

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

---

Twelfth meeting of the Conference of the Parties  
Santiago (Chile), 3-15 November 2002

Strategic and administrative matters

Cooperation with other organizations

COOPERATION BETWEEN CITES AND THE COMMISSION FOR THE CONSERVATION OF  
ANTARCTIC MARINE LIVING RESOURCES (CCAMLR) REGARDING TRADE IN THE TOOTHFISH

1. This document has been submitted by Chile.

Introduction

2. For several years, the existence of illicit, unregulated and unreported fishing of the Patagonian toothfish in international waters has been denounced at international meetings. This fishing threatens to cause early overexploitation of this resource and could eventually endanger the survival of this species.
3. The biological characteristics of the Patagonian toothfish (a long-living species with a slow growth rate and late sexual maturity) render it even more vulnerable to capture through commercial fishing.
4. The Patagonian toothfish, *Dissostichus eleginoides*, is a species found in the southern hemisphere, primarily in the Southern Ocean. Its capture is currently regulated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which has established a rigorous system of management of its exploitation in order to ensure the protection and conservation of this species.
5. In this context, CCAMLR has prepared, implemented and strengthened a programme of monitoring, regulation and enforcement of fishing activities, providing for the use of satellite positioning systems, a system of certification of catches, a system of on-board observation and inspection, the inspection of ships in ports of origin and call, measures to avoid having an impact on birds and measures that regulate the dumping of waste over board, among others.
6. The measures adopted and implemented by the CCAMLR member States have succeeded in substantially decreasing illicit, unregulated and unreported capture, initially in the area of the South Georgia Islands and later in the Indian Ocean. It should be pointed out that reports from CCAMLR indicate that illicit activities began in the South Georgia Islands in 1993 (WG-FSA, 1993), increasing considerably during the 1995-1996 season. Since then, illicit capture has been reduced substantially, and it is currently estimated that less than 10 per cent of the illicit capture comes from those areas (WG-FSA, 2000).
7. The range of this species also extends along the coast of Chile in the Pacific Ocean and the coast of Argentina in the Atlantic Ocean. There are national regulations in these two countries, both oriented towards the protection and conservation of this resource, with strict inspection systems intended to prevent illicit activities.

### International cooperation

8. In light of detected illicit, unregulated and unreported capture, CCAMLR has intensified efforts to reduce those illicit activities. This has taken several forms of increasingly stronger measures that CCAMLR has adopted annually. Recent reports of a decrease in illicit, unregulated and unreported capture confirm that the measures taken by that commission are becoming effective.
9. It is patent that international cooperation is essential in order to put into practice measures of protection and conservation of marine species, such as those being established by CCAMLR. Although that convention involves only 30 countries, those countries are the main producers and consumers of toothfish and are strongly committed to the sustainable use of fish resources, a situation that has made it possible to implement the measures adopted by the Commission successfully.
10. Taking this into account and recognizing the gains made by CCAMLR in combating illicit, unregulated and unreported capture, it is obvious that cooperation by countries that are not members of CCAMLR but are members of CITES would be extremely useful in order to reinforce and support measures adopted by that commission and, consequently, contribute to the protection and conservation of the Patagonian toothfish, *Dissostichus eleginoides*. Likewise, the cooperation between CCAMLR and Parties to CITES and the CITES Convention could be very fruitful thanks to the experience of the former in the management of Antarctic marine living resources.
11. As a result, and taking into account the strict measures adopted by CCAMLR and their strict implementation by the member States, this draft resolution proposes to support measures aimed at the protection and conservation of the Patagonian toothfish and to this end the Parties to CITES are requested to adopt measures proposed by CCAMLR or to adhere to that Convention and thus institute effective cooperation between CITES and CCAMLR.

#### COMMENT FROM THE SECRETARIAT

The Secretariat supports the adoption of this draft resolution, submitted by Chile, if the proposal to list *Dissostichus* species is also adopted.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Cooperation between CITES and the Commission for Conservation of

Antarctic Marine Living Resources (CCAMLR) regarding trade in the Patagonian toothfish

KEEPING IN MIND that the contracting Parties recognize that international cooperation is essential for the protection of certain species of wild fauna and flora and prevention of overexploitation and other adverse effects that can be caused by international trade;

CONSCIOUS of the importance of oceans for the earth's ecosystem and of the obligation of all States to protect and preserve the marine environment and its resources;

RECALLING the mandate contained in paragraph 2(b) of Article XV of the Convention, which, as regards marine species, provides that the Secretariat consult with intergovernmental organizations having competence in the protection and conservation of those species;

RECOGNIZING that several organizations and regional agreements in the field of fisheries are adopting conservation measures that include guidelines for the certification of the origin of capture for species whose recovery and sustainable use they wish to promote and that for the success of these efforts it is important that all States, including those that are not members or parties to those organizations or agreements, cooperate with these conservation measures and implement them;

KEEPING IN MIND that the Commission for the Conservation of Antarctic Marine Living Resources has adopted an action plan that includes, together with measures for preventing and eliminating excessive fishing, others aimed at ensuring transparency of international trade in the species that it regulates, especially the Patagonian toothfish and Antarctic toothfish (*Dissostichus* spp.) in order that that trade does not affect the sustainable development of fishing nor the responsible use of Antarctic marine living resources;

TAKING NOTE that CCAMLR promotes cooperation with specific organizations and with any other organization that contributes to the work of that Commission and its Scientific Committee in aspects related to the protection of the Antarctic marine ecosystem;

CONCERNED that illicit, unregulated and unreported fishing activities threaten to harm the populations of several fish species, including those of the Patagonian toothfish and Antarctic toothfish, and urging all countries to cooperate with international efforts to eradicate illicit, unregulated and unreported fishing;

TAKING NOTE that CCAMLR has established regulations on commercial exploitation of all Antarctic marine living resources, especially the Patagonian toothfish and Antarctic toothfish, for all member States in order to prevent fishing from reaching levels of overexploitation;

FURTHER NOTING that CCAMLR, at its 21st meeting, agreed to urge CITES Parties to require a CCAMLR CDS document on all toothfish imports as well as agreeing that further cooperation with CITES would be welcome;

ALSO RECOGNIZING the need for CCAMLR and CITES to cooperate closely, both for the exchange of information concerning international trade in products of the Patagonian toothfish as well as in their efforts to ensure that international trade in these species is carried out with the utmost legality, rigour and transparency;

DECLARING its concern because all illicit international trade in specimens of species regulated by CCAMLR undermine the effectiveness of CCAMLR and the principles of CITES;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

With regard to international trade in the Patagonian toothfish

RECOMMENDS that, regarding this species, the Parties ~~voluntarily~~ adopt the *Dissostichus* Catch Document used by CCAMLR for *Dissostichus* spp., ~~and~~ implement requirements for verification in all cases where this species is introduced or exported or transits through their jurisdiction and report their use of, and verification requirements for Catch Documents to the Secretariat by the end of 2003;

INSTRUCTS the Secretariat to compile the information on the adoption of and verification requirements for Catch Documents provided by CITES Parties and circulate this information to CITES Parties and to CCAMLR yearly, and report on this to COP13;

FURTHER INSTRUCTS the Secretariat to invite CCAMLR to consider, at its 22nd Commission meeting, how further cooperation between CITES and CCAMLR could be progressed;

With regard to illicit trade in Patagonian toothfish products

WELCOMES WITH SATISFACTION the work of CCAMLR in combating illicit, unregulated and unreported fishing and urges the Parties to CITES to study carefully the question of trade in specimens of this species, especially their geographic origin, and to cooperate with the Secretariat of CCAMLR in gathering information in this regard;

ENCOURAGES CCAMLR to maintain a permanent flow of information to the Parties to CITES through the Conference of the Parties and requests that the Secretariat in turn transmit to the Secretariat of CCAMLR any information available on illicit trade in the Patagonian toothfish and Antarctic toothfish;

INVITES all interested countries, the United Nations Food and Agriculture Organization (FAO) and other intergovernmental or international organizations active in this field to cooperate in efforts to prevent illicit trade in this species and transmit any relevant information to the Secretariat of CCAMLR; and

With regard to adherence to the Convention for the Conservation of Antarctic Marine Living Resources

RECOMMENDS to the Parties that capture or trade in Patagonian toothfish products, which have not yet done so, that they adhere to the Convention for the Conservation of Antarctic Marine Living Resources and, in any case, that they cooperate voluntarily with its conservation measures; and

URGES the Parties to CITES to use all measures within their power to ensure that ships flying their flag are not used to undermine conservation measures adopted by CCAMLR or adopted voluntarily outside the scope of that Convention by countries in whose jurisdictional waters specimens of *Dissostichus* spp. are captured.