



23 April 2008

Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
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CANBERRA ACT 2600

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Wednesday, 23 April 2008

Humane Society International Submission to the Joint Standing Committee on Treaties regarding 2007 Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Humane Society International (HSI) welcomes the opportunity to provide a submission to the Joint Standing Committee on Treaties. HSI is one of the world's largest conservation and animal welfare organisations, with over 10 million supporters worldwide and 40,000 in Australia, and works to achieve strong conservation outcomes both domestically and internationally, particularly through engagement with Government on national and international law and policy efforts.

HSI has worked for more than 10 years in Australia on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and attended the 14th Meeting of the Conference of the Parties (CoP 14) in The Hague, The Netherlands in 2007 as the Non Government Organisation adviser on the Australian Government Delegation.

Prior to CoP14, the USA and Kenya proposed the listing of the entire family of sawfish (*Prisidae* spp), classified as Critically Endangered

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globally by the IUCN¹, on Appendix 1. This listing would have afforded this highly threatened family the greatest protection from international trade under the Convention. The proposal had widespread international support and HSI draws your attention to the recommendations from various organisations posted publicly prior to the CoP14 meeting, including the Species Survival Network (SSN), IUCN/TRAFFIC and WWF, as well as the FAO and the CITES Secretariat, all of whom agreed that an Appendix I listing of *all Pristidae* spp. was warranted. Please find a summary of these recommendations attached for your information.

Despite such strong international support, during the meeting, Australia successfully amended the US/Kenyan proposal so that one species, *Pristis microdon* freshwater sawfish, would instead only be listed on Appendix II with an annotation to allow their export "*for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes*". This was solely to allow the continued collection and trade of sawfish from a single exporter in northern Australia, Cairns Marine Aquarium Fish², whose Director was also permitted on the Australian Government Delegation to the CITES conference. It should be noted that *Pristis Microdon* is listed as a vulnerable species under the *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act, 1999* due to it being naturally rare and depleted by incidental capture in the fishing industry. It is considered critically endangered by the IUCN which creates the international Red List of threatened species.

Had the listing of the entire family of sawfish on CITES Appendix I been successful, it would have been a major step forward in marine species conservation. HSI was extremely disappointed that this ground-breaking proposal was sabotaged by Australia for the sake of a single trader, and has damaged Australia's reputation as a leader in international fora and on shark conservation issues more generally. It is disingenuous for the Australian Government to suggest in its report to the Committee that Australia successfully proposed the listing of *Pristis microdon* on Appendix II as if it was their own initiative to further the species'

¹ IUCN 2007. *2007 IUCN Red List of Threatened Species*. <www.iucnredlist.org>.

² We note from the document tabled on 12 March 2008 entitled 'National Interest Analysis [2008] ATNIA 8 with attachment on consultation', that Cairns Marine Aquarium Fish advised the Department during the consultation process, '*that the proposed listing of all species of the family Pristidae (sawfish) to Appendix I of CITES would end their current small export market of live sawfish to aquaria*'. We also note that '*no other comments were received from Fisheries Industry representatives*'.

conservation, rather than a rear guard response to the US / Kenyan proposal in order to protect the interests of one Australian commercial operator.

Further, HSI is also extremely concerned by the language Australia procured for the annotation to the Appendix II listing for *Pristis microdon*. The language used is not language previously incorporated or defined by either the CITES Convention or Australia's EPBC Act which implements Australia's obligations as a CITES Party. Terms such as 'appropriate and acceptable' and 'primarily conservation purposes' are highly subjective and open to interpretation and misuse. Such terms also open potentially damaging precedents for other proposals that may come in the future to allow trade to continue in threatened species. It is HSI's firm view that there is a negligible return to conservation in Australia derived from the public display of sawfish in aquaria overseas. It is bogus for the annotation to suggest this is done 'primarily for conservation purposes' and the Australian Government has no intention to ensure that there is a conservation return back to sawfish in the wild. The Ambassador Agreement between the exporter, the importing aquaria and the then Department of Environment and Water Resources (draft attached) makes no attempt to place conservation obligations on the exporter or the importing aquaria. The primary motivation for the export of sawfish that this annotation facilitates is the financial return back to Cairns Marine Aquarium Fish.

At past meetings of the CITES Conference of the Parties, Australia has been at the forefront of conservation minded decisions and is held in high regard internationally as a result. HSI strongly believes that Australia taking a position on the Appendix I listing of sawfish, that has in effect allowed for an exemption to satisfy a small company in Northern Australia, is unacceptable and has set a precedent that will have long lasting implications for various others species proposals at future CoPs.

With such overwhelming international support for having the entire family of sawfish listed on Appendix I of CITES, **HSI calls on the Joint Standing Committee on Treaties to recommend that Australia propose the uplisting of *Pristis microdon* (Freshwater sawfish) from Appendix II to Appendix I, without any annotation, to the 15th Meeting of the Conference of the Parties (CoP15), scheduled to take place in mid 2010.**

Such action would send a strong statement to the international community that Australia is indeed committed to marine species protection and would go a very long way to restoring Australia's strong international reputation at important biodiversity conservation fora such as CITES. It would also help to ward off any potentially damaging precedents for other species listings in the future using annotations of dubious definition.

In the shorter term, **HSI asks that the Joint Standing Committee on Treaties consider recommending that the Australian Government impose stricter domestic measures as is permitted under Section 303CB(1) Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to effectively treat *Pristis microdon* as being listed on Appendix I and thus prevent any further trade in the species.**

As previously mentioned and with the exception of the sawfish anomaly, Australia has generally been a leader in ensuring CITES extends its protective benefits to species in the marine environment. **HSI looks forward to Australia continuing and improving upon this tradition at the next CITES Conference of the Parties with proposals to list species of shark, tuna and billfish that are being heavily impacted by international trade.**

We thank you for the opportunity to provide a submission to this Committee and look forward to hearing of your recommendations.

Yours sincerely,

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