

# Committee on Resources

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TESTIMONY OF  
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ON THE

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

BEFORE THE

COMMITTEE ON RESOURCES

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

U.S. HOUSE OF REPRESENTATIVES

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Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify before the Subcommittee on the Convention on International Trade in Endangered Species (CITES). I am Dr. Rebecca Lent, Deputy Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to discuss with you some recent NOAA achievements in the CITES arena. In my testimony, I will describe NOAA's role in the successes achieved by the U.S. government on marine species proposals, resolutions and agenda items at the 12th Meeting of the Conference of the CITES Parties (COP12) that was held November 3-15, 2002.

The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES for animals, and the United States Department of Agriculture, Animal and Plant Health Inspection Service, is responsible for enforcement of CITES for plants. NOAA Fisheries has actively participated in FWS' inter-agency collaborative working group to develop United States policy on CITES for marine species.

In contrast to the past, an increasing number of highly visible marine species that are listed in either Appendix I or II of CITES are within the domestic jurisdiction of NOAA, in the Department of Commerce. Prior to COP12, these included the great whales, dolphins, queen conch, giant clams, hard corals and five species of seals. Whale sharks, basking sharks and seahorses were added to Appendix II at the most recent meeting of the CITES Parties. In addition, all marine turtles, whose protection under the Endangered Species Act (ESA) is shared by the two agencies, are listed in Appendix I of CITES. In NOAA, responsibility for protection of these marine species has been delegated to the National Marine Fisheries Service (NOAA Fisheries). In sum, while Interior's trust resources were more at issue in past years, marine species issues under NOAA Fisheries jurisdiction have become increasingly more important.

Some of the most contentious issues discussed in CITES involve marine species. Marine issues at COP12 ranged from efforts to reopen commercial trade in large whales to considering how CITES might be used to promote the conservation and management of marine fishes through regulation of their international trade in CITES Appendix II. In short, NOAA Fisheries plays an integral role in CITES based on our expertise in marine species.

In addition to our contribution to Meetings of the Conferences of the CITES Parties, NOAA has been effective in day-to-day activities to enhance international protection for such CITES species as hard corals, queen conch, marine turtles and whales. One important CITES-related project that NOAA Fisheries initiated with the Caribbean Fishery Management Council and the Department of State is the development of an International Queen Conch Initiative in the Wider Caribbean. This initiative is dedicated to promoting a

regional conservation regime for this species, whose significant international trade is regulated by CITES. NOAA and FWS also provided expertise to developing countries in both the Indo-Pacific and Caribbean to assist them in developing sustainable management plans for exports of hard corals and have developed an identification guide that will be used internationally to help countries ensure that their trade is legal and sustainable.

## CITES BACKGROUND

CITES is an international wildlife trade regime which will be adding its 161st member country. CITES, therefore, focuses on controlling trade in troubled species. Species are listed in the CITES Appendices according to their conservation status. In order to be listed under CITES, species must meet the test that their population is, or may be, affected by trade. Species listed in CITES Appendix I (such as whales and marine turtles), for which there is no international trade for primarily commercial purposes, are "threatened with extinction." Appendix II species (such as queen conch, sturgeon and stony corals) are "not necessarily threatened with extinction," but may become so unless trade is strictly regulated. This regulation takes the form of a requirement for documentation from the country of export or re-export, monitoring of trade and, in a few cases, national export quotas. Another form of regulation is listing in Appendix III (under which great white sharks from Australia are regulated). A country may unilaterally (without a vote) list in Appendix III any species that is subject to regulation within its jurisdiction for which the cooperation of other Parties is needed. Exporting range countries must issue export or country of origin permits for Appendix III species.

## COP12 ACHIEVEMENTS FOR MARINE SPECIES

NOAA Fisheries testified before this Subcommittee last year about the process that we undertake to develop our contributions to the preparation for Meetings of the Conferences of the Parties. We have, in our headquarters and regional offices and in our science centers, the expertise necessary to contribute to United States policy on CITES for marine species under our jurisdiction. At the most recent meeting of the COP, NOAA members of the United States delegation participated in efforts for the conservation of the following marine species:

Northern Hemisphere Minke and Bryde's whales, *Balaenoptera acutorostrata* and *Balaenoptera edeni* (Proposals of Japan)

Japan submitted two proposals to downlist 7 northern hemisphere stocks of minke whales and the western North Pacific stock of Bryde's whales from Appendix I to Appendix II, in order to reopen commercial trade. The U.S. opposed the proposals for several reasons: first, because the stocks do not meet the CITES criteria for downlisting since no effective management regime, in the form of a Revised Management Scheme (RMS) under the International Whaling Commission (IWC), is in place for commercial whaling; second, the IWC, which has management responsibility for whales, has requested that the parties maintain these species on Appendix I; third, the DNA registers proposed by Japan were inadequate because they would be accessible only to the trading countries and not subject to independent verification by other countries or organizations; and fourth, there were noted enforcement difficulties with the proposals.

Both proposals were defeated in the Committee. These votes mark an erosion of support for Japan's whale proposals since COP11 in Nairobi in 2000, when Japan was able to garner a simple majority, but not the necessary two-thirds of the parties.

In a final effort to gain support from the Parties, Japan raised the minke whale downlisting proposal for reconsideration in the closing plenary session, and amended the proposal to include only one stock (Okhotsk-West Pacific stock). The proposal was again defeated by a majority of CITES members.

Seahorses, *Hippocampus* spp. (Proposal of the United States)

The United States proposed to list all 32 species of seahorses in the genus *Hippocampus* on Appendix II to ensure that international trade does not contribute to the decline and extirpation of seahorse populations. Seahorse populations are being over-exploited to supply a rapidly growing trade for traditional Chinese medicine (TCM) and its derivatives, aquarium pets, souvenirs and curios, with over 70 metric tons (20 million animals) imported into Asia alone for TCM in 2000. Seahorse populations are at risk of localized extinction and some species exhibit a high degree of fragmentation due to overfishing, habitat loss, and bycatch in shrimp and scallop trawls, with threats compounded by their vulnerable life history traits including rarity of and limited reproductive potential. A CITES-sponsored workshop endorsed the need for this listing.

The listing passed by a two-thirds vote of the Conference, with a provision for a delayed implementation to allow countries sufficient time to address implementation issues such as the identification of species in trade and making of non-detriment findings.

#### Whale shark, *Rhincodon typus* (Proposal of India, the Philippines and Madagascar)

This proposal sought to add the species in Appendix II. NOAA personnel have gathered firsthand information on this extremely rare species, particularly information about the increasing international trade in the Indo-Pacific, with products destined for Taiwan. The species is rare and local, seasonal populations have declined drastically in some areas. Fishing effort has greatly increased due to an increase in price for this species. Sharks are more vulnerable to exploitation than are most other fishes because of their longevity, delayed maturation, and relatively low fecundity. Total population size is unknown, but the species is considered to be rare. Take of whale sharks in Atlantic Ocean waters of the United States is prohibited. The proposal was passed by two-thirds majority of the Conference.

#### Basking shark, *Cetorhinus maximus* (Proposal of the United Kingdom on behalf of the European Union)

The European Union proposed to list this species in Appendix II. The main threat to basking shark populations is from fishing operations, both targeted on basking sharks and through incidental or bycatch in other fisheries. The biology of the species makes it especially vulnerable to exploitation: it has a slow growth rate, a long time to sexual maturity (ca. 12-20 years), a long gestation period (1-3 years) and a similar interval between pregnancies, low fecundity (the only recorded litter was of just six very large pups), and probable small populations. Take of basking sharks in Atlantic Ocean waters of the United States is prohibited. This proposal gained passage by a two-thirds vote of the Conference.

#### Black Sea bottlenose dolphin (*Tursiops truncatus ponticus*) (Proposal of the Republic of Georgia)

Georgia proposed to transfer specimens of this species in their waters from Appendix II to Appendix I. Threatened by direct hunting, pollution, habitat degradation and bycatch, there are indications that many populations in this region have declined. Despite this, bottlenose dolphins from this area may potentially be taken for export to public display facilities at unsustainable levels. Although the proposal failed to attain the majority necessary for passage, it was amended to retain the species in Appendix II with zero export quota for live specimens from the Black Sea population. A subsequent vote on this amended proposal passed. It is believed that this measure will assist in the conservation of this species by ceasing the international portion of this potentially damaging trade.

#### Humphead wrasse (*Cheilinus undulatus*)(Proposal of the United States)

To begin addressing coral reef species that are being unsustainably harvested and captured using destructive fishing techniques (cyanide), the United States proposed the humphead wrasse for inclusion on Appendix II of CITES.

The primary global threats to humphead wrasse is over-harvest to supply for the live reef food fish trade, along with high demand for small "plate-sized" immature fish. Humphead wrasse are vulnerable to overfishing due to their slow growth, long life late maturity, sex change and other biological characteristics. Due to documented declines and extirpations, export bans or minimum size restrictions have been implemented in six countries, but illegal, unregulated and unreported fisheries are common and there is a lack of coordinated, consistent national and regional management.

The U.S. proposal was defeated by a narrow margin.

Application of the United Kingdom, on behalf of the Cayman Islands, to register a captive-breeding operation for the green turtle *Chelonia mydas*

This proposal, which would have allowed the export of green turtle shells from the Cayman Islands, was opposed by the United States. The proposal failed to gain the necessary two-thirds majority required for passage.

#### ACHIEVEMENTS IN RESOLUTIONS AND DISCUSSION DOCUMENTS

In addition to listing proposals, the following actions were taken on resolutions and discussion papers concerning marine species:

Resolution on FAO Collaboration with CITES through a Memorandum of Understanding (Joint proposal of the United States and Japan)

This resolution established a framework for cooperation between CITES and the United Nations Food and Agriculture Organization (FAO) for consideration of marine fish for listing in CITES and for implementation of species listed in Appendix II. The Memorandum of Understanding (MOU) would facilitate the implementation of recommendations concerning CITES regulation of international trade in marine fish adopted at the Eighth Session of the FAO Committee on Fisheries' Sub-Committee on Fish Trade, held in February 2002 in Bremen, Germany. The United States recognized the contributions FAO has made in evaluating the CITES listing criteria for marine fish and supported a formal MOU between CITES and FAO to facilitate exchange of information and technical advice between the two bodies regarding commercially exploited fish species, increase the effectiveness of both organizations and build fisheries and CITES enforcement capacity in developing countries. The resolution passed by consensus.

Resolution on Cooperation between CITES and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) regarding trade in the Patagonian toothfish (Joint proposal of Chile and Australia)

This resolution was considered as a result of a proposal by the government of Australia to list Patagonian and Antarctic toothfish (*Dissostichus eleginoides* and *D. mawsonii*) in Appendix II and a proposal of the government of Chile calling for all countries engaged in the harvest, landing, transshipment, import or export of these species to voluntarily comply with CCAMLR's Catch Documentation Scheme. The United States arrived at COP12 undecided about this issue. After a series of meetings between the proponent countries and the United States, a compromise resolution, which instructs the CITES Secretariat to compile information about the implementation of CCAMLR requirements and to further encourage cooperation between the two bodies, was agreed to. This resolution establishing a mechanism for cooperation between the two bodies passed by consensus.

Resolution on Conservation of and trade in sharks (Joint Proposal of Ecuador and Australia)

A series of Decisions and Resolutions since COP9 prompted international discussion on sharks in both CITES and FAO fora. The net result of this activity was FAO's adoption in 1999 of an International Plan of Action for Sharks (IPOA-Sharks), and ongoing monitoring by the CITES Parties of FAO success in this endeavor. Although the IPOA lays out specific elements for National Plans of Action (NPOAs) to conserve sharks (data collection, monitoring, stock assessment, etc.), it is purely a voluntary measure that has met with limited success in FAO member nations. Out of 87 shark-fishing nations, only two (the United States and Japan) have adopted NPOAs. Fifteen other member nations have committed to developing NPOAs, but often have made this contingent on external assistance and funding. This resolution, which was adopted by consensus, directs the CITES Animals Committee to review progress of Member Countries and FAO towards implementation of FAO's International Plan of Action for Sharks.

Trade in sea cucumbers in the families Holothuridae and Stichopodidae (Proposal of the United States)

A discussion document was submitted by the U.S. on the biological status of sea cucumbers and conservation concerns arising from international trade. This document requested that the CITES Secretariat, through the Animals Committee and with assistance from the Parties, evaluate the status of populations and the extent of international trade, and determine whether a CITES Appendix II listing can contribute to their conservation.

Sea cucumbers have been harvested commercially for at least 1,000 years, but the demand for this food item in Asian markets worldwide has led to a dramatic increase in international trade for food beginning in the late 1980s and early 1990s, reaching a global annual volume of about 13,000 metric tons (mt) of dried sea cucumber (130,000 mt live) in 1995. Sea cucumbers are sedentary animals that are especially susceptible to over-exploitation because they are large, easily collected, and do not require sophisticated fishing techniques. They are important components of the food chain in coral reefs and associated ecosystems at various trophic levels. Sea cucumbers also play an important role as deposit feeders, ingesting large amounts of sediment, turning over the top layers of sediment in lagoons, reefs, and other habitats, and allowing oxygenation of sediment layers, much like earthworms do on land. This process prevents the build-up of decaying organic matter and may help control populations of pest and pathogenic microorganisms. Over-exploitation has caused a hardening of the sea floor, eliminating habitat for other

organisms.

COP12 took a decision which calls on the CITES Secretariat, subject to available funds, to convene a workshop of experts on the biology of and international trade in these species. The CITES Animals Committee will review the outcome of the workshop and prepare a discussion paper for the 13th Meeting of the Conference of the CITES Parties to provide scientific guidance on the actions needed to secure their conservation status, including domestic and regional management provisions, and a possible Appendix II listing.

#### Criteria for amendment of Appendices I and II

In 1994, CITES revised its criteria for listing species on the CITES Appendices, and also called for an evaluation of whether the revised criteria are workable. NOAA Fisheries has been actively involved in the review process; for marine species, NOAA Fisheries led an interagency task force to evaluate the criteria and participated as part of the U.S. delegation, in consultations on this issue hosted by other organizations, such as the FAO and CITES itself. In fact, many of the recommendations of the interagency task force to refine the listing criteria and guidelines have been incorporated into proposals by FAO and the CITES Criteria Working Group. Although NOAA Fisheries' focus has been on exploited and protected marine species, the interagency task force attempted to develop criteria that could be adapted to all marine species. A resolution was passed by consensus calling for further review of the CITES criteria, based on revisions that have already been considered, including reviews of selected taxa and how the criteria apply to them.

#### NEXT STEPS

Although Meetings of the Conferences of the CITES Parties are only convened approximately every two years, implementation of their decisions is an on-going process. Many of the decisions taken at COP12 institute long-term processes or require additional work in order to be implemented in the smoothest possible manner. An example of the former will be the development of a collaborative process for CITES and FAO to consider issues of interest to both bodies. NOAA Fisheries has been working with the FWS and the Department of State on preparations for discussion of an MOU to be considered at the 25th Meeting of FAO's Committee on Fisheries (COFI), which began their deliberations yesterday. NOAA Fisheries and FWS have been considering issues to be discussed at the workshop on sea cucumbers and how to convene a workshop to harness the expertise of fishers in Florida to ease the implementation of the Appendix II listing of seahorses. In addition, NOAA Fisheries is committed to continuing to provide our expertise to inter-sessional meetings, such as those of the CITES Animals and Standing Committee meetings.

Thank you, Mr. Chairman, for your continued interest in this important issue. We look forward to working with other U.S. agencies, partner countries and non-governmental organizations to turn the decisions of the COP12 into concrete conservation accomplishments for marine species.

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