

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

Fifty-third meeting of the Standing Committee
Geneva (Switzerland), 27 June-1 July 2005

Strategic and administrative matters

COOPERATION WITH THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

1. This document has been prepared by the Secretariat.
2. At its 51st meeting (SC51, Bangkok, 1 October 2004), the Standing Committee considered a draft Memorandum of Understanding (MoU) with FAO that had been developed by the Chairman of the Standing Committee and the FAO Assistant Director General for Fisheries (see Annex to document SC51 Doc. 8). It contained two paragraphs with bracketed text.
3. During their discussions, Standing Committee members suggested a number of changes to the document. The Chairman, with assistance from the Secretariat, then prepared a revised draft reflecting those comments. Following additional discussions in the Committee, a second revised text was prepared which showed agreement on all but certain bracketed text in paragraphs 7, 10, 15 and 17.
4. The Committee formed a small working group composed of Australia and Norway to consider the text not yet agreed and to see if compromise text could be proposed for consideration at its 52nd meeting (SC52, Bangkok, 14 October 2004).
5. The working group was able to develop a compromise text for the bracketed paragraphs but also made changes to several other paragraphs. The text, with a cover note from the Chairman of the Standing Committee, was circulated to Committee members on 7 October 2004. In his note, the Chairman expressed the hope that he might be able to report, under agenda item 12.4 of the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004) that the Committee had reached agreement on a text or that the Committee anticipated completing its deliberations at its 52nd meeting.
6. Committee members were unable to reach agreement on the text before completion of the relevant CoP13 agenda item. The Conference of the Parties subsequently extended the mandate of the Standing Committee to work on the matter [see Decision 12.7 (Rev. CoP13)].
7. At SC52, two Committee members objected to any substantive discussion of the issue and it was agreed that the Committee would resume consideration of the matter at the present meeting.
8. During the 26th session of the FAO's Committee on Fisheries (Rome, 7-11 March 2004), a number of COFI members tried to reach consensus on an unbracketed version of the draft MoU mentioned in paragraph 2 above. They were unsuccessful but emphasized the importance of concluding an MoU with CITES. It was decided that any draft MoU that might be agreed by the CITES Standing Committee could be considered by the COFI Sub-committee on Fish Trade at its next meeting, in 2006.
9. The draft MoU, as it was agreed by the Standing Committee working group, is contained in the Annex to this document. Changes that were made to text that had already been agreed by the Standing Committee are bracketed and the changes are indicated.
10. The Standing Committee is invited to consider how to move forward with this issue.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
AND
THE CONVENTION ON INTERNATIONAL TRADE IN
ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

1. RECOGNIZING the primary role of sovereign States, FAO and regional fisheries management organizations in fisheries conservation and management and that peoples and States are and should be the best placed to conserve their own wild fauna and flora;
2. RECOGNIZING that the mission of FAO with respect to fisheries is to facilitate and secure the long-term sustainable development and utilization of the world's fisheries and aquaculture resources;
3. RECOGNIZING that the mission of CITES is to facilitate and secure international cooperation that is essential for the protection of certain species of wild fauna and flora that may be significantly affected by international trade;
4. RECOGNIZING FAO's three medium-term strategic objectives for fisheries namely: Promotion of Responsible Fisheries Sector Management with priority given to the implementation of the Code of Conduct for Responsible Fisheries, Compliance Agreement, International Plans of Action; Promotion of Increased Contribution of Responsible Fisheries and Aquaculture to World Food Supplies and Food Security; and Global Monitoring and Strategic Analysis of Fisheries;
5. RECOGNIZING [that CITES has a primary role] in regulating international trade in species threatened with extinction which are or may be affected by international trade and those that may become threatened with extinction unless international trade in specimens of such species is subject to strict regulation as well as other species which must be subject to regulation in order that international trade in specimens of certain species threatened with extinction may be brought under effective control;
6. RECOGNIZING that the CITES Parties have adopted criteria for the listing of species on Appendices I and II of the Convention and that for marine species, Article XV of the Convention requires the CITES Secretariat to consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensure co-ordination with any conservation measures enforced by such bodies;
7. TAKING account of the [] result[s] of the Eighth Session of the FAO Committee on Fisheries Sub-Committee on Fish Trade held in Bremen, Germany from 12 to 16 February 2002 (which was endorsed by the 25th Session of the Committee on Fisheries (COFI) held in Rome from 24 to 28 February 2003) that a Memorandum of Understanding be established between FAO and CITES (see FAO Report 673 with Appendices);
8. TAKING account of the [] Decision of the 12th meeting of the Conference of the Parties to CITES regarding the development of an MoU to establish a framework for cooperation between CITES and FAO;
9. AFFIRMING the rights and duties of all States pertaining to fishing activities outlined in the UN Convention on the Law of the Sea, highlighting the goals of optimum utilization, conservation, and management of living marine resources and the duty of all States to cooperate when fishing on the high seas;

10. NOTING that CITES can complement but not replace traditional fisheries management in certain cases and recognizing the particular importance of consulting all relevant bodies associated with the management of the species when considering amendments to CITES Appendices; and
11. BELIEVING that this MoU will strengthen the processes in CITES and FAO for scientific evaluation of relevant proposals for amendment of Appendices I and II and improve communication between fisheries agencies and CITES authorities at the national level;

**FAO AND CITES IN ORDER TO STRENGTHEN THE COOPERATION BETWEEN THEM
HAVE DECIDED AS FOLLOWS:**

12. The signatories will communicate and exchange information regularly and bring to each other's attention general information of common interest and areas of concern where there is a role for the other to play or where there are implementation issues that need to be considered. The signatories will be invited as observers to meetings under their respective auspices where subjects that are of common interest will be discussed.
13. The signatories will cooperate as appropriate to facilitate capacity building in developing countries and countries with economies in transition on issues relating to commercially-exploited aquatic species listed on the CITES Appendices.
- [14. FAO will continue to provide advice to CITES on, and be involved in any future revision of, the CITES listing criteria.]
15. The FAO will work together with CITES to ensure adequate consultations in the scientific and technical evaluation of proposals for including, transferring or deleting commercially-exploited aquatic species in the CITES Appendices based on the criteria agreed by the Parties to CITES, and both signatories will address technical and legal issues relating to the listing and implementation of such listings.
16. As is required by the Convention, the CITES Secretariat will continue to inform FAO of all relevant proposals for amendment of Appendices I and II. Such information shall be provided to FAO to allow FAO to carry out a scientific and technical review of such proposals in a manner it deems appropriate and for the resulting output to be transmitted to the CITES Secretariat. The CITES Secretariat shall communicate the views expressed and data provided from this review and its own findings and recommendations, taking due account of the FAO review, to the Parties to CITES.
17. In order to ensure maximum coordination of conservation measures, the CITES Secretariat will respect, to the greatest extent possible, the results of the FAO scientific and technical review of proposals to amend the Appendices, and technical and legal issues of common interest and the responses from all the relevant bodies associated with management of the species in question.
18. The Secretariats to CITES and FAO will periodically report on work completed under the MoU to the Conference of the Parties to CITES and the FAO Committee on Fisheries, respectively.
19. This MoU will take effect on the date of signature by both signatories. It will remain in force unless terminated by 90 days' written notice served by one upon the other, or replaced by another agreement. It may be amended by written mutual agreement.

20. Unless otherwise agreed, neither signatory will be legally or financially liable in any way for activities carried out jointly or independently under this MoU. Separate letters of agreement or other arrangements, with specific budgets and resource identification, will be concluded for individual activities involving the commitment of financial resources by either signatory.

Director General, FAO

Secretary-General, CITES Secretariat

Date

Date