

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

- Key outcomes of the 2nd Webinar and identifying possible areas of focus for the 3rd Webinar –

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1. Background

The project “Improving synergies between Regional Fishery Bodies (RFBs)/Regional Fisheries Management Organisations (RFMOs) and CITES Authorities for the Management and Conservation of Marine Elasmobranchs” is based on the recognition that RFBs and CITES share common objectives in the recovery of depleted stocks, as well as legal and sustainable fisheries and trade of elasmobranchs, and that jointly delivering on these common objectives may often be hindered by current fragmentation between the CITES and fisheries communities. This initiative, led by the Federal Ministry for Environment, Nature Conservation, Nuclear Safety and Consumer Protection of Germany (BMUV), aims to identify strategies to more effectively coordinate and deliver the protection and conservation of elasmobranchs and to build bridges between the CITES and fisheries communities. Depending on the outcomes of these activities, BMUV is convening a high-level conference on these issues, and related actions identified in CITES Resolution Conf. 12.6 (Rev. CoP18) on the Conservation and Management of Sharks.

In 2021, the project elicited input from experts, including government officials (in their personal capacity) and other stakeholders via two processes:

- An international survey that followed a structured interview template and allowed interviewees to remain anonymous to facilitate more extensive participation and a greater degree of candor;¹
- A first webinar titled “CITES-RFMO Workshop 1: Setting the Scene” that was organized for two different time zones on 8 and 11 November respectively.

In both formats participants were encouraged to identify challenges and opportunities to improving synergies between CITES and RFMOs. The resulting discussions were analyzed and summarized into a background document to shape the next steps of the project, included in Annex 1 of this document.

A second webinar titled “CITES-RFMO Workshop 2: Developing approaches to improving collaboration” was held on 13th July 2022 to more deeply explore the identified, shared objectives between the CITES and RFB/RFMO communities and discuss specific examples of current or future opportunities for cooperation.

The aim of this document is to summarize the discussions of Webinar 2 and identify an initial short-list of concrete actions that this project could help take forward as a contribution towards improving future cooperation.

2. Summary of Webinar 2

The second webinar took place on 13th July 2022 and was titled “CITES-RFMO Workshop 2: Developing approaches to improving collaboration” with the aim to identify, as well as further refine, constructive and feasible ideas to improve understanding, communication, and synergies between CITES and RFB/RFMOs emanating from previous project activities, in particular the international survey and the first webinar. To support this, the project team conducted a preliminary analysis of the findings from previous project activities which fell into three broad categories:

- Shared objectives between CITES and RFMO communities
- Cooperation to avoid species decline to a level justifying CITES listings
- Cooperation with a CITES listing in place

¹ A summary report of the interview process is available here: https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Artenschutz/cites_interviews_summary_bf.pdf (last visited: 16.01.2023).

The second webinar was structured to begin with a session setting the scene and presenting the preliminary analysis of findings, which was also made available to participants as a background document in advance of the meeting. This was followed by three panels, each focusing on one of the categories identified. Participants & panelists were then divided into two smaller groups to reflect on the discussions and identify take-away messages.

In the identification and selection of panelists the project team took into account balance between environment and fisheries sectors as well as ensuring representation of regional backgrounds and gender.

Participation in the event was by invitation-only, with a focus on government officials (mostly attending in their personal capacity) to facilitate open & frank exchanges. The invitation list included all invitees of Webinar 1 and new participants that expressed an interest in attending.

The workshop was attended by 108 participants from 37 countries and over 30 international experts. Based on live polling during the workshop, 41% of participants had either fully or partially attended Webinar 1, while 59% had not. Participants from national governments made up 50% of attendees, followed by 26% from IGOs/Secretariats and 24% independent experts/Academia/NGOs. Participants were evenly split (33%) between those counting themselves as focusing on CITES/environment/trade, fisheries and both.

a. Introductory sessions and Panels

Introductory remarks were delivered by Dr. Jürgen Friedrich, Head of Division “International Species Conservation” at the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection as well as Mr. Bernd Söntgerath, Head of Division “Fishery management and control issues -IWC” at the German Federal Ministry of Food and Agriculture. The speakers used the opening remarks to explain the purpose of the project and outline positive examples of cooperation at the national level in Germany, while stressing that good cooperation at every level was needed for the implementation of CITES for listed species affected by fisheries.

While the Panels each had their own theme, discussions across all three panels touched on several common themes. Discussions are therefore summarized by theme, not by the Panel in which they took place.

b. Theme 1: Shared vision and objectives

Throughout the Webinar, panelists and discussants identified the need to build a **common language**, which some pointed out needed to include an understanding of each other’s processes and methodologies and avoid terminology that was perceived as conflictive by counterparts. It was also remarked that the simpler this common language could be, the better. It was considered that joint work on legal frameworks² had delivered some progress towards a common language.

Panelists and discussants agreed that CITES and fisheries communities overarching shared objective was **sustainable management** and there was value in continuing to build **long-term bridges** between the two. To achieve that overarching aim participants said that both had an interest to invest in **management effectiveness**, i.e. that once management measures are put in place, they are implemented in a way that maximizes synergies and minimizes negative effects, and to support countries’ implementation of such measures through **capacity building**, another shared objective.

² In particular FAO’s 2020 study & guide on “Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora through national fisheries legal frameworks”, <https://www.fao.org/documents/card/fr/c/cb1906en/> and follow-up work thereof. (last visited 16.01.2023).

Positive examples of existing, built-in synergies, such as in the FAO Port State Measures Agreement (PSMA), or new synergies, such as in the new FAO guide on Understanding and Implementing Catch Documentation Schemes³, were also highlighted.

Discussants emphasized throughout the webinar that cooperation and coordination was necessary on all scales, but that improved **coordination at the national level** and national leadership on promoting coordination and coherence was particularly crucial. The contrast between CITES being global and RFBs/RFMOs being regional instruments was also discussed with many arguing that it would be helpful to think about **regionalization** of parts of CITES' implementation, in particular data sharing and capacity building.

Speakers identified access to **good data** and **analytical methods** to inform decision making as a joint objective, pointing out that implementing CITES for fisheries species usually depended on fisheries/RFMO data, while also acknowledging that CITES trade data can be a useful complementary data source for fisheries managers. On the flip side, both CITES and fisheries communities have an interest in methodologies that still allow for decision making in **low information** situations and some less data hungry methods were pointed out.

Following the broader theme of management effectiveness, another common objective of both communities identified was to “do right” by **bycatch or “non-target” species**, which some pointed out was a part of operationalizing the Ecosystem Approach to Fisheries. Discussants remarked that there were differences in the approach to precaution and risk between the communities and some thought it would be helpful to find agreement on when special tools outside of regular fisheries management were needed. One concern about using CITES listings as such a tool, voiced by some discussants, was the perception that a CITES-listing was permanent and that a **review or de-listing** was not possible.

More broadly, a common objective that underpinned many discussions, but was not made explicit was not unintendedly hampering or undermining **scientific research** through either RFMO or CITES measures.

While many shared objectives were identified, it is also important to point out that differences exist on the extent to which **socio-economic considerations** needed to be taken into account. This was emphasized by many discussants from the fisheries community but only a few from the conservation community.

c. Theme 2: Cooperation prior to species being listed on CITES Appendices

One key takeaway message under Theme 2 was that it would be helpful for the CITES and fisheries communities to **start conversations much earlier**, before listing proposals or listings, and to **maintain that dialogue** in a continuous manner, in particular at the national level, after listings are in place. Among other topics, this dialogue could contribute to shared priority setting and exchange of views on when special management measures could be warranted. One particularly difficult, but recurring topic in that regard was how **socio-economic factors and equitability** were taken into account differently in the two communities when considering if special management measures are warranted.

Some discussants reflected that CITES listings often originated from the **perceived failure of RFMOs** to manage particular, usually non-target, species and that expanding RFMOs mandate explicitly to elasmobranchs, where that has not already been done, would be helpful. Others stressed that RFMOs' mandates & capacities widely differed. Some discussants raised a concern that zero-retention measures put in place by RFMOs as a “default” measure for depleted shark population were not the

³ More Information available at: <https://www.fao.org/documents/card/en/c/cb8243en> (last visited 16.01.2023).

right tool, caused challenges with data collection and need to be reviewed in terms of their effectiveness.

More broadly, discussants identified **opportunities for mutual learning** on compliance and implementation gaps. Several cross-cutting implementation challenges, such as bycatch mitigation, species identification, national data collection, regional data harmonization and sharing and updating national legislation were mentioned as areas in which **joint projects for capacity building** could already take place, benefitting both CITES-listed and non-listed species. Coastal and artisanal fisheries were further highlighted as areas in which both CITES and RFMOs have a shared interest to improve understanding and tools.

The CMS Sharks MoU Secretariat and additional RFMOs/RFBs, beyond those already invited, were pointed out as additional relevant actors to include going forward.

Some suggested that CITES could learn from tuna RFMOs' (t-RFMOs') practice to conduct **regular performance reviews**, including the possibility to down list a species if the CITES listing was no longer warranted.

d. Theme 3: Cooperation on species for which a CITES listing is in place

Many of activities identified under Theme 2, in particular the need for continued dialogue between sectors across all levels, were also identified as important once a CITES listing is in place. In addition, and in line with the shared objective of management effectiveness under Theme 1, participants of the Webinar discussed ways to minimize negative effects and maximize synergies between CITES and fisheries management tools.

With regards to reducing friction, many discussants emphasized the need to address existing **problems with the transfer of scientific samples**. Several participants spoke from personal experience that the current system, despite recent revisions, was not workable from a fisheries science perspective and had negative effects on fisheries science and conservation.

Discussants also frequently stressed that while CITES operated on a global level, RFMOs had regional mandates and that thus it would be helpful to **regionalize some aspects of CITES implementation** to improve synergies. The most frequently mentioned aspect in that regard were regional Non-Detriment Findings (NDFs) in which RFMOs could play a large part. It was noted that CITES does foresee consultation with international bodies on NDFs, but that “something was missing” to operationalize it in the context of fisheries. One of the participants announced that the UK had submitted a document on this particular subject to the upcoming CITES CoP19⁴.

Some discussants highlighted that both fisheries bodies and CITES created reporting obligations to their respective members that can be a significant burden and that **harmonizing data and reporting requirements between the different instruments** would be a helpful way to reduce that burden. Expanding this proposal of harmonization beyond reporting, it was also pointed out that several fishery processes already map well onto CITES processes (e.g. legal provenance in the new FAO guide on Understanding and implementing Catch Documentation Schemes tool vis-à-vis CITES' Legal Acquisition Findings (LAFs)). It may be worthwhile to ensure others will do so in the future, too (e.g. RFMOs feeding into CITES NDFs).

With regards to strategies how the organizations could start to improve cooperation in practice, several discussants emphasized the need to leave political aspects behind and “just get on with it” with

⁴ See document CoP19 Doc. 43.2: <https://cites.org/sites/default/files/documents/E-CoP19-43-02.pdf> (last visited: 16.01.2023).

an emphasis on **looking for practical ways to jointly deliver on day-to-day tasks and existing workstreams.**

Capacity building in particular was highlighted across discussions and by many panelists as a unifying objective between sectors. Capacity building can improve individuals' skills and expertise and foster a shared understanding and language of key terms and processes, as well as build working relationships between different government branches and States with shared stocks. There was general agreement that such capacity building needed to be **continued in the long-term** in order to be effective. Specific examples for areas in which joint capacity building would be possible were legislation, species identification, data collection, data storage, data analysis, different assessment methodologies and specific CITES provisions, e.g. NDFs. Some emphasized that the infrastructure to deliver such capacity building would best be developed and delivered in a regional context and available to Parties "on demand".

Other topics identified as **potential joint interests** or priorities of both communities (non-exhaustive) included addressing IUU Fishing (with a focus on the "I"), improving understanding of artisanal fisheries and related implementation needs, exploring the usefulness of new technology (e.g. Artificial Intelligence-facilitated identification), sharing experiences and best practice on bycatch mitigation as well as the application of alternative assessment methods (e.g. productivity-susceptibility analysis and risk assessments).

Mirroring discussions under Theme 1, discussants noted that cooperation between CITES and fisheries needed to continue to be advanced **at multiple levels**, including the Secretariat level, but also the national level and that while informal conversations and personal relationships were important to facilitate joint work, cooperation also needed to be anchored at the institutional level. Dedicated staff, either within organizations or shared between organizations ("boundary spanning"), long-term engagement as well as reliable financing of cooperation were identified as factors facilitating cooperation.

Last, but not least, **lack of funding** was universally recognized by participants as a major concern and perceived or real competition over funding was recognized as an obstacle to cooperation. Restricted access to some private funding sources was also mentioned as a concern. To address this and create an additional incentive for cooperation, some participants proposed the idea of a common fund that could only be accessed for joint activities.

Other practical suggestions to support cooperation were to create directories of relevant CITES and fisheries contacts, establish a platform where information of interest to both communities could be shared and explore whether the Regional Fisheries Bodies Secretariat could play a role to improve cooperation at the Secretariat level.

e. Synthesis from Panels and Group work

After the panel discussions, participants were divided into two parallel breakout groups for one hour. Under the guidance of a moderator the breakout groups discussed four topics, which will be used as sub-headers for this section and which were summarized and afterwards reported back to all participants by a notetaker.

f. Feedback on proposals from the presentations and panel discussions

In general, feedback on the project and Webinar 2 was very positive. Asked to provide feedback on the practical and forward looking proposals so far identified, discussants re-iterated and emphasized in particular:

- Fostering cooperation on practical, technical joint priorities, in particular legal and regulatory capacity building (and leaving politics aside).
- Capacity building as a unifying priority and good starting point for cooperation.
- Ensuring that both coordination and cooperation were continuous, long-term with dedicated staff or focal points.
- The need to have coordination at all levels, including improving national-level coordination in many countries.
- The need to resolve CITES' current negative impact on scientific research.

g. Other good practice examples to build on

Specific good practice examples mentioned by participants include:

- At the International level: CITES-FAO joint capacity building activities on implementing CITES in fisheries legislation, the International Council for the Exploration of the Sea (ICES) work on eels, the Convention on Migratory Species (CMS) work on eels and sharks.
- At the Regional Level: South-East Asian Fisheries Development Centre (SEAFDEC) support to countries on identification, data collection and on-demand capacity building. The Pacific Community's Fisheries Experts Directory. UN Environment Programme (UNEP), Mediterranean Action Plan Specially Protected Areas (MAP SPA), and Regional Activity Center (RAC) work on bycatch mitigation in the Mediterranean.
- At the National level, the USA, Senegal, New Zealand and Canada were mentioned as positive examples for where coordination already worked. For New Zealand it was pointed out that having a council of scientific authorities was helpful. Iceland was recognized for its national system to incentivize continued data collection for bycatch species from fisheries in the North-East Atlantic Fisheries Commission (NEAFC).

h. Upcoming opportunities to progress

In the context of upcoming opportunities, participants flagged CITES CoP19 as the most immediate. It was noted that document CoP19 Doc. 43.2 on "Making non-detriment findings for specimens of Appendix-II species taken in the marine environment not under the jurisdiction of any State" submitted by the United Kingdom aimed to start a workstream to address some of the questions around involvement of RFMOs in the making of NDFs.

Participants also re-iterated the value of members of the CITES community attending fisheries meetings and vice-versa, but some pointed out that it was important for this participation to be targeted, e.g. on issues with joint priority, and that accesses needed to be reciprocal.

Participants also re-introduced the idea of a common fund to incentivize cooperation and reduce competition between sectors.

i. What can be done now to help?

As part of the overall theme of acknowledging each other's contribution and reducing competition, some participants noted the importance of members from both communities checking the language they use to communicate to ensure it is not hurtful or alienating to the other community, in particular going up to CITES CoP19.

Participants in particular on the fisheries side emphasized that cooperation and coordination needed to be streamlined in current work programs and meetings, without the need for additional meetings, given existing capacity and time constraints.

3. Re-capping and planning for Webinar 3

a. Options for follow-up identified during Webinar 2

Webinar 2 saw rich discussions across its three main Themes. The two breakout groups helped to further expand on some questions, e.g. identifying examples of best practice from the international to the national scale, and to get some initial validation for which of the topics and proposals were seen as most important by participants. There were many recurring topics across those discussions and this section identifies an initial short-list of areas of focus for potential follow-up during Webinar 3 and beyond.

Discussions under Theme 1 “shared vision and objectives” were mostly aspirational rather than practical, but given generally positive feedback that shared objectives exist and repeated calls for finding common language, they may lend themselves as a starting point for developing a **political declaration or similar outcome document** in preparation for the high-level conference. This would require a shift from the current mode of the project where experts, even from governments, largely contributed in their personal capacity, to a mode in which participants represent their countries and respective organizations. Given the government-led nature of this project, a political declaration could, among other elements, include a commitment for improved national level coordination, which was a recurring priority discussed across Webinar 2.

That said, discussions also identified some issues that could present continuous obstacles to further improving cooperation and coordination. **These are issues that countries could decide to work together on to resolve at the CITES and RFMO levels** respectively.

On the CITES side, these could include:

- Unblocking the current **deadlock on scientific samples** that has a detrimental effect on conservation and fisheries science.
- Clarifying, and if necessary unblocking, RFMOs’ role in the making of **regional NDFs**
- Clarifying, and if necessary and desired operationalizing, **CITES’ periodic review** as a tool to remove species from the Appendices if they no longer meet the listing criteria.
- Exploring the inclusion of **socio-ecological considerations** in the post-listing stage of relevant CITES processes.

On the RFMO side, these could include:

- Clarifying, and if necessary unblocking, RFMOs’ role in the making of **regional NDFs**.
- **Improving overall management of sharks** in RFMOs, ensuring RFMOs have the mandates required to do so.
- **Reviewing the effectiveness of no-retention measures** and consider alternative management measures for reducing mortality of by-caught sharks.

Countries may also wish to consider if they include dedicated staffing for the interface between CITES and fisheries (or more broadly environment/conservation and fisheries) among the issues to coordinate on and jointly advance in the respective fora.

Identifying concrete actions to take forward resonates well with another recurring statement throughout Webinar 2, namely that **cooperation “on the ground, at a technical level”**, was conducive to grow trust and strengthen cooperation and coordination by tapping into the day-to-day work of organizations and supporting delivery of core work, rather than spending too much time on political

considerations and depending on additional processes. **Capacity building**, in particular on legal and data related matters, was mentioned repeatedly as an example for a joint, concrete priority that cooperation could build on and that benefitted cooperation at the national level in countries receiving capacity building. There were also a few areas identified where CITES and fisheries communities may have an interest in **joint research**.

Thinking about means of implementation, one concrete proposal on how to incentivize the CITES and fisheries community to proactively develop and identify such joint projects and work programs, while at the same time helping to alleviate the chronic under-resourcing of both sectors, was to establish a **fund for joint projects**. If such an idea were to be pursued, one question would be if such a fund could also help fund **“boundary-spanning” staff** dedicated to cooperation between CITES and fisheries, which was another, separate proposal.

Last, but not least, several potential tools to facilitate cooperation were proposed, namely:

- A joint calendar.
- A joint directory of contacts.
- A platform to share relevant information.

b. Options for follow-up from previous project outputs?

Before identifying concrete possibilities for follow-up in Webinar 3, it is also worthwhile to briefly look at which ideas/ proposals had been identified in previous steps of the project and summarized in the background document (Annex 1) that were not picked up in Webinar 2.

Discussions at Webinar 2 went into less detail on methodology to deal with data poor species and considerations on how to better operationalize the Ecosystem Approach to Fisheries than previous discussions in the project, but these details could (and should) easily be picked up again when developing joint activities.

While there was some discussion on how countries already active in CITES/RFMOs/RFBs could further improve, e.g. increasing national leadership in bridging the gap between the two sectors, discussions at Webinar 2 did not at all address the challenges presented by countries that do not – or rarely- implement either CITES or RFMO measures, e.g. “Flag of convenience” states.

Also not picked up in Webinar 2 were the ideas of an exchange program between fisheries and CITES experts and the idea of establishing a joint CITES-RFMO/RFB committee. The fact that neither of these seemed to get traction is consistent with the statements made by participants in particular from the fisheries sector that cooperation could not depend on additional workstreams or meetings, given their already overloaded schedules. It is worthwhile noting that at CITES CoP10 a proposal was made to set up a permanent marine working group, that was not accepted at the time, but could be revisited⁵.

c. Moving towards an initial shortlist of proposals

Given that Webinar 3 is planned to be the last webinar of this project and that it will be followed by a high level conference, it may be helpful to use Webinar 3 to convene a group of governments that would be interested in further exploring and moving the identified issues forward together and that could evolve into a “Friends of the Chair” group between Webinar 3 and the High Level Conference.

To facilitate a more focused discussion of issues arising thus far in the project the project team organized an internal workshop where concrete proposals—all of which arose from discussions in the interviews and/or webinars-- were introduced and then critiqued by the rest of team for their usefulness, attractiveness and practicality. The resulting list, which can be found on the next pages, is

⁵ See agenda item 28 [CITES CoP10](#) (no document available). (last visited: 16.01.2023).

by no means exhaustive and the project team envisions and expects participants in Webinar 3 to critique or amend proposals as they see fit.

The current list of proposals that States could consider and potentially operationalise are as follows:

1. **Reference points:** Work towards inclusion of CITES stock status-related listing criteria into RMFOs' stock assessment process as a standard practice to ensure these reference points are evaluated within a stock assessment framework rather than produced through approximations at a later date.
2. **Evaluate no-retention measures:** Develop a process under which RFMOs annually produce a publicly available "status report" containing standard metrics of implementation, compliance and actual effectiveness (population recovery) of no-retention measures for all CITES listed species.
3. **RFMO consultation:** Devise and promote a coordination process between relevant RFMOs and listing proponents that allows for timely consultation on listing proposals. Promote coordination between the CITES Secretariat and relevant RFMOs on listed species managed by RFMOs.
4. **National models of cooperation:** Conduct a study in a diverse set of countries to find and document national mechanisms for shark data improvement/integration, and coordinated management between fisheries, environmental and trade authorities. Identified learnings from this exercise can help inform Parties in the development of new processes or strengthening existing processes.
5. **NDF template for regional bodies:** Identify or develop basic templates suitable for regional NDFs that can be used, adapted as needed, and periodically updated by the RFMOs' scientists for the most critical species. Ideally, the basic RFMO NDF template would be easy to extract from the latest stock assessment and after being presented to the scientific committee (and revised if necessary) would be available on the respective RFMO's website as a step toward consistency between national NDFs for the same stock.
6. **Facilitate scientific sample permits:** Bring together fisheries and CITES practitioners to develop a pragmatic and feasible solution to the challenges faced by scientists in transferring scientific samples of CITES-listed sharks and feed it back into CITES processes scheduled to be taking up this issue.
7. **Joint fund (inter-sectoral, bridge-building):** Establish a multi-donor fund to finance projects that address joint CITES-RFMO priorities and advance cooperation between the sectors. Such a fund would put CITES-RFMO cooperation on a more continuous and reliable footing, independent of CITES Conference of Parties cycles and incentivize cooperation and continued joint-priority finding. Joint technical work in implementing funded projects also contributes to building shared understanding and language as well as improving working relationships between sectors.

We are inviting reactions to suggested list of proposals above to be shared at the third Webinar on 24 February 2023.

Considerations might include to what extent each proposal individually and as a package (i) helps address challenges discussed in the previous webinars or builds on good practice identified (usefulness); (ii) is practicable with what if anything would be needed to implement (practicality); and (iii) is likely to find support across the RFMO and CITES communities (attractiveness). These three factors are identical to those discussed at the internal workshop, as discussed in section 2c.

As mentioned above, the initial list is not exhaustive. We invite additional suggestions.

We are particularly keen to hear from countries that might be interested in developing proposals further in collaboration with others.

Advance feedback will allow us to integrate concerns into the presentation of the proposals at the upcoming Webinar 3 and the identification of next steps.

Please contact us as sharks@bmuv.bund.de

4. Annex 1 - Improving synergies between Regional Fishery Bodies and CITES Authorities for the Management and Conservation of Marine Elasmobranchs⁶

- A summary of key inputs collected so far –

Background

The project “Improving synergies between Regional Fishery Bodies (RFBs)/ Regional Fisheries Management Organisations (RFMOs) and CITES Authorities for the Management and Conservation of Marine Elasmobranchs” is based on the recognition that RFBs/RFMOs and CITES share common objectives in the recovery of depleted stocks, as well as legal and sustainable fisheries and trade of elasmobranchs and that jointly delivering on these common objectives may often be hindered by current fragmentation between the CITES and fisheries communities. This initiative, led by Germany, aims to identify strategies to more effectively coordinate and deliver the protection and conservation of elasmobranchs and to build bridges between the CITES and fisheries communities.

In 2021, the project elicited input from government representatives, experts and other stakeholders via two processes:

- An international survey that followed a structured interview template and allowed interviewees to remain anonymous to facilitate more extensive participation and a greater degree of candor
- A webinar titled “CITES-RFMO Workshop 1: Setting the Scene” that was organized for two different time zones on 8 and 11 November respectively.

In both formats participants were encouraged to identify challenges and opportunities to improving synergies between CITES and RFBs/RFMOs.

The aim of this document is to summarize the main findings from the interview report and webinar 1, with a focus on forward-looking ideas & proposals, that the second workshop titled “CITES-RFMO Workshop 2 – Developing approaches to improving collaboration” can build on.

Challenges

While the focus of Webinar 2 and steps after that will be on identifying constructive and feasible ideas to improve understanding, communication, and synergies between CITES and RFMOs, there is great value in reviewing key challenges identified by participants, both to show that concerns are listened to and to streamline possible solutions throughout future outputs of this project.

Among participants there was wide recognition of a disconnect between the CITES/Environment and RFB/fisheries communities, with a few notable exceptions. It was evident, in particular during the webinar, that the process of amending the CITES Appendices (i.e. “listing” species) incited particularly strong divisions. Contributing factors to the disconnect named by participants were historical siloes (including at the national level between the ministries responsible), pre-conceptions about inherent conflict or perceptions of conflict regarding mandates, distrust between actors, but also structural challenges. These include a lack of (formalized) communication, a lack of understanding of each other’s mandates and key processes, as well as a lack of dedicated capacity and resources that potentially hamper the efforts of each to address the first two structural challenges.

⁶ First published on 05.07.2022

On the positive side, participants widely recognized the importance of both CITES' and RFB's/RFMOs contributions to the conservation of elasmobranchs and were generally supportive of efforts to improve synergies and build bridges between the CITES/Environment and RFB/fisheries communities, with many emphasizing the long-term nature of the process.

Opportunities

Opportunities highlighted and proposals made by participants that lend themselves to be discussed further in the immediate context of Webinar 2 fall into three broad categories that correspond to the Panels of Webinar 2:

- Identifying shared objectives between the CITES and RFB/RFMO communities (Panel 1)
- Cooperation between the CITES and RFB/RFMO communities on non-CITES listed species to avoid their stocks declining to a level where they qualify for a CITES-listing (Panel 2)
- Cooperation between the CITES and RFB/RFMO communities on common objectives for CITES listed species (Panel 3)

Below, this document attempts to summarize the key ideas and proposals that have been made under each of these broad categories, with the aim that they can inform the discussions of Panels 1-3 at Webinar 2.

Panel 1: Shared vision and objectives

When asked about possibilities to improve cooperation between the CITES and RFB/RFMO communities, some participants suggested it might be helpful to first identify and articulate common objectives and a common vision that can guide the development of focused, practical projects at the national, regional and international level. Areas of mutual concern identified by participants included:

- Good Data (quantity and quality) and analytical methods: to support assessment, monitoring, and management decision-making;
- Management Effectiveness: management bodies (RFB/RFMOs) are "doing good" by the stocks or species, and CITES is delivering its mandate of legal, sustainable, and traceable trade, maximizing synergies, and minimizing negative effects where there is overlap
- Operational Effectiveness: CITES/MEAs, RFBs/RFMOs, and FAO, and their nation members, have the necessary capacity and infrastructure to implement, monitor, evaluate and report on implementation of their international commitments against agreed indicators; and
- Compliance: there is joint interest in achieving a "good" level of compliance with RFB/RFMO CMMs and other requirements and CITES rules, in particular regarding data reporting, transposing legal obligations into national norms, and reducing IUU fishing and illegal trade.

One suggestion for a common vision was that both CITES and RFB/RFMOs work towards a world in which no commercially fished elasmobranch species decline to a level where they meet the CITES listing criteria and that the status of those species that are already listed or qualify for listing improves to a level where they no longer meet the CITES listing criteria.

Another common, cross-cutting topic raised by several participants that Panel 1 could discuss further was the question of national leadership and the need to recognize that all international commitments made by Parties should receive equal priority. Several participants, particularly during the interview process, highlighted concerns in the fisheries community about a stronger role played by NGOs in CITES (versus in RFB/RFMOs), which some saw as primarily focused on achieving new listings, while others acknowledged the significant contributions and expertise of some NGOs with regard to CITES implementation for sharks. Participants re-iterated that Parties were the sovereign decision makers in both CITES and RFB/RFMOs and that strong leadership by Parties was required both in nationally coordinating their positions in the respective fora and to support efforts to improve coordination and synergies between the two communities. Leadership is required both in terms of proposing or

supporting decisions to that effect and making available the necessary resources to implement them. Participants also suggested that improving synergies between CITES and RFB/RFMO communities would benefit from continuous leadership by individual actors or a small group (“critical mass”).

Panel 2: Cooperation prior to species being listed on CITES Appendices

It was widely acknowledged by participants that CITES’ mandate focused on elasmobranch species whose stocks were depleted to a level where they may benefit from trade regulations and that in an ideal world, no elasmobranch stocks would decline to that level. Many proposals made by participants therefore focused on how the CITES and RFB/RFMO communities could cooperate prior to species being listed on the CITES Appendices to ensure commercially fished elasmobranch species do not qualify for or justify a later CITES listing, recognizing that the ultimate decision to propose and list species rests with the Parties as sovereign decision makers.

It was broadly acknowledged in the interviews that RFB/RFMOs should be doing a better job in managing catches of sharks in fisheries under their remit. The suggestion was made by several individuals that if RFB/RFMOs had acted sooner and more effectively to stem the depletion of shark species, perhaps there would not have been a need to list them under CITES. Specific proposals made by participants of how this could be further assessed, and constructive proposals be developed, included:

- Reviewing the effectiveness of zero-retention measures for sharks under RFB/RFMOs: several participants raised concerns that while zero-retention measures were used as “default” measures for depleted shark populations they may have no or even negative effects.
- Reviewing the RFB/RFMO Performance Reviews for implementation issues and recommendations relating to sharks and the uptake of advice on sharks from the RFB/RFMO shark and bycatch working groups by their respective Scientific Committee and Commission. Several participants suggested that CITES could benefit both from any lessons learned from this as well as from considering a similar review process.
- Develop models and protocols to quantify and review the implications of catch quota decisions for target species for sharks and other associated/ecologically related species that allow secondary catches and impacts of quota decisions to be taken into account in RFB/RFMO decision making.

Another area widely recognized by participants as being in the common interest of both communities was improving data availability for elasmobranch species and agreeing on methods and approaches for dealing with poor-data situations. Specific proposals included:

- Analyzing reporting by RFB/RFMO Contracting and Cooperating Parties (CPCs) on shark catches and bycatches, identifying those CPCs that are consistently not reporting on sharks and identifying strategies to improve or remedy this. The analysis could be done in collaboration with similar RFB/RFMO compliance processes, where ongoing, and should include stated reasons behind shortcomings in reporting and review options, including additional external funding, for addressing the capacity and other gaps identified. Given that CITES Resolution Conf. 12.6 (Rev. CoP18) also makes several recommendations on cooperation and reporting applicable to non-listed species, some of the follow up could be within CITES.
- Developing, agreeing and adopting stock assessment methods for data-poor species, such as those developed under the FAO-led Areas Beyond National Jurisdiction (ABNJ) Tuna Project. Existing models for RFB stock assessments require rich datasets that are not available for most sharks. The ABNJ Tuna Project developed new assessment models that are more appropriate for the data available for sharks, but additional technical work is needed to review and finalize these models, which could make a major contribution to breaking the current “no data no management” conundrum for sharks. The same methods can also help underpin CITES Non-detriment Findings (NDFs) for listed-species, which require less detail than traditional

RFB/RFMO assessments. In the meantime, some participants suggested that productivity susceptibility analyses could also help to provide advice on data-poor species.

Panel 3: Cooperation on species for which a CITES listing is in place

Given the focus of this project on improving synergies between CITES and RFB/RFMO communities, it is not surprising that participants made both many and specific proposals on both the substantive areas where they see opportunities to improve coordination and collaboration, as well as the mechanisms and means of implementation through which they could be delivered.

On the substantive areas, participants highlighted a lot of room to address operationalization challenges and accommodate and support each other's processes, including by:

- Finding and disseminating solutions to facilitate the transfer of scientific samples for RFB/RFMO mandated research.
- Avoiding trade and retention bans solely due to lack of data or capacity.
- Improving data sharing and adapting data products, where possible, to data standards and needs. For example, CITES' NDFs require less statistical rigor than typical RFB/RFMO assessments but are also needed for non-target listed species.
- Highlighting existing or finding new possibilities for RFB/RFMOs to support NDFs at a regional level. There was consensus amongst most participants of the desirability of collaboration on CITES NDFs for shared stocks of CITES-listed shark species, but few, if any Parties have requested RFB/RFMO engagement.

Participants clearly expressed that progress cannot be achieved by solely working at the Secretariat level, but that work is also needed at the national level. It was also widely recognized that investment in joint capacity building for implementation at the national and regional level would be beneficial, including but not limited to rolling out the [2021 FAO guide on implementing CITES through national fisheries legal frameworks](#). Further opportunities for continued cooperation mentioned included socializing "NDFs" and building a broader understanding for "Legal Acquisition findings" (LAFs) and "Introduction from the Sea" (IFS) in the RFB/RFMO/fisheries community, with many participants positively highlighting previous such initiatives.

On the mechanisms through which the above opportunities could best be leveraged, participants expressed that the ideal approach encompasses working at different levels simultaneously: top-down and bottom-up, with strategic work at the Secretariat level to catalyze and support activities at the regional (e.g., RFB/RFMO) and national levels. These activities would, in turn, provide a reinforcing "feedback loop" at the Secretariat and Commission/Conference of the Parties level. Specific proposals at the Secretariat level included:

- Designating focal points within each RFB/RFMO and CITES Secretariat.
- Developing a joint programme of work to implement shark-related mandates of mutual interest. In addition to regular work planning and implementation, this collaboration would ideally involve the development and implementation of joint projects.
- Consider establishing a shared CITES-FAO staff position to support linkages, including with RFB/RFMOs, on CITES and fisheries for sharks; help develop joint activities; and undertake outreach and organize activities to promote mutual understanding, ideally under a collaborative strategic framework.
- Exploring the feasibility of a program of exchange of fisheries experts with CITES and national conservation bodies that could enhance technical capacities for sharks and CITES-RFB/RFMO implementation at the national level.

Beyond the Secretariat level, participants proposed establishing a joint CITES-RFB/RFMO Committee with membership comprised of Parties and facilitated by the Secretariats, to develop and oversee

collaborative efforts. Interviewees cautioned that such a joint committee or working group should be a starting point not an end point; and would require clear objectives, Terms of Reference, and resources for operation. Some participants proposed that establishing joint working groups on a regional basis might be easier and allow them to move more quickly.

Last, but not least, lack of funding was universally recognized by participants as a key constraint to improved environment–fisheries collaboration and cooperation for sharks for countries across the economic spectrum. A range of agencies reported staff shortages or other difficulties arising from budgetary issues; these do not bode well for efforts to increase inter-agency dialogue and collaboration, which work best with dedicated staff time in a reliable and continuous manner and are vulnerable to staff changes. One stark finding from the interview process to drive home the importance of this point was that with a few positive exceptions, even where there is no institutional divide and modalities exist for consultation and coordination, collaboration remains challenging and largely task-driven, limited by increasing agency responsibilities and often flat, if not declining, agency resources. Interviewees suggested that additional country-level funding, if well-targeted and “pitched at the right level,” could yield good results for sharks.

Next steps

The focus of the second Webinar 2 and steps after that will be on identifying and fleshing out constructive and feasible ideas to improve understanding, communication, and synergies between CITES and RFB/RFMOs. This document presents an attempt to summarize key inputs received in the interview process and Webinar 1 in a constructive and forward-looking manner to inform discussions of Panel 1-3 at Webinar 2. Given the highly complex nature and richness of previous discussions and the need to summarize them succinctly, this attempt may have missed or mischaracterized some valuable points and ideas made. Participants in Webinar 2 are strongly encouraged to comment and modify these ideas as well as to introduce new proposals, as they see fit.