



Food and Agriculture
Organization of the
United Nations



DEVELOPMENT
LAW SERVICE

Sharing key findings of the legal training workshops on CITES and fisheries

Strengthening institutional cooperation for improving sustainability and
legality findings in the fisheries sector

32nd Meeting of the CITES Animals Committee

19 to 23 June 2023

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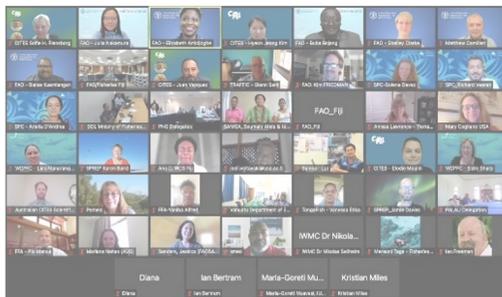
14 LIFE
BELOW WATER



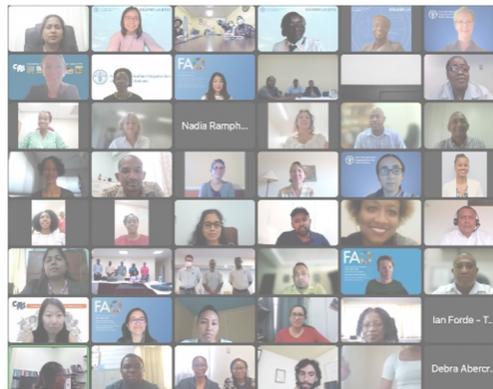


Legal training workshops on CITES and fisheries

2021



2022



2023



Fiji, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Vanuatu + Australia and New Zealand

Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Suriname, Trinidad and Tobago + United States of America and European Union

Argentina, Bolivarian Republic of Venezuela, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, and Peru

FFA, WCPFC, SPC and SPREP

WECAFC

CPPS and CAWEN



Legal training workshops on CITES and fisheries



Table 4
Correlations between outputs of the CITES regime and fisheries management

Outputs	
CITES Regime	Fisheries Management
<ul style="list-style-type: none"> • MA / SA • NDF (SA) • LAF (MA) 	<ul style="list-style-type: none"> • FA • Stock assessments (FA or RFB) • CDS, certificate or fishing authorizations e.g. licences, permits or quotas (FA or RFB)
<ul style="list-style-type: none"> • Compliance with national legal frameworks that implement CITES • Confiscation of specimens (MA or Enforcement Authority) • Voluntary export quota of CITES-listed species 	<ul style="list-style-type: none"> • Compliance with national fisheries legal frameworks, including those implementing RFB measures • Confiscation, seizure or forfeiture of aquatic species (FA or Enforcement Authority) • Ban or limit on the catch of certain aquatic species, which may include CITES-listed species
<p>High-level objective: ensuring responsible, legal, sustainable utilization of resources (species, biodiversity and ecosystems) + SDG14</p>	



Conf. 18.7 (Rev. CoP19)*

Legal acquisition findings

Annex 3

Rapid guide for the making of legal acquisition findings

Introduction

This 'Rapid guide for the verification of legal acquisition' is designed to provide an outline of key minimum steps that all Management Authorities should take into account when establishing and following processes to make legal acquisition findings. The guide is not prescriptive and is designed to be used to complement existing tools, adapted to different taxa, e.g., marine species, timber products, terrestrial fauna, non-timber forest products, etc., or adopted wholesale, as CITES authorities think appropriate. Parties are encouraged to adapt and incorporate the rapid guide into national processes as appropriate and are recommended to ensure that applicants for a permit are aware of what is needed in advance of applying to prevent delays in the processing of CITES documents (permits or certificates). It is the prerogative of each Party to decide how it incorporates CITES obligations into national procedures, considering its needs and legal practice.

The minimum steps identified in the rapid guide are intended to provide basic common ground for assessing legality under CITES. The rapid guide is intended to be practical, flexible, and user-friendly and can be used in conjunction with databases, legal toolkits, handbooks, digital tools, and additional guidance. In accordance with Article XIV of the Convention, Parties always have the right to adopt stricter domestic measures than provided for in the Convention, e.g., by requiring additional conditions, by further restricting or prohibiting the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or by restricting the application of certain exemptions provided in the Convention. Resolution Conf. 6.7 on Interpretation of Article XIV, paragraph 1, of the Convention recommends that "each Party intending to take stricter domestic measures pursuant to Article XIV, paragraph 1, of the Convention regarding trade in specimens of non-indigenous species included in the Appendices make every reasonable effort to notify the range States of the species concerned at as early a stage as possible prior to the adoption of such measures, and consult with those range States that express a wish to confer on the matter". Parties opting for stricter domestic measures should inform the Secretariat accordingly as recommended in Resolution Conf. 4.22 on Proof of foreign law. The desirability and feasibility of using a template or adopting a Standard Operating Procedure (SOP) are left to the consideration of the Parties.

Rapid guide

Whenever a Management Authority receives a request to authorize the export of a specimen of a CITES-listed species, the Management Authority may consider several points in verifying legal acquisition:

1. **What is the difference between making a legal acquisition finding and verifying legality? Knowing what is required.**

A legal acquisition finding is required when a specimen is exported under Article III paragraph 2 (b), Article IV paragraph 2 (b) or Article V paragraph 2 (a) of the Convention.

The verification of legal acquisition and other legal findings, such as verifying the date of acquisition, are to be made in several circumstances, which are outlined in Annex 2 of this Resolution. Note that, in particular, the exemptions and other special procedures listed under Article VII of the Convention may require verifications that are distinct from legal acquisition findings. It is equally important for Management Authorities to check which of these special scenarios have been incorporated into national legislation. Please refer to Annex 2 of this Resolution for further information on these specific scenarios.

For clarification purposes, Parties are reminded here that for 'Pre-Convention' specimens, the Management Authority may authorise export once it is satisfied that a specimen was acquired before the provisions of the Convention applied to it [Article VII(2) of the Convention (Resolution Conf. 13.6 (Rev. CoP18) on Implementation of Article VII, paragraph 2, concerning pre-Convention specimens)]. The Management Authority should therefore establish the date of acquisition or the earliest provable date on which it was first possessed by any person. If Pre-Convention status is so established, it will not be necessary to go through the steps to make a legal acquisition finding, as such a finding is not required by the Convention. Note that adequate stockpile management is key in relation to this.



Key findings of the legal training workshops on CITES and fisheries

Examples of countries that have designated **fisheries authority** as **CITES Management Authority**:

- Bahamas
- Belize
- Chile
- Costa Rica
- Grenada
- Saint Lucia
- Saint Vincent and the Grenadines
- Tonga

Examples of countries that have designated **fisheries authority** as **CITES Scientific Authority (or part of Committee)**:

- Argentina
- Bahamas
- Barbados
- Costa Rica
- Dominica
- Grenada
- New Zealand
- Palau
- Papua New Guinea
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Solomon Islands
- Tonga
- Vanuatu

National System for the Certification of Legal Catch (traceability)

Digital system for onboard mapping for fishing vessels launched

Linking two digital tools (fisheries and CITES)

NDFs for queen conch live coral reefs, bottlenose dolphins, dark corals and sea cucumber, but no for sharks and rays (bycatch)

NDFs for sharks species (mako, bigeye thresher, and silky)

Digital platform for CITES permits. National Committee on Sharks created.



Key findings of the legal training workshops on CITES and fisheries

Contributions of RFMOs

- Conservation and management measures regulating sharks;
- Collection of data through annual reporting;
- Catch documentation scheme;
- Observer scheme for collection of data electronically;
- Regional Management Plans;

Potential role:
developing regional
NDFs for sharks?



Specific challenges highlighted in the legal training workshops on CITES and fisheries

Different environmental and fisheries rules applicable to the same CITES-listed species

Multiple areas of fishing grounds for queen conch with extensive areas to police, hard to conduct stock assessments and NDFs

Lack of fishery management plan for CITES-listed marine species

Illegal trade (trade suspension)

High trafficking of sharks fins

Trafficking of fisheries resources

Lack of capacity to identify sharks specimens

Need for periodic monitoring of sharks, as the most harvested are silky sharks and bigeye thresher sharks

No control on the amounts of sharks harvested, fins are destroyed

Lack of limit for incidental catch



Legal training workshops on CITES and fisheries

General challenges

- Lack of capacity for monitoring and enforcement, and for identifying CITES-listed species
- Insufficient sharing of data and information
- Limited resources and capacity of personnel to make NDFs
- Insufficient communication and coordination among relevant government agencies
- OTHERS ...

Introduction from
the Sea Certificates?

Negative NDFs?

- IFS – one state transaction removes 2nd country verification
- Need to apply Port State Measures to own flagged vessel for IFS and/or apply CDS

Key needs

- Develop NDF Guidelines
- Conduct stock assessments for CITES-listed species
- Conduct more awareness-raising and capacity building trainings on CITES implementation, especially for enforcement and monitoring officers, and LAFs
- Enhance inter-agency coordination
- Incorporate CITES aspects into when reviewing relevant national legislation
- Convert the CITES permit system to an electronic or digitalized system
- Create a e-platform data portal that is available to all relevant authorities to share information and monitor certifications issued
- Traceability systems
- Reporting of illegal trade



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Thank you for your attention

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