

CITES OCEANIA REGIONAL WORKSHOP  
ON  
IMPLEMENTATION OF COP16 SHARKS AND RAY  
APPENDIX II LISTINGS  
9-11 DECEMBER 2013 - WOLLONGONG  
WORKSHOP REPORT

## Executive Summary

At the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 16<sup>th</sup> Meeting of the Conference of the Parties (CoP16), held in March 2013, seven shark and ray species were included on Appendix II: oceanic whitetip shark (*Carcharinus longimanus*), smooth hammerhead (*Sphyrna zygaena*), great hammerhead (*S. mokarran*), scalloped hammerhead (*S. lewini*), porbeagle shark (*Lamna nasus*), and the two species of manta ray (*Manta birostris* and *M. alfredi*). The regulations come into force on 14 September 2014 and after this date, Parties to CITES and trading non CITES Parties that wish to import or export specimens of these species will need to comply with CITES requirements.

A workshop was held in Wollongong, New South Wales, Australia from 9-11 December 2013 to assist countries in the Oceania region to understand their obligations as CITES Parties or trading Non-Parties when these new listings take effect. The workshop focussed on requirements associated with implementation of the listings, including the requirement for countries to make scientifically robust non-detriment and legal acquisition findings before issuing CITES documentation.

A range of information needs, actions, and some key points for future discussions were identified:

- Priority species (regionally) are probably hammerhead species and manta rays, given that oceanic whitetip shark is a prohibited species under the WCPFC regime and porbeagle is a more temperate species not commonly found in the tropical regions of the Pacific Island states attending the workshop.
- Priority information needs should be identified through a gap analysis based on the work already done as part of the TRAFFIC risk assessment project (Action for: TRAFFIC, JCU, SPC, Australia and New Zealand, before Animals and Plants Committee meeting in May 2014).
- A project proposal to be developed to improve knowledge of species distributions (Action for: TRAFFIC, JCU, and Australia).
- Improved knowledge of the species biology of manta rays in particular is required.
- Processes to engage with RFMOs and other agencies to be initiated so as to achieve consistency where possible. In addition to post-workshop actions for participants (listed below), there was agreement that a letter from the CITES Secretariat be sent to Forum Fisheries Agency (Action for: CITES Secretariat).
- A summary matrix of obligations to be prepared for each species under different international instruments, such as the Convention on Migratory Species (Action for: Oceania Region Rep and Australia).
- A revised questionnaire to be circulated including a request to other Pacific Island Countries and Territories not in attendance at the current workshop to provide a completed questionnaire on this issue (Action for: New Zealand and Australia).
- A forum to be established on the CITES website for private discussions of Oceania issues on newly-listed sharks and rays (Action for New Zealand and Australia, with CITES Secretariat)

The following activities were proposed for inclusion on the agenda of the next workshop planned for early 2014:

- Guidance on common terminology for products of sharks and rays (consider existing FAO guide to shark products)

- Guidance on reporting units to use for different products (develop draft ahead of workshop, TRAFFIC and Australia)
- Species identification skill-building for key staff (including identification of products such as dried fins). Invite JCU & others for instruction; invite participants at the current workshop and others (should invite representatives from Customs, fisheries, and conservation agencies).
- Identification of ways to improve links between fisheries data, domestic use, and exports – Action: Australia to conduct background work i.e. CITES Management Authority for Australia and ABARES, and with TRAFFIC.
- Discussion of the appropriate scale for NDFs for newly-listed sharks and rays
- Identify ways to assess the cumulative impacts across a species' range for non-detriment findings.
- Reiterate elements of the current workshop, especially sessions on Introduction from the Sea, practical exercises (making sure charter vessels issues are explored); include additional practical exercises on preparation of NDFs with different scenarios and different groupings.

For all workshop participants a range of actions were identified. Participants were requested to report back to their Governments and organisations on a range of matters:

- On what they have learnt.
- On what the CITES requirements are and will be for sharks and rays.
- On steps that should be taken to facilitate implementation, including the actions listed above (each country to examine the need for additional species-level identification on logsheets in national and regional data collection systems and on recording systems for exports).
- On the opportunities for a regional approach, particularly for hammerhead sharks and rays.
- On who may need to be engaged in the process (internally, regionally, and among neighbours).

Participants were also requested to complete other tasks:

- Provide completed workshop questionnaires to the workshop organisers (adding questions about knowledge and experience of NDFs, including those which have been completed).
- Consider the need to incorporate conditions in chartering agreements to cover CITES requirements, including preparation of non-detriment findings and issuing of permits.

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## Introduction

At the 16<sup>th</sup> Meeting of the Conference of the Parties (CoP16) to the Convention on International Trade in Endangered Species (CITES,) held in March 2013, seven shark and ray species were included on Appendix II: oceanic whitetip shark (*Carcharinus longimanus*), smooth hammerhead (*Sphyrna zygaena*), great hammerhead (*S. mokarran*), scalloped hammerhead (*S. lewini*), porbeagle shark (*Lamna nasus*), and both species of manta ray (*Manta birostris* and *M. alfredi*). The regulations come into force on 14 September 2014 and after this date, CITES Parties and trading non CITES parties that wish to import or export specimens of these species will need to comply with CITES requirements. Depending on the circumstances under which these species are taken, such documentation may include: Introduction from the Sea certificates, import permits, export permits, or re-export certificates. Issuing most CITES documentation also requires preparation of scientifically robust non-detriment findings (NDFs) and determinations of legal acquisition. This documentation must accompany any traded products or derivatives, such as flesh, shark fins or manta gill plates.

The 18-month delay of entry into force of the shark and ray listings was agreed to give Parties time to resolve technical and administrative issues related to implementation. The Australian and New Zealand Governments, with assistance from non-government organisations TRAFFIC and the Australian National Centre for Ocean Resources & Security (ANCORS), held a workshop in Wollongong from 9 to 11 December 2013 to assist in the resolution of these implementation issues for countries in Oceania and to discuss the implementation challenges.

In addition to the specific outcomes sought from each session, the workshop had several general aims:

- To improve understanding of CITES-related decision-making and procedural obligations, especially with regard to the newly-listed sharks and rays,
- To provide information on existing resources such as CITES resolutions and published guidance on making NDFs,
- To identify specific challenges facing the region, including priority information needs that may underpin NDFs,
- To provide advice on topics for a potential additional workshop to be held in Fiji in early 2014,
- To identify key information needs for the species to assist in the preparation of NDFs for these species, and
- To identify areas that may then form the focus of future action in relevant regional fora.

The workshop focussed on requirements associated with implementation of the listings, including the need for countries to make scientifically robust non-detriment and legal acquisition findings before issuing CITES documentation.

Participants included government representatives of CITES Parties in the Oceania region, including Australia, Fiji, New Zealand, Papua New Guinea, Samoa, and Solomon Islands. Some non-Parties also attended, including the Cook Islands, Kiribati, and Tonga. Also attending were the Chief of the Scientific Services Team of the CITES Secretariat, the IUCN Shark Specialist Group Co-Chair, and representatives from the Secretariat of the Pacific Community (SPC), from the Commission for the

Conservation of Southern Bluefin Tuna (CCSBT), and from TRAFFIC. The workshop was facilitated by an independent facilitator.

The draft workshop agenda, list of participants, and background material were provided to workshop participants as a Workshop Workbook, a copy of which is provided as Appendix 1.

This report describes the main outcomes from each of the workshop sessions, including specific actions for participants and suggested items for another workshop that has been proposed for early 2014.

## Workshop report

Prior to the workshop, participants were provided with a questionnaire to help collate information on the level and nature of interactions with the seven newly-listed sharks and rays, on existing management arrangements, and on other relevant matters. Participants at the workshop also agreed that it would be useful to obtain additional information and completed questionnaires from other countries in the region who did not attend the workshop. New Zealand in its capacity as the regional representative on the Animals Committee committed to undertake an analysis of the information gathered.

### Context setting

David Morgan, Chief of the Scientific Support Unit of the CITES Secretariat, provided participants with: background on Appendix-II shark listings; how trade is regulated through CITES; and linkages with fisheries management frameworks.<sup>1</sup> The aim of this session was to enable participants to understand the context of the CITES shark listings and how they fit into other regulatory processes.

It was noted that: there may be existing domestic legislation and regulations covering the newly-listed species and other CITES-listed species; there may be a need for additional expertise to be engaged by governments to deal with these species; and it was possible to have separate CITES Management Authorities nominated to deal with different species.

There is guidance available on preparing CITES Annual Reports, which includes information on standards for units of measurement. Nevertheless, some particular information needs were identified:

- A need for guidance on common terminology for products of sharks and rays (which could be based on the existing FAO guide to shark products), and
- A need for guidance on reporting units to use for different products.

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<sup>1</sup> A copy of this and all other presentations to the workshop will be made available on the CITES website [[www.cites.org](http://www.cites.org)].

## Species biology and conservation status

Professor Colin Simpfendorfer, from James Cook University and Co-chair of the IUCN Shark Specialist Working Group, provided an overview of current knowledge of species biology and the conservation status, both regionally and globally, of the recently-listed species of sharks and rays.

This information was important background to later discussions and to assist countries in the completion of CITES documentation and processes.

It was highlighted that the biology of the shark species was quite well known. There were, however, some important knowledge gaps for manta rays.

The need to consider look-alike species was raised. For hammerheads, these included the winghead shark (*Eusphyra blochii*) and some recently-recognised cryptic species (including *S. gilberti*). For manta rays, these include the devil rays (*Mobula* spp.). For porbeagle, this included mako sharks (*Isurus* spp.) and salmon sharks (*Nasus ditropis*). Oceanic whitetip sharks, however, are distinctive and have no similar species.

Many of the newly-listed species have broad ranges and may move large distances, although for some - like the reef manta ray - which are more commonly found in near coastal waters, movements may be more along coastlines. Because of their migratory behaviour, manta rays and porbeagle also have protection through listing on the Appendices of the Convention on Migratory Species (CMS). Participants considered that it would be useful to have a table produced that outlined the coverage of the different international conventions for each of the newly-listed species.

There are differences in the presumed boundaries and stock status among some existing documents. Knowledge of stock boundaries was identified as a key uncertainty for the hammerhead species in particular, and resolving stock boundaries was identified as an important issue. However, identifying these boundaries is impacted by the lack of accurate identification to the species level in many data collection systems, and difficulties in the identification of the different species, including for their products and derivatives.

## Regional context

Participants provided brief oral reports about the information contained in their responses to the questionnaires.

Some common challenges for the implementation of CITES requirements were identified:

- Species identification problems, particularly for products such as dried fins,
- Obtaining data from chartered vessels when there were no observers on board and the catch was not landed in the chartering state,
- Staff capacity constraints on implementing CITES obligations,
- The need to revise administrative processes to allow both fisheries and environmental requirements to be met,
- The need for improved communication between fisheries agencies and CITES agencies to effectively meet CITES requirements, and

- The need for collaboration between countries (CITES parties and non parties trading in these species) when there are shared stocks.

## Shark identification tools

There is a wide range of guides available to assist in the identification of sharks and rays that have different scopes and purposes. These included:

- A CSIRO guide to *Sharks and Rays of Australia* by Stevens and Last (<http://www.publish.csiro.au/nid/223/pid/5960.htm>)

- A guide produced by PEW that covers listed sharks and rays, but not similar species

Manta Ray gill plate ID guide: <http://www.pewenvironment.org/uploadedFiles/CITES%202013%20-%20Manta%20Ray%20Gill%20Plate%20ID%20Guide.pdf>

Shark Fin ID guide: <http://www.sharkfinid.com/>

- An identification guide to manta gill plates by the Manta Trust ([www.mantatrust.org](http://www.mantatrust.org)) and specifically <http://www.mantatrust.org/wp-content/uploads/2011/09/Mobulid-Gill-Plate-Identification-Guide.pdf>
- A portal on the CITES website

Participants were also advised that the FAO is currently working on a comprehensive guide to shark parts and derivatives that is expected to be available in 2014.

Emerging scientific techniques for the identification of sharks was discussed. The potential for modern molecular techniques to be used for identification was highlighted, especially for products and derivatives. It was noted that these methods may be particularly suited for use in compliance situations where there was a need for verification of species identification provided on documentation.

It was noted that the benefits of correct species identification include both assisting those who are attempting to follow correct procedures and identifying those who are seeking to circumvent such processes. There may be also different funding sources available for species identification activities that are part of regional enforcement activities.

It was noted that correct species-level identification was contingent upon data-recording systems, such as the logbooks used by fisheries or observer programmes, having the capability and requirement for species-level records of CITES-listed species, as well as the ability to distinguish such species from known look-alike species.

An action identified was for countries and agencies to review logsheets and codes (potentially including customs codes) to ensure that CITES species and look-alikes could be accurately recorded.

## Introduction from the sea

Dr Wendy Jackson gave a presentation that introduced the concepts behind Introduction from the Sea (IFS) and an overview of IFS provisions. This included: documentation requirements and responsibilities; how these varied between flag, port, and charter states; and the effects of different

charter arrangements and ports of landing. This aimed to help participants to understand the relevance of IFS provisions to their countries' CITES obligations.

The requirement for the issuing of permits prior to catches being taken, including the completion of NDFs, was emphasised.

Potential administrative approaches that Parties may find useful were discussed, including multi-use permits (when multiple species may be involved in individual exports), multiple Management or Scientific Authorities (when different groups may have the appropriate expertise), and provisional permits (when collection quantities and locations are not known).

Discussions also highlighted the importance of regional fisheries management organisations (RFMOs) in the implementation of reporting measures that were consistent with CITES requirements for catches taken on the high seas. It was noted that it was preferable to use existing management and reporting mechanisms whenever possible rather than introduce additional reporting obligations.

### Non-detriment findings

David Morgan gave a presentation on non-detriment findings (NDFs) that provided an overview of: their purpose in addressing the sustainability aspects of CITES requirements; who conducts NDFs; and the level of flexibility in how they may be conducted and their duration. The aim was to allow participants to understand the Convention context that created the need for NDFs.

Sturgeons in the Caspian Sea were used as an example of the desirability and benefits of regional NDFs for situations where several countries may exploit the same stock.

This was augmented by a second presentation by Dr Hugh Robertson that provided more detail on the components of NDFs, how they relate to shark species, and how robust NDFs can be conducted. This aimed to allow participants to understand how NDFs applied to the newly-listed shark species, the information that was available, and the opportunities for collaboration. Information gaps were identified, as well as how these gaps may be addressed.

It was suggested that the effort put into NDFs should be proportional to the risk. Risk was considered to be higher for species on Appendix I than Appendix II and lower for look-alike species. Risk also varied by sampling method, by whether the catch was targeted or bycatch, and by the volume.

Additional information was provided by Glenn Sant from TRAFFIC on related projects that were currently underway. One project was designing a simplified process for the completion of NDFs, though this will not be finalised and publically available until early 2014. Another project was providing a new approach to the assessment of relative management risk for CITES-listed species. The project is based on summaries of knowledge of species biology and the intrinsic risk that this characterised, and the adequacy of existing management measures.

It was identified that the content of these summaries assisted in identifying knowledge gaps regarding the newly-listed shark species

In general discussion it was noted that it would be useful if the workshop report was distributed beyond workshop participants and that, in particular, groups such as the Secretariat of the Pacific Regional Environment Programme (SPREP), the Forum Fisheries Agency (FFA), and other regional groups should be kept informed. Representatives from some of these agencies participated at the workshop and it was expected that they would provide a logical first step for raising awareness of the new CITES listings and links to the agencies.

It was also noted that additional countries with interests in the region or nearby countries that also exploited stocks of newly-listed species would also need to be engaged. Furthermore, engagement within countries of stakeholders outside those normally involved in CITES matters may also be required, given the importance of fisheries activities for the newly-listed sharks and rays.

### Legal acquisition findings

Dr Wendy Jackson gave a presentation on the information or assurances that may be needed to make a determination about of legal acquisition, and a range of relevant matters including: the existing processes that may be used; traceability of products; the use of Harmonised Customs Codes; and the role of RFMOs.

It was noted that it could be helpful to identify points in the trade chain, particularly where there are revenue checks, where controls may be most effective for monitoring the chain of custody. There may be particular challenges for the newly-listed sharks and rays when animals were divided into a range of products that are delivered to different markets.

### Exporting shark specimens: practical exercise

A practical exercise was conducted among groups of workshop participants in which different management scenarios for fisheries taking CITES-listed species were provided and questions were posed about the types and responsibilities for documentation preparation.

Workshop participants considered these to be very useful exercises and were keen to see similar ones included on the agenda of the proposed future workshop.

### Priority information needs

The information needs from previous sessions were reviewed for completeness and so that the next steps could be identified.

The following is a summary of the particular information needs, actions and some key points for future discussions that were identified:

- Priority species (regionally) are probably hammerhead species and manta rays, given that oceanic whitetip shark is a prohibited species under the WCPFC regime and porbeagle is a more temperate species.
- Priority information needs should be identified through a gap analysis based on the work already done as part of the TRAFFIC risk assessment project (Action for: TRAFFIC, JCU, SPC, Australia and New Zealand).

- A project proposal to be developed to improve knowledge of species distributions (Action for: TRAFFIC, JCU, and Australia).
- Improved knowledge of the species biology of manta rays in particular is required.
- Processes to engage with RFMOs and other agencies to be initiated so as to achieve consistency where possible. In addition to post-workshop actions for participants (listed below), there was agreement that a letter from the CITES Secretariat be sent to Forum Fisheries Agency (Action for: CITES Secretariat).
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- Guidance on reporting units to use for different products (develop draft ahead of workshop, TRAFFIC and Australia)
- Species identification skill-building for key staff (including identification of products such as dried fins). Invite JCU & others for instruction; invite participants at the current workshop and others (should invite representatives from Customs, fisheries, and conservation agencies).
- Identification of ways to improve links between fisheries data, domestic use, and exports – Australia to do some background work with wildlife trade regulation and Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), and with TRAFFIC.
- Discussion of the appropriate scale for NDFs for newly-listed sharks and rays
- Identify ways to assess the cumulative impacts across a species' range for non-detriment findings.
- Reiterate elements of the current workshop, especially sessions on Introduction from the Sea, practical exercises (making sure charter vessels issues are explored); include additional practical exercises on preparation of NDFs with different scenarios and different groupings.

A list of key organisations who should attend was identified, but it was noted that the final focus of workshop may determine the appropriate invitees: SPC, FFA, SPREP, WCPFC, CITES, CCSBT, IATTC, SPRFMO, Pacific Training CCC, Oceania Customs Organisation, NGOs.

For all workshop participants a range of actions were identified.

Participants were requested to report back to their Governments and organisations on a range of matters:

- On what they have learnt.
- On what the CITES requirements are and will be for sharks and rays.
- On steps that should be taken to facilitate this implementation, including the actions listed above (each country to examine the need for additional species-level identification on logsheets in national and regional data collection systems and on recording systems for exports).
- On the opportunities for a regional approach, particularly for sharks and rays.
- On who may need to be engaged in the process (internally, regionally and among neighbours).

Participants were also requested to complete other tasks:

- Provide completed workshop questionnaires to the workshop organisers (adding questions about knowledge and experience of NDFs, including those which have been completed).
- Consider the need to incorporate conditions in chartering agreements to cover CITES requirements, including preparation of non-detriment findings and issuing of permits.

### Other relevant marine issues – Sea cucumbers

Hugh Robertson, New Zealand Government, presented results of recent research on sea cucumbers, which is detailed in a 2013 SPC report, “Effective management of sea cucumber fisheries and the bêche-de-mer trade in Melanesia: bringing the industry under rational control” ([http://www.spc.int/DigitalLibrary/Doc/FAME/Reports/Carleton\\_13\\_BDM\\_Management.pdf](http://www.spc.int/DigitalLibrary/Doc/FAME/Reports/Carleton_13_BDM_Management.pdf))

A summary of the report is also contained in SPC Fisheries Newsletter Number 140.

(<http://www.spc.int/coastfish/en/publications/bulletins/fisheries-newsletter/414-spc-fisheries-newsletter-140.html>)

This report highlighted the value of sea cucumber fisheries, the financial costs of past overfishing, and the links to international crime networks.

Some participants provided additional information on the steps being taken in their countries to address issues with sea cucumber fisheries, including implementation or preparation of management plans, and bans on their take and trade.

Discussions also raised some political difficulties in effectively managing these fisheries. The human cost from poorly-regulated fishing activities was also mentioned as there have been many deaths from the unsafe practices of scuba divers involved in the collection of sea cucumbers.

### Other relevant marine issues – Corals & giant clams

There were also brief discussions on CITES activities concerning corals and giant clams. The take of corals is the subject of a current Review of Significant Trade and participants were reminded of the need to respond to this review so that the correct information on the level of any trade in corals

would be available to the next meeting of the Animals Committee, when the results of this review would be considered.

There was also the need to clarify the source of some reported trade in giant clams, in particular whether this was from wild-caught animals or involved the progeny of previous hatchery operations.

### Close of Workshop

The Oceania Representative on the Animals Committee thanked organisers, presenters, the facilitator, and participants for their efforts in planning and successfully holding the workshop.

## Appendices

### Appendix 1. Workshop Participant Handbook