

REPORT

SAMOA NATIONAL WORKSHOP

Improving CITES Implementation in Samoa

5-9 March 2012: Apia, Samoa



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Introduction

The Samoa National Workshop on improving the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) convened from 5-9 March 2012 in Apia, Samoa. The objective of the workshop was to build the capacity of respective agencies in Samoa on the national implementation, operation and administration of CITES. The workshop covered issues such as the background to CITES; implementation of CITES through national legislation; functions of the Management Authority; functions of the Scientific Authority; and inter-agency collaboration. The workshop agenda can be found in Annex 1 to this document.

The meeting is part of a collaborative initiative between the Samoan and New Zealand Governments. Funding for the initiative was obtained by the New Zealand Department of Conservation (DOC) from the State Sector Development Partnerships Fund (SSDPF), which is administered by the New Zealand Ministry for Foreign Affairs and Trade.

The meeting was attended by representatives from the following Samoan Government Agencies: Ministry of Natural Resources and Environment (MNRE); Ministry of Foreign Affairs and Trade (MFAT); Attorney-General's Office (AGO); Ministry of Agriculture and Fisheries (Quarantine / Fisheries); and Ministry of Revenue (Customs). In addition, representatives from the National University of Samoa and the Secretariat of the Pacific Regional Environment Programme (SPREP) attended the workshop. Annex 2 to this document contains a list of participants.

Background

Sustainable trade in wildlife can be an important contributor to livelihoods. The rich biodiversity in many Pacific Island countries has made harvesting (and export) of certain wildlife products a source of household sustenance and income. For example, giant clams are an important source of protein in regional diets, and clam shells constitute a popular tourist souvenir. However, many of the wildlife species currently in trade (giant clams, corals, orchids, birds and some reptiles) are exported in contravention of international regulations, such as CITES. Accordingly, specimens from these countries are often seized at foreign borders, as they do not have the required accompanying documentation. In addition, without the proper processes in place, there is no guarantee that harvesting and export of these species is sustainable, which may undercut the long-term viability of this economic activity.

Samoa acceded to CITES on 9 November 2004 and CITES entered into force for Samoa on 7 February 2005. In May 2010, a wildlife-related trade workshop was held in Samoa, at which participants from government agencies identified gaps in CITES implementation. The workshop noted that while the institutional structures are in place in Samoa (e.g. relevant Ministries and expertise within them), technical assistance is required to assist them in establishing the internal structures necessary to implement CITES and thereby avoid entry into CITES compliance mechanisms. The obligations that still require work are: implementation of CITES through domestic legislation; establishment of a formal arrangement between MFAT and MNRE

regarding activities of the Management and Scientific Authorities; and collection and annual reporting of trade data. Samoa may be subject to CITES compliance procedures in the future if these obligations are not fulfilled.

The Department of Conservation (DOC), as the CITES Management Authority of New Zealand and implementation agency for this project, has over twenty years of CITES implementation experience to share, and has effective systems and processes in place that can be easily duplicated. DOC has a strong history of engaging with countries in the region in bilateral and multilateral contexts, and cooperation and collaboration with our neighbours has been particularly strong on CITES matters. Moreover, as an island nation with valuable endemic species, New Zealand faces many of the same wildlife trade issues as our Pacific neighbours.

The initiative will be comprised of an initial workshop held to bring all relevant agencies together to discuss the gaps identified at the in-country workshop held in May 2010. These gaps include: legislative needs and processes; appropriate units/people to undertake CITES Management Authority and Scientific Authority tasks; training of Management Authority and Scientific Authority in basic implementation and operations; design of a data collection system (permits and seizures); and establishing mechanisms for inter-agency collaboration. Following this workshop, legislative drafting/revision will start, and the respective agencies will implement CITES based on the techniques, principles, and knowledge disseminated at the workshop. It is expected that following the workshop there will be regular contact between the Samoan CITES Management Authority and DOC. It is also expected that a rough legislative plan will emerge out of the first workshop, and Samoa will undertake work on this in the ensuing months.

A second workshop will be held in Samoa to follow-up on work started after the first workshop. The precise content of this workshop will be based upon implementation in the previous few months, and sessions will be aimed at troubleshooting any implementation issues, as well as assisting with preparations for the next Conference of the Parties (CoP) to CITES. The CoP is the main decision-making body for the Convention, and it is where any new species are added to the Convention, and where new regulations are decided. CITES CoP16 will be held in March 2013 in Bangkok.

The last element of the project is provision of administrative and educational materials for the implementation of CITES. Administrative materials will be produced early in the project, as they will be needed for CITES operations (e.g. seizure forms, reporting templates, etc.). Educational materials – such as brochures and other public awareness tools – will be produced based on the needs and means identified by the relevant Samoan government agencies.

Meeting Report

Day 1 – Monday 5 March 2012

The meeting opened with a prayer and welcoming by Susuga Mikaele Teofilo. MNRE Chief Executive Officer Taule'ale'ausumai La'avasa Malua gave an official opening address, emphasising the importance of ensuring that wildlife trade is sustainable. This was followed by presentations by Wendy Jackson (New Zealand DOC) on workshop objectives/expectations and outcomes from the May 2010 workshop.

Representatives from various government agencies then gave presentations on the status of CITES implementation, according to their agency's experience. It was noted that the overall approach to CITES implementation was fragmented and more collaboration was required. While there are some statutes in Samoa that relate to wildlife protection (e.g. Protection of Wildlife Regulations 2004/4; Samoa Fisheries Management Bill 2011), the required CITES implementing legislation awaited finalisation and passage into law. MNRE was working on a draft "omnibus" Environment Management and Conservation Bill, which was circulated later in the week for discussion.

It was reported that – despite not having legislation in place – Samoa had issued CITES documentation. Between 2006-2010, between 1-3 permits were issued each year, but this has been increasing, with 10 permits issued in 2011.

Samoa had attended various CITES-related meetings in the region, including a CITES Regional Meeting in Brisbane (2009) and a workshop on non-detriment findings, held in the Solomon Islands in 2010. Government representatives identified capacity-building needs such as: issuance of non-detriment findings; CITES enforcement; and collection of data.

Wendy Jackson (New Zealand DOC) presented in the afternoon on CITES: basic information about the Convention and how it operates; and the role and functions of the Management Authority. She also gave a presentation on collection of data to meet CITES reporting requirements. An overview was provided of different ways of collecting, storing, and collating trade data, such as through paper records, spreadsheets, and online database. It was emphasised that data must be collected regularly from border control agencies, and that it must be submitted regularly to the CITES Secretariat. Failure to submit some forms of data (such as annual reports) can result in compliance mechanisms (e.g. trade sanctions) under CITES.

Day 2 – Tuesday 6 March 2012

On Tuesday morning, participants heard a presentation from Sala Josephine Stowers of the MNRE Legal Unit. She presented on the draft Environment Management and Conservation Bill, and in specific the "CITES Chapter", which provided for, *inter alia*: the composition and functions of the Management Authority; composition and functions of the Scientific Authority; Secretariat to the Management and Scientific Authorities; permits and exemptions; offences; enforcement; and confiscation and forfeiture.

Anshuman Chakraborty (New Zealand DOC) gave a presentation on the provisions that are required to be included in any CITES implementing legislation. He highlighted obligations on CITES States Parties with regards to domestic implementing legislation, and optional provisions of law that are pragmatic to include implementing legislation. Using provisions from New Zealand's CITES implementing statute (Trade in Endangered Species Act 1989) and as well as other existing Samoan legislation, he gave examples of enforcement powers necessary for CITES implementation. Finally, he circulated to the lawyers participating in the workshop various legislative training material and additional resources (checklists, questionnaire, model law, CITES legislation plan and format) that had been kindly supplied by the CITES Secretariat.

During the day (and throughout the week), participants discussed the institutional structure of CITES in Samoa. MFAT is the focal point for UN agreements. However, because CITES has a strong operational element – and has Management and Scientific Authorities as opposed to a focal point – a unique structure has to be designed. Participants agreed that MFAT will retain its role as primary liaison with the UN bodies, but that MNRE would take on Management and Scientific Authority functions. There was consensus that a formal MOU between MFAT and MNRE would be the best way to formalise this relationship.

Day 3 – Wednesday 7 March 2012

On Wednesday morning, participants heard a presentation given by Henry McCarthy of Samoan Customs (Ministry of Revenue). The presentation focused on Customs legislation and policies that are relevant to wildlife trade. He discussed section 73 of the Customs Act 1977 (Prohibited exports), noting that one weakness of the current Customs approach is that it is a revenue-focused organisation. He advocated a whole-of-Government approach to combatting illegal wildlife trade, noting that “the biggest threat is when we think there is no threat.”

Wendy Jackson (New Zealand DOC) then presented on various CITES processes that are undertaken by the Management Authority. The first presentation discussed the permitting processes, and included information on: basic features of a permitting system; different types of permits used in CITES-related trade; considerations when processing and issuing permits; and detecting permit fraud.

The second presentation was on how to deal with CITES enquiries, and provided advice on how to obtain information and guidance so as to respond to queries from the public, other government agencies, other CITES authorities, and the CITES Secretariat.

Day 4 – Thursday 8 March 2012

On Thursday morning, Titimanu Simi (MNRE) provided workshop participants with a presentation on the workshop that he attended on non-detriment findings (NDFs) that he attended in May 2010 in Honiara, Solomon Islands. He said that the workshop focused on how to issue NDFs for marine listed species, and included discussion of the Review of Significant Trade process, a CITES compliance mechanism.

He identified difficulties in conducting NDFs in Samoa, including: lack of funds; lack of expert personnel; lack of centralised information on harvesting and use of species; and lack of basic biological data. In terms of a way forward, he emphasised: financial and technical assistance; better understanding of CITES; a review of roles and responsibilities of MFAT and MNRE to clarify specific functions; attendance by Samoa at CITES meetings; population monitoring and data collection; and information sharing and collaboration in the region.

In the afternoon, Wendy Jackson gave various presentations on the role functions of CITES Scientific Authorities. She discussed tasks such as issuing non-detriment findings (NDFs), providing advice on listing proposals, assisting with species identification, and working collaboratively with the Management Authority. She also described the process of issuing NDFs and the role of export quotas in ensuring sustainable trade.

A presentation was also given on inter-agency collaboration. This presentation discussed multi-agency cooperation, giving the example of the New Zealand Wildlife Enforcement Group. The level and nature of cooperation is specific to countries, and it is valuable to have both formal and informal avenues for communication.

At the end of the day, the group started working on a set of recommendations to emerge from the workshop.

Day 5 – Friday 9 March 2012

On Friday morning, workshop participants concluded discussions on the recommendations (see Annex 3). These were finalised and presented during the closing session. At the closing session, the MNRE CEO gave closing remarks, thanking everyone for their good work and anticipating continued progress on CITES implementation in Samoa.

Annex 1: Workshop Agenda*

*Note: Programme changed during the week. See proceedings.

DAY ONE – 5th March 2011

TIME	ITEM/TOPIC	PRESENTER	OUTCOMES
9.00 – 9.10am	Prayer and Welcoming	ACEO - DEC	<i>Official opening and participant introductions.</i>
9.10 – 9.30am	Official Opening Address	CEO - MNRE	
9.30 – 9.50am	Background to the Workshop	ACEO - DEC	
9.50 – 10.30am	Workshop Objectives & Expectations	Lead Facilitator	
	Participants Introduction	All	
10.30 – 11.00am	Morning Tea Break		
SESSION 1: CURRENT STATUS OF CITES IN SAMOA			
11.00 – 11.30am	Overview of outcomes of May 2010 workshop	Lead Facilitator	<i>Outcomes and issues from 2010 for way forward.</i>
11.30 – 12pm	Overall Status of CITES in Samoa	DEC-MNRE	<i>An overall picture of Samoa's situation in relation to the implementation of the CITES by respective Government Organizations –Strengths and Weaknesses identified</i>
12.00 - 1.15pm	Status of implementation in the respective agencies	1) MAF 2) CUSTOM 3) AG 4) MFAT 5) MNRE 6) Fisheries (strictly 15 mins per presentation)	
1.15 – 2.00pm	LUNCH BREAK		
SESSION 2: WHAT IS CITES?			
2.00 – 3.00pm	What CITES is and how it functions? What adequate Legislations need? Roles of CITES Secretariat? Working relationship with NZ?	Lead Facilitator	<i>Sound knowledge of CITES requirements, what adequate legislation, roles of the Secretariat, how NZ can help.</i>
3.00 – 3.15	COFFEE BREAK		
3.15 – 4.00 pm	Session cont'd	Lead Facilitators	

DAY TWO – 6th March 2011

TIME	ITEM/TOPIC	PRESENTER	OUTCOMES
9.00 - 9.30 am	Review of Day 1	Facilitators/All	
SESSION 3: SAMOA LEGISLATION PROCESSES			
9.30 –10.30am	Samoa Legislation processes	MNRE Lawyer	<i>Sound Knowledge of Samoa Legislation processes</i>
10.30 – 11.00am	Morning Tea Break		
SESSION 3: SLP Cont'd			
11.00 – 12.00pm	Samoa National CITES legislation process/status	MNRE Lawyer	<i>Improved knowledge of Samoa CITES legislation status</i>
12.00 – 1.00pm	Legislative Drafting	MNRE Legal Section, AG, NZ DOC	
1.00 – 2.00pm	LUNCH BREAK		
SESSION 4: MANAGEMENT AUTHORITY (MA)			
2.00 – 3.00pm	Management Authority functions	Facilitators	<i>Improved understanding on MA functions and expectations</i>
3.00 – 3.15pm	COFFEE BREAK		
3.15 – 4.00pm	MA reporting obligations	Facilitators	<i>Consensus on Management Authority, point of contact and proper reporting system</i>

DAY THREE – 7th March 2011

TIME	ITEM/TOPIC	PRESENTER	OUTCOMES
9.00 – 9.30am	Review of Day 2	Facilitators/All	
SESSION 4: MA Cont'd			
9.30 - 10.30am	Status of CITES permits issuance process in Samoa	MNRE/MAF	<i>Sound knowledge for establishing a proper and accurate permitting system for CITES in Samoa</i>
10.30 – 11.00am	Morning Tea Break		
SESSION 4: MA Cont'd			
11.00 – 12.00pm	CITES permits requirement	Facilitators	<i>Established proper process, ethics, accuracy, record keeping, working with Scientific Authority and other Management Authorities.</i>
12.00 – 1.00pm	CITES related enquiries	Facilitators	
1.00 – 2.00pm	LUNCH BREAK		
SESSION 4: MA Cont'd			
2.00 – 3.00pm	CITES data collection and collating	Facilitators	<i>Established proper and accurate CITES data collecting and collating process</i>
3.00 – 3.15pm	COFFEE BREAK		
3.15 – 4.00pm	General discussions and drafting workshop recommendations	Facilitators & Participants	<i>Relevant recommendations for way forward</i>

DAY FOUR – 8th March 2011

TIME	ITEM/TOPIC	PRESENTER	OUTCOMES
9 - 9.30am	Review of Day 3	Facilitators/All	
SESSION 5: SCIENTIFIC AUTHORITY (SA)			
9.30 – 10.30am	Scientific Authority functions and Reporting Obligations	Facilitators & Participants	<i>Improved understanding on SA functions and expectations Consensus on Scientific Authority and point of contact</i>
10.30 – 11.00am	Morning Tea Break		
SESSION 5: SA Cont'd			
11.00 – 12.00pm	Required export and import quotas	Facilitators & Participants	<i>Knowledge on export and import quotas imposition under CITES</i>
12.00 – 1.00pm	Non-Detrimental-Findings (NDFs) and Scientific advice requirements	Facilitators & Participants	<i>Established proper NDFs and scientific advice processes</i>
1.00 – 2.00pm	LUNCH BREAK		
SESSION 5: SA Cont'd			
2.00 – 3.00pm	CITES Seizure Form requirements	Facilitators & Participants	<i>Draft Seizure Form</i>
3.00 – 3.15pm	COFFEE BREAK		
3.00 – 4.00pm	General discussions and drafting workshop recommendations	Facilitators & Participants	<i>Relevant recommendations for way forward</i>

DAY FIVE – 9th March, 2011

TIME	ITEM/TOPIC	PRESENTER	OUTCOMES
9 - 9.30am	Review of Day 4	Facilitators/All	
SESSION 6: INTERAGENCY COLLABORATION			
9.30 – 10.30am	Interagency Collaboration: CITES respective agencies functions	Facilitators & Participants	<i>Established Interagency Collaboration</i>
10.30 – 11.00am	Morning Tea Break		
SESSION 7: WAY FORWARD			
11.00 – 12.00pm	Ways Forward Discussion to finalize workshop Recommendations	Facilitators/All	Recommendations documented and approved by the participants
12.00 – 1.00 pm	Official Closing Remarks	CEO MNRE	
1.00 – 2.00pm	LUNCH BREAK		
5.00 – 8.00pm	RECEPTION		

Annex 2: List of Participants

	NAME OF PARTICIPANT	NAME OF AGENCY	CONTACT
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Annex 3: Workshop Recommendations

Recommendations of Samoa CITES National Workshop 5-9 March 2012 – Apia, Samoa

1. Interagency Collaboration
 - a. Interagency Meeting
 - by end of March 2012
 - MFAT/MNRE will organise jointly
 - invite MAF/Customs
 - agenda: discuss recommendations; specific functions of agencies and draft MOU; update on legislation
 - b. MNRE to contact agencies to be in Scientific Authority
 - c. MNRE in TCU?
2. Legislation
 - a. Decision: Omnibus vs. standalone bill?
 - b. Drafters to complete draft
 - c. CITES Policy – subject to internal discussion
 - d. Consideration of authorising officers / permits
3. MOUs
 - a. Determining specific functions of agencies
4. Resources
 - a. Financial support required
 - b. MOU – tasks of agencies will need to be resourced
 - c. Manuals, procedures, etc.
 - d. DOC to provide some within budget of project
5. Training and capacity-building
 - a. CITES procedures*
 - b. CITES operations*
 - c. CITES species

*NB after legislation this will change
6. Reporting
 - a. Annual Report submitted by 31 October 2012
7. External engagement
 - a. DOC, SPREP, CITES Secretariat, Oceania Rep (Australia)
 - b. Support and assistance with awareness materials
 - c. Profile and attendance at CITES-related meetings