of fin sales internationally, they are particularly distinctive because of their colouring and shape. For that reason, they cannot be considered as a Requiem shark look-alike. The panel also noted there were no indications of any abundance or sustainability issues with blue sharks.
12. Recent catch records from commercial fishers indicate that both blue sharks (*Prionace glauca*) and Bronze Whaler Sharks have been caught in recent years. We comment on those catches below.
13. Blue sharks (*Prionace glauca*) have been managed in New Zealand as a Quota Management Species since 2004. Until 2014 when the current ban on landing fins without the body was introduced, annual catch levels were in the order of 1,000 tonnes. Given the rapid ammoniation of the carcasses and the absence of any other utilisation options, the fins were landed and the bodies of blue sharks returned to the sea. In 2014, the landing of only the fins was prohibited. In 2014, fishers were given the right under Schedule 6 of the Fisheries Act to return blue sharks dead or alive to the sea. Recent catch returns from fishers indicate that almost all blue sharks (99.99% or 700 tonnes) caught annually by commercial fishers are returned to the sea. Of those returned to the sea, less than 20% are returned dead. Less than a tonne is retained and landed.

With virtually no landings of blue shark, there are no recorded New Zealand exports of blue shark product.

14. Unlike most other sharks, blue sharks commonly have around 40 pups per pupping, with totals of over 100 pups not uncommon. As a consequence of the 2014 measures and the high reproduction rate, blue shark abundance in New Zealand is perceived to have increased significantly.
15. Bronze Whaler Sharks are a low volume bycatch, around 20 tonnes per year. They are a non-QMS species and need not be landed. There are usually no landings and the sharks are returned to the sea, dead or alive. The proportion that are dead is not recorded.
16. While New Zealand does not export blue shark or bronze whaler shark product at present, we do not see that the sharks should be included in Appendix II for the reasons put forward by the FAO expert panel or simply that it will not impact New Zealand trade. CITES has an approved regime for identifying species at risk from international trade activity. It should be rigorously applied to any species that is proposed to be protected. We cannot agree that a look-alike qualification is an appropriate process to provide an Appendix II listing to the 40+ sharks that might be look-alikes. In any event, the blue shark is so distinctive that it cannot be said to be a look-alike.

Proposal 38 Hammerhead Sharks

17. The proposal relates to the Inclusion of hammerhead sharks (*Sphyrnidae* spp.) in Appendix II.
18. Hammerhead sharks are a low volume by-catch, with around 16 tonnes caught annually. Approximately half of the catch is landed, the other half being returned to the sea. The proportion that are dead is not recorded.
19. The hammerhead sharks caught in New Zealand are *Sphyrna zygaena*. That species is already included in CITES Appendix II. Fisheries Inshore has no interest in the position for Proposal 38.

Other Proposals Relating to the Marine Environment

20. In addition to the proposed additions to the Appendices, our attention has been drawn to the five matters which relate to the marine species.
 - a. Agenda item 51 introduction from the sea – this relates to the landing of species by a vessel outside its home state. We note the need for consistency and rigour in respect of trade documentation.
 - b. Agenda item 64 marine turtles – we note and support the need for sustainable utilisation management of marine turtles and the collection of information on international trade of turtle product.
 - c. Agenda item 65 sharks and rays - we note and support the need to improve monitoring in respect of, in particular, data-poor, multi-species, small-scale/artisanal, and non-target (by-catch) situations, and for shared and migratory stocks, and introduction from the sea.
 - d. Agenda item 43 non detriment findings beyond national jurisdiction – as with introductions from the sea, the reporting and management of aquatic life within areas beyond national jurisdiction remains an unresolved issue for fisheries. The problem is not limited to areas of high seas but should also look to address the circumstances of RFMOs which have interests limited to some fish species and which do not take responsibility for sharks, rays, turtles and other aquatic life.
 - e. Agenda item 87.3 Aquatic species – new approach to listing - we are concerned that the solution proposed is not consistent with the problem as formulated. The fundamental problem discussed relates to the slow adoption of the listings in respect of trade implications. The report then seeks to theorise as to how that might impact on the sustainability of aquatic species and then seeks to recommend that greater use be made of a precautionary approach in the assessment of the risk to sharks and other threatened

aquatic species. If there is an issue in the uptake of CITES recommendations by member states, that needs to be addressed by the Convention and the member states. It is not appropriate that the fundamental basis of any assessment should be amended to include a precautionary approach to address a member specific matter. We seek that NZ oppose the recommendation.

Contact

21. If there are any queries in respect of this submission, please contact Tom Clark, 027 213 7567 or tom@inshore.co.nz.

Yours

A handwritten signature in black ink that reads "Tom Clark". The signature is written in a cursive style and is positioned to the left of a vertical line.

Tom Clark
Policy Manager
Fisheries Inshore New Zealand