

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

Reports of regional representatives

OCEANIA

1. This document has been submitted by New Zealand as the Regional Representative for Oceania.*

Introduction

2. Parties providing information for this Report: Australia and New Zealand.

- Regional Representative: New Zealand
- Alternate Regional Representative: Australia
- Number of Parties in the Region: 9 (Australia, Fiji, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Vanuatu)
- Number of Parties providing information for this Report: 2

3. This report outlines the activities undertaken by the Parties of the Oceania region to implement and enforce CITES since the sixty-eighth meeting of the Standing Committee (October 2016) to November 2017.

At the 17th meeting of the Conference of the Parties to CITES (CoP17; September-October 2016), New Zealand was elected as the Oceania Regional Representative to the Standing Committee, with Australia as the alternate.

Overview of major developments

AUSTRALIA

Australia ceased as the CITES Oceania regional representative and was appointed as the alternate regional member.

Implementation

* *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.*

The Department of the Environment and Energy is the CITES Management Authority for Australia and the host for Australia's CITES Scientific Authority. Implementation and enforcement is undertaken by the Department of the Environment and Energy, in collaboration with the Department of Immigration and Border Protection.

Legislation

Australia regulates international trade in CITES listed specimens under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This national legislation imposes some of the strictest measures in the world for regulated wildlife in trade. These measures include:

- possession offences for illegally imported specimens
- possible seizure of specimens where there is reasonable suspicion of unlawful importation
- maximum penalties for wildlife trade offences including 10 years imprisonment and AUD210,000 for individuals (AUD1,050,000 for corporations)
- penalties of 5 years imprisonment and AUD210,000 for an individual (AUD1,050,000 for corporations) for the possession of specimens that have been illegally imported.

Offences connected to illegal wildlife trade are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime, for the purposes of domestic money-laundering offences, and are actionable under domestic proceeds of crime legislation.

Enforcement

Between July 2016 and June 2017, approximately 500 seizure notices were issued by Australian enforcement authorities for CITES specimens suspected to have been imported or exported illegally. Examples of seized wildlife include Australian native reptiles intended for export to destinations including Sweden, China and Japan; snakes, scorpions and spiders imported to Australia from Sweden; and stingrays, fish, chameleons, sugar gliders, and turtles imported to Australia from Thailand.

In 2017 Australian Government environment and enforcement agencies conducted a joint investigation (Operation Melville) into international wildlife smuggling. The investigation led to the arrest of a prominent Australian sportsman who faces allegations regarding imports of packages from Thailand containing 200 animals including Chinese turtles, alligator snapping turtles, snakehead fish, sugar-gliders, chameleons and stingrays. Six packages containing more than 40 native Australian shingleback lizards were also seized by investigators.

Education and awareness

Australia is implementing education and awareness-raising targeting border surveillance personnel and auction houses. Between July 2016 and June 2017, interactive CITES training was delivered to enforcement officers from Australian Border Force and the Department of Agriculture and Water Resources.

Capacity building

Australia attended an Oceania regional capacity building workshop sponsored by New Zealand and held in Fiji from 29 May to 2 June 2017. The workshop was focused on building capacity in the implementation of CITES and in particular, to ensure that regional efforts to combat wildlife trafficking are cooperative and effective. At the workshop, Australia presented an overview of CITES trade in the Oceania region based on data from the CITES trade database (<http://trade.cites.org/>). This generated discussion about regional trends in trade, and raised awareness of the uses and limitations of the database.

Australia is working with the CITES Secretariat, the United Nations Conference on Trade and Development (UNCTAD) and the Centre of Excellence Gibraltar, the Government of Papua New Guinea and other interested countries to establish a pilot project to create simple electronic systems for issuing and managing permits and reporting on trade in species listed in the CITES Appendices.

Issues faced

As trade volumes and people's expectations about fast international deliveries increase, a challenge is how to use technology to streamline international trade processes while enabling identification and prevention of wildlife trafficking. Poaching and trafficking of reptiles for the illegal pet market, in particular, is a growing problem in Australia and the region. Australia is improving national wildlife trade permitting processes and working with the international community to develop electronic systems that help prevent wildlife fraud, corruption and trafficking.

NEW ZEALAND

At COP17, New Zealand was appointed as Regional Representative for the Oceania region. Dr Rod Hay, Honorary Research Associate, Department of Conservation will fulfil the Regional Representative role for SC69 and Ms Sarah Bagnall, Senior International Advisor, Department of Conservation will represent NZ as Party Observer at the meeting, having taken over the NZ CITES Management Authority role recently vacated by Dr Wendy Jackson.

New Zealand continues as the Oceania regional representative on the Animals Committee with Dr Hugh Robertson, Principal Science Advisor, Department of Conservation, representing the region, with Mr Troy Makan as Alternate.

Implementation

New Zealand's Department of Conservation is designated as the CITES Management Authority and currently hosts the CITES Scientific Authority. The Convention is implemented primarily by the Department of Conservation with support from border agencies, New Zealand Customs Service and Ministry for Primary Industries. While a CITES Enforcement Authority has not been separately established, the three agencies listed above undertake this role, led by the Department of Conservation.

Legislation

The legal instrument which implements the Convention is the Trade in Endangered Species Act 1989 (TIES Act)¹. A legislative review of the entire Act is currently under consideration.

The changes to the Convention Appendices that came into effect on 02/01/2017 were implemented through regulations under the TIES Act on 23/02/2017.

Two Bills, part way through the legislative process, will improve offence and enforcement provisions for CITES. A Conservation (Infringement System) Bill will introduce an infringement and offences regime into conservation legislation, including the TIES Act. The Wildlife (Increased Powers) Amendment Bill (the Increased Powers Bill) will enable more efficient investigation, effective enforcement and prosecution of wildlife offences.

Enforcement

¹

http://www.legislation.govt.nz/act/public/1989/0018/latest/DLM145966.html?search=ts_act%40bill%40regulation%40deemedreg_tade+in+endangered_resel_25_a&p=1

Two prosecutions for the importation of commercial quantities of traditional Asian medicines (TAMs), without the required CITES permits, were made during 2016/17. Both resulted in successful convictions and payment of fines. Penalties under the TIES Act for trading in CITES species without a permit or certificate are;

- a) for a natural person, imprisonment for a term not exceeding 5 years or to a fine not exceeding \$100,000, or to both, and
- b) for a body corporate, to a fine not exceeding \$200,000.

The number of seizures and surrenders at the border continues to increase, with over 8000 occurrences of species entering without CITES permits recorded during 2016. This number can be attributed in part to New Zealand's stricter application of the Convention's personal and household effects exemption, whereby only Appendix III specimens and New Zealand acquired specimens are exempt from permitting requirements. The largest proportion of surrenders are of hard coral, clam shells, TAMs and crocodilian specimens.

A number of Appendix II listed *Dalbergia* spp without CITES permits were seized in the first half of 2017, largely due to exporters being unfamiliar with the Appendix listing changes and permitting requirements. Specimens include handcrafted bowls from India and electric and acoustic guitars from the United States of America and United Kingdom.

Education and awareness

CITES officers delivered training sessions to Ministry for Primary Industries staff, including new recruits, to support the delivery of CITES at New Zealand's border.

Two new information pamphlets on hard coral (*Scleractinia* spp), giant clam (*Tridacnidae* spp) shell and *Crocodylia* spp were published for distribution at New Zealand's airports.

A planned program of work to reduce the quantity of clam shell, coral, *Crocodylia* spp and TAMs imported into New Zealand without CITES permits is being formulated for action in 2018.

Issues faced

As international tourism increases, with arrival numbers at New Zealand's airports forecast to increase by 4.8% per annum during 2017-2023², the number of seizures and surrenders is also projected to increase, placing additional pressure on all agencies at New Zealand's border. A demand reduction strategy focussing on New Zealand's education and awareness programme aims to focus on demand and hence reduce both this pressure and the volume of CITES specimens entering New Zealand without CITES permits.

Illegal trafficking of New Zealand reptiles remains of concern. The INTERPOL Reptiles Working Group (chaired by New Zealand) aims to highlight the challenges and enhance enforcement collaboration.

TONGA

Tonga formally became the 183rd Party to CITES on 20/10/2016.

² (MFIE <http://www.mbie.govt.nz/info-services/sectors-industries/tourism/tourism-research-data/international-tourism-forecasts/documents-image-library/forecasts-2017-report-final.pdf>)

Electronic Permitting

Both Papua New Guinea and Vanuatu have expressed interest in a trial of the Asycuda E-Permitting system.

Activities of the regional representative

Besides agreeing to chair the SC Working Group on Appendix III, the regional representative organised a major regional capacity-building workshop (see below under Regional Co-operation) and been active in seeking support for additional regional resources, especially for the small island states of Oceania.. Since then, she has moved on to a different position and a new NZ Management Authority head has been appointed.

Regional Co-operation

New Zealand hosted an Oceania Regional CITES workshop in Fiji from 29 May - 2 Jun 2017. The purpose of the workshop was: to raise awareness of CITES; to build skills and capacity in implementing CITES; and strengthen networks and increase dialogue within and between the different working parts of any CITES operation.

Over 60 participants from 17 Pacific countries (and the US) attended the workshop. The participants were Officials involved in different aspects of CITES operations including; permitting, policy, science and enforcement. International experts from the CITES Secretariat, INTERPOL, and the Oceania Customs Organisation were also in attendance.

The workshop opened with a ceremony to formally repatriate 146 sperm whale teeth (tabua) to Fiji. The tabua were confiscated at the New Zealand border as they did not have the requisite CITES documents. The decision to repatriate the tabua was made in recognition of their cultural significance and the ceremony was attended by the Fijian Prime Minister, Fijian Environment Minister and CITES Secretary General. The ceremony raised significant media interest in, and awareness of CITES.

Workshop attendees found the workshop very useful, and CITES officials have suggested its format will be adopted for similar workshops in the wider CITES system.

New Zealand also provided two trainers, Dr Rod Hay and Ms Ann Panoho, to deliver a CITES training course for trainers from the South-East Asian region. The course was funded and organised by The Ministry of the Environment, Japan, and held in Kuala Lumpur, Malaysia in January 2017. There were participants from all the ASEAN countries (Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei, Cambodia, Laos, Myanmar and Vietnam) and Mongolia.

Meetings and workshops

As reported above. In addition, the pre-COP workshop hosted in July 2016 by SPREP with the support of the CITES Secretariat provided an important opportunity for networking, technical advice and training. It also highlighted the importance of SPREP as a regional intergovernmental environment agency in providing support to its members.

Problems faced by the regional representatives

The region continues to experience the normal issues associated with communication amongst far-flung countries with mostly very small numbers of personnel implementing CITES. This meant that minimal input

to this report was received from the small countries of the region, despite a number of requests being distributed regarding the report itself as well as seeking input on items on the Agenda for the meeting.

A further issue emerging at the workshop held in 2017 is variable communication within some countries between the various government agencies with a role in implementing CITES.

Recent personnel changes in the New Zealand CITES Management Authority have necessitated some recycling of a retired staff member to assist with preparation for and representation at SC69.