Legal Acquisition Finding (LAF)
Sharks and Manta Rays
CITES Objectives

‘Ensuring that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation through international trade...’

[Legality]
specimens are legally obtained

[Sustainability]
wildlife trade is not detrimental to the survival of species

[Traceability]
trade can be traced from origin to final destination

[CITES vision statement]
Legal Acquisition Finding (LAF): Ensuring legality in CITES

For a Party to issue a permit authorizing an export:

‘A Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora.’

[Convention Article IV 2(b)]

In other words...
LAF is a confirmation/conclusion that a specimen was obtained *in accordance with relevant national laws*.  

*There are other provisions for Introduction From the Sea (IFS).*

The word ‘obtained’ refers to the series of steps – and not only to the last of these - by which a specimen its brought from its source (place of origin) and becomes the possession of the exporter.
LAF challenge: taking from the High Seas

Introduction From the Sea (IFS)

Parties take into account whether or not the specimen are acquired and landed:

In a manner consistent with applicable measures under international law, e.g. other treaty, convention, agreement; and

through any illegal, unreported or unregulated (IUU) fishing activity.

[Resolution Conf. 14.6 (Rev. CoP16)]
National laws may include...

...and any other relevant laws governing terrestrial/aquatic species, animals, plants, etc.
National law requirements

**Applicant** to:

- proof that specimens were legally obtained and provide all information required by national laws for export

**Management Authority (MA)** to:

- Verify accuracy of all available information
- Keep track of the ‘paper’ trial (e-docs)
- Consult MAs from other countries, CITES Secretariat and other relevant agencies
Legal Acquisition Finding involves answering these (and other) questions:

- Where?
- What?
- How?
- Who?
- When?
- Why?
- How many?
Is it CITES-listed?

- Species identification
- Standardization of names/numbers for trading purposes
Example: Harmonised Customs (HS) Codes

- Used for collection of customs duties & international trade statistics by >200 countries
- FAO-WCO collaboration for improving fishery product classification led to a proposal for species-based HS codes on shark fins made in 2014, but not approved
Where? EEZ or High seas?

- Different legislation may apply
Taking from the High Seas

• IfS certificate issued by the MAs of the State of Introduction do not require a LAF [Article IV, Paragraph 6]
  – Consult & cooperate with relevant Regional Fisheries Management Organizations and Arrangements (RFMO/A) [Resolution Conf. 14.6 (Rev CoP16)]

• If two States are involved in IfS with related export and import, there should be appropriate LAFs
Shared responsibility

Exporting country:

• Know and be able to verify origin
• MA reviews info & makes LAF before issuing an export permit

Importing country:

• Not authorize or accept import if reason to believe that it was not legally acquired in the country of origin
National laws may require extended producer responsibility and applicant’s due diligence, e.g.:

- Applicable harvesting/production legislation
- Valid authorization to harvest/bred in captivity
- Proper equipment or method used to harvest/produce
- Proof of assigned quota met
- Lawful transport
- Records kept and inspected
- Re-exporting

...there may be other national requirements (stricter domestic measures)
Mapping the chain of legal source

e.g. United States paddlefish

The MA checks for...
• Where the specimen was harvested?
• What State law was applied?
  (management programmes, gear regulations, seasonal restrictions, etc.)

...through the “paper trail”, including:
  – Commercial fishing license
  – Specific permit for paddlefish roe (for some States)
  – Bills of sale (to show who the exporters bought it from)
  – etc. to be verified by the State
    (against reports submitted from fishermen and dealers)
Prior to issuing a CITES permit/certificate authorizing export/re-export...

- **Management Authority of exporting party to:**
  - Verify legal acquisition – national laws
  - Verify sustainability – NDF from SA
  - Verify accuracy of information on the CITES permit/certificate
  - Record information & report it through the CITES annual report

- **Management Authority of importing Party to:**
  - Verify accuracy of information
  - Record information & report it through the CITES annual report

- **Management Authority of re-exporting party to:**
  - Issue a re-export certificate
  - Ensure tracing legality down the chain
CITES vs. fisheries: type of documentation

- Trade in CITES-listed species requires a permit/certificate
- Substantiates legality, sustainability, traceability

- Fisheries law often requires catch certificates
- Substantiates legality
Example of a CITES permit/certificate

<table>
<thead>
<tr>
<th>Who?</th>
<th>When?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where?</td>
<td>How many?</td>
</tr>
<tr>
<td>How?</td>
<td>Why?</td>
</tr>
<tr>
<td>What?</td>
<td></td>
</tr>
</tbody>
</table>

The CITES permit/certificate is used to regulate the international trade of endangered species of wild fauna and flora. It includes information such as the species name, country of origin, quantity, and the purpose of the transaction. This allows countries to monitor and control the trade of endangered species, ensuring they are not over-exploited.
Example of a fishery catch certificate (EU)

<table>
<thead>
<tr>
<th>Document number</th>
<th>Validating authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name</td>
<td>Address</td>
</tr>
<tr>
<td>2. Fishing vessel name</td>
<td>Flag – Home port and registration number</td>
</tr>
<tr>
<td>3. Fishing licence No – Valid to</td>
<td>Immsat No, Fax No, Telephone No, E-mail address (if issued)</td>
</tr>
<tr>
<td>4. Description of product</td>
<td>Type of processing authorised on board</td>
</tr>
<tr>
<td>5. Estimated live weight (kg)</td>
<td>Estimated weight to be landed (kg)</td>
</tr>
<tr>
<td>6. Name of master of fishing vessel</td>
<td>Signature – Seal</td>
</tr>
<tr>
<td>7. Name and address of exporter</td>
<td>Signature</td>
</tr>
<tr>
<td>8. Flag State authority validation</td>
<td>Name/title</td>
</tr>
</tbody>
</table>
Conclusion

• Capacity of range States to implement shark and manta ray listings strongly depends on their ability to verify origin of specimens in trade and establish reliable LAFs.

• Applicants for export permit required to provide information regarding how specimens were first acquired.

• CITES MAs of range States scrutinize applications prior to issuing export permits.
Thank you for your attention!

CITES and FAO working for legal, sustainable and traceable international trade in sharks and manta rays, supported by the European Union