

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



Fifty-seventh meeting of the Standing Committee
Geneva (Switzerland), 14-18 July 2008

Interpretation and implementation of the Convention

Trade control and marking

INTRODUCTION FROM THE SEA

1. This document has been prepared by the Secretariat.
2. At its 14th meeting (CoP14, The Hague, 2007) the Conference of the Parties adopted Resolution Conf. 14.6 in which it agreed that "the marine environment not under the jurisdiction of any State' means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea".
3. The Conference also adopted the following decision directed to the Standing Committee:

14.48 The Standing Committee shall:

- a) at its 57th meeting (SC57), establish a working group on Introduction from the Sea, which shall work primarily through electronic means, to consider a definition for 'transportation into a State', clarification of the term 'State of introduction' and the process for issuing a certificate of introduction from the sea as well as other issues identified for further consideration in the final report of the CITES Workshop on Introduction from the Sea Issues (Geneva, 30 November – 2 December 2005);*
- b) include in the working group representatives of CITES authorities and fishery authorities from each of the six CITES regions and request the participation of the United Nations Division for Ocean Affairs and the Law of the Sea, the Food and Agriculture Organization of the United Nations, two regional fishery bodies, the fishing industry, and intergovernmental organizations and non-governmental organizations with CITES and fishery expertise;*
- c) contingent on the availability of external funding, convene a meeting of the working group between SC57 and SC58; and*
- d) ask the working group to prepare a discussion paper and draft revised resolution for consideration by the Standing Committee at SC58 and for consideration at the 15th meeting of the Conference of the Parties.*

Working group membership and background documents

4. Iceland and the European Commission have expressed to the Secretariat their interest in participating in the working group. The Committee may wish to consult with the Food and Agriculture Organization of the United Nations (FAO) in deciding which two regional fishery bodies (RFBs) it may invite to join the working group. The FAO website indicates that there are about 40 established FAO

and non-FAO RFBs covering the world's marine and inland regions. As cooperation already exists between the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and CITES (see Resolution Conf. 12.4 regarding trade in toothfish), perhaps CCAMLR should be one of the RFBs asked to join the working group.

5. The Secretariat has tentatively identified funds for organizing a meeting of the working group between the present meeting and the next meeting of the Standing Committee.
6. During a meeting with officials in FAO's Fisheries Division in March 2008, FAO informed the Secretariat that it had commissioned a legal consultant to update its report on "Applications of the term 'Introduction from the sea'" in light of CoP14 discussions and results, including an examination of the issue of 'transportation into a State'. The paper was originally prepared as a background document for the 2004 FAO *Expert Consultation on legal issues related to CITES and commercially-exploited aquatic species* (see document CoP13 Inf. 35). FAO intends to consult with regional fishery bodies about the updated paper and to send the Secretariat a final document towards the end of 2008. The paper might serve as a useful background document for the working group.

Additional information

7. Responding to a request from the Division of Ocean Affairs and Law of the Sea (DOALOS) for input to the Secretary-General's 2008 report on oceans and the law of the sea, the Secretariat expressed its pleasure at the participation of DOALOS in CoP14 and drew attention to the adoption of Resolution Conf. 14.6 and Decision 14.48 on *Introduction from the sea*. The content of those decisions, together with other relevant CoP14 discussions and outcomes, was summarized by DOALOS in an addendum to the Secretary-General's 2007 report on oceans and the law of the sea for the 62nd session of the General Assembly (see Annex 1) to assist it in its deliberations on the resolution on oceans and the law of the sea.
8. The Secretariat decided, because of limited resources, not to attend a meeting of the UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (New York, 28 April to 2 May 2008). It will nevertheless review relevant meeting outcomes. Among other things, the WG was expected to consider coordination and cooperation among States as well as relevant intergovernmental organizations and bodies. It was also expected to consider genetic resources beyond areas of national jurisdiction and whether there was a governance or regulatory gap with regard to marine biological diversity beyond areas of national jurisdiction and, if so, how it should be addressed. The relevant report of the Secretary-General, which includes several references to CITES, is contained in document A/62/66/Add.2, and other information is available on the DOALOS website. UNEP delivered a statement at the meeting, drawing attention to some of the activities it had undertaken in the past two years that were directly relevant to the work and mandate of the WG (see Annex 2).

Recommendation

9. The Standing Committee is invited to establish a Working Group on Introduction from the Sea. As the Standing Committee Chairman chaired the 2005 Workshop on Introduction from the Sea, the Committee may wish to ask that he serve as chairman of the working group.
10. Available members of the working group established during the present meeting may wish to convene on the margins of the meeting to begin organizing its work.

[Extracted text from document A/62/66/Add.1 of the 62nd session of the General Assembly, paragraphs 154-157 from the Secretary-General's 2007 report on oceans and the law of the sea.]

154. Trade is increasingly threatening the conservation of a number of marine species. The fourteenth meeting of the Conference of the Parties to CITES, held in The Hague from 3 to 15 June 2007, considered a number of items of relevance to marine species. The Conference of the Parties agreed to list sawfish on appendix I and the European eel, a catadromous species, on appendix II. The meeting also adopted resolutions and decisions on future work on hawksbill turtle, sharks, sturgeons and paddlefish, sea cucumbers and corallium spp.⁸¹ With regard to cetaceans, the meeting approved a proposal to the effect that no periodic review be undertaken for any great whale listing while the International Whaling Commission moratorium is in place.⁸²
155. Under its item on trade control and marking issues, the Conference of the Parties considered the report and recommendations of the workshop on introduction from the sea issues, as well as the result of the work of an intersessional working group established to refine the definition of the phrase "the marine environment not under the jurisdiction of any State", included in the definition of the term "introduction from the sea" in CITES.⁸³ The definition adopted by the meeting states that "the marine environment not under the jurisdiction of any State means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea". The Conference of the Parties also adopted a decision which directs the Standing Committee to establish a working group on introduction from the sea to consider, inter alia, a definition for "transportation into a State", clarification of the term "State of introduction" and the process for issuing an introduction from the sea certificate (CoP14 Com. II. 26).
156. In relation to cooperation with FAO, the Conference of the Parties discussed a proposal to establish a fishery working group of the Standing Committee. Several delegations expressed concern with the creation of such a working group, noting that fisheries management was beyond the mandate of CITES. The proposal was rejected (CoP14 Com. II. Rep.5). The meeting noted with appreciation a report of the Convention on the Conservation of Antarctic Marine Living Resources on toothfish, a non-CITES-listed species (CoP14 Com. II. Rep.11).
157. A ministerial round table, organized on the sides of the meeting by the Government of the Netherlands, discussed four themes, including the role of CITES regarding marine species. The ministers encouraged enhanced cooperation and coordination between CITES and other marine species-related conventions, organizations and processes, in particular the United Nations Convention on the Law of the Sea, FAO, regional fisheries management organizations, and the International Whaling Commission. The ministers also expressed the view that CITES recognizes FAO and regional fisheries management organizations for examining listing of commercially traded fish species and the competence of the International Whaling Commission for the assessment and review of the stock levels of cetaceans⁸⁴.

⁸¹ CoP14 Com.I 11, Com. I.16, Com. II.25, Com.I.1, and Com. I. The documents of the meetings are available at www.cites.org/eng/cop/14/com/index.shtml.

⁸² CoP14 Com. I Rep. 3 (Rev.1).

⁸³ Article 1 of CITES defines "introduction from the sea" as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State". See CoP14 Doc. 33 for a summary of discussions of the workshop and the working group.

⁸⁴ See CoP14 Inf. 62, available at www.cites.org/eng/cop/14/inf/E14i-62.pdf.



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UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

(2nd meeting, New York, 28 April - 2 May 2008)

Statement by the United Nations Environment Programme (UNEP)

Distinguished Co-chairmen, ladies and gentlemen,

As the UN system's designated entity for addressing environmental issues at the global and regional levels, the United Nations Environment Programme would like to inform this group about some of the activities which it has carried out in the last two years which are directly related to the work and mandate of this group, and of some of the work that lies ahead of us, relevant to marine biological diversity beyond areas of national jurisdiction. UNEP is giving this statement under this Agenda Item [Agenda item 5b dealing with cooperation and collaboration] as all of its past, present and future work on these issues is carried out in close collaboration with various partners.

Over the last two years, UNEP, in collaboration with various partners, has prepared a number of products¹ to inform governments and stakeholders and to raise awareness about the need to conserve and sustainably manage & use the marine biodiversity beyond national jurisdiction. In June 2006, UNEP launched together with IUCN a report entitled "*Ecosystems and Biodiversity in Deep Waters and High Seas*" to provide an overview of the issues at stake, to inform about options, tools and good practices, and to chart potential ways forward. In November 2006, UNEP published together with UNESCO/IOC a report on "*Seamounts, deep-sea corals and fisheries*". Prepared by experts from the Census of Marine Life, this report analyzed, for the first time, data from vulnerable seamounts communities together with fishery efforts to predict areas and seamounts, which might become under threat from bottom trawling in the near future. In February this year, another UNEP report was launched with the title "*Deep sea biodiversity and ecosystems – a scoping report on their socio-economy, management and governance*". Again, this report is a novelty: UNEP asked experts from the HERMES² deep-sea research project to apply the Millennium Ecosystem Assessment methodology and concepts in order to value the services, functions and goods, which deep-water communities and processes provide for humankind. It turned out that the current assessment methodologies and valuation concepts are ill equipped to overcome the lack of knowledge we have on deep-sea systems, and that it might be impossible, and indeed not desirable, to put monetary values on all the goods and services provided by the deep sea. The latest installment in the line of

¹ Please contact the UNEP Coral Reef Unit (stefan.hain@unep-wcmc.org) for further information and copies.

² Hotspot Ecosystem Research on the Margins of European Seas, an interdisciplinary deep-sea research project funded under the European Commission's 6th Framework Programme. For further information see www.eu-hermes.net.

publications is the UNEP Rapid Response Assessment "*In Dead Water*". This report addresses the merging of climate change with pollution, over-harvest and infestations in the World's fishing grounds, and contains several examples important for marine biodiversity beyond areas of national jurisdiction, such as the role of dense-shelf water cascading for offshore, deep-sea fish and shrimp stocks and their fisheries. To complement these reports, UNEP also developed a global database and GIS for cold-water corals to compile and provide easy access to information on these unique and vulnerable communities, and supported the production of a "*Cold Coral Deep*" television documentary, which was broadcast on BBC World in October 2006, reaching over 163 million homes in 200 countries.

All of these UNEP reports and products reinforce the statement made by the former UN Secretary General Kofi Annan in 2005:

“For too long, the world acted as if the oceans were somehow a realm apart – as areas owned by none, free for all, with little need for care or management... If at one time what happened on and beneath the seas was ‘out of sight, out of mind’, that can no longer be the case.”

In response to the calls for action made by the United Nations General Assembly, UNEP has also made institutional and strategic changes to better support the international action for the conservation, protection and sustainable management & use of marine biodiversity beyond national jurisdiction. Only two months ago, UNEP adopted a Mid-Term-Strategy for the period 2010 – 2013, which sets out the strategic direction and a clear, results-based focus for the UNEP Programmes of Work on six cross-cutting thematic priorities:

- *Climate change;*
- *Disasters and conflicts;*
- *Ecosystem management;*
- *Environmental governance;*
- *Harmful substances and hazardous waste; and*
- *Resource efficiency – sustainable consumption and production,*

The "*Ecosystem management*" and "*Environmental governance*" priorities are the most relevant for the work we are discussing this week here in New York, and explains why UNEP is addressing these issues under two divisions: Environmental Law and Conventions and Environmental Policy Implementation.

A large number of important international meetings, fora and processes have addressed the issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Interdisciplinary research projects are beginning to fill the gaps in our knowledge about the deep seas. By joining HERMES in 2006, UNEP started an extraordinarily successful and mutually beneficial partnership, with scientists sharing and alerting UNEP about their new discoveries, so that crucial emerging issues can find their way more quickly onto the shortlist of political priorities.

UNEP believes that the time has come to put the information available into concrete actions, and is currently preparing projects to implement the identified priorities. One of these projects will support and facilitate international action to develop and implement cross-sector governance and management mechanisms for vulnerable marine ecosystems and biodiversity in areas beyond national jurisdiction. In this project, UNEP will utilize its own internal capacity and expertise, and actively reach out to Governments, other United Nations entities, international institutions, MEA

secretariats, civil society, the private sector and other relevant partners. The project will explore how good environmental governance principles can be applied to the current and future human activities in marine areas beyond national jurisdiction, and catalyse the use of ecosystem-based management approaches for the conservation and sustainable use of the marine resources. The project will address the information, resources and capacity needs of governments and other stakeholders on matters related to marine areas beyond national jurisdiction. UNEP looks forward to providing support where necessary.

Thank you very much.