

## Japan's position on proposals to amend Appendix II of CITES concerning commercially exploited aquatic species

### 1. Shortfin Mako shark and Longfin Mako shark (*Isurus oxyrinchus* and *Isurus paucus*) (CoP18 Prop. 42)

#### **Summary**

- ✓ *The listing proposal of Shortfin Mako shark and Longfin Mako shark should NOT be adopted for the following reasons:*
- *The stock status of Shortfin Mako shark does not meet the CITES Appendix II listing criteria. (It should be noted that since Longfin Mako shark is proposed as a “look-alike” species, the listing of the species is not supported, either.)*
  - *Some scientific evidence in the proposal is not scientifically valid.*

#### **Specific comments**

*i) The stock status of Shortfin Mako shark does not meet the CITES Appendix II listing criteria.*

The sixth FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species (hereinafter referred to “the Panel”) concluded that the available data do not provide evidence that Shortfin Mako shark (*Isurus oxyrinchus*) meets the CITES Appendix II listing criteria. It should be noted that the Panel looked at much broader and more recent data on the species compared to those used for the examination in the Proposal. More specifically, it is clearly mentioned in FAO’s report that:

- Shortfin Mako shark is a relatively data-rich species by comparison with other shark species already listed in the past, and robust stock assessments thereon had been conducted in the Atlantic Ocean and the North Pacific Ocean in 2017 and 2018, respectively; and
- Viewed globally with precautionary considerations (i.e. uncertainty, notably in terms of the precision of estimates), the available data do not provide evidence that the Shortfin Mako shark meets the CITES Appendix II listing criteria.

It should be noted that since Longfin Mako shark is proposed as a “look-alike” species, the listing of the species is not supported, either.

*ii) Some scientific evidence in the proposal is not scientifically valid.*

In Table 1 of the Proposal, the proponent shows a summary of the stock status of Shortfin Mako shark in each region; however, the Table would cause a misunderstanding or mislead to an incorrect conclusion, because some of the data or information in the Table are scientifically invalid as follows:

a) Misleadingly colored

The use of the colors (green, yellow and red) in Table 1 is completely inappropriate, with groundless definition of those classifications. As for the low productivity species such as

Shortfin Mako shark, the decline to 30 percent or less of historic levels (i.e. a decline of 70 percent) meets the criteria for listing to Appendix II, however, according to the Table 1, decline to 40 percent and even more are in red. If the threshold of 30 percent is applied to the Table 1, no cell can be shown in red (for Mediterranean, please also refer to the comment below). Therefore, the Table's color coding is inappropriate.

b) Using unaccepted future projections and preliminary stock assessment results

In the North Atlantic and the Indian Oceans, projected declines in the next ten years are calculated (extrapolated) by proponents, by simply applying the recent annual rate of declines without considering the effect of the fisheries management recently introduced. In fact, in the North Atlantic Ocean, a conservation and management measure for Shortfin Mako shark was adopted in 2017 in response to a stock assessment conducted in the same year. Additionally, the stock status in the Indian Ocean presented in the proposal is based on preliminary stock assessment results which have not yet been accepted by any scientific body. These outputs have not yet been endorsed by any scientific bodies of Regional Fisheries Management Organizations and thus not considered as scientifically valid.

c) Showing data or information based on "questionable" population estimate

Lastly, it is unknown whether there is a distinct population (i.e. single stock) in the Mediterranean. There are only a small amount of catches in this region for the last couple of decades (0-15 tons since 1987, according to ICCAT database). Furthermore, the extent of decline is not properly determined due to insufficient scientific evidence. Thus, it is inappropriate to have a separate column for the Mediterranean.

For the reasons above, the listing proposal of Shortfin Mako shark and Longfin Mako shark should not be adopted. If the species is listed in the Appendix II, it will cause a disrespect and/or negligence of the CITES listing criteria provided in Res. Conf. 9.24 (Rev. CoP17) by the Conference of Parties. This will run counter to the CITES Strategic Vision: 2008-2020, which states that the Conference of the Parties to CITES outlines the Convention's direction in the new millennium and takes into account, within the context of its mandate, issues such as ensuring that a coherent and internationally agreed approach based on scientific evidence is taken.

**2. Giant guitarfish (*Glaugostegus* spp.) (CoP18 Prop. 43) and wedgefish (family *Rhinidae*) (CoP18 Prop. 44)**

***Summary***

✓ *The listing proposal of giant guitarfish and wedgefish should NOT be adopted for the following reasons:*

*- There is not sufficient scientific evidence to make a decision in accordance with the CITES criteria.*

*- Since they are by-catch species, even if they are listed in Appendix II, it will not become a solution as the by-catch of the species continues. CITES should first evaluate whether the by-catches of CITES-listed species have declined after being listed on Appendix in the previous CoPs before deciding on the listings of other by-catch species.*

***Specific comments***

*i) There is not sufficient scientific evidence to make a decision in accordance with the CITES criteria.*

Listing of species should be examined based on scientific evidence and in accordance with Res. Conf. 9.24 (Rev. CoP17). For both of the species, the Panel concluded that there is not sufficient scientific evidence to make decisions in accordance with the CITES criteria; therefore, listing of the proposed species on the Appendix should not be dealt with at the forth coming CoP18.

It is well observed for commercially-exploited aquatic species that scientific data on their population trends are not sufficient. If the species are listed on the Appendix under such a situation with such insufficient data, that will be also the case for many other commercially-exploited aquatic species in the future for similar baseless grounds.

*ii) Since they are by-catch species, even if they are listed in Appendix II, it can not be a solution as the by-catch of the species continues. CITES should evaluate whether the by-catches of CITES-listed species have declined after being listed in Appendix in the previous CoPs before deciding on listing of other by-catch species.*

Since both of the species are generally captured incidentally in mixed fishery, rather than as target species, the by-catch of the species will naturally continue, even if it is listed in Appendix. In the previous CoPs, some of the by-catch species have already listed in the Appendix. It is therefore regarded as a priority to evaluate whether the by-catches of those species have successfully declined after being listed on the Appendix, before deciding on listings of other by-catch species in the Appendix.

**3. Subgenus *Holothuria* (*Microthele*); *Holothuria fuscogilva*, *Holothuria nobilis* and *Holothuria whitmaei* (CoP18 Prop. 45)**

***Summary***

- ✓ *There is no scientific evidence to list all of three species proposed in Appendix, as the Panel concluded that two of the three species proposed do not meet the CITES Appendix II listing criteria, or there was no sufficient evidence to make a determination, respectively.*

***Specific comments***

The Panel concluded that the available data for *Holothuria fuscogilva* does not meet the CITES Appendix II listing criteria. As for *Holothuria nobilis*, there was insufficient evidence to make a determination. However, *Holothuria whitmaei* does meet the CITES Appendix II listing criteria. It is therefore not appropriate to list all of the three species as if all of them meet the CITES Appendix II listing criteria as currently proposed, while the listing of *Holothuria whitmaei* should be further scientifically examined, taking into account the positions of other range states, particularly on implementation aspects of the conservation measure.