

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

Interpretation and implementation of the Convention

Trade control and marking

Introduction from the sea

REVISED ANNEX (15 AUGUST 2011)
DRAFT REVISION OF RESOLUTION CONF. 14.6 (REV. COP15)

The Standing Committee Working Group on Introduction from the Sea, while discussing document SC61 Doc. 32 in parallel with plenary sessions of SC61 on 15 August 2011, agreed on a revised Annex to Annex 1 of that document. This Annex contained a draft revision of Resolution Conf. 14.6 (Rev. CoP15) with bracketed text. The Working Group agreed to replace the bracketed text in paragraph c) under FURTHER AGREES and to delete relevant bracketed text under AGREES, as indicated in the revised Annex below, The Working Group also agreed on a draft decision to be put forward for consideration at SC61, which is also provided below.

Introduction from the sea

TAKING INTO ACCOUNT the CITES Workshop on Introduction from the Sea Issues (Geneva, 30 November-2 December 2005) held pursuant to Decision 13.18 of the Conference of the Parties, ~~and the meeting of the Standing Committee Working Group on Introduction from the Sea (Geneva, 14-16 September 2009) held pursuant to Decision 14.48 of the Conference of the Parties, and the meeting of the Standing Committee Working Group on Introduction from the sea (Bergen, 24-26 May 2011), held pursuant to Decision 14.48 (Rev. CoP15);~~

RECALLING that 'introduction from the sea' is defined in Article I, paragraph e), of the Convention as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State";

~~RECALLING ALSO that Article XIV, paragraph 6, of the convention provides that "Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea";~~

RECALLING ~~FURTHER ALSO~~ that Article III, paragraph 5, and Article IV, paragraphs 6 and 7, of the Convention, provide a framework to regulate the introduction from the sea of specimens of species included in Appendices I and II, respectively;

NOTING that 'State of introduction' is not defined in the Convention and that Article III, paragraph 5, and Article IV, paragraph 6, and Article XIV, paragraph 5, place certain obligations on the State of introduction;

DESIRING that ~~both flag States and port States~~ cooperate in a manner that supports and complies with the provisions of the Convention related to introduction from the sea with respect to specimens taken in the marine environment not under the jurisdiction of any State;

~~DESIRING ALSO that States consult and cooperate with relevant Regional Fisheries Management Organizations when issuing certificates of introduction from the sea;~~

RECOGNIZING the need for States to consult and cooperate with relevant Regional Fisheries Management Organizations and Arrangements (RFMO/A) when issuing certificates of introduction from the sea and export and import permits for specimens taken in the marine environment not under the jurisdiction of any State;

NOTING the progress made through the Food and Agriculture Organization of the United Nations on measures to promote responsible fisheries, ~~in particular~~ including through the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the adoption of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

RECOGNIZING the need for a common understanding of the provisions of the Convention relating to ~~introduction from the sea~~ specimens taken in the marine environment not under the jurisdiction of any State in order to facilitate the standard implementation of trade controls for such specimens ~~introduced from the sea~~ and improve the accuracy of CITES trade data;

RECOGNIZING FURTHER that “introduction from the sea” is unique to the Convention and affirming that this Resolution applies only in relation to the implementation of the Convention for specimens taken in the marine environment not under the jurisdiction of any State and does not affect the rights or duties of Parties outside this context;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES 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;

FURTHER AGREES that,

- a) whenever any specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into that same State, the provisions of Article III, paragraph 5, or Article IV, paragraphs 6 and 7, respectively, should be applied; with that State being the State of introduction; and
- b) whenever any specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into a different State, the provisions of Article III, paragraphs 2 and 3, or Article IV, paragraphs 2, 3 and 4, respectively, should be applied, with the State in which the vessel that took the specimen is registered being the State of export and the State into which the specimen is transported being the State of import;
- c) paragraph b) above is not intended to address how the relevant provisions of the Convention should be applied to chartering arrangements that are regulated by a relevant RFMO, where the specimens taken in the marine environment not under the jurisdiction of any State are landed in the chartering State, and it is without prejudice to ongoing discussions on this issue;

RECOMMENDS that, in the case of specimens of species included in Appendix I or II taken in the marine environment not under the jurisdiction of any State, in satisfying itself that the provisions of the Convention are met:

- a) the State of introduction, prior to issuing a certificate of introduction from the sea;
- b) the State of export, prior to issuing an export permit; and
- c) the State of import, prior to issuing an import permit, or when presented with an export permit;

take into account whether or not the specimen was or will be acquired and landed:

- a) in a manner consistent with applicable measures under international law for the conservation and management of living marine resources, including those of any other treaty, convention or agreement with conservation and management measures for the marine species in question; and
- b) through any illegal, unreported or unregulated (IUU) fishing activity;

FURTHER RECOMMENDS that, in the case of an export of Appendix-II specimens, the Scientific Authority of the State of export, in making its non-detriment finding, consult with other national scientific authorities or, when appropriate, international scientific authorities; and

RECOMMENDS that Parties respond in a timely manner to a request for information necessary for issuing a certificate of introduction from the sea or an export permit for specimens of any species taken in the marine environment outside the jurisdiction of any State, or for verifying the authenticity and validity of such a certificate or permit.

Proposed decision for consideration at SC61

Recognizing that consensus has not yet been reached, the Working Group shall continue to discuss how to implement CITES provisions for specimens taken in the marine environment not under the jurisdiction of any State in the case of chartering arrangements referred to in FURTHER AGREES, paragraph c), in the draft revision of Resolution Conf. 14.6 (Rev. CoP15) in the Annex to Annex 1 of document SC61 Doc. 32, and shall report at the 62nd meeting of the Standing Committee.