



Food and Agriculture
Organization of the
United Nations



DEVELOPMENT
LAW SERVICE



Illegal Fishing, CITES and PSMA

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7th Global Fisheries Enforcement Training Workshop (GFETW)

Moving from Words to Action - Innovative Collaborative Partnerships to Combat IUU Fishing

31 July 2023

THE ISSUE: more commercially exploited aquatic species included in CITES Appendix II

1992
Queen conch
Strombus giga



2003
Basking shark
Cetorhinus maximus



CoP16 (2013)

- Oceanic shark
- Porbeagle shark
- Manta rayas

CoP17 (2016)

- Silky sharks
- Thresher sharks
- Devil rays



2004
Seahorses
Hippocampus

2003
Whale shark
Rhincodon typus



CoP18 (2019)

- Mako sharks
- Wedgefishes
- 3 species of sea cucumber

CoP19 (2022)

- Guitarfishes
- Hammerhead sharks
- Blue sharks
- Freshwater stingrays
- And more



2005
Great white shark
Carcharodon carcharias

2005
Humphead wrasse
Cheilinus undulatus

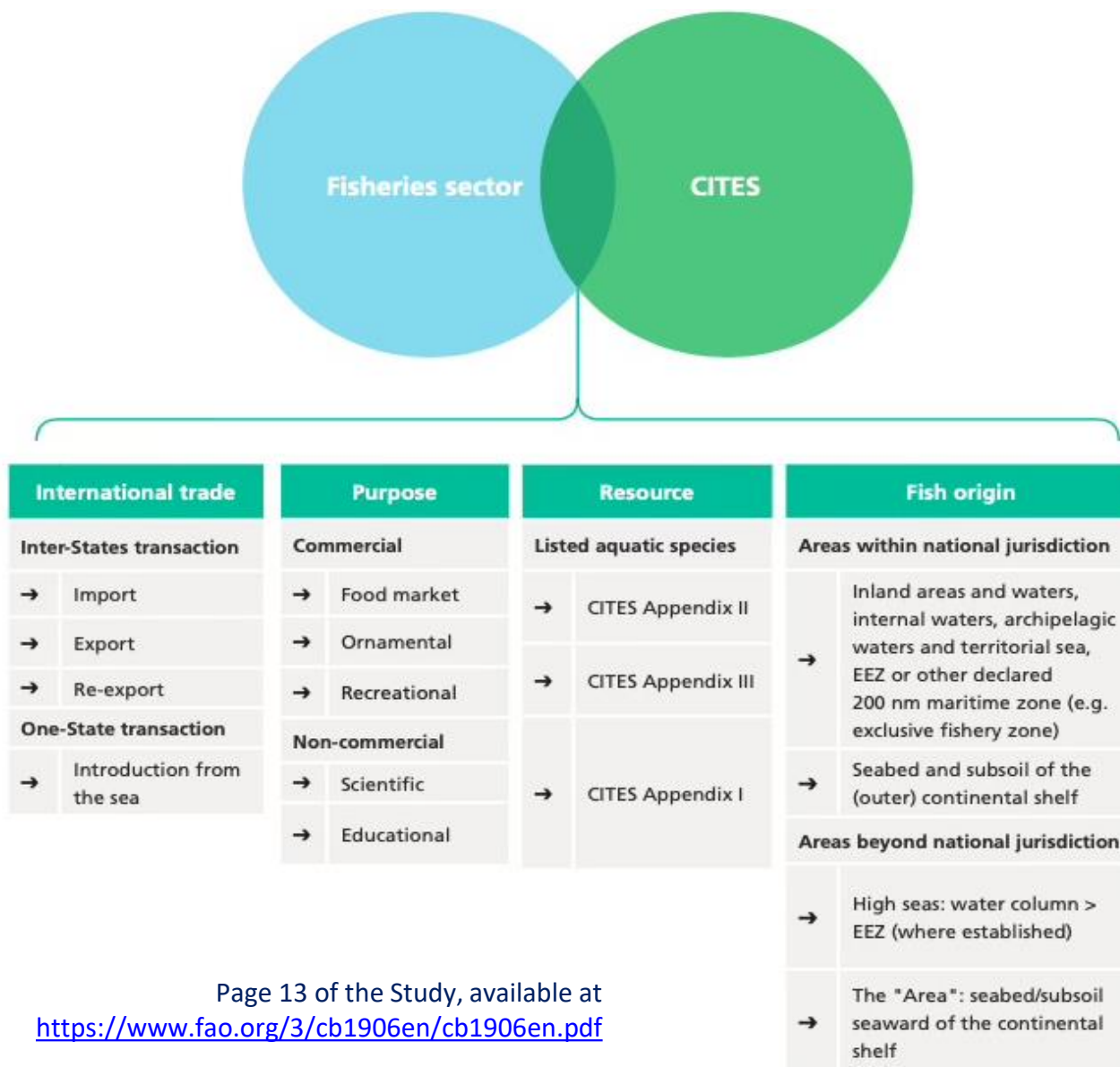
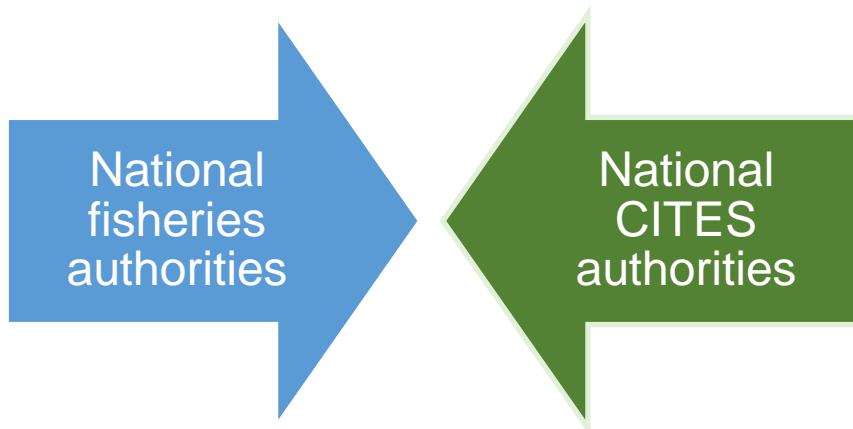




ASSOCIATED ISSUES:

- lack of understanding about CITES implementation in the fisheries sector
- lack of coordination and collaboration between fisheries authorities and CITES authorities at the national level
- lack of understanding of the synergies between CITES and fisheries management
- delegates from the same country present at CITES and regional fishery bodies meetings often adopt different positions with respect to the listing of aquatic species in the CITES Appendices
- delegates to different fora (e.g. CITES CoP and FAO COFI) do not coordinate on the approaches in relation to different treaties and agreements.

**Need for collaboration and
coordination in the international trade
in commercially exploited aquatic
species included in CITES Appendices**



APPROACH TO ADDRESS THE ISSUE AND ACTIVITIES UNDERTAKEN:

through FAO-CITES partnership:

- developing FAO-CITES legal study and guide,
- and
- providing capacity building legal training workshops to national CITES and fisheries authorities



Awareness-raising and knowledge-sharing product

- provides 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

CITES implementation and practical guidance tool

- support in reviewing relevant legislation and ensuring that key elements of CITES are taken into account or incorporated in legal provisions
- implementing CITES by enhancing national fisheries legal frameworks

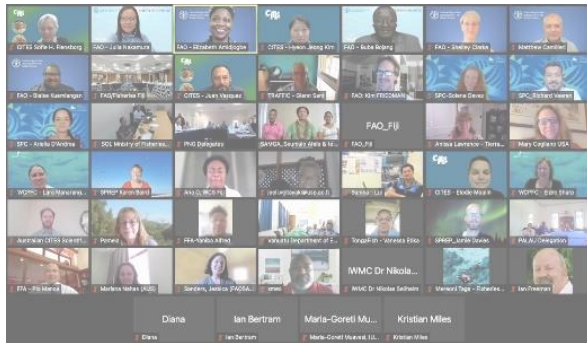
Table 4
Correlations between outputs of the CITES regime and fisheries management

| Outputs | |
|--|--|
| CITES Regime | Fisheries Management |
| <ul style="list-style-type: none"> • MA / SA • NDF (SA) • LAF (MA) • 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"> • FA • Stock assessments (FA or RFB) • CDS, certificate or fishing authorizations e.g. licences, permits or quotas (FA or RFB) • 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> | |

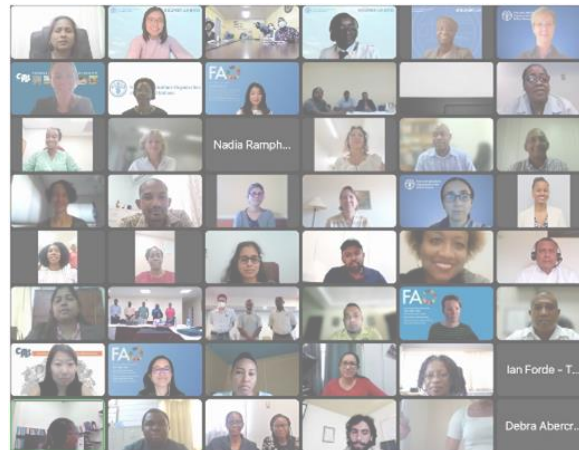


LEGAL TRAINING WORKSHOPS ON CITES AND FISHERIES

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



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

Key findings

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)

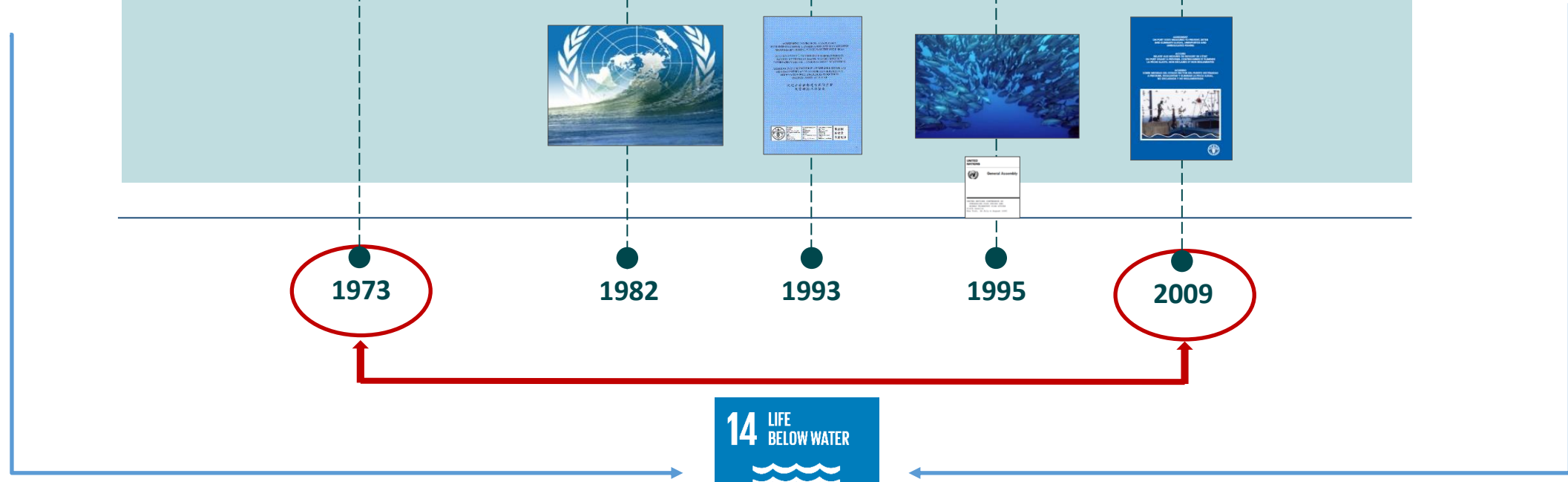
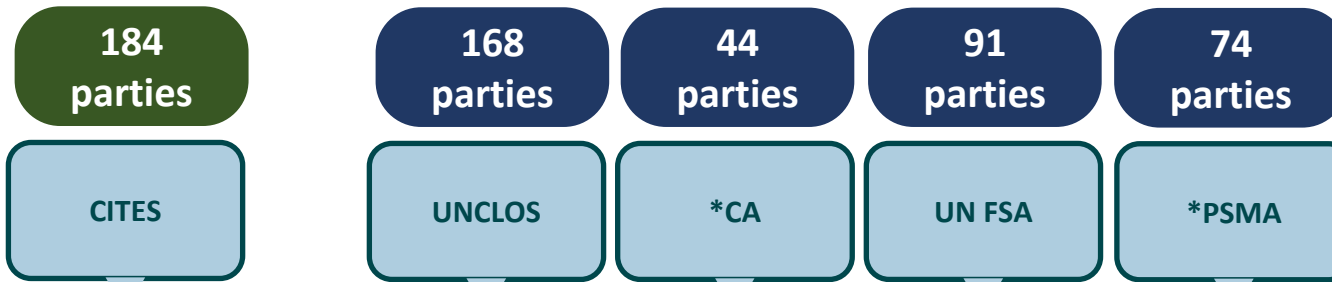
NDFs for sharks species (mako, bigeye thresher, and silky)

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



International Trade in Endangered Species

Fisheries Management and Conservation





THE RELEVANCE OF THE PSMA TO CITES

Referencing

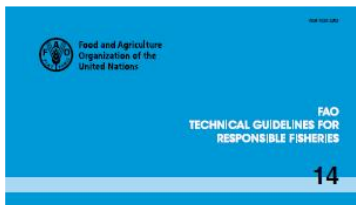
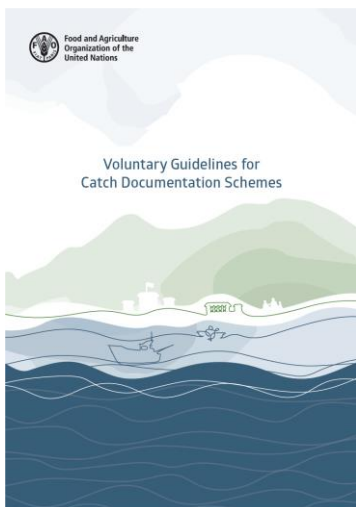
- Annex B Port State Inspection Procedures explicitly requires the inspectors to review relevant documents, including documents required pursuant to the CITES
- Annex C Report of the results of inspection requires information and verification of compliance with applicable trade information schemes

Legality

- Legal acquisition findings of CITES
- Catch documentation scheme
- PSMA blocks fish derived from IUU fishing entering into markets

Interagency Collaboration

- Fisheries Authority to be designated as Scientific Authority of CITES for aquatic species listed in appendices
- Interagency collaboration is key for effective implementation of the PSMA



- A system used to determine throughout the supply chain whether fish originate from catches taken in compliance with all applicable management measures → “legal provenance”
- An example of an internationally-agreed market-related measure to combat IUU fishing

Differences (and Similarities)

Legal Acquisition Findings (LAF)

- Finding made at the point of export/IFS
- Single country
- Always required
- No document/records optional
- Considering (Conf. 18.7, Annex 1):
 - Legality (licenses, permits)
 - Identifiers (marking)
 - Ownership (chain of custody)

Catch Documentation Schemes (CDS)

- Findings throughout the supply chain
- Multiple countries
- Required only for some species, fisheries and types of trade
- Documents follow the fish (provided downstream)

- Yes
- Sometimes
- Yes



CONCLUSION AND WAY FORWARD

Some 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

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

Some key needs

- 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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