

Improving synergies between Regional Fishery Bodies and CITES Authorities for the Management and Conservation of Marine Elasmobranchs

- Workshop 3 report -

Contents

1. Background.....	1
2. Workshop 3: “Potential approaches to improving collaboration”	2
2.1. Pitch A: Evaluate Mitigation Measures	3
2.2. Pitch B: Coordinate reference points	4
2.3. Pitch C: Promote National Cooperation.....	6
2.4. Pitch D: Explore RFMO NDF contributions	7
2.5. Pitch E: Resolve Scientific sample permitting	9
2.6. Other initiatives.....	10
3. Conclusion & next steps	11
Annex?: All results on one page.....	12

1. Background

The project [“Improving Synergies between Regional Fishery Bodies \(RFBs\) and CITES Authorities for the Management and Conservation of Marine Elasmobranchs”](#) is based on the understanding that RFBs¹ and CITES share common objectives for the recovery of depleted stocks, as well as for legal and sustainable fisheries and trade of elasmobranchs. There is also an understanding that jointly delivering on these common objectives may be hindered by fragmentation between the CITES and Fisheries communities. This initiative, led by the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection of Germany, aims to identify strategies and concrete opportunities to build bridges between the CITES and Fisheries communities and more effectively coordinate and deliver the protection and conservation of elasmobranchs.

Now in its third year, the project was initiated in 2021 with a [report on Conservation, Fisheries, Trade and Management Status of CITES-listed sharks](#) that established a baseline for future project activities. In the same year, the project further elicited input from experts, including government officials (in their personal capacities) and other stakeholders via a confidential [international expert survey](#)² and convened the [first workshop](#) titled “CITES-RFMO Workshop 1: Setting the Scene” on 8 and 11 November 2021 respectively. Participants were encouraged to identify challenges to and opportunities for improving synergies between CITES and RFMOs.

A [second workshop](#) titled [“CITES-RFMO Workshop 2: Developing approaches to improving collaboration”](#)³ was held on 13 July 2022. It explored more deeply shared objectives between the CITES

¹ Regional Fishery Bodies (RFBs) include Regional Fisheries Management Organisations (RFMOs) and Regional Fishery Advisory Bodies (RFABs). While the scope of the larger project includes all RFBs, workshop 3 focused deliberately in RFMOs.

² The survey followed a structured interview template and allowed interviewees to remain anonymous to facilitate more extensive participation and a greater degree of candor. Text links to an anonymized summary.

³ The linked summary of workshop 2 also contains an analysis & summary of project outcomes until Workshop 2 in its Annex.

and RFMO communities identified thus far and discussed opportunities for cooperation. Discussions during Workshop 2 helped clarify two pathways for future follow-up: 1) higher level policy objectives that could guide efforts to improve CITES-RFMO cooperation; and 2) areas for practical cooperation.

The objective of the third workshop, titled “Potential approaches to improving collaboration” was to explore concrete proposals for addressing the issues identified in previous workshops, and gauge interest in taking them forward, with a focus on the second set of outcomes of Workshop 2. In doing so, it built on participants’ experiences, shared during Workshop 2, that cooperation “on the ground, at a technical level” was a practical and effective approach to grow trust and strengthen cooperation and coordination. To accommodate the time limits posed by a workshop format, the project team pre-developed a set of draft proposals, which drew on a) project outcomes up to that point, focusing on specific issues identified as most important and where potential practical solutions had been identified during previous workshops or b) brainstorming by the project team. During Workshop 3, these draft proposals (“Pitches”) were presented to participants for comments and review and to gather feedback on their initial appeal and practicality. To allow time for discussion as well as give participants the opportunity to present their own ideas and initiatives, five pitches were selected:

- a) Evaluate mitigation measures
- b) Coordinate reference points
- c) Promote national cooperation
- d) Explore RFMO NDF contributions
- e) Resolve scientific sample permitting

The remainder of this report will describe the content of the pitches, the reaction of Workshop 3 participants to them, improvements suggested, if any, and how the pitches will be taken forward. It will also outline next steps for the project more broadly, and how it ties in with other relevant initiatives.

2. Workshop 3: “Potential approaches to improving collaboration”

Workshop 3 took place over 4,5 hours on 24 February 2023. Participation in the event was by invitation-only. The workshop was attended by 114 participants from 38 countries and 42 international experts. Based on live polling during the workshop, participants from national governments made up 58% of attendees, joined by 16% from IGOs/Secretariats and 26% independent experts/Academia/NGOs. Participants were slightly skewed towards those identifying themselves as focusing on “Trade, environmental and species protection” (45%) versus those focusing on “Fisheries management” (28%) and “Both equally” (24%). As with preceding workshops, discussions in Workshop 3 were held under the Chatham House Rule to encourage frank exchanges.

The Workshop was formally opened by Dr. Christiane Paulus, Director-General for Nature Conservation, Sustainable Use of Natural Resources, and Nature-Based Climate Action of the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, who reflected on progress since Workshop 1, highlighted the growing relevance of the project and thanked participants for their active and open contributions. Dr. Paulus also stressed that “Ocean conservation issues [continue] to be a high priority for Germany”.

The introductory remarks were followed by short presentations setting the scene. These were delivered by Martin Clark, who also moderated the workshop, and Shelley Clarke, Nathan Taylor and Daniel Kachelriess, who also presented the pitches. The first presentation summarized the outcomes

of the project to date and the second outlined the origin and process of developing the five pitches. A third presentation introduced the format for the session discussing the pitches, consisting of

- An introduction of the background thinking, the details of the pitches and identified pros and cons.
- Initial remarks on the proposal by pre-selected government representatives (“lead respondent”) followed by a discussion open to all participants.
- Finally, a brief reflection of the support of a proposal by participants, including through a live poll.

For the polling and associated comments participants were encouraged to assess each pitch according to three criteria: usefulness, practicality and attractiveness.

2.1. Pitch A: Evaluate Mitigation Measures

Description

Based on previous project outcomes, there is broad acknowledgement that RFB/RFMOs should further increase their efforts on the conservation and management of sharks, in particular for species considered as bycatch. The primary tools currently employed by RFMOs are mitigation measures (for example finning bans, no-retention or catch limits). But concerns had been raised, particularly in the [2021 anonymous expert interview survey](#), that some of those measures⁴ had no or even adverse effects. While assessments of the effectiveness of these mitigation measures are conducted by some RFB/RFMOs, they may be infrequent, inconsistent and/or reported across several committees, making them difficult to use in decision-making.

To address the need for clear, consistent and authoritative information to assess the effectiveness of existing mitigation measures, the pitch proposed establishing a standardized “status report” for different mitigation measures applied to CITES-listed sharks. This could take the form of a recommendation or conservation management measure (CMM) adopted by RFMOs and should include an assessment of a) implementation, b) compliance and c) mortality reduction, all of which should be demonstrated before a measure could be considered effective.

On the PRO side, the proposal could help RFMOs highlight their existing work to conserve and manage shark species, get recognition and provide assurances about the current and future status of stocks, where the effectiveness of mitigation can be demonstrated. Alternatively, it could trigger the exploration and implementation of new measures, where it cannot. On the CON side, these assessments can potentially be costly and sometimes “perfect is the enemy of the good”, meaning that it may be preferable to have an imperfect mitigation measure in place rather than none.

Discussion

Speaking from a fisheries management perspective, the lead respondent supported the proposal in general and re-affirmed that management measures should be assessed for their effectiveness, while pointing out the challenges presented by lack of data, in particular historical data, to assess their impact on stocks as well as varying capacity between RFMOs to conduct such assessments. The speaker acknowledged that a larger discussion on no-retention measures would be useful, recognizing in particular the negative impact they could have on data collection, and categorized them as interim

⁴ While such concerns initially focused on no-retention measures, the proposal was broadened to include all mitigation measures.

measures. The speaker further noted that some RFMOs were already including relevant information in their compliance reports, meaning that the proposed project would not entail too much additional work other than establishing a coherent, consistent process of compiling them.

In the broader discussion, several participants considered that the proposal would help highlight efforts by RFMOs, and outlined the different but complimentary roles played by CITES and RFMOs, with several suggesting that it would be helpful to also assess CITES' measures for effectiveness. Participants also stressed the importance of improving data collection and data-sharing, including the compatibility of data sets in RFMO/RFBs and CITES, in order to be able to assess management effectiveness, especially for bycatch species.

Poll result

Figure 1 shows the results of the live poll, with the center of gravity towards “slightly” and “strongly in support”. Participants who responded “Undecided” and “Slightly opposed” frequently noted the need for a reciprocal exercise for CITES measures in their written reactions.

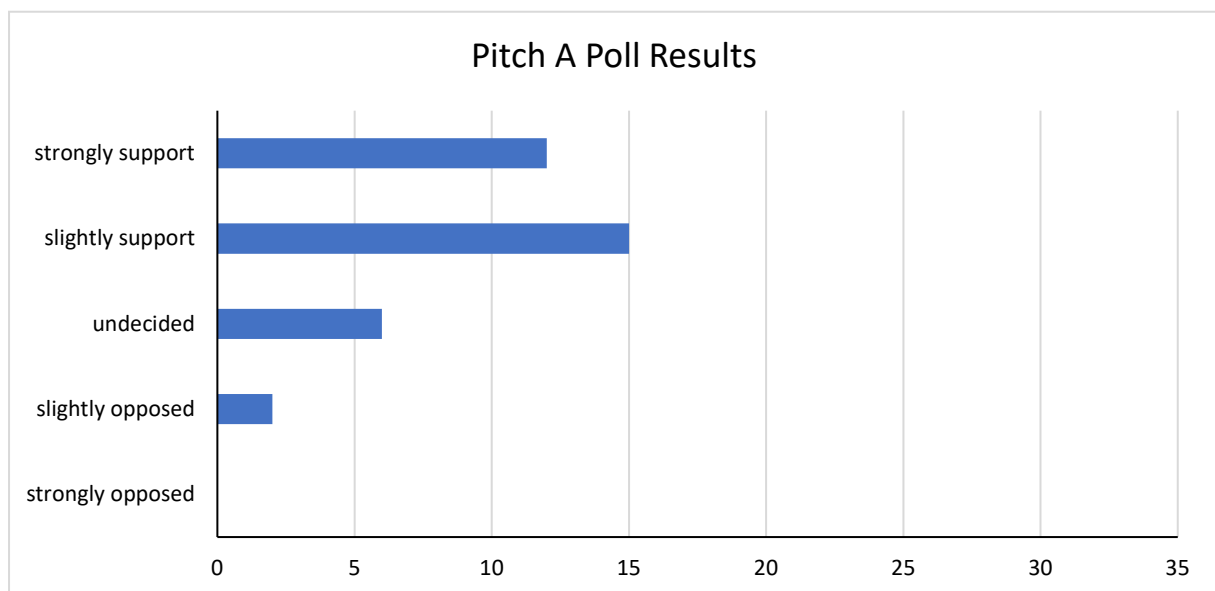


Figure 1: Live poll results for Pitch A: Evaluate Mitigation Measures

2.2. Pitch B: Coordinate reference points

Description

Past project discussions and outcomes have made it clear that the process of “listing” species under CITES, including the application of the CITES listing criteria, incites particularly strong divisions between CITES and fisheries communities. For this reason, the project has generally avoided delving into listing-related discussions. That said, past project discussions and outcomes have identified good data and analytical methods to support assessment, monitoring, management and decision making as a common priority, and have recognized RFMOs, in particular RFMO stock assessments, as one of the best available sources of information.

Aiming to contribute towards RFMOs and CITES “speaking the same language” on stock status, the pitch proposed to obtain a commitment from RFMOs (and more broadly RFBs) to include CITES' listing criteria (specifically FAO's Windhoek criteria for commercially-exploited aquatic species) as reference points in its stock assessments. Rather than serving as a management tool, these would be estimates for information only. Given the difficulty to estimate new reference points without accessing and re-

running the stock assessment model, including them in the RFB/RFMO stock assessment models in the first place would help avoid the need for unnecessary extra-/interpolations by proponents or analysts of CITES listing proposals.

On the PRO side, this proposal would facilitate the use of consistent methods to determine stock status of species proposed for listing and allow RFBs/RFMOs to more easily understand how CITES criteria relate to fisheries management reference points. On the CON side, this would require agreement on specific numerical reference points for CITES⁵, it would not necessarily resolve discrepancies between different models, and it would entail some additional workload for stock assessment analysts.

Discussion

Kicking off the discussion, the lead respondent voiced concern that the proposed activity on its own may primarily be seen as an additional burden on RFBs/RFMOs without any real benefit to them. The lead respondent also considered that a communication strategy about the differences between CITES and RFMO reference points is necessary. It was further pointed out that a) RFBs/RFMOs perspectives are regional in nature whereas CITES makes global decisions, and b) recent frictions were partially due not to listing criteria per se but rather the inclusion of look-alike species, both of which are not addressed by the pitch.

In the broader discussion, several participants argued that the tight timeframe for assessing listing proposals foreseen under CITES was an obstacle to science-based, broad consultation, with one recommending that proponents consult and share proposals in the development stage, well before the official document deadlines, to remedy that. Another participant flagged that short timeframes for stock assessments in RFBs/RFMOs are challenging and adding additional analyses may not be feasible. On the other hand, some participants considered this pitch could help clarify the differences between reference points used by fisheries management and CITES resulting in better communication of those differences. It could also reduce challenges of timing RFMO assessments with respect to the CITES listing process and increase the data available to CITES.

Poll results

Figure 2 shows the results of the live poll, with the center of gravity towards “slightly in support” and more participants “undecided” than “strongly in support”. Participants who responded “undecided”, “slightly opposed” or “strongly opposed” point out that the proposed project would not solve other, related disparities between CITES and RFMOs (see discussion above) and expressed concerns about the additional burden to RFBs/RFMOs.

⁵ Noting existing different interpretations about the application of the CITES listing criteria for commercially aquatic species and that CITES [Decision 19.189](#) adopted at CoP19 sets up a work stream to further consider this question in the intersessional period between 2022-2025.

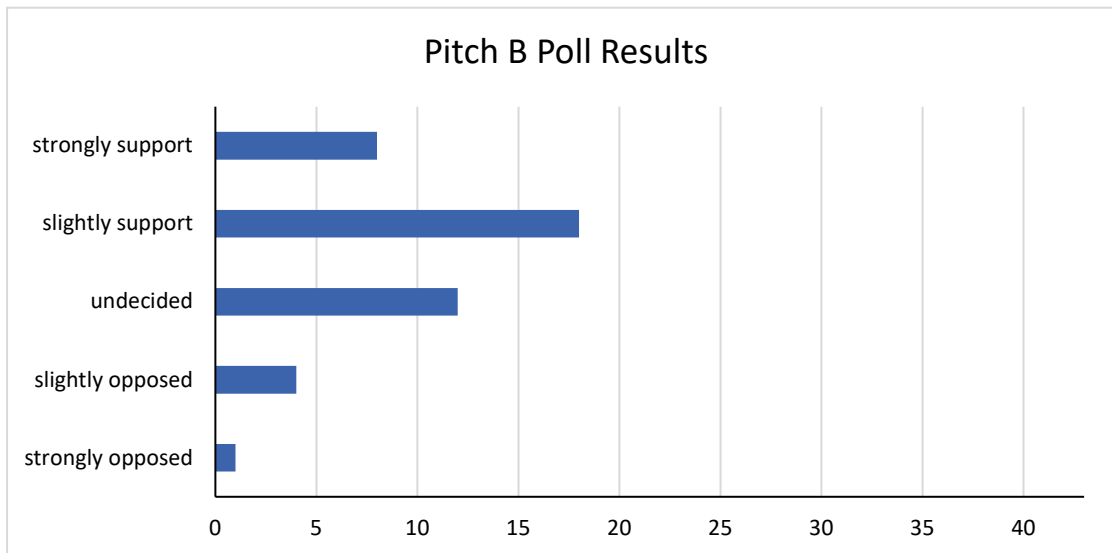


Figure 2: Live poll results for Pitch B: Coordinate reference points

2.3. Pitch C: Promote National Cooperation

Description

Throughout the project participants' had remarked that bridging the gaps between CITES and fisheries communities cannot be achieved by working at the international level only, but also requires improving cooperation at the national level.

In order to promote better alignment between environmental, customs/trade and fisheries authorities at the national level, the proposed project would identify effective existing national mechanisms in CITES-listed shark range States that could serve as models for countries without such mechanisms. This would present an opportunity for mutual learning and provide interested countries with models to trial. This could, for example, include mechanisms to share and cross check data between CITES and fisheries authorities, resulting in better alignment between the respective databases they report to, or ways of working together to improve species-specific information. It could also examine broader liaison processes to ensure that both sides are aware of each other's activities and able to act on national commitments in a coherent, coordinated manner.

On the PRO side, identifying and emulating examples of good national cooperation would result in more effective conservation and management for the sharks, greater opportunities for mutual learning and support, and improved efficiency and data consistency to inform national decision-making. On the CON side, reorganizing existing organizational structures can potentially be quite burdensome for any large organization. Furthermore, for a variety of reasons, it may be difficult to replicate successful models and systems from one country to another.

Discussion

Reflecting on the recent and ongoing experience of improving CITES-Fisheries coordination in their country, the lead respondent emphasized the difficulty – and need – to overcome historical silos. In their country, combining the two relevant teams under the same larger organizational structure and revising the country's National Plan of Action on Sharks and its subsequent implementation presented opportunities to assign clear responsibilities and improve coordination and communication. They also positively noted cross-cutting training between combined staff and customs, supported by a civil

society organization. The next challenges they foresaw were bringing this coordinated approach to the making of NDFs, speeding up the issuance of permits and improving trade data.

Other participants also re-affirmed the critical importance of improving cooperation at the national level and several provided examples of their national experience. Several highlighted the CITES Legal Acquisition Findings⁶ as one of the elements of CITES implementation where coordination with fisheries agencies was needed to verify whether fishers or dealers are correctly permitted and not the target of any fisheries enforcement action. One participant stressed the need to think about capacity building aspects, too, as some countries may not currently have the capacity or technical expertise to improve coordination. External funding and partnerships were stressed as important in some cases to put new processes in place. The initiatives of several international organizations were also introduced, including IATTC’s technical support to countries in the region to improve their national shark data collection programs. FAO’s development law service and the CITES Secretariat had also organized several regional workshops around the previously published [study and guide on implementing CITES through national fisheries legislation](#) and in that context had collected observations about how cooperation occurs and how it might be improved.

Poll results

Figure 3 shows the results of the live poll, with the center of gravity towards “strongly in support” and no one opposed. Most participants who responded “undecided” did not include a reasoning, except one, who stressed that the improved national coordination already needed to start at the stage of preparing listing proposals.

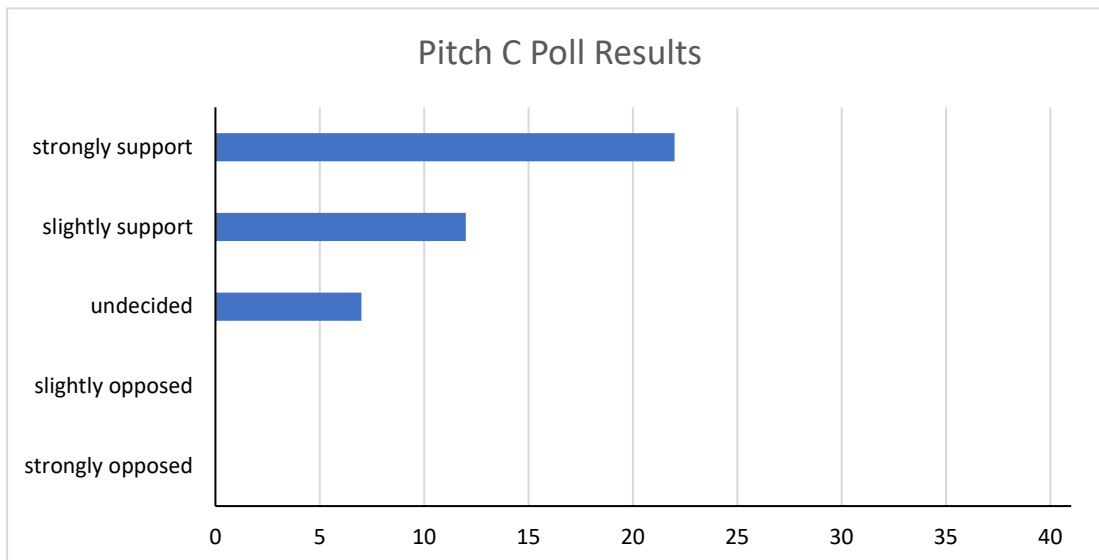


Figure 3: Live poll results for Pitch C: Promote National Cooperation

2.4. Pitch D: Explore RFMO NDF contributions

Description

A recurring theme of past discussions under the project has been how RFBs as holders of high quality data and a mandate to manage and conserve stocks of some CITES-listed shark species at a regional

⁶ Legal Acquisition Findings are determinations by the Management Authority of an exporting country that the specimens traded were not obtained in contravention of the relevant laws of that country. They are a pre-requisite for the issuance of CITES export permits.

level could best contribute to non-detriment findings (NDFs)⁷ under CITES. While CITES requires NDFs to be conducted by national scientific authorities, participants also noted that they would benefit from being informed by a regional view of shared stocks. Discussions therefore also included potential regional approaches, e.g. “Regional NDFs”. It was noted that CITES foresees national authorities consulting with relevant international bodies, but that additional guidance on the operationalization of those provisions, taking into account other relevant work⁸, would be helpful. It was also noted that CITES does not prescribe specific NDF formats, but that templates that countries could choose to use were available.

The pitch proposed to ensure that accurate, updated and consistent datasets for CITES-listed species are made available from RFMOs to CITES Authorities, leading to strengthened and better-aligned national NDFs across RFMO member states. To that end, a list of information that RFMOs hold that could inform CITES NDFs would be developed, and RFMOs would then periodically publish this information (e.g. stock reference points, catch and productivity data) as a repository for national authorities to consult.

On the PRO side, the project could help ensure that individual State’s NDFs were aligned with and did not exceed conservation limits of shared stocks, improve the quality and consistency of NDFs, and strengthen the link between RFMOs and national CITES authorities. Not necessarily on the CON side, it was noted that the proposal is silent on the questions of allocation and whether RFMOs could have roles in the NDF process beyond providing data.

Discussion

The lead respondent, reflecting on the experience of facilitating many national NDF workshops, highlighted the links and complementarity between CITES NDF provisions and RFMO measures, and more broadly on Legal Acquisition Findings and Introduction from the Sea (IFS). The lead respondent also noted that increasing national engagement in RFMO work was often a recommendation arising from national NDF workshops. They further reported on an electronic NDF that is able to draw on clearly formatted data sets and a Sharkipedia website to support countries in making NDFs.

During the following discussion, several participants sought additional clarification on the proposal, what type of data a CITES NDF would require and what a perfect NDF would look like. In response, it was re-iterated that CITES does not have strict requirements for what an NDF should contain, but that CITES does have an NDF peer-review process (Review of Significant Trade), which has not yet been triggered for sharks, as a safety net. The fact that CITES NDFs do not have strict NDF guidelines was a concern for some participants from the fisheries sector and participants noted that this could also be a challenge for the proposed project. Several participants stressed the need to share experiences and NDFs and noted that, while not compulsory, several countries had shared their national NDFs, NDF guidance and even regional NDF templates on the CITES website. It was noted that CITES CoP19 in November 2022 had approved a work stream to update NDF guidance across all taxa⁹, which included an aquatic species working group.

⁷ Non-detriment findings (NDFs) are determinations by CITES scientific authorities that an international trade transaction will not be detrimental to the survival of the species. They are a pre-requisite for the issuance of CITES export permits.

⁸ CITES [Decision 19.136](#) proposed by the UK and adopted at CoP19 foresees a technical workshop on improving NDFs made in the context of introduction from the sea, where multiple Parties take specimens from shared stocks. Additional detail is provided in the UK’s intervention on this matter under 2.6. The project proposed would be complementary to this workstream.

⁹ CITES [Decision 19.132](#)

Poll results

Figure 4 shows the results of the live poll, with the center of gravity towards “strongly in support”. Written reactions by participants who responded “undecided” or “slightly opposed” vary from requests for further refinement of the proposal over concerns about additional burden for RFMOs to reaffirming that individual States, not RFMOs, should be leading on NDFs.

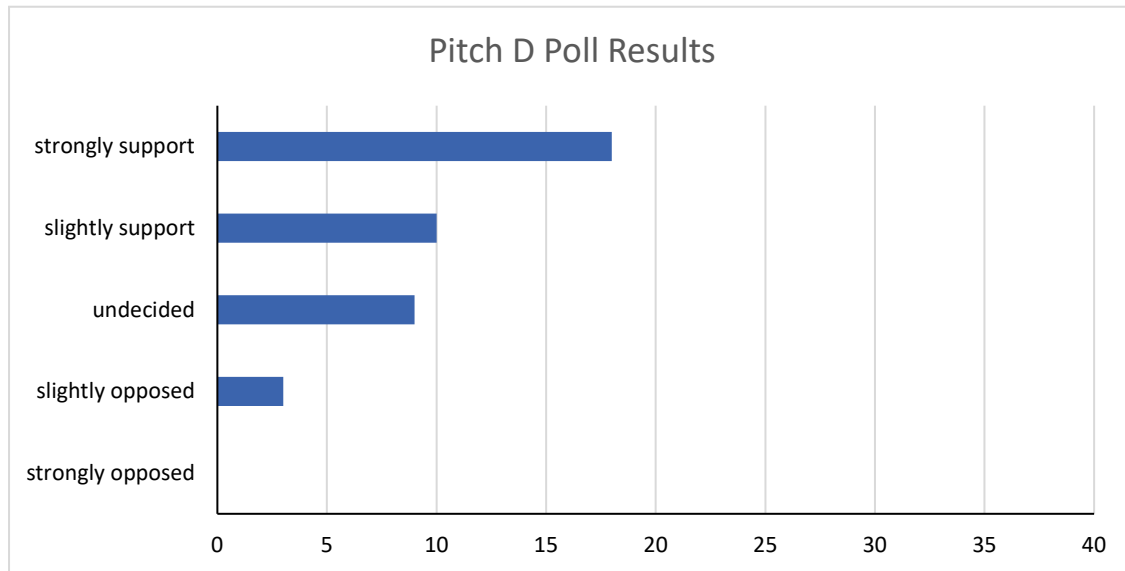


Figure 4: Live poll results for Pitch D: Explore RFMO NDF contributions

2.5. Pitch E: Resolve Scientific sample permitting

Description

Obstacles about the transfer of scientific samples posed by CITES have been flagged during many discussions as a major hindrance to CITES-RFMO collaboration across many relevant discussions. To properly conserve and manage shark species, we need to understand their population dynamics through continued study. This requires biological sampling, and for wide-ranging CITES-listed sharks, or international research teams, CITES export permits (or IFS) may be necessary. Several past attempts to resolve this issue have not had the desired effect. There is a new window of opportunity to resolve this matter via the CITES Animals and Standing Committees during the next three years.¹⁰

The project seeks to develop, and then rally support around, a proposal to resolving current obstacles to scientific sampling for CITES-listed sharks as part of the CITES dialogue on this issue. This proposal would aim to facilitate handling of shark scientific samples, without creating loopholes for illegal trade nor necessarily changing CITES handling of scientific samples for other species.

On the PRO side, achieving this objective would reduce costs and impediments for all Parties and ensure populations can continue to be studied – and it is uncontroversial. On the CON side, it would likely require a marine-specific solution, which past experience has shown can be difficult for CITES to agree on. There is also a danger of creating loopholes for illegal trade.

¹⁰ CITES [Decision 19.226 d\).](#)

Discussion

The lead respondent re-iterated the importance of solving challenges with regards to transfer of scientific samples of CITES-listed species generally, but specifically when there is a wildlife emergency, and for marine species and expressed serious concern about the permitting burden under the current system. They also re-iterated that past efforts to resolve this had not succeeded. At country level they were considering streamlining their own permitting process, for example by using a risk-based approach, but they also noted that in the context of Introduction from the Sea CITES Management Authorities of other countries may need to be involved, thus requiring a solution at the international level.

Other discussants also stated their strong support and shared past situations where data collection for CITES-listed shark species had suffered from the current situation.

Poll results

Figure 5 shows the results of the live poll, with the center of gravity towards “strongly in support”, with no one opposed. Most participants who responded “undecided” did not include a reasoning, but one shared their sentiment that this was a matter of national implementation that did not require additional guidance from a CITES body, while another acknowledged that it was an issue but did not consider it a high priority relative to other needs.

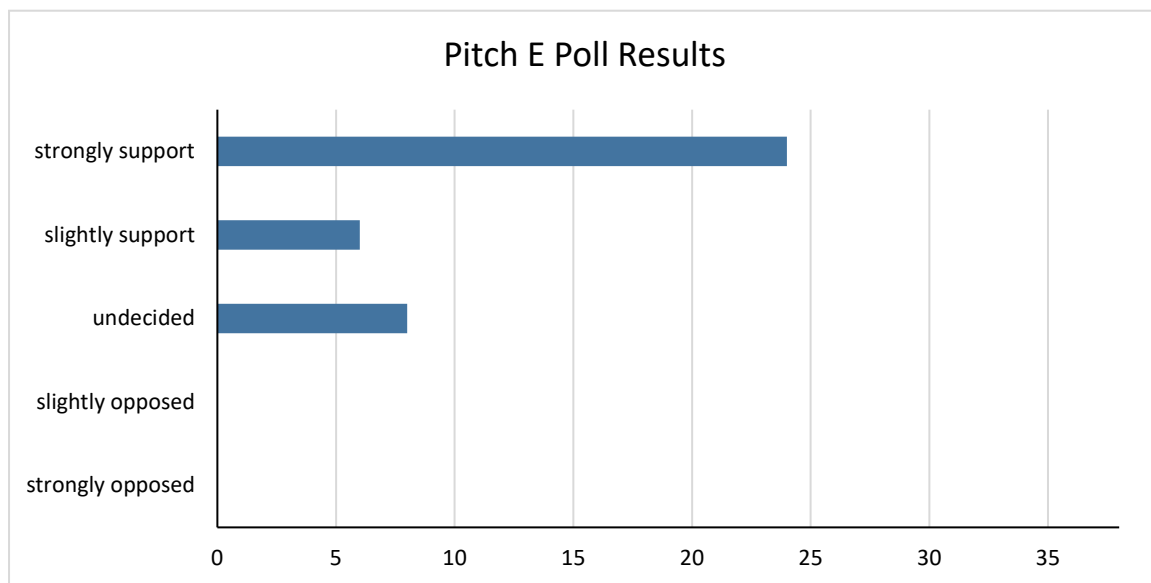


Figure 5: Live poll results for Pitch E: Resolve Scientific sample permitting

2.6. Other initiatives

Following the presentation of the five pitches prepared by the project team, the workshop provided an opportunity to invite others working on complementary initiatives to give an outline of their plans.

Jules McAlpine, CITES policy advisor at Joint Nature Conservation Committee (JNCC), the **UK CITES Scientific Authority**, recalled that his delegation at CITES CoP19 had submitted a [Document](#) that summarized challenges faced by Parties' Scientific Authorities in making NDFs for CITES-listed shark species from shared stocks in the context of IFS. They highlighted the lack of a simple mechanism for Parties to work bilaterally or multilaterally on such shared NDFs and then monitor their implementation. With a greatly increased number of sharks listed under CITES, the UK's delegation

saw a need for additional guidance. With the Decision subsequently adopted by CoP19, the Secretariat is now tasked with convening a technical workshop to consider how NDFs might be best achieved in that context. The workshop will bring together a range of key stakeholders who will also be asked to contribute their experience both prior and during the workshop. It will build on previous discussions, including from this project, and the second CITES NDF workshop scheduled for December 2023¹¹. Its planned objectives are to:

- Discuss what constitutes an international scientific authority, clarify the role it plays in the context of IFS and explore/formalize means of collaboration;
- Develop technical and practical guidance steps to improve the ability of Parties to make high seas NDFs for commercially fished aquatic species. Currently, there seems to be limited understanding of when conversations between Scientific Authorities and fisheries bodies should begin and how to maintain that dialogue.

This workshop mandated by CoP19 will make recommendations to CoP20, which is due to take place in 2025.

Shirley Binder, Ministerial Senior Advisor for the **Ministry of Environment of Panama**, provided an update on commitments made on national and international CITES implementation initiatives at the 2023 Our Ocean Conference in Panama¹².

3. Conclusion and next steps

The closing remarks for Workshop 3 were delivered by Dr. Jürgen Friedrich, Head of Unit “International Species Conservation, Wildlife Trade” at the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.

Reflecting on the discussion during the workshop, Dr. Friedrich considered the approach to bring the debate from a more general higher level down to specifics a success and a chance to give rise to a real concrete and structured conversation about possible solutions.

On the five pitches, Dr. Friedrich summarized that all of them received positive feedback, with pitches C and E receiving the most support, and that interesting and helpful comments had been made on how to develop those that received less support further, in particular pitch B.

Dr. Friedrich announced that Germany will keep working on the foundation created by the participants in this project. One option for follow-up considered by Germany was to convene a high level conference to facilitate mutual understanding, generating political will and broader attention for the topic.

He also stressed the importance to continue translating the ideas we developed in this workshop series into specific proposals for action.

Dr Friedrich further emphasized that while Germany had started this initiative, it was looking for other countries to join and he invited governments interested in taking more active role to approach Germany.

Dr. Friedrich officially closed the meeting by thanking participants, presenters, the project team and interpreters.

¹¹ Pursuant to CITES [Decision 19.132](#)

¹² See press release of the [Shark Biodiversity Initiative](#).

Annex: Live poll results for Pitches A-E.

