



**Testimony of Caviar Emptor  
Submitted by the Pew Institute for Ocean Science and SeaWeb**

**April 23, 2007**

**TO THE DEPARTMENT OF THE INTERIOR  
United States Fish and Wildlife Service**

**Regarding the Provisional Agenda  
Fourteenth Regular Meeting of the Conference of the Parties  
Convention on International Trade in Endangered Species**

On behalf of Caviar Emptor, a program of SeaWeb and the Pew Institute for Ocean Science, we thank you for the opportunity to submit written comments regarding the agenda for CITES' 14<sup>th</sup> annual Conference of the Parties.

The Pew Institute for Ocean Science undertakes, sponsors and promotes world-class scientific activity aimed at protecting the ocean and the species that inhabit it. SeaWeb is a non-profit organization that uses social marketing techniques to raise public awareness, advance science-based solutions and mobilize decision-makers around ocean conservation. Together, we have worked for the past six years on Caviar Emptor, a campaign to protect and restore imperiled Caspian Sea sturgeon, and this has included four years of experience in the Caspian region itself.

First of all, we would like to extend our gratitude to the Department of the Interior and the Fish and Wildlife Service for the leadership taken in regards to beluga sturgeon conservation. This slow-maturing species has been hit hardest by the rampant overfishing in the Caspian, and we commend the step the Service took to protect beluga sturgeon under the Endangered Species Act and to ban import of beluga caviar. We strongly believe that trade is detrimental to the survival of the beluga sturgeon species, and hope that CITES and other countries will soon follow your lead by placing the burden of proof on the Caspian nations and leaving trade closed until populations recover to a sustainable level.



Yet, if sturgeons are to survive, their management must be addressed at the global governance level. Today, we want to comment on the agenda item concerning revision of Resolution 12.7, which governs the conservation of and trade in sturgeons and paddlefish. The United States, as a world leader on this issue, has the opportunity to strengthen this resolution.

There are three key areas within Resolution 12.7 that need close scrutiny:

- The process for setting export quotas for sturgeon and caviar,
- The regional conservation strategy for shared sturgeon stocks, and
- The monitoring of trade to combat the illegal market.

### ***Export Quota Process***

The quota-setting process that has been in place since CITES started monitoring the sturgeon and caviar trade in 1998 has not resulted in sustainable trade of sturgeon products. In fact, quite the opposite has occurred. During the past decade, most sturgeon populations have continued their steep decline, namely the beluga sturgeon, which from 2004-2005 alone declined by 45 percent according to Russian stock assessments. Some range states are realizing that drastic measures are needed if the species is to survive: Romania has declared a 10-year moratorium on all commercial sturgeon fishing, and Black Sea states have requested zero caviar export quotas for 2007. Given that this downward spiral continues, it would seem necessary for the Conference of Parties to recommend another Significant Trade Review for sturgeons, with future consideration of a possible uplisting to Appendix I for one or more species.

Export quotas from shared sturgeon populations are mandated by the Parties. To this end, the process requires management and scrutiny beyond what is normally required for voluntary quotas. We offer the following comments on the proposed amendments to the quota sections in 12.7, as submitted by Iran as chair of the Sturgeon Working Group that was convened during and after SC54.

In the current version of 12.7, under Recommends<sup>1</sup>, we strongly recommend no change to subparagraph i) or iv). Amending the deadline under subparagraph i) for which quotas are communicated by the Secretariat from December 31 to March 1 means the next year's fishing season could potentially begin before export quotas are decided, jeopardizing any effort to protect stocks using sustainable export quotas. The proposed changes to subparagraph iv) would remove power from the Secretariat to refuse to publish export quotas if all required conditions are not met. The changes as they stand in the document would effectively put decision-making regarding export quotas into the hands of the range states, with no further scrutiny.

The current situation in the Caspian is so dire that, in addition to maintaining the role of the Secretariat in this process, we believe that an additional step should be added to this process. We urge the United States to consider supporting an additional level of scrutiny to which quotas are subjected, such as a new provision

that would allow the Secretariat to consult with the Chair of the Animals Committee to obtain a scientific opinion regarding the validity of the information submitted by the range states, before the secretariat can confirm quotas. If the Chair of the Animals Committee finds the information wanting, then the Secretariat should have the power to refuse to publish export quotas.

It is also imperative that quotas are decided in agreement with all range states, instead of two-third's as suggested by the document. Sturgeons are migratory species and are fished by all range states who are bound by the CITES convention. Agreement on quotas is an important aspect of a comprehensive management plan.

Another area of 12.7 that we would like to see strengthened is the overall transparency of the quota-setting process. We fully support a provision that would enable the Secretariat to make all quota-setting documents and scientific information used to justify those quotas submitted by range states available upon request. International oversight of the process would increase the likelihood that trade is managed in a sustainable manner and that scientific justifications for continued fishing and trade are sound.

### ***Regional conservation strategy***

Resolution 12.7 requires that catch quotas be based on an "appropriate" regional conservation strategy and management regime. Despite the conclusion of the Review of Significant Trade and the Paris Agreement, and efforts by the Caspian nations to highlight their efforts in this capacity at the SC54, the management plan established in the Caspian Sea does not seem to be preventing populations declines. The process for evaluating the effectiveness, or lack thereof, of the regional conservation strategy must be rigorous. We urge the United States to reinstate language from the Paris Agreement that requires the range states to seek advice from FAO to ensure the monitoring and management plan are adequate by international standards. The Paris Agreement also required range states to submit funding proposals to GEF or other appropriate donors for the rehabilitation of sturgeon stocks, hatcheries/restocking programs, and enforcement. Adding a directive such as this to Resolution 12.7 would help ensure that range states and the international community make sturgeon conservation a funding priority too. We also encourage the United States to support a more frequent evaluation, such as every two years rather than three, and that additional appropriate, independent scientific experts be called upon to aid in such an assessment.

The United States might also consider adding a statement directed toward importing nations that encourages them to consider similar requirements as the U.S. 4d rule governing beluga caviar imports. If other importing nations established a similar rule, they could shift the burden of proof to exporters by requiring that producing states demonstrate that trade is not detrimental to the survival of the species and that there is an effective conservation strategy and management regime that is benefiting sturgeon populations.

***Monitoring of trade to combat the illegal caviar market***

The illegal caviar market is thriving, despite efforts by the EU to implement the CITES' labelling scheme to make contraband caviar more visible to customs' officials and purveyors, and the United States' advances in DNA testing. To reduce the amount of illegal caviar that finds its way onto the market, we urge the United States to support the amendment of subparagraph h), which reduces the time caviar is allowed for re-export from 18 months to 12 months. We also support the provision that would ensure that all caviar is originally exported before the end of the year in which it was harvested. And, finally, we support the proposed limit for personal exemption of 125 grams of caviar.

Regarding a separate but important issue, we strongly recommend that the United States develop a domestic labelling requirement for original and re-packaged caviar that meets the international labelling specifications of CITES.

Thank you for your consideration of our remarks.