

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Regional matters

Reports of regional representatives

OCEANIA

This document has been submitted by Australia¹ as the Regional Representative for Oceania.

1. GENERAL INFORMATION

- Regional Representative: Australia
- Alternate Regional Representative: Fiji
- Number of Parties in the Region: 8 (Australia, Fiji, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Vanuatu)
- Number of Parties providing information for this Report: 5

Parties providing information for this Report: Australia, Vanuatu, New Zealand, Solomon Islands, and Samoa.

2. INTRODUCTION

This report outlines the activities undertaken by the Parties of the Oceania region to implement and enforce CITES from the sixty-second meeting of the Standing Committee (August 2012) to date.

3. OVERVIEW OF MAJOR DEVELOPMENTS

AUSTRALIA

Australia continued as the Oceania regional representative on the Standing Committee (SC) with Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, Australian Government Department of the Environment, representing the region.

Implementation:

Australia's new online permitting database, the Permit Assessment and Workflow System (PAWS) went live in May 2013 with online applications being accepted from November 2013. The PAWS database allows applicants to apply for permits through an electronic smart-form portal. Applications and associated documents are saved within the database where they may be viewed for assessment. Workflow functions allow officers to view client history, create case notes and request further information, as well as provide a recommendation to the decision maker. An online permit acquittal function is currently being developed with a view to implementation in the next 12 months.

¹ *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

Enforcement:

Australia has a strong commitment to investigating and prosecuting illegal wildlife trade activity. During the 2012-13 financial year, over 2000 seizure and caution notices were issued by Australian enforcement authorities for the import of suspected CITES specimens without appropriate permission.

Examples of seizures include:

- Three pythons and three lizards seized during Operation Eclipse (see: <http://www.environment.gov.au/mediarelease/illegal-wildlife-seized-during-operation-eclipse>)
- Over 727 seizures of products containing Hoodia (see: <http://www.environment.gov.au/mediarelease/environment-department-warns-consumers-against-internet-offers-of-free-sport-supplement-products>)
- - Ivory items estimated to be worth up to \$80,000 (see: <http://www.environment.gov.au/mediarelease/illegal-ivory-seizure>)

In May 2014, an Australian citizen was convicted of 24 charges of possessing illegal wildlife products and was sentenced to 12 months imprisonment (see: <http://www.environment.gov.au/mediarelease/record-illegal-wildlife-seizure-results-guilty-plea-sydney-school-teacher> and <http://www.environment.gov.au/mediarelease/nsw-man-sentenced-record-illegal-wildlife-haul> for further information). The conviction followed Australia's largest seizure on record, which involved almost 400 alleged illegal CITES wildlife products being seized from a single individual

Other successful prosecutions since July 2012 include:

- A \$6000 fine was issued to a Vietnamese fisherman for the illegal take of turtles and giant clams in December 2013.
- A \$4000 fine and seizure of a fishing boat for the illegal take of giant clams in April 2014 (see: <http://www.afma.gov.au/2014/04/illegal-fishing-clammed-shut/>).

The Australian Government actively investigates allegations of illegal trade in native species, with several successful prosecutions since July 2012.

Education and awareness / capacity building activities:

Australia has continued its targeted education, awareness and training activities in relation to CITES fauna and flora obligations. Activities have focused on the Australian Customs and Border Protection Service (ACBPS), Auction Houses and associated trading businesses, and the general public, and have included:

- The Australian CITES Enforcement Authority has presented several interactive training seminars to ACBPS officers across Australia since July 2012.
- The Australian CITES Enforcement Authority developed static display of relevant CITES listed specimens and CITES educational material on several cruise ships operating in the South Pacific region. The purpose was to increase awareness of CITES requirements for Australian travellers in this region.
- The Australian CITES Management Authority provided three guest lectures on the role and function of CITES to students studying International Environment Policy at the Australian National University.
- The Australian CITES Management Authority presented information on CITES and Australia's regulation of wildlife trade at the Pacific Customs Management Programme, University of Canberra in November 2012. Participants included students from the Cook Islands, Fiji, Kirabati, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga, Vanuatu and the Oceania Customs Organisation.

FIJI

No input provided.

NEW ZEALAND

New Zealand continued as the Oceania regional representative on the Animals Committee (AC) with Dr. Hugh Robertson, Principal Science Advisor, Department of Conservation, representing the region.

Enforcement:

New Zealand has a strong commitment to investigating and prosecuting illegal wildlife trade. In 2012, the Wildlife (Smuggling Deterrence) Amendment Bill increased the maximum penalty for commercial smuggling offences of native animals such as tuatara, parrots, and geckos from 6 months imprisonment or a \$100,000 fine to up to five years imprisonment and/or a \$300,000 fine.

With the transfer of all nine species of New Zealand geckos listed in Appendix III to Appendix II, the export of wild geckos from New Zealand for trade on the overseas market without the proper authority has become completely illegal. New Zealand has successfully brought four prosecutions involving seven foreign nationals and 68 lizards since 2010. Despite this success, New Zealand reptile populations are coming under significant pressure from organised smuggling rings.

In 2013 the first person was prosecuted, convicted and sentenced for illegally importing ivory into New Zealand. New Zealand continues to cooperate with international partners when native wildlife is seized overseas.

Education and awareness:

As part of its continued awareness and training activities in relation to CITES obligations, New Zealand used World Wildlife Day to raise awareness with air travellers. Activities included displays and staff presence at all major airports. The CITES Wiki used by border and enforcement authorities continues to prove helpful and well used.

New Zealand provided funding for the Samoan Ministry of Natural Resources and Environment (MNRE) to run a public awareness programme on CITES in 2014. This will involve TV and radio spots as well as factsheets, banners and advertising at the international airport.

While the New Zealand Pacific CITES programme has now wound down, both Australia and New Zealand continue to look for effective – but less resource-intensive ways – to support requests for assistance from our Pacific colleagues.

Capacity building:

New Zealand assisted the Solomon Islands in their review of their CITES-implementing legislation the *Wildlife Protection and Management Act 1998*. A New Zealand barrister was funded to review existing legislation and provide drafting instructions and suggested drafting advice to the Ministry of Environment, Conservation and Meteorology in close cooperation with the Solomon Islands Office of the Attorney General. Acting on the legislative instructions will enable the Solomon Islands to enact legislation to fully implement CITES leading to a positive impact on wildlife and wildlife trade with Solomon Islands trading partners.

New Zealand provided funding for the Samoan Ministry of Natural Resources and Environment (MNRE) to run a series of consultation meetings in 2013 on the draft Trade in Endangered Species Bill which will implement CITES in Samoa. Four consultation meetings were held with management and senior staff of the MNRE, external stakeholders from other government organizations, non-governmental organizations, the private sector and inter-governmental organizations and two community meetings on Upolu and Savaii Islands with representatives from 25 and 84 villages respectively. The consultative meetings raised issues which will be addressed in finalising the Bill to improve its quality, acceptance and effectiveness.

PALAU

No input provided.

PAPUA NEW GUINEA

No input provided.

SAMOA

Legislation:

Samoa is in the process of submitting its *Trade in Endangered Species Bill 2013* to Cabinet for endorsement. The *Trade in Endangered Species Bill 2013* provides for the protection and conservation of endangered species of wild fauna and flora by regulating the export and import of CITES listed species and any product derived from those species. Although Samoa has not yet finalised its CITES national legislation, enforcements are carried out under the *Samoa Marine Wildlife Protection Regulation 2009* through assessments and issuance of permits for exportation of CITES listed species.

Implementation and education and awareness

A questionnaire survey was carried out in July 2013 by the Ministry of Natural Resources and Environment to document wildlife products that were made from CITES listed specimens and sold as souvenirs. Funding to implement this activity was provided by the Secretariat of the Pacific Regional Environment Program (SPREP). The survey targeted the entire handicraft and the flea market stores on Upolu Island. The Ministry of Natural Resources and Environment also provided information and awareness to the handicraft stores on Samoa's obligation to CITES for their awareness.

The Government of Samoa would like to acknowledge the New Zealand Department of Conservation and the Secretariat of the Pacific Regional Environment Program for their continued technical assistance and support

SOLOMON ISLANDS

Legislation:

The Solomon Islands is currently reviewing their *Wildlife Protection and Management Act 1998*. It is anticipated that the review will be finalised by June 2014.

Implementation:

For the first time since becoming a Party to CITES, the Solomon Islands submitted its annual reports for the years 2008, 2009 and 2010 in October 2012. The Solomon Islands is currently collating data in order to prepare annual reports for 2011, 2012 and 2013. The Solomon Islands envisages that these will be submitted by the end of August 2014.

Issues faced:

The Solomon Islands has faced significant resource constraints, including staff, to effectively implement CITES. The lack of a permit database (permit data is captured through an excel spreadsheet for which staff have received little training) impedes the Solomon Island's ability to easily record data on the permits issued to prepare annual reports. For the 2008, 2009 and 2010 annual reports, the Solomon Islands discovered that the quantities for non-marine species such as birds, reptiles etc. were inconsistent with the actual quantity exported to other countries. However, the data for CITES marine species was correct, as this had been obtained directly by the Ministry of Fisheries through the exporters.

The Solomon Islands has also had difficulties in making non-detriment findings for the majority of exported CITES species. Assistance is greatly needed, particularly in setting quotas. The Solomon Islands is looking into using the precautionary approach in determining quotas; however, this will be after the submission of the 2011-2013 annual reports.

VANUATU

Legislation:

The Department of Environmental Protection and Conservation, as the Vanuatu CITES Management Authority, is in the process of reviewing their national CITES-implementing legislation (*The International Trade (Flora and Fauna) Act no.56 of 1989*). Amendments are likely to include: provisions to strengthen enforcement powers for border control agencies such as Customs, Quarantine and Airports Vanuatu Limited; and provisions under the

penalty section to allow on-the spot fines for CITES specimens imported or exported without the required CITES documentation. These provisions will enable the border control agencies to more effectively enforce CITES provisions at border points and will help to educate international travellers about CITES requirements.

Implementation:

Several years ago, the Scientific Management Authority for Vanuatu, the Vanuatu Fisheries Department, banned the export of shark and ray species and sea cucumbers. They have also implemented a ban on the export of all coral and clam species taken from the wild (export is only allowed for specimens which have been cultured or farmed).

Enforcement:

The Department of Environmental Protection and Conservation is currently preparing a Memorandum of Understanding between the Department and border control agencies. The MOU will assist in strengthening the working relationship of these agencies to implement CITES in Vanuatu.

Since the 62nd meeting of the Standing Committee, Vanuatu border control agencies have continued to monitor international travellers for the illegal movement of CITES specimens, often seizing items. Seized items have included corals, turtle products, clam shells and products, whale teeth and shark teeth.

Prosecutions for the illegal movement of CITES specimens have not occurred for several years. In 2000, Vanuatu experienced difficulties in prosecuting a French national who imported 26 ivory specimens which had been collected in Gabon, Africa. The case was lost as the defence lawyer argued that the specimens were all pre-Convention and were collected as personal effects by the French national.

Education and awareness / capacity building activities:

Education and awareness of CITES requirements has been an on-going activity for Vanuatu. Vanuatu has produced CITES posters and brochures, distributing them to the main hotels, resorts and motels around the country. The posters and brochures have also been distributed to market vendors and souvenir shops which sell local products to tourists.

Issues faced:

Vanuatu continues to experience resource constraints which impacts upon their effectiveness to implement the Convention. This is particularly the case for making non-detriment findings and for education and awareness activities. Vanuatu also experiences difficulties with reporting requirements. However, should the Ministries' Information Technology officer be able to improve Vanuatu's CITES export database, this may no longer be an issue in the future.

4. ACTIVITIES OF THE REGIONAL REPRESENTATIVES

Since the 62nd meeting of the Standing Committee, Australia, as the regional representative, has maintained contact with Parties in the region through activities such as:

- Distribution of CITES Notifications summaries including suggested follow-up actions for the regional Parties
- Consultation with the Solomon Islands on the recommendations of the review of significant trade process for *Tursiops aduncus* (Indo-Pacific bottlenose dolphin)
- Attendance as an observer at the 27th meeting of the Animals Committee, and the joint session of the Animals and Plants Committee meeting
- Provision of advice to Vanuatu on their outstanding annual report, and
- Consultation with Oceania Parties on a regional response to CITES Notification to the Parties 2012/050: draft guidelines for making non-detriment findings.

5. REGIONAL COOPERATION

New Zealand and Australia have continued to liaise and cooperate with Parties in the region. Much of the regional cooperation has occurred through bilateral capacity-building workshops and meetings (refer to Part 6. Meetings and Workshops).

The New Zealand Department of Conservation provided financial assistance to Samoa to enable consultation and awareness-raising in relation to Samoa's *Trade in Endangered Species Bill 2013*. Consultations on the bill were carried out in 2013.

6. MEETINGS AND WORKSHOPS

Meetings

Officials within the New Zealand Department of Conservation and Ministry for Primary Industries attended the second INTERPOL International Chiefs of Environmental Compliance and Enforcement (ICECE) meeting and the 24th meeting of the Wildlife Crime Working Group in Nairobi, Kenya (December, 2013). An official from New Zealand was elected to the role of Secretary of INTERPOL's Wildlife Crime Working Group Executive at that meeting.

Workshops

New Zealand training workshop program

New Zealand has now completed its multiyear engagement in running training workshops to raise awareness and build capacity in Pacific Island countries using a "whole-of-government" approach toward preventing illegal wildlife trade.

The twelve workshops were implemented by the New Zealand Wildlife Enforcement Group (a consortium of Department of Conservation, Ministry for Primary Industries, New Zealand Customs Service), along with regional and international partners. Workshops were held as follows:

2009: New Zealand

2010: Samoa, Solomon Islands

2011: Papua New Guinea

2012: Cook Islands, Vanuatu, Solomon Islands

2013: Tonga, Palau, Fiji (x2: Nadi and Suva)

The objective of these workshops was to build the capacity of respective agencies in country on the national implementation, operation and administration of CITES or equivalent body. The workshops covered issues such as the background to CITES; implementation of CITES through national legislation and legislative requirements; compliance with CITES permitting; functions of the Management Authority; functions of the Scientific Authority; and inter-agency collaboration. Training was given to staff members from a range of agencies who could assist with other in-country programmes.

The Vanuatu workshop in 2012 was held over the period of a week and included participants from Vanuatu Customs, Department of Environmental Protection and Conservation, Quarantine, Police and Airports Vanuatu Limited. The workshop was extremely useful to participants, many of whom learnt about the work and role of CITES for the first time.

The 2013 workshop in the Solomon Islands included a high-level seminar aimed at engaging senior officials in the prevention of the trans-national organised crime element of illegal trade.

The workshop with (non-Party) Tonga in 2013 focussed on providing information on how they could ensure wildlife exports (e.g. coral) were consistent with the CITES obligations of importing countries.

Two workshops were held in Fiji in 2013 due to its importance as a regional transport hub, its high levels of species diversity (and species that are in demand in international markets), and because poachers/smugglers

are known to travel to Fiji. The Peer Educators who had been trained in Vanuatu in 2012 were also brought to Fiji to further build Pacific networks and capacity.

Implementation workshops for the sharks and ray listings

Two regional workshops were held to support countries in the Oceania Region in developing measures that effectively implement the CITES Appendix II listing for shark and ray species which will take effect in September 2014.

The first workshop was held in Wollongong from 9 to 11 December 2013. In attendance were Australia's CITES Oceania Standing Committee representative and New Zealand Government representatives in conjunction with non-government organisations TRAFFIC, PEW and the Australian National Centre for Ocean Resources & Security (ANCORS), representatives from Fiji, Papua New Guinea, Samoa, Solomon Islands, Cook Islands, Kiribati, Tonga, CITES Secretariat, IUCN Sharks Working Group and RFMO's. The workshop focussed on improving regional implementation of CITES obligations and 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 discussed and worked through various scenarios relating to issues on legal acquisition, introduction from the sea and underlying principles of making scientifically sound non detriment findings.

To further improve regional capacity, and in response to requests from Parties at the Wollongong workshop, a follow up meeting was held in Nadi, Fiji from 11 to 12 February 2014. Participants progressed work started in Wollongong and used practical scenarios to discuss issues and develop a better understanding of the requirements of non detriment findings, introduction from the sea as applied to chartered vessels, and identification of shark and ray products commonly traded internationally.

Solomon Islands national CITES workshop

Australia, in its capacity as the Standing Committee Regional Representative, attended the Solomon Islands National CITES Workshop, organised by the Secretariat of the Pacific Community, in Honiara from 17-20 March 2014. The focus of the workshop was on CITES non-detriment findings concerning the trade in live and curio coral from the Solomon Islands. The workshop also provided an introduction to CITES, implementing national legislation, permit requirements, trade suspensions, reporting requirements and the roles of both the CITES Management Authority and the Scientific Authority. Emphasis was also given to establishing quotas and management plans for the coral industry and covered issues of sustainability and compliance measures. The workshop was attended by government representatives of the Solomon Islands including Environment, Fisheries and Customs representatives, IUCN, local coral traders and other interested marine stakeholders.

The workshop was well attended and provided the opportunity for government, scientists and stakeholders from the coral industry to meet together to discuss a range of coral and CITES related issues. The workshop highlighted challenges in capacity (both technical and resourcing), communication constraints and governance issues. The facilitators suggested that a funded position would be the most valuable assistance in the Solomon Island's implementation of CITES responsibilities and requirements.

7. PROBLEMS FACED BY THE REGIONAL REPRESENTATIVES

A number of factors continue to impact upon communication between Parties within the Oceania region. Many Oceania members face significant technology constraints, including access to internet and phone connections. Papua New Guinea and the Solomon Islands do not have office facilities that allow for consistent or reliable communications. In addition to practical and technology constraints, contact details for Oceania Parties change rapidly as phone numbers are disconnected and email servers fail, and new contact details are often difficult to obtain.

Oceania Parties face significant constraints to their ability to effectively implement CITES, including limited staff. In some cases, one or two officers are responsible for implementing several different Multilateral Environment Agreements (e.g. CBD, Ramsar), and many officers have limited or no training in important aspects of CITES requirements, including issuing permits and undertaking non-detriment findings.

To promote and assist communications, Australia has drawn on the assistance of in-country foreign affairs officers, and has encouraged Oceania members to maintain contact through Australian foreign affairs posts and the Australian CITES Management and Scientific Authorities.

A number of Oceania members would greatly benefit from funded, ongoing technical and training assistance in CITES processes and systems, including the establishment of effective databases and data management frameworks.