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Technical report on the subregional workshop on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and fisheries with Pacific Island Countries

15–17 November 2021

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Preparation of the document

This is the report of the subregional training workshop on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and fisheries for the Pacific Island Countries. The workshop was jointly organized by the Development Law Service of the FAO Legal Office and the Legal Unit of the CITES Secretariat, in collaboration with the FAO Subregional Office for the Pacific and the FAO Offices in the concerned countries. The workshop was held virtually from 15 to 17 November 2021.

This report was jointly prepared by FAO and the CITES Secretariat. Copy-editing and layout were undertaken by Jessica Marasovic.

Abstract

This document contains the report of the subregional training workshop on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and fisheries for the Pacific Island Countries, jointly organized by the Development Law Service of the FAO Legal Office and the CITES Secretariat, in collaboration with FAO Subregional Office for the Pacific and the FAO Offices in the concerned countries. The workshop was held virtually from 15 to 17 November 2021. The workshop aimed at raising awareness and strengthening the understanding of CITES implementation in the fisheries sector; introducing and training participants on the use of the [FAO-CITES Legal Study and Guide](#); and identifying countries' needs and interests in enhancing national fisheries legislation for a better implementation of CITES in the fisheries sector.

A total of 85 participants joined the workshop, including from seven Pacific Islands Countries (Fiji, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu), other invited countries (Australia, New Zealand and the United States of America), four regional organizations – the Pacific Islands Forum Fisheries Agency, Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environment Programme, and the Western and Central Pacific Fisheries Commission – and fisheries experts from the civil society organizations, the CITES Secretariat and FAO.

The three-day programme included presentations on CITES key principles and requirements and their applicability in the fisheries sector; clarifications on commercially-exploited aquatic species listed in CITES Appendix II; opportunities for collaboration between CITES and fisheries authorities; correlations between CITES and fisheries management; an introduction on how to use the [FAO-CITES Legal Study and Guide](#); the relevance of FAO's PSMA and CDS; and knowledge-sharing on practical experiences of CITES implementation at national and regional levels.

Similar initiatives are planned for the future, including conducting a subregional workshop for certain Caribbean countries in 2022. These initiatives will have a similar agenda and build on the lessons learned from the subregional workshop for the Pacific Islands Countries.

Acronyms and abbreviations

AG	Attorney General (of Samoa)
CDS	Catch Documentation Scheme
CEPA	Conservation and Environment Protection Agency (of Papua New Guinea)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973
CMM	conservation and management measures
CMS	Convention on the Conservation of Migratory Species of Wild Animals 1979
CoP	Conference of the Parties
CROP	Council of Regional Organisations for the Pacific
CSO	civil society organizations
DOC	Department of Conservation (of New Zealand)
EEZ	exclusive economic zone
FA	Fisheries Authority
FAD	fishing aggregating devices
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
GIES	Global Information Exchange System
IFS	introduction from the sea
IUU	illegal, unreported and unregulated
KDE	key data element
LAF	legal acquisition finding
LOSC	United Nations Convention on the Law of the Sea 1982
MA	Management Authority (of CITES)
MAF	Ministry of Agriculture and Fisheries (of Samoa)
MAFE	Ministry of Agriculture, Fisheries and the Environment (of Palau)
MCS	monitoring, control and surveillance
MECDM	Ministry of Environment, Climate Change, Disaster Management and Meteorology (of Solomon Islands)
MFAT	Ministry of Foreign Affairs and Trade (of Samoa)
MFMR	Ministry of Fisheries and Marine Resources (of Solomon Islands)
MNRE	Ministry of Natural Resources and Environment (of Samoa)
MOJ	Ministry of Justice (of Samoa)
MOU	Memorandum of Understanding
MPI	Ministry for Primary Industries (of New Zealand)
NDF	non-detriment finding

NFA	National Fisheries Authority
NIWA	National Institute of Water and Atmospheric (of New Zealand)
NLP	National Legislation Project (of CITES)
PIC	Pacific Island Countries
PSMA	Agreement on Port States Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2009
QMS	Quota Management System
RFB	regional fishery bodies
RFMO	regional fisheries management organizations
SA	Scientific Authority (of CITES)
SDG	Sustainable Development Goals
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
SROS	Scientific Research Organization of Samoa
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WG	working group

1. Opening of the session

1. The CITES Secretariat and the Development Law Service (LEGN) of the FAO Legal Office jointly organized a three-day subregional training workshop for Pacific Islands Countries (PICs) held virtually from 15 to 17 November 2021. The FAO Subregional Office for the Pacific Islands (FAO SAP) and FAO Offices in the concerned countries also collaborated in organizing the workshop.
2. The workshop's objective was to train representatives of national fisheries administrations, CITES Management and Scientific Authorities and other relevant institutions on strengthening cooperation between fisheries and CITES authorities to effectively implement CITES in the fisheries sector. The workshop also aimed at raising awareness and strengthening the understanding of CITES implementation in the fisheries sector; introducing and training participants on the use of the FAO-CITES Legal Study and Guide; and identifying countries' needs and interests in enhancing national fisheries legislation for a better implementation of CITES in the fisheries sector.
3. About 45 participants from the seven PICs took part in the training. Forty participants from Australia, New Zealand, the United States of America, four regional organizations – the Pacific Islands Forum Fisheries Agency (FFA), Secretariat of the Pacific Community (SPC), the Secretariat of the Pacific Regional Environment Programme (SPREP), and the Western and Central Pacific Fisheries Commission (WCPFC) – and fisheries experts from the civil society organizations (CSOs) also attended the workshop. FAO's Fisheries and Aquaculture Division shared vital information and provided critical insights to the workshop participants, in particular on the relevance to CITES of FAO's Port States Measures Agreement (PSMA) and Catch Documentation Scheme (CDS Guidelines) and associated technical guidelines.
4. The virtual workshop was conducted using the Zoom platform. Some participants followed the workshop from a single venue in strict observance of the applicable COVID-19 rules and protocols. The list of participants is provided in [Annex I](#).
5. Ms Elizabeth-Rose Amidjogbe, Legal Consultant of LEGN, was the workshop's facilitator.
6. Mr Poasi Ngaluafe, Head of Fisheries Compliance at Tonga's Ministry of Fisheries, said the morning prayers as is customary in the PICs, prior to the opening of the session.
7. On behalf of the CITES Secretariat, Ms Sofie H. Flensburg, Legal Officer in the CITES Secretariat, thanked FAO for taking the lead in organizing and moderating the event as well as the European Union (EU) and the United States of America (USA) for providing the funds, which, through the CITES National Legislation Project (NLP), have been supporting technical assistance activities and the publication of the FAO-CITES Legal Study and Guide in the three official languages of the Convention (English, Spanish and French). Ms Flensburg recalled that the workshop's objective was to enhance the implementation of CITES through national fisheries legal frameworks. She emphasized that participants would discuss what such implementation entails, why it is important and invited all participants to contribute to the discussion on how this could be achieved. She also noted that it would be important to address how fisheries and CITES authorities could work together towards common goals and objectives to ensure the sustainable

and legal use of marine resources. In this regard, Ms Flensburg recalled CITES vision statement adopted in 2019, which provided that by 2030:

all international trade in wild fauna and flora [must be] legal and sustainable, consistent with the long-term conservation of species, and thereby contributing to halting biodiversity loss, to ensuring its sustainable use, and to achieving the 2030 Agenda for Sustainable Development.

8. On behalf of FAO, Mr Blaise Kuemlangan, Chief of LEGN, in his opening remarks, thanked all participants from the seven countries which the workshop is for (Fiji, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu), the other countries (Australia, New Zealand and the United States of America), the CITES Secretariat, FFA, SPREP, SPC, WCPFC, and FAO SAP and country offices for their support. He highlighted the vital importance of implementing CITES and other global fisheries instruments in the context of the Sustainable Development Goals (SDGs). He noted SDG 14, for regulating harvesting, addressing illegal, unreported and unregulated (IUU) fishing and combating destructive fishing practices, as well as for FAO's strategic objectives and the four 'betters' (better production, better nutrition, better environment and better life). He noted that the workshop is for the seven PICs that are Parties to CITES, but it is also relevant to non-Parties that may be interested in similar assistance. Mr Kuemlangan invited participants to raise questions and share comments, emphasizing that this is an interactive workshop.
9. Ms Julia Nakamura, Legal Consultant of LEGN, presented the workshop's agenda, which is provided in [Annex II](#).

2. CITES-specific considerations for the fisheries sector

10. Sofie H. Flensburg began her presentation with five facts about CITES, explaining that CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora, adopted on 3 March 1973 and entered into force in 1975; it regulates international trade in specimens of 38 000 species of wild fauna and flora with the aim to ensure such trade does not threaten their survival; it is a dynamic and adaptive instrument with three Appendices that are amended regularly at least every three years; and it is almost universally binding with 184 Parties. She then referred to the publication [FAO-CITES Legal Study and Guide](#) and emphasized that the fisheries sector and the CITES regime interact where there is an international trade transaction in a CITES-listed aquatic species.
11. An overview of the five key selected aspects of CITES in a fisheries context was presented. The **first** aspect concerned the obligation of Parties to CITES to designate a Management Authority (MA) and a Scientific Authority (SA). Recommendations relating to these included the importance of establishing a MA through a legally-binding instrument, which can clearly specify the powers and responsibilities of the MA; having independent authorities to undertake the functions of MA and SA, respectively, to avoid conflicts of interests; and adequately regulating mechanisms for coordination between the MA, SA and enforcement agencies. Except for Samoa and Fiji, all the other PICs have included their national fisheries agency as one of the SAs.
12. The **second** aspect was the regulation by national legislation of trade in all species included in the three Appendices to CITES. These species include non-native and exotic

species. Specimens include finished products, parts and derivatives and scientific samples. International commercial trade in Appendix I-listed species is generally prohibited; trade is only allowed for non-commercial purposes. While international trade in Appendix II-listed species is permitted but controlled pursuant to a permit system and conditions. In Appendix III-listed species, it is permitted but monitored by the concerned countries.

13. The **third** aspect was the inclusion of 'introduction from the sea' (IFS) in the regulation of international trade. The IFS is a one-State transaction, when a vessel registered in State A harvests a CITES-listed species in the high seas and lands in State A.
14. The **fourth** aspect was the establishment by national legislation of the conditions for authorizing trade. Before an IFS certificate or export permit can be granted, the State of introduction or the State of export must ensure the non-detriment finding (NDF), the legal acquisition finding (LAF) and the handling of live specimen to minimize the risk of injury, damage to health or cruel treatment. A sample of a CITES form was presented to show what the document looks like.
15. The **fifth** aspect was the prohibition by national legislation of trade in specimens in violation of the Convention. Parties must not authorize any trade unless the conditions are fulfilled, must ensure national legislation is in place to penalize trade in or possession of specimens in violation of the Convention, and provide for the confiscation or return of the State of export of illegally traded specimens.

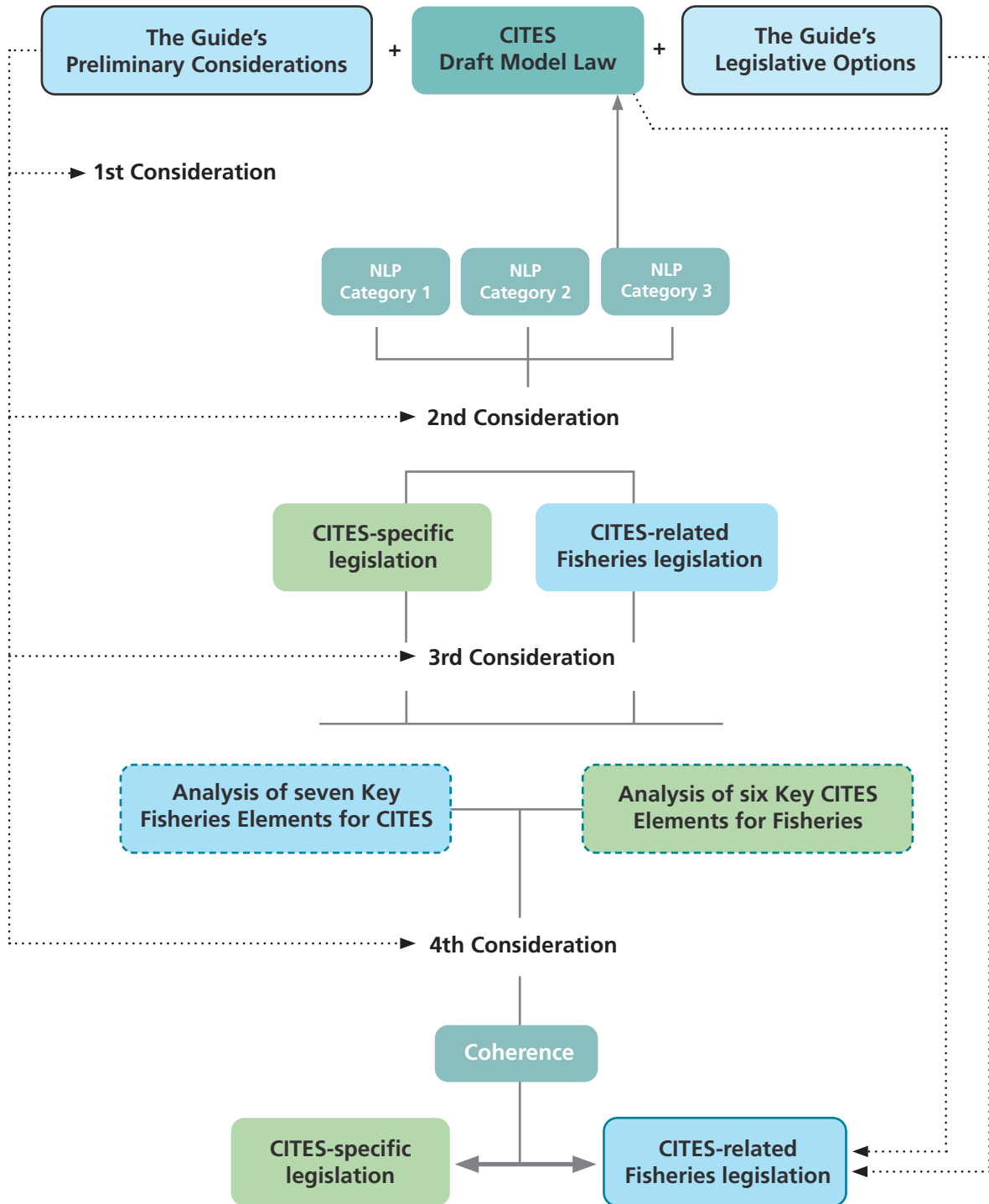
3. Using the FAO-CITES Legal Study and Guide

16. Blaise Kuemlangan began the presentation by introducing the [FAO-CITES Legal Study and Guide](#), which has two parts. The first part is the Study, which is an awareness-raising and knowledge-sharing component, providing an understanding of the actual CITES regime and how it links to the fisheries sector and related issues, with a view to developing an appreciation of the potential role that CITES regulatory approaches and tools can play in the fisheries sector and vice versa. The other component is the Guide, which is a CITES implementation practical guidance tool, which provides support in reviewing relevant legislation and ensuring that key elements of CITES are taken into account or incorporated in legal provisions, with a view to implement CITES by enhancing national fisheries legal frameworks. Both the Study and Guide can be used by various stakeholders, including fishers, fisheries managers, CITES authorities, customs authorities and maritime authorities. It is important that the relevant stakeholders cooperate and coordinate in their efforts to review existing legislation and implement CITES in national fisheries legal frameworks. An overview of some of the commercially-exploited aquatic species listed in CITES Appendix II was presented, highlighting the listing of all species of seahorses, various sharks species, humphead wrasse, manta and devil rays, guitarfishes, wedgefishes and sea cucumber.
17. Blaise Kuemlangan also emphasized that, while CITES and the fisheries sector do not normally interact at least directly in many cases, there are opportunities for collaboration and convergence, ensuring that stakeholders of the two communities of practice (CITES and fisheries) are aware and work towards the common objectives of sustainably using aquatic resources, including CITES-listed species and, in a wider context, biodiversity

and ecosystems. In reference to Table 4 of the Study, the correlations between outputs of the CITES regime and fisheries management were also highlighted. Some examples of conservation and management measures of selected regional fishery bodies (RFBs), including regional fisheries management organizations (RFMOs), were presented to illustrate their relevance to CITES. In implementing CITES, it is possible to achieve fisheries management objectives and learn from CITES concepts, so it is important that delegates from CITES and RFBs coordinate their work when attending the CITES Conference of the Parties (CoP), RFBs meetings and FAO Committee on Fisheries meetings.

18. Julia Nakamura continued the presentation on how to use the Guide, emphasizing that she will provide a brief overview. She explained that the Guide was developed based on methodologies and approaches adopted by LEGN in previous guidance materials, such as those on the ecosystem approach to fisheries, the deep-sea fisheries guidelines and the small-scale fisheries guidelines. This methodology first entails assessing the existing national legislation of a country, then verifying its alignment with a given international standard, followed by ensuring that it is consistent and coherent, and then moving towards potential need for review of existing legislation and adoption of new ones. In the workshop, the focus will be on first assessing the CITES-specific legislation (generally referring to wildlife use, protection, or specifically referring to CITES implementation) and CITES-related legislation (generally regulating a sector), which, in the present case, is the fisheries sector. This is followed by verifying that the key elements for fisheries are in CITES legislation and the key elements for CITES are in fisheries legislation. Based on this assessment, users will be better positioned to understand whether there is consistency and coherence between the CITES-specific legislation and the fisheries legislation, and whether there are gaps and needs for improvement in fisheries legislation. Last, where the decision taken is to improve fisheries legislation, the legislative options of the Guide become relevant.
19. Julia Nakamura explained the four preliminary considerations of the Guide. She recalled the meaning of Category 1, 2 or 3 under the CITES NLP prior to going through the first preliminary consideration, which is to identify in which of these categories the legislation of the Party is placed by the CITES Secretariat. Then, she explained the second preliminary consideration, which is to identify the main national CITES-specific legislation and the relevant national fisheries legislation. Based on the selected legislation, the third preliminary consideration can then be evaluated, that is, to assess the key fisheries elements in CITES-specific legislation and assess the key CITES elements in fisheries legislation. Finally, the fourth preliminary consideration is to inform legal drafters, practitioners, policy-makers and other relevant stakeholders on the assessment carried out and the approach to follow. The expected outcomes of the preliminary considerations are: identifying potential gaps in the legislation, how legislation can be improved to ensure consistency, coherence and complementarity in both sets of legislation, and whether the fisheries legislation needs amendments or development of new legislation. If the latter is the decision, then the Guide's Legislative Options become pertinent in supporting legislative and amendment drafting. Julia Nakamura briefly showed the Guide's Legislative Options and highlighted that they are organized in a typical primary fisheries legislation structure to facilitate the assessment.

Figure
Guide to implementing CITES through national fisheries legal frameworks



Source: Nakamura, J.N. and Kuemlangan, B. 2020. *Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through national fisheries legal frameworks: a study and a guide*. Legal Guide No. 4. Rome, FAO, p. 102.

4. CITES legal implementation in the Pacific Island Countries

4.1 Fiji

20. Ms Jacqueline Nalomaca, Compliance Officer at Fiji's Ministry of Fisheries, presented on behalf of Fiji. She explained how CITES is implemented in Fiji, which became a Party to CITES in 1997. The CITES-relevant legislation are the *Endangered and Protected Species Act No. 29 of 2002 (EPSA)*, the *Endangered and Protected Species Regulations (L.N. No. 64 of 2003)*, the *Endangered and Protected Species (Amendment) 2017 (No. 10 of 2017)*, and the *Offshore Fisheries Management Regulations (L.N. No. 18 of 2014) (OFMR)*. She highlighted Schedules 1 and 2 of the EPSA and Regulation 5 of the OFMR, clarifying that the main difference is that the OFMR prohibits the killing and taking of the concerned species, while the EPSA allows trade as long as trade is registered with the Ministry of Environment. Currently, the only agency facilitating CITES permits is the Ministry of Environment, which proves difficult for partner agencies to obtain the information needed. The Ministry of Fisheries ceased facilitating CITES permits in 2017. The main challenges concerning CITES implementation in Fiji relates to the aforementioned legislation which establish different rules applicable to CITES-listed species, and the need for authorizing enforcement officers by both sets of legislation. There is also a need for more officers to carry out enforcement work; a need for NDF guidelines; more awareness and capacity building on CITES implementation; to enhance government inter-agency coordination to address implementation; a need to properly document the demarcation of roles and legislation between national government bodies when it comes to CITES implementation; and a need to guide the incorporation of important aspects of CITES when reviewing national legislation.

4.2 Palau

21. Mr Percy Bitoch Rechelluul, Acting Chief to the Division of Aquaculture, Bureau of Fisheries at Palau's Ministry of Agriculture, Fisheries and the Environment (MAFE), presented on behalf of Palau. CITES legislation in Palau include the *Marine Protection Act of 1994*, the *Endangered Species Act of 1975*, and other legislation such as the recent 10-54 Ban reef fish export, *Palau National Marine Sanctuary Act (RPPL No. 9-49 of 2015)*, and *The Shark Haven Act of 2009*. The Fisheries sector interacts with other institutions such as MAFE, Ministry of Justice (MOJ), Customs and Biosecurity. Cooperating activities of institutions involved include assisting in enforcement, investigating and prosecuting. Issues with LAF and IFS are dealt with by the Attorney General's Office and the MOJ. Challenges concerning CITES implementation and other relevant issues are in relation to permitting, making of NDF for CITES-listed species, lack of finance and personnel for proper legislation and enforcement.

4.3 Papua New Guinea

22. Mr Nicho Gowep, Senior Scientific Officer of Papua New Guinea's Conservation and Environment Protection Agency (CEPA), presented on behalf of Papua New Guinea. CITES-listed species that are fisheries products include the black and white teatfish for fish export and the hammerhead and silky shark fins in trade.

23. National legislation for implementing CITES in Papua New Guinea are: *International Trade (Fauna and Flora) (Amendment) Act 2014 (No. 4 of 2014)*; *Fisheries Management Act 1998*; and *Customs (Prohibited Imports) Regulation 1973*. CITES is implemented nationally through a Permit Administration by CEPA, which is the designated CITES MA; the collaborative inspection with the National Fisheries Authority (NFA) on recent marine species (e.g. black and white teatfish) is a requirement under the *International Trade (Fauna and Flora) Act* and *Fisheries Management Act* before the issuance of an export permit. Main challenges for CITES implementation include: lack of effective and efficient enforcement and monitoring in CITES-listed species; lack of awareness and capacity building with concerned authorities; monitoring of Papua New Guinea's border where most species trafficking occurred (e.g. pig nose turtle, sea cucumber, shark fins etc.); lack of data/information sharing on specific fisheries products by concerned authorities; lack of effective collaboration by concerned authorities regarding fisheries products on CITES; and no management plan for marine CITES Appendix II species, except for black and white teatfish. Some recommendations were presented: upgrading the CITES permit system from a paper-based to a digital system; creating a data portal for all concerned authorities to share their information/data on both terrestrial and marine species included in CITES Appendices; assisting with training to upskill CEPA officers on monitoring and enforcement of CITES permit conditions; providing funding towards stakeholder and community awareness; and securing additional funds to support Papua New Guinea's CITES Secretariat.

4.4 Samoa

24. Ms Fimareti Selu, Marine Conservation Officer, Division of Environment and Conservation at the Ministry of Natural Resources and Environment (MNRE), presented on behalf of Samoa. CITES is implemented nationally through three main activities: (i) a proper permit system that was established and is effectively in place for issuance of CITES permits to facilitate trade in any CITES-listed species; (ii) development of posters and pamphlets, with the support of SPREP; and (iii) workshops and consultations. The MNRE is the responsible agency for issuing these permits and is endorsed by the Ministry of Agriculture and Fisheries (MAF) under their Quarantine division. A CITES Stakeholder consultation was held on 8 October 2021 to review the drafted CITES Bill. The MNRE was appointed as the CITES SA and is also the operational focal point of Samoa to CITES. Interagency collaboration and a CITES committee involving relevant stakeholders including: MNRE, Ministry of Foreign Affairs and Trade (MFAT), Ministry of Revenue – Customs (MoR), MAF, Office of the Attorney General (AG), Scientific Research Organization of Samoa (SROS), National University of Samoa, University of the South Pacific – School of Agriculture. Later in 2012, an MOU between MNRE, MFAT, MoR and AG was signed to delegate the CITES MA responsibilities to the MNRE. Further progress includes the development and adoption of appropriate measures for the effective implementation of CITES, such as the legal review completed in October 2021 for the Drafted Trade in Endangered Species Bill 2013, which is currently with the MNRE to prepare for community consultation and further discussion prior to Cabinet submission for endorsement. The *Marine Wildlife Protection Regulations (S.R. 2009/18)*, as amended, has provisions to prohibit commercial fishing and selling of sharks, turtles and dolphins/whales, including prohibition to import/export any marine wildlife, or products as provided under Appendices of CITES 1973 and the Convention on the Conservation of Migratory Species of Wild Animals (CMS). These regulations provide for the export of marine wildlife subject to CITES, and the *Local Fisheries Regulations*

1996 (S.R. 1996/4) clarify the conditions for the taking, possessing and trading of CITES-listed species such as turtles, whales, dolphins and sharks. Challenges and issues include: limited resources and capacity of government personnel to undertake NDFs for potential commercial export of CITES species; lack of experience regarding the use of the guidance in Annex 1 to CITES Resolution Conf. 18.7 on legal acquisition findings; coordination and collaboration among key players; and integrated approach to strengthen enforcement.

4.5 Solomon Islands

25. Ms Ivory Akao, Supervising Deputy Director of the Ministry of Fisheries and Marine Resources (MFMR), Research Section, presented on behalf of the Solomon Islands. CITES implementation in the Solomon Islands involves the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) – CITES MA and the MFMR – CITES SA. There are various legislation relevant for CITES, such as the *Wildlife Protection and Management Act (No. 10 of 1998)*, 2008, as amended, *Wildlife Protection and Management Regulations 2008 (L.N. No. 78 of 2008)*, as amended, *Fisheries Management Act (No. 2 of 2015)*, *Fisheries Management Regulations 2017 (L.N. No. 2 of 2017)*, *Wildlife Protection and Management (Amendment) Act No. 5 of 2017*, *Fisheries Management (Prohibited Activities) Regulations 2018 (L.N. No. 61 of 2018)*, 2020 Coral Management and Development Plan and 2020 Clam Management and Development Plan. CITES species are regulated nationally through the national legislations, regulations and management plans. Activities implemented nationally by the MFMR include stock assessment for species of interest for export; establishment of harvesting and exporting quota; issuing of export licence; and inspection of products for export. The MECDM is responsible for issuing CITES export permits. The issues with legal acquisition concern the inadequate capacity to conduct enforcement in the provinces to ensure compliance with national regulations and the traceability of fisheries products, for example, Bechedemer. The challenges of CITES implementation include a lack of capacity to conduct NDFs, limited enforcement officers to enforce national regulations, and information sharing between the MA and SA.

4.6 Tonga

26. Poasi Ngaluafe presented on behalf of Tonga. The main national instruments are the CITES Regulation currently being drafted under the Environment Act, with the support of the New Zealand Government. The fisheries sector is monitored by the Ministry of Fisheries as both designated CITES SA and MA. CITES trade – shark fin, sea cucumber, giant clams and corals. The development of NDFs relating to giant clams and corals is still in progress. CITES permits are sent to the CITES Authority for approval before exporting the product. The wild harvest of giant clams (Tridacnidae) is banned, only allowed for land-based culture (Mariculture Centre at Ministry of Fisheries). There is a quota system in place for sea cucumbers, corals and shark fin. At the regional level, the SPC provides technical support for inshore fisheries and the FFA for Oceanic and SPREP on protected species. Challenges include the need to conduct stock assessment of the CITES species (i.e. coral, giant clams, etc.), currently relying on SPC technical support; capacity building – Ministry for Primary Industries (MPI) (New Zealand); NDF fully rely on an international consultant; a need to list existing CITES species in Tonga under Appendices I, II, III especially for marine aquatic organisms; and CITES permits for souvenirs (tourists) (e.g. dead shells, corals, etc.).

5. CITES legal issues in other countries

5.1 Australia

27. Ms Mariana Nahas, Assistant Director at the Australian Department of Agriculture, Water and the Environment (the designated CITES SA of Australia) presented on behalf of Australia. She highlighted the *Environment Protection and Biodiversity Conservation Act 1999, as amended (EPBC)*, which regulates international movement of wildlife and wildlife products and provides the legal framework for implementing Australia's obligations under CITES. Under the EPBC, Australian fisheries with an export component must be assessed and approved by the Minister (or delegate) before a product can be harvested for export. CITES permits are generally required to export or import; and the CITES MA and SA are established as well as enforcement functions. Fisheries assessments are undertaken against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries 2007*. The Guidelines were developed in consultation with the fishing industry, fisheries management agencies and environmental groups. In approving export, the Minister (or delegate) must be satisfied that the operation of the fishery will not be detrimental to the survival or conservation status of a taxon to which the operation relates and will not be likely to threaten any relevant ecosystem including any habitat or biodiversity. The approval can be given for a maximum of three years and is usually made conditional on annual reporting requirements at a minimum. The approval must incorporate a determination of NDF for it to include any CITES-listed species harvested in the fishery.
28. A decision on what form the NDF takes is made on a case-by-case basis largely based on the conservation needs of the taxon, the management arrangements applied to the fishery and the scale of harvest and trade. Generally, NDFs are incorporated into the ecological sustainability assessment of the fishery. Most NDFs are made on the basis of exports from a particular fishery. Once the fishery is approved, the licence holder can harvest and apply for CITES export permits. To date, Australia has not received any applications for IFS certificates. In the assessment process, the fisheries management agency applies for an EPBC Act approval for the fishery. The application includes information on harvest levels, catch reporting arrangements, management measures, application and enforcement of quotas and compliance frameworks, and public consultation for a minimum of 20 days. The assessment considers the combination of management measures and fishery specific issues. Risks and uncertainties are balanced in the same manner outlined in Resolution Conf. 16.7 (Rev. CoP17) so that appropriate precaution is applied in determining whether and under what circumstances export is approved. Gaps and issues identified in the assessment and any proposed conditions on approval are discussed with the fisheries management agency. If fishery is given conditional approval and conditions are contravened, the approval must be revoked. Common conditions included in export approvals for commercial fisheries harvesting CITES-listed species include: annual reports providing, for example, data on harvest, compliance rates, adherence to conditions in approvals; harvest limits – amount of harvest deemed non-detrimental is reflected in approval; requirement to notify the CITES SA of any changes to management arrangements; data validation requirements (observers/cameras on board) if not in place/sufficient; and stock assessments/population analysis. Implementation challenges include non-target species or data-poor fisheries

– higher level of precaution needed; migratory species; varied domestic jurisdictional arrangements – promote harmonization and data-sharing; traceability systems and conversion factors.

5.2 New Zealand

29. Dr Hugh Robertson, Principal Adviser of New Zealand's Department of Conservation, presented on behalf of New Zealand. In Aotearoa, New Zealand, the MA is established in the Operations Group of the Department of Conservation (DOC) and there is a SAs Committee appointed by the Minister of Conservation, which acts as the SA. This SAs Committee is led by staff from the Biodiversity Group of DOC, who do most of the day-to-day actions on behalf of the Committee. The SAs Committee is made up of representatives of: Department of Conservation (birds, reptiles, botany), MPI (fisheries and biosecurity), National Institute of Water and Atmospheric Research (NIWA) (marine, especially sharks and corals) and universities (mammals, invertebrates). New Zealand has enabled legislation (*Trade in Endangered Species Act 1989 (No. 18 of 1989)*) to enact CITES principles. Local laws supersede CITES requirements (both the Convention text and Resolutions agreed at three-yearly Conferences of the Parties). Parties can have stricter domestic measures. For example, in New Zealand, the *Wildlife Act 1953 (No. 31 of 1953)* absolutely protects the spine-tailed devil ray (*Mobula japonica*) in the New Zealand exclusive economic zone (EEZ). The *Animal Welfare Act 1999 (No. 142 of 1999)* is also relevant to ensure that specimens are harvested humanely, for example, no live finning. The SA does NDFs to ensure sustainability. To date, the SA has issued negative findings (e.g. manta and *Mobula japonica* and Oceanic-whitetip shark) and positive findings with conditions to gather more data (e.g. porbeagle, mako). The NDFs for sharks were done by DOC staff in consultation with Pamela Mace (MPI representative on the SA) and Malcolm Francis (NIWA alternate member on the SA). The NDF binding on the MA – for instance, if negative, the MA should not issue any permits to export or introduce from the high seas. The MA checks the legality of trade – specimens must be obtained under the Quota Management System (QMS), established under the *Fisheries Act 1996 (No. 88 of 1996)*, and run by MPI, which aims to ensure sustainable and licenced harvest of fish. Trade must also be compatible with other international commitments that New Zealand has, for example, the conservation measures of CMS, WCPFC and FFA. An application for a CITES permit to export porbeagle products would require presentation of proof that the specimens were obtained under the QMS and on-sold through a licenced fish dealer. The MA ensures specimens' traceability by issuing permits accompanying each shipment. If applied properly, CITES regulations should allow legitimate sustainable fisheries to trade internationally, help reduce IUU fisheries by creating barriers for unauthorized international trade, and therefore put only legally acquired fish products on plates or in soup bowls.

5.3 United States of America

30. Ms Mary Cogliano, with the US Fish and Wildlife Service (the designated CITES MA) and Chair of the CITES Standing Committee Working Group (WG) on sharks and rays, presented on behalf of the United States of America. She presented the updates on the WG. Currently, the WG has 23 Parties and 13 Observers. The mandate of the WG is to develop guidance on the making of LAFs, and related assessments for IFS for CITES-listed shark species in the context of the implementation of Resolution Conf. 18.7 on

Legal acquisition findings; develop new guidance or identify existing guidance on the control and monitoring of stockpiles of shark parts and derivatives with an emphasis on the shark meat trade; and report its findings to the Standing Committee. Parallel to this work is the issue regarding the mismatch between the trade-in products of CITES-listed sharks recorded in the CITES Trade Database and what would be expected against the information available on catches of listed species. The Secretariat is working with the Wildlife Trade Monitoring Network (TRAFFIC) to complete a study to investigate this issue. At its thirty-first meeting of the Animals Committee, the Committee invited the Standing Committee to review the results of this study at Standing Committee 74. In the WG, the members were asked about: what information should be included in the guidance, what is the magnitude of the stockpile issue, whether there is data available to help resolve “mismatch” issues and presented guidance materials on LAFs. The considerations in making LAFs and comparable IFS findings included: whether the specimen(s) are taken in accordance with national laws of the fishing operation; whether the catch originates from a vessel permitted to operate in the area; whether the vessel is operating in accordance with management or conservation measures implemented by any relevant RFMO/A; which procedures are in place to validate data collection by the vessel harvesting the species; and whether the specimens are taken by vessels that have not engaged in IUU fishing activity. On the information and documentation Parties use to support the making of LAF, the WG was informed that for IFS, the documentation included a copy of the vessel licence, a copy of the fishing licence and dealer permits. For export, the documentation included catch records (species-specific volume/quantity, catch date, date of sale to retailer or processor), landing records (species-specific volume/quantity, landing date, date of sale to retailer or processor) and genetic retailing/identification.

6. CITES and the FAO Agreement on Port States Measures

31. Dr Matthew Camilleri, FAO Leader of Fisheries Global and Regional Processes Team and the PSMA Secretariat, shared an overview of the PSMA, a legally binding instrument adopted under FAO auspices. There has been implementation at national, regional and international levels. It is important to emphasize that IUU fishing has three components, and is not to be generally addressed as illegal fishing. The PSMA was adopted in 2009 and came into force in 2016. There are currently 70 Parties to the Agreement, including the European Union (which covers 27 States). There is often reference to fisheries crimes and crimes in fisheries. It is important to differentiate between illegal fishing (under IUU fishing) and fisheries-related crimes (directly connected to fishing operations, e.g. forced labour) and crimes associated with fisheries (not connected to fishing operations but which take place within the fishing sector, e.g. smuggling). It is fundamental to have inter-agency cooperation involved in the fisheries monitoring, control and surveillance (MCS), other inspection/control schemes and crime surveillance/control schemes. Endangered species may be involved in any of those operations. It can be CITES-listed species that are commercially exploited by the fisheries sector, but it could also involve CITES-listed species that are not related to the fisheries sector at all but which are being traded using a fishing vessel.

Matthew Camilleri presented one slide representing the PSMA. The Agreement addresses foreign fishing vessels requesting entry into port. It is the duty of the Port State to ensure

that that vessel entering into port has not engaged in IUU fishing. Prior to allowing entry into port, the Port State must ensure that the fishing vessel has been behaving properly through the collection of information. The Port State can also further inspect the fishing vessel at port. Based on information supply and inspection procedures, the PSMA allows or not entry into port and allows or not the use of port. The Port State can also take other actions, such as detecting, investigating IUU fishing, prosecuting and reporting. After every inspection, the information must be shared to track records for each vessel. The Global Record of Fishing Vessels is managed by FAO and provides very useful information to the Port States, such as information on CDS and other tools. The PSMA provides an opportunity for CITES implementation in that it allows the Port State to request CITES-relevant documentation by the vessel during the inspection, prior to entry into port or using the port. At the request of the PSMA Parties, FAO is developing the PSMA Global Information Exchange System (GIES) to facilitate the reporting and collection of relevant information from the vessels. It would be interesting to see whether there are any parallel systems with CITES for the sharing of information to support and interlink each other. There are currently two global information exchange systems: the FAO Global Record and the PSMA GIES. FAO also has a large capacity-development programme focusing on strengthening policy and legislation frameworks, institutional set-up and capacity, MCS and operational procedures. There are opportunities to include CITES-specific issues in this programme.

7. CITES legal acquisition findings and Catch Documentation scheme

32. Dr Shelley Clark, FAO Shark and Bycatch Expert, presented on CDS, explaining from the onset that the purpose of the presentation is to clarify some of the similarities and differences between CDS and LAF. The CDS is a system used to determine, throughout the supply chain, whether fish originate from catches taken in compliance with all applicable management measures. In other words, CDS is documenting the legal provenance of catch (that is, the origin and the record of ownership throughout the supply chain). It is an example of an internationally agreed market-related measure to combat IUU fishing. Adopted in 2017, the Voluntary Guidelines on Catch Documentation Scheme (VGCDs) is a guide to creating new CDS or harmonizing existing CDS. FAO has begun working on the provision of a specific guidance document to national authorities so they can understand how to better implement the CDS already in place. This document is titled "Understanding and implementing Catch Documentation Schemes: a guide for national authorities" and will be published soon.¹ It can help inform the discussion of the CITES WG on sharks and rays and is also potentially helpful for other species' LAFs. Existing CDS include various schemes run by RFMOs. There are schemes on species such as bluefin tuna and toothfish, regardless of whether the species enter international trade or not and cover both international and domestic schemes. There are other schemes that only cover internationally traded species and market-related schemes for the European Union and similar schemes in the United States of America.

¹ The document has been published here: www.fao.org/publications/card/fr/c/CB8243EN/

33. Shelley Clark identified four main differences between CDS and LAF: (i) LAF is at the point of export, whereas CDS is for the entire supply chain; (ii) LAF is a process by a single country, whereas CDS is a tool for countries to work together in feeding into the documentation throughout the value-chain; (iii) LAF is always required where there is a CITES-listed species, while the CDS is required only for some species and fisheries; and (iv) in LAF, there may not be necessarily a document and, where there is a document, it is a document provided as a record within a country's national system, while CDS follows the fish downstream in the supply chain and gets filed by other national authorities as it goes. She also identified the similarities between CDS and LAF. The CITES Resolution Conf. 18.7, Annex 1 provides that LAF should consider the legality, particularly the licences and permits; the marking or identification of the specimen; and the ownership or chain of custody through which the specimen reaches the point that it is being considered. Similarly, the legality and ownership are elements found in the CDS, and the marking and identification can also be found in certain CDS.
34. Shelley Clark noted that, in terms of LAF, there may be various roles that the country may play in terms of which activities need to be determined as legal for that specimen. If the specimen was caught in coastal waters, it is the Coastal State. If the specimen was caught in a fishing vessel, it is the Flag State. If the specimen landed in the port, it is the Port State. In developing the FAO CDS guidance document for national authorities, key data elements (KDEs) were selected from those used in at least two of the existing schemes. Shelley Clark explained the basic and enhanced KDEs regarding vessel, catch, transshipment and landing. For instance, the basic KDEs for vessels include the vessel name, vessel flag, registration number, authorization number, home port, call sign, and fishing licence number. Enhanced KDEs for vessels include additional information on vessel contact details, quota, length overall, fishing vessel master's name, and fishing authorization validity period. Underneath these very specific KDEs, there are some basic principles that the national authority has been asked to be assured about, which are essentially two functional requirements for vessels: the establishment of the identity of the fishing vessel and confirmation that the fishing vessel had all the necessary authorizations to produce the fish legally. The point of the FAO CDS guidance document is to encourage national authorities to identify what data they would need for their specific fishery to fulfil those two functional requirements.

In conclusion, Shelley Clark shared that there is no "best" set of KDEs for all species and fisheries. Instead, it is important to consider what assurances are being provided (vessels, catch, transshipment, landing) and what KDEs are necessary to support those assurances. It is important to focus on the most important KDEs supporting each assurance and develop protocols for data verification. She also emphasized the reasons why data verification is so relevant. When countries certify LAFs, they are expected to have the necessary level of oversight to affirm that the information is correct, otherwise, trade sanctions or other penalties may apply. There will be a higher risk of failing to detect IUU fishing and its products in trade if the tools and systems available for verification are insufficient, or these tools and systems are not used or under-used. Verification tools and systems include vessel registries, fishing licence databases, logbook reporting, observer reports, a vessel monitoring system (VMS), a transshipment authorization system, a landing authorization system, inspection records and licenced fish receiver reports. Functional requirements for product tracking were also highlighted as they support maintaining the claim of legal provenance, from the moment when the species are landed, then processed, to the point of export.

8. CITES and regional organizations

8.1 Pacific Islands Forum Fisheries Agency

35. Dr Pio Manoa, Legal Counsel of the Pacific Islands Forum Fisheries Agency (FFA), presented on behalf of FFA. On regional initiatives, he explained that there are RFBs with management and advisory roles. The FFA is a regional fisheries advisory body established in 1979 that supports members in relation to regional fisheries governance. The FFA supports members in the development and implementation of conservation and management measures (CMMs) adopted by the WCPFC – for example, CMM 2019-04 (sharks), CMM 2011-03 (cetaceans), CMM 2019-05 (mobulid rays) and CMM 2018-04 (sea turtles). An important point is the role of observers in reporting on certain interactions, including with CITES-listed species, and that this information is captured in the RFMO system. In relation to this, the WCPFC Compliance and Monitoring System is one of the most innovative tools, ensuring that countries are able to account for how they comply with the WCPFC CMMs. All RFMOs have the listing system of vessels engaged in IUU fishing, and members are working on monitoring and control of fishing-related activities (e.g. bunkering, transshipping) as well. At the national level, many international obligations have been reflected in national legislation, such as the responsibilities of the Flag State to ensure authorization of its vessels to fish on the high seas and the *due diligence* obligation to ensure that the vessels do not engage in IUU fishing. Countries have also put in place the duty to give effect to international and regional duties (e.g. Papua New Guinea). One way to ensure that a CITES requirement is reflected in national legislation is through the inclusion of such requirements in licensing conditions. A general requirement that the licence holder should be in compliance with all national laws is also relevant and covers CITES legislation.
36. In relation to LAF, Pio Manoa stressed the importance of the responsibility of Flag States (authorization and regional access) and Coastal States (licensing, importing) and the difference between registration and licensing of the fishing vessel. The former provides the nationality of the vessel and the latter the right to fish (except in the case of fishing in the high seas). The former provides the nationality of the vessel and the latter the right to fish. There are situations in the region where there is regional access authorization, as it has been done, for instance, to allow the United States of America to fish in the Pacific Islands region. On NDFs, the fisheries administration of Coastal States have adopted national plans and policies on sharks, following WCPFC recommendation, which should be used to support the making of NDFs. Also, the advice from RFMO can support the CITES SAs and fisheries administration. The monitoring, control, surveillance and enforcement is also very important in fisheries and particularly strong in comparison to other sectors. In his reflections, Pio Manoa emphasized the need to think of ways to alleviate the burden disproportionately placed on developing States in relation to fisheries management and conservation; improving the way institutional collaboration is carried out; addressing the role of States in fishing operations taken in multiple zones; addressing in more detail the differences between oceanic and coastal CITES species; clarifying how CITES-listed species are covered by RFMO measures; the issues regarding Stateless vessels, Chartering State and Sponsoring State; and IUU fishing.

8.2 Secretariat of the Pacific Community

37. Ms Ariella D'Andrea, Legal Adviser (Coastal Fisheries and Aquaculture) of the Secretariat of the Pacific Community (SPC), presented on behalf of SPC. She began by highlighting the relevance of CITES in the PICs and Territories. There are currently seven PICs and Territories that are Parties to CITES and eight that are non-Parties. The SPC provides support to the fisheries agencies, which are generally the designated SAs, when countries are seeking to export marine species for commercial purposes while balancing the protection of endangered marine species. Relevant CITES-listed species include sea cucumbers, corals, giant clams and sharks. The SPC supports the members in addressing the main challenges with CITES implementation regarding the scientific evidence for NDFs, access to markets for small businesses and supporting livelihoods, use of traditional knowledge and practices, and building on strong enforcement institutions to ensure compliance. This support is provided through two main programmes. The SPC's Oceanic Fisheries Programme, which focuses on science, supports PICs and Territories in the preparation and review of national shark management plans, in collaboration with FFA (in Vanuatu, Tonga, Tuvalu and Fiji), and supports regional processes for the implementation of current WCPFC CMMs on sharks. The SPC's Coastal Fisheries and Aquaculture Programme, which focuses on science and management, has provided support in training countries (e.g. stock assessment for sea cucumber, development of an interactive online guide for sea cucumber species) and guidance on NDF processes, especially on black teatfish and white teatfish, as well as in identifying the knowledge gaps to improve scientific monitoring programmes. There is also support for regulations and management plans, sustainable community-based management and monitoring with enforcement agents in collaboration with environmental agencies. Lastly, Ariella D'Andrea informed on the relevant sea cucumber measures found in national legislation in Papua New Guinea, Solomon Islands, Tonga and Vanuatu. The SPC has been trying to push forward some regional approaches in agreement with the countries, for instance, in standardizing size limits for the export of sea cucumber.

8.3 Western and Central Pacific Fisheries Commission

38. Dr Lara Manarangi-Trott, Compliance Manager of the Western and Central Pacific Fisheries Commission (WCPFC), presented on behalf of WCPFC. She started by presenting some key statistics on WCPFC, noting that the countries participating in this workshop are members of the WCPFC. The Commission manages about 55 percent of the world's tuna catch (2.9 million mt), the majority taken from the members' EEZ. There are currently 44 CMMs and six Resolutions. She then analysed three main areas within WCPFC that are potentially relevant to CITES. One is the mandate of the WCPFC under its Convention, which provides principles and measures for conservation and management (Article 5) functions of the Commission to, for instance, adopt CMMs and recommendations for non-target species and species dependent on or associated with the target stocks, and to adopt generally recommended international minimum standards (Article 10). The other area relevant to CITES concerns the adopted CMMs, which include the no retention rules for certain shark species (e.g. silky sharks and oceanic white-tip sharks), safe handling and release rules and guidelines, fishing gear and fishing techniques to mitigate impacts of fishing, fishing aggregating devices (FADs) design and management, and marine pollution. These measures are attached to catch data and annual reporting requirements on how members are complying with CMMs. The third relevant area to CITES is in

relation to the various WCPFC MCS tools developed, such as the IUU Vessel List, Regional Observer Programme, the Compliance Monitoring Scheme, the High Seas Transshipment Reporting, and VMS. In conclusion, Lara Manarangi-Trott emphasized that although the objective of WCPFC is to ensure the long-term conservation and sustainable use of highly migratory species, there is a broad mandate to assess and mitigate impacts of fishing on non-target species and adopt measures and generally agreed minimum international standards for responsible fishing of non-target species. Current and future WCPFC CMMs and MCS tools may assist in protecting and monitoring the impacts of fishing in CITES-listed species.

8.4 Secretariat of the Pacific Regional Environment Programme

39. Ms Karen Baird, Threatened and Migratory Species Adviser of the Secretariat of the Pacific Regional Environment Programme (SPREP), presented on behalf of SPREP. She began by providing an overview of SPREP, which is one of the Council of Regional Organisations for the Pacific (CROP) and has 21 PICs and Territories and five metropolitan countries as members. The SPREP is a key intergovernmental organization for providing environmental advice and support. The purposes under the 1993 establishment Agreement include to promote cooperation in the South Pacific Region and to provide assistance in order to protect and improve the environment and to ensure sustainable development for present and future generations. The strategic direction for SPREP is set out in the 2017–2026 SPREP Strategic Plan. The Plan emphasizes the effective delivery of services to SPREP Member countries and territories. Four regional goals and supporting objectives are the core priorities for SPREP: Climate Change Resilience, Ecosystem and Biodiversity Protection, Waste Management and Pollution Control and Environmental Governance. There are Regional Marine Species Programme and action plans developed since 2003 and 5-year plans; 2022–2026 being finalized now. There are action plans for marine turtles, whales and dolphins, sharks and rays, dugong and seabirds. The SPREP promotes actions such as supporting countries in meeting CITES requirements, including legislative review of CITES, policy development and encouraging collaboration and cross-sectoral integration. Plans are endorsed by countries. The SPREP also seeks funding support to assist countries in implementing activities in-country, supporting CITES Pacific members at CITES CoPs and providing advice and support.
40. On challenges and issues of implementation of CITES, Karen Baird highlighted the following: small administrations and poorly resourced government agencies; lack of collaboration and integration across agencies with responsibilities under CITES and fisheries legislation, customs and others; rapid changes in CITES listings for marine species requiring implementation at the national level and lack of in-depth capability and cross-agency understanding and collaboration; CITES legislation just now being completed for some jurisdictions, others needing review and update; and lack of in-country expertise to undertake reviews. In some cases, complete infrastructural assessments may be needed; training on monitoring and enforcement across agencies is needed; poor understanding in WCPFC of CITES and its role in assisting members in meeting international obligations (e.g. sharks are migratory); and a regional approach for stock assessments is needed to enable meaningful NDFs to be developed for individual countries. One of the areas SPREP got funding is under the Pacific European Union Marine Programme. The SPREP is implementing one element concerning bycatch and integrated ecosystem initiative activities relating to NDFs through virtual support to develop Annex II teatfish NDF

preparation – one-on-one workshops with countries (with SPC); proposed virtual regional workshop in 2022 on CITES requirements for sharks and recommendations for marine turtles; proposed follow-up one-on-one workshops with countries on sharks and turtles; and assistance to prepare NDFs and management plans in several countries (sharks, giant clams, corals and crocodiles).

41. Karen Baird also highlighted CITES IUU related issues to which SPREP has been drawing CITES Parties' attention: CITES Party control of fishing activities by international vessels contained within their international Flag registries, for instance, international vessels flagged as a vessel of a South Pacific CITES Party. This is whether they are fishing on the high seas or within the EEZs of the Party that CITES obligations are being met, particularly as they relate to IFS and all other obligations around marine listed species. As part of this, SPREP is assisting with CITES legislation review for some parties; investigating the implementation of CITES; ensuring basic level needs of NDFs and LAFs are met before a MA can be satisfied a CITES permit can be issued; and advising WCPFC Members and FFA of the need to prioritize regional stock assessments to facilitate the development of national NDFs.
42. Finally, Karen Baird presented some ideas around the implementation of CITES and regional coordination. The RFMOs need to play a much stronger role in supporting the needs of Pacific countries to meet their obligations under CITES. This will help ensure fisheries agencies integrate requirements such as the CMMs and CITES requirements and enable RFMOs to provide advice on the development of relevant CMMs to make sure they adequately align with CITES and in the provision of scientific advice to inform NDFs. Post CITES CoPs, there could be a technical advice paper advising on the latest listings and related technical requirements. A review of relevant CMMs should also be undertaken post CoPs. An investigation of the role the joint Tuna-RFMO group could play in providing advice to RFMOs to ensure appropriate coordination and harmonization of CMMs and policies relating to CITES, noting relevant recommendations from the 1st joint T-RFMO By-catch Working Group.

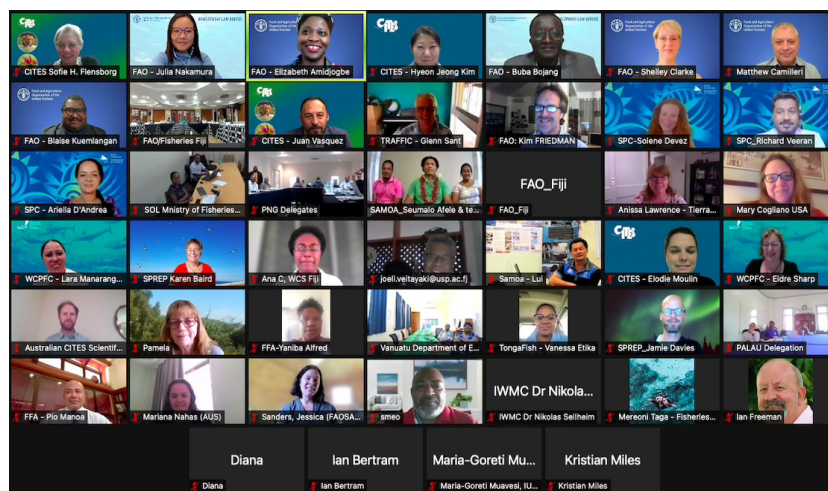
9. Group activities, closing remarks and next steps

43. On day 2, participants were divided into country teams and carried out the practical exercises as per the guidance in [Annex III](#). Country teams were asked to coordinate their work in filling in a questionnaire and assessing the key fisheries elements for CITES in the CITES-specific legislation and vice versa.
44. On day 3, participants were divided again into country teams and carried out the brainstorming of activities exercises, as per the guidance in [Annex III](#). Based on the practical exercise conducted the day before, they were asked to discuss the way forward in implementing CITES through national fisheries legal frameworks and share preliminary ideas on what would or could be these next steps.
45. Before the closing remarks, all countries were asked to share one action to take after the workshop in moving forward with CITES implementation through national fisheries legal frameworks. As part of the next steps, participants were also asked to fill in: a template checklist on assessing legislative options for implementing CITES through national fisheries legal frameworks ([Annex V](#)) and the FAO-CITES evaluation form ([Annex VI](#)).

46. Finally, concluding remarks were made by the CITES Secretariat and FAO LEGN.
47. On behalf of the CITES Secretariat, Juan Carlos Vasquez thanked all participants in the Pacific Islands for their time and contributions to the workshop and FAO for the collaboration and sharing of expertise. The Pacific Islands were the pioneers and showed the way for this workshop. The FAO-CITES team is working on cross-cutting issues and filling in the silos in a mutually supportive manner. There is no more CITES on one side and fisheries on the other. It is hoped that with this workshop, there is an opportunity to build on an FAO-CITES 'academy' or a more permanent effort to follow up on the training as next steps and spread the training worldwide. Juan Carlos Vasquez noted two CITES-relevant issues relating to livelihoods and community-based management in coastal fisheries, which could have been more present in the workshop. He also thanked the European Union and the United States of America for the funding support through the CITES NLP and Mary Cogliano for the work in WG on sharks and rays and her personal contribution to the workshop. This financial support will also help publish the [FAO-CITES Legal Study and Guide](#) in all three official languages of the Convention. After this workshop, it is hoped that there is a clearer understanding of CITES implementation through national fisheries legal frameworks, why this is important and how this can be achieved, ensuring that CITES and fisheries authorities work together. It is hoped that this workshop is the initial step to foster further collaboration between CITES and fisheries at all levels. Three key messages from the workshop are celebrating this milestone, committing to the work ahead and keeping accountability and the connection among all involved in the workshop.
48. Juan Carlos Vasquez hailed the *"workshop as an important milestone in the cooperation between CITES and FAO and will become a model to replicate in other regions"*.
49. Sofie H. Flensburg added a few words on the kind of support the CITES Secretariat can provide. In recent months, in collaboration with SPREP and New Zealand's funding support, the CITES Secretariat had been assisting Samoa and Tonga and their national consultants in analysing legislation and developing a draft CITES-specific legislation, on which the CITES Secretariat had provided comments and inputs. Vanuatu had also done similar work with the support of an international consultant. The revised CITES Model Law is in the training materials shared folder and could be useful in updating existing legislation and developing CITES-specific legislation. Other countries were welcome to contact the CITES Secretariat to request further support in this regard. It would be possible to do workshops in other countries where there is a need for guidance on how to legislate for CITES. There is some funding available from the European Union for the CITES NLP. In the next CITES CoP in Panama in 2022, there could be an opportunity to bring fisheries and the region's environment together in preparation for the CoP, with the support of New Zealand.
50. On behalf of FAO, Blaise Kuemlangan noted that there are indeed many linkages between CITES and fisheries conservation and management as represented in international legal instruments, of both legally-binding and non-binding nature. Similar threads in terms of the objective of ensuring marine species are protected to avoid their overexploitation can be found in both CITES and other fisheries instruments such as the United Nations Law of the Sea Convention (LOSC) and the PSMA. There are many other areas of convergence, interaction, and opportunities for collaboration, as noted in the [FAO-CITES Legal Study and Guide](#) (pages 13

and 29). In the processes and requirements related to LAF, there are ways through which CDS can play a role and contribute. Blaise Kuemlangan shared his notes on the follow-up actions shared by each country, highlighting the common issues that participants indicated in implementing CITES and collaboration between CITES and fisheries authorities. He also shared notes on the types of assistance offered by the CITES Secretariat, SPREP, SPC, WCPFC and FFA for the implementation of CITES in fisheries. On FAO, he informed that there is a technical cooperation project currently under preparation focusing on information exchange to achieve national and global goals, but which relates to the wider MCS needed in relation to combating IUU fishing. There is an ongoing discussion with certain PICs in relation to this initiative, and FAO welcomes other countries to engage in this new project as well. The PSMA Global Capacity Programme, under which support is given to implement other relevant international instruments such as CITES, touches upon relevant issues of LAF, legal provenance and CDS. Wider technical capacity assistance within this Programme includes information exchange, training of inspectors, MCS experts, lawyers, judicial officers, and magistrates that could be provided in relation to combating IUU fishing. There is also the intention of providing a fisheries law training at the Australian National Centre for Oceans Resources and Security (ANCORS), about which more will be informed to countries in due course. It seems FFA will also provide a fisheries law course next year. In his final words, Blaise Kuemlangan thanked all participants again and thanked them in their national languages as well. He also expressed sincere gratitude to Elizabeth-Rose Amidjobe for moderating, Julia Nakamura for supporting, Buba Bojang for presenting and recapping every day of the workshop, and colleagues of the CITES Secretariat, looking forward to more collaboration in the future.

51. Blaise Kuemlangan, in expressing his agreement and thanking the workshop participants, remarked that it was good to see that the Pacific region, which has always been known to push the envelope and is at the forefront of ensuring responsible fisheries, is again leading the way on CITES implementation within the fisheries sector and combating IUU fishing.



Annex I. List of participants

	Country	Name	Title	Institution
1.	Australia	Ms Mariana Nahas	Assistant Director – Australian CITES Scientific Authority for marine specimens	Department of Agriculture, Water and Environment, Wildlife Trade Office
2.	Australia	Mr Eddy Collett	Senior Assessment Officer – Australian CITES Scientific Authority for marine specimens	Department of Agriculture, Water and Environment, Wildlife Trade Office
3.	Fiji	Ms Unaisi Rabici	Fisheries Technical Officer	Ministry of Fisheries
4.	Fiji	Mr Manasa Babitu	Offshore Fisheries Officer	Ministry of Fisheries
5.	Fiji	Ms Diana Divalotu	Fisheries Assistant	Ministry of Fisheries
6.	Fiji	Ms Mereoni Taga	GIS Officer	Ministry of Fisheries
7.	Fiji	Mr Seini Lewanavua	Fisheries Officer	Ministry of Fisheries
8.	Fiji	Ms Jacqueline Nalomaca	Compliance Officer	Ministry of Fisheries
9.	Fiji	Ms Ilaisa Kaima	Fisheries Officer	Ministry of Fisheries
10.	Fiji	Mrs Shagufi Naaz	Compliance Officer	Ministry of Fisheries
11.	Fiji	Ms Mere Lakeba	Country Director	Conservation International (CI)
12.	Fiji	Mr Semisi Meo	Senior Program Manager	CI
13.	Fiji	Ms Maria Mauavesi	Senior Legal Officer	International Union for Conservation of Nature (IUCN)
14.	Fiji	Mr Ilimeleki Kaiyanuyanu	Senior Project Manager	Adventist Development and Relief Agency (ADRA)
15.	Fiji	Mr Joeli Veitayaki	Associate Professor	Marine Studies, SAGEONS University of the South Pacific
16.	Fiji	Ms Ana Ciriya	Fisheries Officer	Wildlife Conservation Society (WCS)
17.	New Zealand	Ms Sarah Bagnall	Senior International Adviser	Department of Conservation
18.	New Zealand	Dr Hugh Robertson	Principal Adviser	Department of Conservation, Conservation House
19.	New Zealand	Ms Pamela Mace	Principal Adviser Fisheries Science	International Fisheries Policy, Ministry of Primary Industries
20.	Palau	Mr Percy Bitoch Rechelluul	Acting Chief to the Division of Aquaculture, Bureau of Fisheries	Ministry of Agriculture, Fisheries and the Environment (MAFE)
21.	Palau	Mr Roxanne Blesam	Chief of Staff	Office of the Vice President and Minister of Justice
22.	Palau	Ms Temdik Ngireblekuu	Chief, Division of Maritime Security and Fish and Wildlife	MAFE, Division of Maritime Security and Fish and Wildlife
23.	Palau	Ms Genevieve	Division of Maritime Security and Fish and Wildlife	MAFE, Division of Maritime Security and Fish and Wildlife
24.	Palau	Mr Elilai Ngirmang	Special Assistant to the Vice President and Minister of Justice	Office of the Vice President and Minister of Justice

	Country	Name	Title	Institution
25.	Palau	Mr Craig Nixon	Special Assistant to the Vice President and Minister of Justice	Office of the Vice President and Minister of Justice
26.	Papua New Guinea	Mr Gunther Joku	Managing Director	Conservation and Environment Protection Authority (CEPA)
27.	Papua New Guinea	Mr Nicho Gowep	Senior Scientific Officer	CEPA
28.	Papua New Guinea	Mr Juda Nundima	Senior Licensing Officer	CEPA
29.	Papua New Guinea	Mr Gideon Pama	Aquaculture Manager	National Fisheries Authority (NFA)
30.	Papua New Guinea	Mr Gisa Komangin	Executive Manager	NFA
31.	Papua New Guinea	Ms Martina Ragagalo	Manager, Compliance	NFA
32.	Papua New Guinea	Mr Alois Kinol	Manager, Catch Documentation and Certification Unit	NFA
33.	Papua New Guinea	Ms Emma Pongopia	Foreign Service Officer,	Department of Foreign Affairs and International Trade, International Organization Branch (DFAIT)
34.	Papua New Guinea	Mr Simon Kaumi	Senior Foreign Service Officer	DFAIT, Regional Economic Affairs Branch
35.	Papua New Guinea	Ms Alice Daniel	Monitoring and Compliance Officer under the Marine Environment Protection Department	NMSA, National Maritime Safety Authority
36.	Papua New Guinea	Ms Tinnett Toikilik	Legal Officer, Litigation – Legal Services	NMSA
37.	Papua New Guinea	Mr Bonaventure Hasola	Senior Legal Officer, Procurement Law	Department of Justice & Attorney General, Oceans Affairs Secretariat (DJAG)
38.	Papua New Guinea	Mr Mathew Gati	Maritime Officer	PNG Customs Service
39.	Papua New Guinea	Mr Richard Ondem	Inspector of the Police Department	Recruitment Section of the Royal PNG Constabulary
40.	Samoa	Mr Seumalo Afele Faiilagi	Assistant Chief Executive Officer, Division of Environment and Conservation	Ministry of Natural Resources and Environment (MNRE)
41.	Samoa	Ms Fimareti Selu	Marine Conservation Officer, Division of Environment and Conservation	MNRE
42.	Samoa	Ms Czarina Stowers	Principal Terrestrial Officer	MNRE
43.	Samoa	Mr Fatutolo Iene	Marine Conservation Officer	MNRE
44.	Samoa	Mr Lui Bell	Senior Fisheries Officer / Observer Coordinator	Ministry of Agriculture and Fisheries (MAF)
45.	Samoa	Ms Losan Madar	Policy Officer (International Trade)	MAF
46.	Solomon Islands	Mr Paul Tua	Research – Chief Fisheries Officer	Ministry of Fisheries and Marine Resources, Research section (MFMR)

	Country	Name	Title	Institution
47.	Solomon Islands	Ms Ivory Akao	Supervising Deputy Director	MFMR, Inshore Fisheries Division
48.	Solomon Islands	Ms Jessie Kama	Principal Fisheries Officer	MFMR, Licensing
49.	Solomon Islands	Mr Samson Maeniuta	Principal Fisheries Officer	MFMR, Compliance
50.	Tonga	Mr Poasi Ngaluafe	Head of Fisheries Compliance	Ministry of Fisheries
51.	Tonga	Ms Vanessa Étika	Fisheries Officer – Compliance Division	Ministry of Fisheries
52.	United States of America	Ms Mary Cogliano	Chair of the CITES Standing Committee WG on sharks and rays	US Fish and Wildlife Service
53.	Vanuatu	Mr Trinison Tarivonda	Senior Environmental Education and Information Officer	Department of Environmental Protection and Conservation

	Regional Organization	Name	Title
54.	FFA	Dr Pio Manoa	Legal Counsel
55.	WCPFC	Dr Lara Manarangi-Trott	Compliance Manager
56.	WCPFC	Ms Eidre Sharp	Assistant Compliance Manager
57.	SPC	Ms Ariella D'Andrea	Legal Adviser (Coastal Fisheries and Aquaculture)
58.	SPC	Mr Ian Freeman	Specialist (Coastal Fisheries and Aquaculture MCS&E)
59.	SPC	Ms Solène Devez	Legal Research Assistant (Coastal Fisheries and Aquaculture)
60.	SPC	Mr Richard Veeran	Specialist (Fisheries Management and Policy)
61.	SPC	Mr Ian Bertram	Coastal Fisheries Science, Management and Livelihoods Adviser
62.	SPREP	Ms Karen Baird	Threatened and migratory species Adviser
63.	SPREP	Ms Anissa Lawrence	BIEM Fisheries By-Catch and CITES coordinator for SPREP
64.	SPREP	Mr Jamie Davies	By-Catch and Integrated Ecosystem Management Initiative Manager

	Observers	Name	Title
65.	CSO	Dr Nikolas Sellheim	Editor of Polar Record / Socio-legal conservation law and Arctic Consultant
66.	CSO	Mr Eugene Lapointe	President
67.	CSO	Mr Glenn Sant	Senior Adviser, Fisheries Trade and Traceability / Senior Research Fellow

	Resource Persons	Name	Title
68.	CITES	Mr Juan Carlos Vasquez	Chief, Legal Affairs
69.	CITES	Ms Sofie H. Flensburg	Legal Officer
70.	CITES	Ms Elodie Moulin	Legal Consultant
71.	CITES	Ms Hyeon Jeong Kim	Associate Scientific Support Officer
72.	FAO	Mr Blaise Kuemlangan	Chief
73.	FAO	Mr Buba Bojang	Legal Officer

	Resource Persons	Name	Title
74.	FAO	Ms Julia Nakamura	Legal Consultant
75.	FAO	Ms Elizabeth-Rose Amidjogbe	Legal Consultant
76.	FAO	Mr Kim Friedman	Senior Fisheries Resources Officer
77.	FAO	Mr Matthew Camilleri	Leader of Fisheries Global and Regional Processes Team
78.	FAO	Dr Shelley Clarke	Shark and Bycatch Expert
79.	FAO	Ms Jessica Sanders	Fishery Officer, FAO SAP
80.	FAO	Mr Philip Tuivavalagi	Assistant FAO Representative, FAO SAP (Samoa)
81.	FAO	Mr Pau Likiliki	Assistant FAO Representative, FAO TO (Tonga)
82.	FAO	Ms Joann Young	Assistant FAO Representative, FAO FJ (Fiji)
83.	FAO	Ms Neelam Bhan	National Project Assistant, FAO FJ (Fiji)
84.	FAO	Ms Mirriam Mondia	Deputy Assistant FAO Representative, FAO PG (Papua New Guinea)
85.	FAO	Ms Laniette Bai	Program Assistant, FAO PG (Papua New Guinea)

Annex II. Agenda

Day 1 – 15 November 2021 (Monday)	
Moderator: Elizabeth-Rose Amidjogbe, Legal Consultant of LEGN	
09.00 – 09.20	Welcome, morning prayers and opening remarks Poasi Ngaluafe , Head of Fisheries Compliance, Ministry of Fisheries Sofie H. Flensburg , Legal Officer of CITES Secretariat Blaise Kuemlangan , Chief of the Development Law Service (LEGN) of FAO Legal Office
09.20 – 09.30	Overview of the workshop and housekeeping notes Julia Nakamura , Legal Consultant of LEGN
09.20 – 10.00	Presentation on CITES-specific considerations for the fisheries sector, including institutions, introduction from the sea and legal acquisition findings (LAFs) Sofie H. Flensburg , Legal Officer of CITES Secretariat
10.00 – 10.30	Presentation on how to use the FAO-CITES Legal Study and Guide Blaise Kuemlangan , Chief of LEGN Julia Nakamura , Legal Consultant of LEGN
10.30 – 10.50	Q&A and discussion
10.50 – 11.00	Break
11.00	5-minute presentation per country
11.00 – 11.05	Fiji: CITES and Fiji's fisheries Jacqueline Nalomaca , Compliance Officer
11.05 – 11.10	Palau: Palau FAO/CITES workshop Percy Bitoch Rechellul , Acting Chief to the Division of Aquaculture, Bureau of Fisheries, Ministry of Agriculture, Fisheries and Environment.
11.10 – 11.15	Papua New Guinea: CITES implementation in Papua New Guinea Nicho Gowep , Senior Scientific Officer, Conservation and Environment Protection Authority (CEPA)
11.15 – 11.20	Samoa: CITES Fimareti Selu , Marine Conservation Officer, Division of Environment and Conservation, Ministry of Natural Resources and Environment
11.20 – 11.25	Australia: Australian domestic implementation of CITES in the commercial fisheries sector Mariana Nahas , Assistant Director, Department of Agriculture, Water and the Environment, Australia CITES Scientific Authority
11.25 – 11.45	Q&A and discussion
11.45	5-minute presentation per country
11.45 – 11.50	Solomon Islands: <i>Implementation of CITES in Solomon Islands Fisheries</i> Ivory Akao , Supervising Deputy Director, Ministry of Fisheries and Marine Resources, Inshore Fisheries Division

Day 1 – 15 November 2021 (Monday)Moderator: **Elizabeth-Rose Amidjogbe**, Legal Consultant of LEGN

- | | |
|---------------|---|
| 11.50 – 11.55 | Tonga: CITES implementation in Tonga
Poasi Ngaluafe , Head of Fisheries Compliance, Ministry of Fisheries |
| 12.00 – 12.05 | New Zealand: CITES and fisheries in Aotearoa New Zealand
Dr Hugh Robertson , Principal Adviser, Department of Conservation, Conservation House |
| 12.05 – 12.10 | United States of America: Status update on activities of the CITES Standing Committee Intersessional Working Group on Sharks and Rays
Mary Cogliano , Chair CITES SC Working Group on Sharks & Rays, US CITES Management Authority, US Fish and Wildlife Service |
| 12.10 – 12.30 | Q&A and discussion |
| 12.30 | Closing |

Day 2 – 16 November 2021 (Tuesday)Moderator: **Elizabeth-Rose Amidjogbe**, Legal Consultant of LEGN

- | | |
|---------------|---|
| 09.00 – 09.10 | Recap of Day 1
Buba Bojang , Legal Officer of LEGN |
| 09.10 – 09.20 | <i>The relevance of the Agreement on Port States Measures to CITES</i>
Matthew Camilleri , Senior Fisheries Officer, FAO and PSMA Secretariat |
| 09.20 – 09.40 | <i>Catch Documentation Scheme Principles for CITES legal acquisition findings</i>
Dr Shelley Clarke, Shark and Bycatch Expert , FAO Fisheries and Aquaculture Department |
| 09.40 | 5-minute presentation per Regional Fisheries/Environment Organizations/ Arrangements |
| 09.40 – 09.45 | FFA: Reflections on FFA role in supporting CITES implementation
Dr Pio Manoa , Legal Counsel |
| 09.45 – 09.50 | SPC: SPC Fisheries, Aquaculture and Marine Ecosystems (FAME)'s contribution to CITES implementation in Pacific Island Countries and Territories
Ariella D'Andrea , Legal Adviser (Coastal Fisheries and Aquaculture) |
| 09.50 – 09.55 | WCPFC: WCPFC activities relevant to CITES implementation
Dr Lara Manarangi-Trott , Compliance Manager |
| 09.55 – 10.00 | SPREP: Fisheries/CITES related capacity building work and shark issues
Karen Baird , Threatened and Migratory Species Adviser at SPREP |
| 10.00 – 10.20 | Q&A and discussion |
| 10.20 – 10.35 | Break |
| 10.35 – 10.45 | Explaining the practical exercise |

Day 2 – 16 November 2021 (Tuesday)

Moderator: **Elizabeth-Rose Amidjogbe**, Legal Consultant of LEGN

Julia Nakamura, Legal Consultant of LEGN

- Participants will be invited to follow the guide’s preliminary considerations, that is, the three-step analysis of key elements in the selected CITES-specific and fisheries-specific legislation.
- Participants will be divided into virtual breakout rooms by country, if needed, so that they are able to work together in the event they are at different locations.
- Each country team will nominate a chair to coordinate the works and a rapporteur to report the findings on the next day.

10.45 – 12.15 Breakout rooms for the Practical Exercise

An FAO or CITES representative will be with each country team to provide technical assistance and clarify questions if necessary.

12.15 – 12.30 Virtual plenary: checking on the progress made by the country teams
Closing

Day 3 - 17 November 2021 (Wednesday)

Moderator: **Elizabeth-Rose Amidjogbe**, Legal Consultant of LEGN

09.00 – 09.10 Recap of Day 2

Buba Bojang, Legal Officer of LEGN

09.10 – 09.30 5-minute reporting by country on the Practical Exercise

Tonga

Solomon Islands

Samoa

09.30 – 09.45 Q&A and discussion

09.45 – 10.00 5-minute presentation per country, continuation

Papua New Guinea

Palau

Fiji

10.00 – 10.15 Q&A and discussion

10.15 – 10.20 Break

10.20 – 12.00 Breakout rooms for discussion and brainstorming of ideas on the next steps in implementing CITES through national fisheries legal frameworks

12.00 – 12.20 Virtual plenary: sharing ideas on next steps and discussion

12.20 – 12.30 Final closing of the workshop

Annex III. Guidance for the practical exercise

Part 1. Please carefully fill in this sheet with information, as requested:	
Questions about your group	Your answers:
Country name	
Total number of participants (including those participating virtually)	
Chair (to facilitate the discussions within the group)	
Rapporteur (to complete this form and present the findings of the group on Day 3)	

Part 2. Based on the status of legislative progress for implementing CITES (as of August 2021):	
<ul style="list-style-type: none"> → Fiji, Papua New Guinea, Solomon Islands and Vanuatu are placed in Category 1 → Palau and Samoa are placed in Category 3 → Tonga is a recently acceded Party and has not been placed in any specific category yet. 	<p>But what does this mean for the fisheries sector?</p> <p>Please discuss in group and fill in the questionnaire below.</p>
Questions	Please include your elaborated answers:
1. a. Are fisheries authorities aware of and apply CITES-specific legislation?	
b. Where there is no CITES-specific legislation, is there equivalent legislation to what would be required under CITES?	
→ On the interaction between the CITES regime and the fisheries sector, see part 2.2.2 of FAO-CITES Legal Study (pp. 12-13).	

Questions	Please include your elaborated answers:
<p>2. Are CITES authorities aware that legal acquisition findings (LAFs) can be used to support fisheries enforcement officers and Port Authorities in their activities to tackle illegal, unreported and unregulated (IUU) fishing?</p> <p>→ On the relationship between LAF and fisheries, see part 3.3 of FAO-CITES Legal Study (pp. 18-19).</p>	
<p>3. Would fisheries authorities be able to recognize what amounts to ‘introduction from the sea’?</p> <p>→ On the meaning of ‘introduction from the sea’, see part 3.1 of FAO-CITES Legal Study (pp. 15-17).</p>	
<p>4. a. How often do fisheries authorities and CITES Management Authority (MA) and Scientific Authority (SA) interact?</p>	
<p>5. b. What other authorities have a role to play in the implementation and enforcement of CITES-related legislation in your country?</p> <p>→ On the opportunities for cooperation, coordination and mutual complementarity between CITES and fisheries authorities, see part 2.2.3 of FAO-CITES Legal Study (p. 14).</p>	
<p>6. Do the fisheries authorities provide support and data in the making of non-detriment findings (NDFs) for commercially-exploited aquatic species? If yes, how?</p> <p>→ On the meaning of non-detriment findings, see part 3.2 of FAO-CITES Legal Study (pp. 17-18).</p>	
<p>7. Are data and information from relevant RFMO/As or national CITES Scientific Authorities of other countries used to prepare NDFs?</p> <p>→ On the potential contributions of regional fishery bodies to CITES implementation, see part 4.3 of FAO-CITES Legal Study (pp. 26-28). See also CITES, Article IV, para. 7.</p>	

Part 3. In the list below, please review the respective instruments of your country, which correspond to the law(s) and regulation(s) relevant to CITES and fisheries (**please suggest the removal and/or inclusion of instruments, if necessary**). Instruments were selected using the FAOLEX database. See Annexes D and E of *FAO-CITES Legal Study* for examples of CITES-specific legislation and fisheries-specific legislation.

Country	Selected CITES-specific legislation (and environmental-related legislation)	Selected fisheries-specific legislation
Fiji	2003 Endangered and Protected Species Regulations LN No. 64 2002 Endangered and Protected Species Act No. 29	2014 Offshore Fisheries Management Regulations LN No. 18 2012 Offshore Fisheries Management Decree No. 78 (and Amendment of 2014) 1976 Fisheries Regulations Chapter 158 (and Amendment of 2004) 1942 Fisheries Act Chapter 158
Palau	1994 Marine Protection Act (and Amendments of 1994, 2014 and 2015) 1975 Endangered Species Act	1990 Fishery Zones and Regulations of Foreign Fishing 1978 Fishery Zone Law
Papua New Guinea	1982 International Trade (Fauna and Flora)(Fauna) Regulation 1979 International Trade (Fauna and Flora) Act (and Amendment of 2014)	2000 Fisheries Management Regulation (and Amendment of 2016) 1998 Fisheries Management Act No. 48 (and Amendments of 2012, 2015) 1982 Export (Fish) (Amendment) Regulation
Samoa	2009 Marine Wildlife Protection Regulation	2016 Fisheries Management Act No. 8 1996 Local Fisheries Regulations
Solomon Islands	2020 Revised Wildlife Protection and Management Regulations 2008 Wildlife Protection and Management Regulations 1998 Wildlife Protection and Management Act (and Amendments of 2008, 2014 and 2017)	2017 Fisheries Management Regulations 2015 Fisheries Management Act No. 2

Country	Selected CITES-specific legislation (and environmental-related legislation)	Selected fisheries-specific legislation
Tonga	1988 Birds and Fish Preservation Act (and Amendments of 1974 and 1989) 2010 Environment Management Act	2008 Fisheries Management (Processing and Export) Regulations (and Amendment of 2010) 2008 Fisheries Management (Conservation) Regulations (and Amendment of 2014) 2002 Fisheries Management Act No. 26 1994 Fisheries (Conservation and Management) Regulations 1992 Fisheries Regulations
Vanuatu	1991 International Trade (Fauna and Flora) Regulations 1991 International Trade (Fauna and Flora) Act	2014 Fisheries Act No. 10 2009 Fisheries Regulations Order (and Amendments of 2012, 2013, 2014)

Part 4. Please examine the CITES-specific legislation and the fisheries legislation, and fill in the table below:

	Does the selected CITES-specific legislation:	Yes / No / Not quite	Comments and explanatory notes
Key Fisheries Elements for CITES	1. provide for a clear definition of introduction from the sea (IFS)? → see interpretation given by the Parties on Resolution Conf. 14.6 (Rev. CoP16), clarifying that the specific provisions on IFS apply to one-State transactions		
	2. provide for a clear definition of non-detriment findings (NDF) and legal acquisition findings (LAF)? → see the Convention, Resolution Conf. 16.7 (Rev. CoP17) and Resolution Conf. 18.7		
	3. refer to compliance with and applicability of other relevant legislation (general terms) or fisheries legislation (specific terms)?		

	4. designate the Fisheries Authority (FA) or other relevant authority responsible for fisheries management, conservation, development and monitoring, control and surveillance (MCS), maritime matters among the CITES Scientific Authority (SA) and/or the Management Authority (MA)?		
	5. clearly outline the mandates and responsibilities of the FA, the CITES SA and MA, ensuring coherence and including the duty to cooperate and coordinate with other authorities?		
	6. promote or provide mechanisms for effective cooperation and coordination between those authorities as well as with other relevant authorities?		
	7. protect all the CITES-listed species commercially-exploited and managed, including the recent listing of sharks and rays?		
	Does the selected fisheries legislation:	Yes / No / Not quite	Comments and explanatory notes
Key CITES Elements for Fisheries	1. provide for a clear definition of international trade as comprising import, export, re-export and IFS transactions?		
	2. refer to relevant definitions in CITES-specific legislation, particularly of the MA, SA, IFS, NDF and LAF?		
	3. make cross-reference to compliance with and applicability of other relevant legislation (general terms), to the Convention itself, or the relevant CITES-specific legislation (specific terms)?		
	4. clearly outline the mandates and responsibilities of the FA, port authorities, and other relevant authorities responsible for fisheries management, conservation, development and MCS and enforcement, and maritime matters, ensuring coherence and including the duty to cooperate or collaborate with other relevant authorities?		
	5. promote or provide mechanisms for effective cooperation, collaboration, coordination and interaction between the FA and other relevant authorities?		
	6. protect and/or provide for conservation and management measures of CITES-listed aquatic species commercially-exploited and managed, including the recent listing of sharks and rays?		

Annex IV. Guidance for the brainstorming of ideas exercise



Based on the practical exercise on Day 2, you are now invited to reflect on the current practice and consider where there is room for improvement, including the possible review of national fisheries legislation with a view to enhancing the existing framework for better implementation of CITES.

Please discuss and fill the table below with your preliminary ideas on the next steps for strengthening CITES implementation in relation to CITES-listed aquatic species:

How can the following be improved?	Please include your elaborated answers:
1. Institutional arrangements for the implementation of CITES in national frameworks	
a. Coordination	
b. Cooperation	
c. Exchange of information	
2. Operations	
a. Legal acquisition findings (LAF)	
b. Non-detriment findings (NDF)	
c. Scientific research on CITES-listed species	
3. Fisheries legislation	
a. Which concepts of CITES (e.g. introduction from the sea, NDF, LAF) should be included?	
b. Which CITES requirements should be included?	
4. Monitoring, control, surveillance (MCS) and enforcement	
a. Data collection to include CITES-listed species by observers on board fishing vessels, at sea	
b. MCS activities and enforcement relating to CITES-listed species by inspectors, enforcement officers and other authorized officers on board fishing vessels, at sea, port or other facilities	

Annex V. Template checklist on assessing legislative options for implementing CITES through national fisheries legal frameworks

For future assessment

The [FAO-CITES Legal Guide](#) provides a summary table of legislative options for implementing CITES through national fisheries legal frameworks (pp. 124–129). The Guide's legislative options were placed in the template checklist below. Participants of the FAO-CITES workshop are encouraged to assess these legislative options in their existing legislation relevant for CITES and fisheries. This exercise will help identify the specific areas where legislation can be amended or support the process of developing new fisheries legislation to support CITES implementation.

Kindly note that:

- ➔ The table below is organized in topics which are usually found in a typical national fisheries legislation.
- ➔ You may modify the topics to reflect what your country fisheries legislation provides.

Template checklist on assessing legislative options for implementing CITES through national fisheries legal frameworks

	Guide's legislative options	Preliminary assessment in selected fisheries legislation	Comments and explanatory notes
Part I Preliminary	1. cross-refer to CITES definitions, highlighting the definitions of CITES-listed species, MA, SA, and international trade, including IFS, NDF and LAF	Example: YES = ✓ Indicate the legal basis: art. ... of the ... law or regulation. NO = X NOT SURE = ∅	Example: Regulation is unclear because it refers to another terminology that has a similar meaning to NDF.
	2. in case these particular terms have not yet been defined, provide definitions in accordance with the Convention and relevant Resolutions and, in relation to IFS, clarifying that it occurs when species or specimens are caught by a State's vessel in areas beyond national jurisdiction (defining it as well) and landed in its own port.		

	Guide's legislative options	Preliminary assessment in selected fisheries legislation	Comments and explanatory notes
	3. provide any other relevant definition or interpretation which may not be clearly defined or interpreted in the CITES legislation		
	4. consider the State's general obligations under CITES		
	5. recognize the complementarity of fisheries and CITES legislation, and apply the fisheries legislation in a manner consistent, coherent and complementary with the Convention and/or CITES legislation		
	6. include the objective of ensuring coordination and complementarity with the CITES legislation, especially cooperation and coordination between the relevant national authorities		
	7. reinforces the legislation's role in creating the conditions for the implementation of CITES and any other relevant international instrument		
	8. clearly establish the application of the legislation to foreign fishing vessels engaged in fishing and fishing-related activities in the country's maritime zones, pursuant to the applicable fishing agreement		
	9. clearly establish the application of the legislation to Flag State vessel fishing in areas beyond national jurisdiction in accordance with the international law and the applicable international conservation and management measures		
	10. include the objective of ensuring responsible, sustainable and legal fisheries trade, with particular attention to CITES-listed species and specimens		
	11. outline any other relevant principle, including the Enforcement Authorities Forum, stakeholder participation, transparency, and non-discrimination		
Part II Administration	12. clearly delineate the mandate of the FA, including the duty to cooperate and coordinate with any relevant authority (in general terms) or with designated CITES MAs and SAs (in specific terms)		

	Guide's legislative options	Preliminary assessment in selected fisheries legislation	Comments and explanatory notes
	13. allow for the delegation of power from the FA to other relevant authorities to ensure effective cooperation and coordination, taking into account that such delegation does not relieve the MA or SA from their own duties as provided in the CITES legislation		
	14. promote stakeholder's participation, including by small-scale fishers, in discussions and consultations on the possible listing of aquatic species on CITES Appendices		
	15. establish an advisory council comprising a range of stakeholders from different societal sectors and levels of authority to share information about CITES implementation		
	16. outline proceedings for public meetings or hearings related to CITES, ensuring timely notification of the public and active participation of interested stakeholders		
	17. promote awareness of CITES legislation, requirements for international trade in CITES-listed aquatic species		
	18. include, within the minimum conditions of access agreements and chartering agreements, the requirement of compliance with international obligations and CITES		
Part III Management	19. ensure fisheries management and trade are conducted in accordance with international and regional legally binding and non-legally binding instruments, including CITES, CITES regulations and RFBs' conservation and management measures		
	20. communicate stock assessments and other data concerning CITES-listed species to the CITES authorities and relevant RFBs		
	21. deny or cancel an application for a fishing licence by a national or foreign fishing vessel, if proved that the applicant has engaged in IUU fishing or has violated CITES requirements for commercial trade in Appendix I-listed species		
	22. include within the fishing licence conditions the duty to report to the FA and the CITES MA catch of any CITES-listed species, including by-catch, and the location where the species was caught		

	Guide's legislative options	Preliminary assessment in selected fisheries legislation	Comments and explanatory notes
	23. make cross-reference of CITES legislation in the provisions on trade in fisheries and aquaculture products, highlighting the occurrence of all trade transactions, including IFS and re-export		
	24. ensure the fisheries management plan prohibits the commercial trade in species listed in CITES Appendix I and, with respect to live species listed in CITES Appendix I, that it requires their prompt and unharmed release, to the extent possible		
	25. require any fishing licence to be accompanied by a list with the common names of CITES-listed aquatic species		
	26. may impose a moratorium or prohibition on the capture, whenever possible, and commercial trade of CITES species listed in Appendix I		
	27. establish marine protected areas, in consultation with all relevant stakeholders, in which capture and commercial trade of CITES species listed in Appendix I are prohibited		
	28. promote research on CITES-listed species and information-sharing between research institutions, FA, CITES authorities and RFBs		
Part IV Monitoring, Control and Surveillance	29. ensure observer programmes provide for mechanisms of data-sharing with the FA, MA, SA, RFBs and any other relevant authority		
	30. include the duty of the appointed observer to collect, record and report data, including documents and records in electronic format and other CITES-related information related to export and import permits, re-export and IFS certificates and export quotas		
	31. provide specific training to observers and inspectors about CITES, its requirements, implementation, and identification of CITES-listed species		
	32. promote cooperation and coordination between authorized personnel within fisheries inspection schemes and any other relevant authority, including the CITES enforcement officer		
	33. ensure that authorized fisheries personnel have the power to inspect and collect and, where necessary and appropriate, retain any documentation, including documents and records in an electronic format that is relevant for CITES implementation		

	Guide's legislative options	Preliminary assessment in selected fisheries legislation	Comments and explanatory notes
Part V Enforcement	34. treat the trade of CITES-listed aquatic species in violation of the Convention and application of national legislation as an offence		
	35. outline applicable penalties, and define aggravating circumstances such as the illegal trade of Appendix I-listed species		
	36. provide a broad range of penalty options and enforcement procedures, including treating and imposing higher penalties for serious violations and for the compounding of minor offences		
	37. establish the possibility of special legal proceedings to which the alleged offender can choose to be subjected to for expediency		
	38. establish legal proceeding which permits the FA, MA or SA to consider the petition by the alleged offender, asking to be subjected to alternative enforcement processes in respect of illegal trade of aquatic species listed in CITES Appendices		
	39. allow for the FA, MA and SA to appropriately deal with such cases		
Part VI Regulations	40. clearly define the authority with the power to enact secondary legislation or to issue orders or notices on any matters concerning CITES implementation		
	41. designate the power of the competent authority to update fisheries legislation and/or regulations and/or schedules, where appropriate, to incorporate any amendments to CITES Appendices		

Annex VI. FAO-CITES evaluation form

Evaluation form

FAO-CITES Virtual subregional training workshop on **CITES** & **FISHERIES**
15 to 17 November 2021 (on Zoom)

About you	Your answers
Country	
Name	
Email	
Affiliation	
Your experience with implementing CITES in the fisheries sector	
<ul style="list-style-type: none"> Which of your work activities relate to this implementation? How do you think this implementation could be improved? 	

About the FAO-CITES virtual subregional training workshop on **CITES** & **FISHERIES**

Place an 'X' to indicate your answer in the tables below.

Not sufficient

1

2

3

4

5

Sufficient

Content

1. How was the information given to you before the workshop?								
2. How were the practical exercises?								
3. How were the presentations delivered?								
4. How would you qualify your knowledge on the use of FAO-CITES Legal Study and Guide after the workshop?								

Operational/technical issues

5. Was the length of the workshop appropriate?								
6. How was the internet connection during the workshop?								
7. Were you able to follow the entire workshop?								

If your answer is 1 or 2, please share your concerns (e.g. problems with information provided, workshop duration, connection, venue) and recommendations (e.g. topics you would like to see more):

Your reply:

About implementing CITES through national fisheries legal frameworks

Place an 'X' to indicate your answer in the tables below.

Too complex, or unclear, or not comprehensive

1	2	3	4	5
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Very easy, very clear, or very comprehensive

FAO-CITES Legal Study and Guide

8. How easy is to understand the study?							
9. How easy is it to use the guide?							
10. Is the approach used in the guide clear?							
11. Is the study comprehensive?							

If your answer is 1 or 2, please suggest or comment on how FAO-CITES Legal Study and Guide can be improved:

Your reply:

12. Do you or your organization have the capacity to fill in the FAO-CITES Legal Study and Guide?

- Yes, we have the team to do so.
- Yes, but we will need to coordinate the work with other institutions.
- No, and we will engage with another institution to do this work.
- No, we do not have sufficient capacity for completing this work.

If your answer was no, please provide the reasons for it:

Your reply:

