Agenda 14.1 Overview of the Review of Significant Trade: *Sphyrna lewini* from Indonesia

Response of review

1. National stock assessment to determine sustainable harvest

Stock assessments and population studies of scalloped hammerhead sharks based on catch data recording have been conducted in various locations, including the Eastern Indian Ocean, Makassar Strait and Aceh Waters. Considering that Indonesian waters are vast, covering almost 5.8 million square kilometers, the stock assessments are being carried out in stages. Currently, there are also routine monitoring and data collection activities at landing sites distributed across the entire Indonesian archipelago (Figure 1). In addition, fishers are also encouraged to record their catch in a logbook. Catch monitoring is conducted by the Ministry of Marine Affairs and Fisheries (MMAF) through its Technical Implementing Units (TIUs) and the Center for Data, Statistics, and Information (CDSI/*Pusdatin*). This is being done to achieve a national assessment.

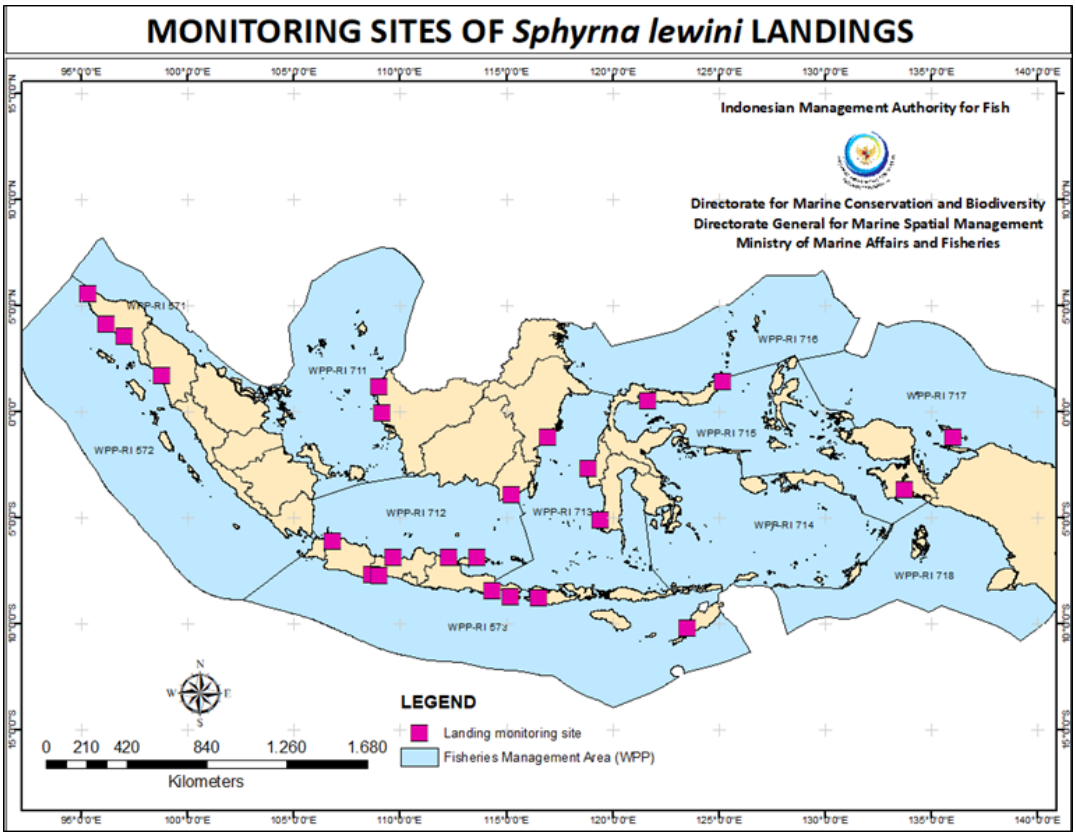

Figure 1. Map of the monitoring sites of *Sphyrna lewini* landings in Indonesia

Figure 2. Monitoring of *Sphyrna lewini* at a landing site in Tanjung Luar, West Nusa Tenggara [Photos by the Directorate for Marine Conservation and Biodiversity, 2022]

Sustainable harvest for the scalloped hammerhead shark is based on a precautionary approach to ensure that exploitation does not threaten their sustainability in the wild. The initial catch quota was set at only 20% of the average hammerhead shark catch, based on the annual catch data provided in the national statistics of Indonesian capture fisheries. Data and information from population studies and records from several locations, as well as the species distribution, were also considered when formulating the initial catch quota. The catch quota is designed to remain stable or gradually decrease in the following years.

From 2013 to 2019, the Indonesian government imposed an export ban on hammerhead shark products from Indonesia. This was an effort by Indonesia to comply with the governance related to the utilization of Appendix II CITES commodities. Despite this, domestic utilization was still permitted. Export quotas were introduced in 2020, but there were no recorded exports that year. In 2021, there was a small amount of export: 2,208.70 kg of fin products or 2,534 individuals, which was only 35% of the catch quota. Consequently, Indonesia did not contribute to the global increase in *S. lewini* product exports from 2017 to 2021.

2. The indication that the population is being overexploited in at least one location

Although a study of the target shark fishery in West Nusa Tenggara indicates an overexploitation rate of *S. lewin*i, this analysis did not accurately reflect the actual exploitation rate of *S. lewini* in Indonesian waters. The study covered only the Lesser Sunda area (eastern Indian Ocean) where sharks are being targeted for fishing. Since implementing a strict catch quota and permit system in 2021, the catch of *S. lewini* has become more controlled and well-documented, including in West Nusa Tenggara. Fishing quotas are only given to fishers who have a Fish Utilization Permit (SIPJI).

In 2020, management of the target shark fishery in West Nusa Tenggara was also complemented by a local Governor's Regulation on the Regional Action Plan for Sustainable Shark and Ray Fisheries Management. This regulation aims to control shark catches in target fisheries in West Nusa Tenggara by limiting the number of vessels operating each month, protecting critical habitats, determining minimum catch sizes and regulating fishing seasons. Around the West Nusa Tenggara region, a Local Marine

Protected Area has also been established, which protects critical habitats for sharks including scalloped hammerhead sharks. As a result of the above efforts, the latest assessment of the exploitation rate in West Nusa Tenggara in 2021 was lower than previous assessments.

3. Monitoring of domestic catch

Monitoring of domestic catch can be done through permits owned by traders, namely the Fish Utilization Permit (SIPJI) and the Domestic Transport Permit (SAJI DN). The SIPJI and SAJI licensing mechanism is stated in the Ministry of Marine Affairs Regulation No. 61/2018 and No. 10/2021. The Management Authority records all product utilization by SIPJI owners. The difference between the amount recorded between SAJI LN and SAJI DN indicates that the amount is only utilized to meet domestic needs.

Transport permit documents (SAJI DN and SAJI LN) include important information, including species name, catch origin, trade destination, quantity, and product type. Therefore, the traceability aspect of shark utilization can be traced well and meets the criteria of CITES. In addition, monitoring of trade within the province and domestic fishing is carried out by collecting data from enumerators at priority landing sites. Efforts to add more locations for the data collection are increasing every year.

4. The status of implementing the NDF's conditions

In the NDF submitted to the CITES secretariat in 2023, several management recommendations needed to be followed up. All recommendations have been implemented so that international trade can take place. These recommendations are:

- Improving catch data recording

  The Management Authority is always adding data collection sites and routine monitoring by employing well-trained enumerators for sharks and rays to obtain accurate and reliable data. To date, there have been 23 data collection sites spread throughout Indonesia. Data recording has also used a nationally agreed template and displays very detailed information. In addition, fishers are also encouraged to record their catch in a logbook. Catch monitoring is conducted by the Ministry of Marine Affairs and Fisheries (MMAF) through its Technical Implementing Units (TIUs) and the Center for Data, Statistics, and Information (CDSI/*Pusdatin*).

- Controlling the over-exploitation rate through a permitting mechanism

  The Indonesian government has implemented a regulation that the CITES Appendix II can only be utilized by holders of Fish Utilization Permit (SIPJI). This is stated in the Ministry of Marine Affairs and Fisheries Regulation No. 61/2018 and the Standard Operating Procedure (SOP) for Domestic and International Trade of CITES Appendix-Listed Fish Species.

Those who trade nationally regulated and/or CITES-listed species should comply with international trade provisions. Fulfillment of traceability aspects under CITES provisions is carried out by using the domestic transport permit (SAJI-DN) and the CITES export permit (SAJI-LN). For look-alike species that have similarities with nationally regulated and/or CITES-listed species, a recommendation letter is issued stating that the species being transported does not include nationally regulated and/or CITES-listed species.

For export purposes, several documents are required. CITES permit is a prerequisite for the issuance of a Health Certificate (HC) and Export Approval for Natural Plants Wildlife and Fish (EA-NPWF), which are prerequisites for the issuance of Goods Export Notification (GEN) documents. The Fish Quarantine, Quality Control, and Fishery Product Safety Agency (BKIPM) issues the Health Certificate. The Directorate General issues the EA-NPWF for Foreign Trade of the Ministry of Trade, and the Directorate General issues the Goods Export Notification (GEN) for Customs of the Ministry of Finance.

- Improvements to the collection system of trade data

  Along with improving catch data collection, the Indonesian government is also improving trade data collection. All domestic and international trade can be tracked properly through the e-SAJI application. Through this application, it is possible to know the type of product that is being transshipped, the origin of the product, the location or destination country, and the amount. Through this application, each trader can monitor the amount of realization of the catch or export quota.

- Limiting the number of catches through the catch quota system

  Since 2020, the Indonesian government has set a catch quota for *S. lewini*. The quota is set to stable or tends to decrease in the following years. The main considerations for setting an annual catch quota are biological data recorded at the landing site, population information, and species distribution. The determination of the catch quota is explained above.

- Regulations on size limitation for captured sharks

  The Scientific Authority recommended that the catch of *S. lewini* should reach a minimum total length of 2 meters. This recommendation has been incorporated into the catch and export quotas issued by the Management Authority.

- Trade restrictions based on specific criteria

  The Scientific Authority has recommended tradeable sizes of pectoral and dorsal fins. This has been incorporated into the catch and export quotas issued by the Management Authority.

- Improvements to the Health Certificate (HS) Code

  Since 2021, the Indonesian government has revised and added information to the HS Code for Appendices II shark and ray products exported from Indonesia,

including for *S. lewini*. This is stated in the Minister of Trade Regulation No. 23 of 2023 concerning Export Policy and Regulation.

- Protection of critical habitat (mating and nursery grounds)

  To protect critical habitats for marine fauna, including *S. lewini,* the government of Indonesia established Marine Protected Areas (MPAs). As of 2023, the total area of MPAs reached 29.2 million hectares, distributed all over the country. Based on the managing institution, Indonesian MPAs are classified into three: 1) National MPAs managed by the Ministry of Marine Affairs and Fisheries (MMAF); 2) National MPAs managed by the Ministry of Environment and Forestry; and 3) Local MPAs managed by the provincial government. Although the managing institutions vary, all of the MPAs aim to protect and conserve marine and coastal resources. The conservation targets include coral reefs, seagrass, mangroves, marine turtles, marine mammals, reef fishes, sharks, and rays. Three MPAs particularly target hammerhead sharks as their conservation priorities, namely Aceh Jaya MPA (Aceh Province), Damer MPA (Maluku Province), and Romang Islands MPA (Maluku Province) (Figure 3). Indonesia has also identified seven Important Shark and Ray Areas (ISRAs) that serve as aggregation areas for *S. lewini*. These seven areas have the potential to become MPAs in the future. Detailed information for ISRAs in Indonesia can be found here

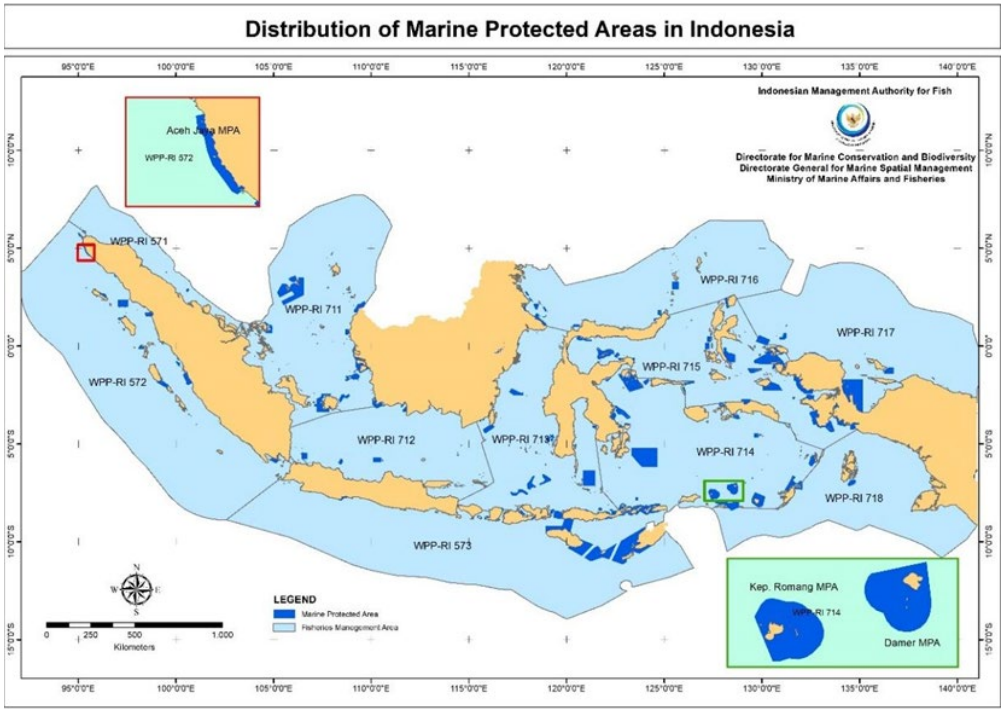

Figure 3. Map of Marine Protected Areas and Fisheries Management Areas in Indonesia.

- Implementing all regulations related to fisheries, trade, and management of hammerhead sharks.

  The Indonesian government has implemented all regulations related to fisheries, trade, and management of *S. lewini*. If any violations occur, they will be dealt with by the Directorate General of Marine and Fisheries Resource Surveillance.

  Since 2021, Indonesia has also developed an Evaluation of the Management Effectiveness of Protected Fish Species and/or listed in the CITES Appendix (EPANJI), including for *S. lewini*. The assessment shows that the management of *S. lewini* is in the optimum criteria or good category. It means that the planned and implemented management efforts have produced positive outcomes. In addition, Indonesia has also had a National Plan of Action (NPoA) for Sharks and Rays since 2010. This is evidence that Indonesia has a high commitment to shark and ray management.

To strengthen the governance of shark harvest and trade, several regulations have been implemented in Indonesia, including

1. Law No. 5/1990 on Conservation of Biotic Natural Resources and Ecosystems
2. Law No. 45/2009 on the Amendment to the Law No. 31/2004 on Fisheries
3. Government Regulation No. 7/1999 on the Preserving Plant and Animal Species
4. Government Regulation No. 8/1999 on the Use of Wild Plant and Animal Species
5. Government Regulation No. 60/2007 on Fish Resources Conservation
6. Government Regulation No. 85/2021 on the Type and Tariffs of Non-Tax State Income Applicable at the Ministry of Marine Affairs and Fisheries
7. Regulation of the Minister of Environment and Forestry No. P.106/2018 on the Second Amendment to the Minister of Environment and Forestry Regulation No. P.20/ MENLHK/SETJEN/KUM.1/6/2018 on Protected Plants and Animals
8. Regulation of the Minister of Marine Affairs and Fisheries No.61/2018 on the Utilization of Protected and/or CITES-listed Fish Species
9. Regulation of the Minister of Marine Affairs and Fisheries No. 58/2020 on Capture Fisheries Business
10. Governor Regulation of West Nusa Tenggara Province No. 55/2020 on Action Plan for Sustainable Shark and Ray Fisheries Management in West Nusa Tenggara for Sustainable Shark and Rays Fisheries Management 2020-2025.
11. Regulation of the Minister of Marine Affairs and Fisheries No. 10/2021 on the Standards for Business Activities and Products in the Implementation of Risk-Based Business Licensing in the Maritime and Fisheries Sector
12. Regulation of the Minister of Marine Affairs and Fisheries No. 31/2021 on the Imposition of Administrative Sanctions in the Maritime and Fisheries Sector
13. Regulation of the Minister of Marine Affairs and Fisheries No. 8/2022 on Types of Commodities Mandatory to Check Fish Quarantine, Quality, and Safety of Fishery Products

14. Regulation of the Minister of Trade No. 40/2022 on the Amendment to the Regulation of the Minister of Trade No. 18/2021 on Export-Prohibited Goods and Import-Prohibited Goods
15. Regulation of the Minister of Trade No.23/2023 on Export Policies and Arrangements
16. Decree of the Minister of Forestry No. 447/2003 on Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species
17. Decree of the Minister of Finance No. 1821/2019 on the List of Restricted Goods for Export Based on the Regulation of the Minister of Trade No. 122/2018
18. Decree of the Minister of Manpower and Transmigration No. 26/2023 on the Enactment of the National Competency Standards for the Category of Agriculture, Forestry and Fisheries in the Main Group of Fisheries for Managing and Utilizing Sharks and Rays

In conclusion, in terms of regulation and implementation of the governance of the utilization of CITES Appendix II species, Indonesia has made serious efforts to meet CITES criteria related to legality, traceability, and sustainability.