

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



Seventieth meeting of the Standing Committee  
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Reports of regional representatives

OCEANIA

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

Introduction

1. Parties providing information for this Report were Australia, Samoa and New Zealand. The Secretariat of the Pacific Regional Environment Programme (SPREP) also provided information.
  - 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)
2. This report outlines the activities undertaken by the Parties of the Oceania region to implement and enforce CITES since the sixty-ninth meeting of the Standing Committee (November/December 2017) to September 2018.
3. 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**

4. Australia is the alternate Oceania Regional Representative to the Standing Committee.

**Implementation**

5. 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 Department of Home Affairs (Border Force).

**Legislation**

6. 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

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\* *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.*

- 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 \$210,000 for an individual (\$1,050,000 for corporations) may apply for the possession of specimens that have been illegally imported.

7. 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**

8. Australia will provide the seizure data for this period to the Secretariat in the Illegal Wildlife Trade Report. Most seizures were for CITES specimens suspected to have been imported illegally. The most common items seized were traditional medicines that were suspected to include extracts of protected animal or plant products. Live seizures of CITES specimens have been for plants.
9. Investigations during this period led to a number of prosecutions. A man was fined \$4,000 after pleading guilty to charges of possessing and importing illegal animal specimens listed under CITES; a woman was given a two year good behaviour bond, after being caught with wildlife specimens of several internationally-threatened species; and a student was fined \$5,500 and placed on a two year good behaviour bond after he pled guilty to 14 charges relating to possessing and importing illegal animal remains.

#### **Education and awareness**

10. Australia continued to raise awareness of CITES requirements with border force personnel and auction houses. A significant amount of work has been focussed on outreach to importers of Dalbergia products and assisting affected industries to adjust to the regulations introduced on 2 January 2017.

#### **Capacity building**

11. Australia is continuing to work with the CITES Secretariat, the United Nations Conference on Trade and Development (UNCTAD), the Centre of Excellence Gibraltar and interested countries to establish a pilot project to implement simple electronic systems for issuing and managing permits and reporting on trade in CITES listed species.

#### **Issues faced**

12. In response to growing demand for permits driven by increased volumes of trade particularly from online shopping platforms, Australia has engaged with the international community to develop electronic permitting systems at borders to help prevent wildlife fraud, corruption and trafficking.
13. Domestically, the implementation of the Dalbergia listing has been challenging, as it has led to a significant increase in the volume of permits processed by the Australian CITES Management Authority. Australia is looking to improve national wildlife trade permitting processes through the design and implementation of a new database, which is likely to be operational in late 2018.

### **NEW ZEALAND**

14. At COP17, New Zealand was appointed as Regional Representative for the Oceania region. Sarah Bagnall, Senior International Advisor, Department of Conservation will fulfil the Regional Representative role for SC70 with the support of Sarah McIntyre, Science Advisor, Ecology Department of Conservation.
15. 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**

16. 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**

17. The legal instrument which implements the Convention is the Trade in Endangered Species Act 1989 (TIES Act)<sup>1</sup>. The Conservation (Infringement System) Bill, which is at the select committee stage, will introduce an infringement and offences regime into conservation legislation, including the TIES Act. The Wildlife (Increased Powers) Amendment Act 2017 was passed last year, and enables more efficient investigation, effective enforcement and prosecution of wildlife offences.

### **Enforcement**

18. One prosecution for the importation of commercial quantities of traditional Asian medicines (TAMs), without the required CITES permits, was made during 2017/18, resulting in a successful conviction 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.
19. There was a 7% increase in the number of seizures and surrenders at the border from 2016 to 2017 with 9078 occurrences in 2017. The largest proportion of species surrendered remained similar to that seen in 2016, those being hard coral, giant clam shells, TAMs and crocodylian specimens.
20. Legislation which will establish an infringement system to deal with less serious offences will include the ability to apply on the spot fines for breaches of the Trade in Endangered Species Act 1989. This is currently making progress through the New Zealand parliamentary system.

### **Education and awareness**

21. CITES officers continued to deliver training sessions to Ministry for Primary Industries and New Zealand Customs Service staff, including new recruits, to support the delivery of CITES at New Zealand's border.
22. A CITES dashboard was developed by the Department of Conservation to provide an oversight of seizures and surrenders data by entry point location, flight number/vessel name, CITES species, Appendix listing and type of specimen seized/surrendered. The information is helping to identify seizure and surrender trends in relation to increasing tourism and immigration numbers, where resources need to be deployed or increased, risk flights (high volumes of surrenders) and changes in species type or specimens encountered at the border.
23. A planned program of work to reduce the quantity of giant clam shell, hard corals, Crocodylia spp and TAMs imported into New Zealand without CITES permits is being formulated for action in 2018.
24. Continuing to work with Australia to reduce the number of surrenders of crocodylian species of which there were over 1000 in 2017.
25. An awareness poster was developed for display on cruise ships returning from voyages to the Pacific Islands focussing on permit requirements for the importation of giant clam, hard coral and nautilus. The posters also encourage passengers to leave those specimens behind if they cannot obtain permits and the outcome should they enter New Zealand without one (seizure and forfeiture).

### **Issues faced**

26. As international tourism increases, with arrival numbers at New Zealand's airports forecast to increase by 4.8% per annum during 2017-2032, 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.
27. Development and establishment of a rigorous process for registering captive bred facilities following Appendix listing changes to African Grey parrots.
28. Establishing a review of the Trade in Endangered Species Act and Regulations to eliminate inconsistencies between the Convention and New Zealand's legislation and to make the Act more concise in its intent and application will be likely be explored.

## **SAMOA**

### **Implementation**

29. The Ministry of Foreign Affairs and Trade (MFAT) is the CITES Management Authority for Samoa whereas the Ministry of Natural Resources and Environment (MNRE) is CITES Scientific Authority. Implementation and enforcement is undertaken by the MNRE, in collaboration with the Ministry of Agriculture and Fisheries.

### **Legislation**

30. Funding is required to implement the review and consultations for the national Trade in Endangered Species Bill 2014.
31. After much nationwide awareness and consultation with the communities and key stakeholders, the national Marine Wildlife Protection Amendment Regulations 2018 was officially endorsed by the Head of State on 1 March 2018.

### **Enforcement**

32. The Ministry of Natural Resources and Environment facilitated a national enforcement workshop for key stakeholders and reps of communities on the 27 and 28 February, 2018 which highlighted the Marine Wildlife Protection Amendment Regulations 2018. The workshop focused mainly on raising the awareness on strengthening shark and ray protection measures in the Regulation as well as emphasizing their importance in our marine ecosystems, to our economy and also our culture. A call for joined effort of each key stakeholder in strengthening the implementation, enforcement and compliance of the shark sanctuary provisions at the national level.
33. The Government of Samoa, with support from the Pew Charitable Trusts, Paul G. Allen Philanthropies, Global FinPrint Project and SPREP, hosted a Pacific Ministerial Shark Symposium on 1 and 2 March 2018 during which the Prime Minister of Samoa officially announced Samoa's national shark sanctuary throughout its EEZ. The meeting was attended by 10 Pacific countries in support of the Blue Pacific concept adopted at the Pacific Islands Forum in 2017.
34. In March 2018, Samoa joined 16 other countries in establishing a National Marine Sanctuary to protect, conserve and sustainably managed turtles, sharks, whales and dolphins throughout the Exclusive Economic Zone (EEZ).
35. Regular enforcement of existing legislation that covers CITES listed species (turtles, whales, dolphins and sharks) for any noncompliance.
36. Continuous implementation of the export permitting system for CITES listed species for records keeping and reporting. No illegal trade has been recorded.
37. Ongoing tagging and release into the wild of turtles been reported and caught by fishermen and also those in captivity.

### **Education and Awareness**

38. The Ministry of Natural Resources and Environment conducted a total of 11 nationwide district level community awareness on the Marine Wildlife Protection Amendment Regulations 2018 on 30 April to 17 May 2018. The awareness aims to address new and emerging issues and to strengthen conservation and management measures for the protection of whales, dolphins, turtles and sharks, raising awareness of the importance of these species to our ecosystem, economy and our culture. This was made possible with the financial support of the UNDP and co-financing from SPREP.
39. Awareness and educational videos clips produced and aired on national television stations on and publications on the i) Importance of Sharks on the marine ecosystem and ii) the Importance of Sharks on the economy and our culture as well as the threats they face.
40. A Children's story book called "O le tafaoga a le malie o Sitū ma ana Uō" was launched during the national commemoration of the Biological Diversity Day on 27 June 2018 in partnership with SPREP. The story is about the journey of sharks and the threats they encounter on the way such as plastics, overfishing and how we can help protect sharks from these threats.

### **Issues faced**

41. Require funding to implement the review and consultations for the national Trade in Endangered Species Bill 2014.

## **REGIONAL ISSUES**

42. Oceania covers a vast area of mostly tropical regions dominated by the marine environment. Trade risks to wild fauna and flora must be seen in the context of the usual range of environmental threats, including habitat loss, invasive species, domestic over-exploitation and global climate change. Coral bleaching has had a dramatic effect on the reefs in some parts of the region (e.g. in Australia and Fiji) and there are concerns about the rapid depletion of stocks of some marine species such as sharks and rays, Nautilus species, and the many species of sea cucumber, especially of the genus *Holothuria*. Marine resources form a key part of the local culture and the local economy, therefore trade issues concerning them are of critical and growing interest to the countries of the region. The relationship between trade and other pressures needs to be kept in mind and CITES has an important potential role in ensuring the sustainable use and protection of species in the marine environment of the region.
43. Because the region has a very small human population in relation to area administered, and small sizes of government departments, capacity remains a critical issue for the Parties and non-Parties in Oceania. CITES is normally but a small part of the wide range of environmental and conservation responsibilities of a small number of government officials. Often just one or two people deal with all of the Multilateral Environmental Agreements, and staff turnover rates are often high in the small public services of island nations. Parties have very low levels of trade in CITES species and so attending to CITES requests for information is a low priority, and electronic communications to registered MAs and SAs is sometimes technically difficult, if not impossible. The recent listing of commercially important sharks and rays has raised the profile of CITES within many parties and regional organisations; it has also led to improved cooperation between environmental, fisheries and police/customs agencies within countries and across the region.
44. Some Oceania Parties, are still developing CITES legislation, and the roles and responsibilities of MAs and SAs have not been clearly defined, thereby making CITES implementation difficult.

### **Secretariat of Pacific Region Environment Programme (SPREP) update on capacity building**

45. The Fijian Ministry of Environment, in partnership with SPREP and Pew Charitable Trusts, held a national workshop in Suva on 27 and 28 March 2018. This brought together various government and non-government officials, community conservation officers and academic institutions to strengthen the collaboration and implementation of CITES across the various sectors. Participants discussed challenges, successes and lessons learnt, and also did a practical training session on the identification of CITES-listed shark species.
46. The Samoan Ministry of Natural Resources and Environment held a national enforcement workshop, on 27 and 28 February 2018, that highlighted the amended Marine Wildlife Protection Regulation 2018 which provides stronger conservation and management measures for sharks and rays. The meeting involved various government, non-government organizations and community representatives.
47. The Government of Samoa, with support from the Pew Charitable Trusts, Paul G. Allen Philanthropies, Global FinPrint Project and SPREP, hosted a Pacific Ministerial Shark Symposium on 1 and 2 March 2018. The meeting was attended by 10 Pacific countries in support of the Blue Pacific concept adopted at the Pacific Islands Forum in 2017. The Ministerial Declaration from the meeting included: a call prohibiting the import and export of shark products, increased collaboration and information sharing to ensure strict compliance with conservation measures, encouragement for the creation of further shark sanctuaries, development of measures to reduce lethal by-catch, development of best practice standards for ecotourism, and encouragement to be more active in the Western and Central Pacific Fisheries Commission.
48. CITES staff from the Solomon Islands attended a 1 to 4 May 2018 training workshop in Bogor, Indonesia, on the application of new CITES guidance on trade in captive-raised animals. This workshop was the first of a series targeting major trading regions of captive-raised animals, and in this instance the workshop concentrated on the captive snake trade.

### **Activities of the Regional Representative**

49. Following SC69 New Zealand circulated a report outlining key outcomes affecting Oceania. New Zealand has also circulated a number of messages to the region aimed at highlighting particularly relevant notifications or seeking input on specific matters such including input to working groups,

attributes for the appointment of the Secretary General, and proposals for Chairmanship of Committees at the CoP.

50. CITES officials from Australia and New Zealand have initiated bi-monthly phone meetings to address common implementation issues. New Zealand and SPREP are also in regular liaison.
51. New Zealand and Tonga have started discussions on CITES implementation, with Tonga considering an invitation to visit New Zealand to view implementation processes and discuss ways Tonga's CITES implementation can be further supported.
52. New Zealand is assisting Tuvalu (not a CITES party) to prepare appropriate documentation for the export of CITES Species.
53. New Zealand is working closely with SPREP in its organisation of a CITES regional pre-CoP meeting and in planning support for regional implementation.