

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Committee II

Introduction from the sea

DRAFT REVISION OF RESOLUTION CONF 14.6
AND
DRAFT REVISION OF DECISION 14.48

This document has been prepared by the Standing Committee Working Group on Introduction from the Sea and is based on document CoP15 Doc. 27, Annexes 1 and 2.

DRAFT REVISION OF RESOLUTION CONF. 14.6

Introduction from the sea

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined. **Changes made by the Working Group are in bold.**

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;

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 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;

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

NOTING the progress made through the Food and Agriculture Organization of the United Nations on measures to promote responsible fisheries ~~in particular, the adoption of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing~~ ~~bracketed text to be added or dropped depending on the outcome of the FAO Conference in November 2009;~~

RECOGNIZING the need for a common understanding of the provisions of the Convention relating to introduction from the sea in order to facilitate the standard implementation of trade controls for specimens introduced from the sea and improve the accuracy of CITES trade data;

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 'the State of introduction' means the [port State] [flag State].];

[RECOMMENDS that a Management Authority of the State of introduction, prior to issuing a certificate of introduction from the sea, ~~be satisfied] [take into account] not only that in accordance with the provisions of the Convention, are met but also that take into account whether the specimen was or will be acquired in a manner consistent with applicable measures under international law for the conservation and management of living marine resources, including those of Regional Fisheries Management Organizations or arrangements, and with international law]; and~~

[RECOMMENDS FURTHER that Parties respond in a timely manner to any request for information necessary for issuing a certificate of introduction from the sea or verifying the authenticity and validity of such a certificate.]

DRAFT REVISION OF DECISION 14.48

NB: Text to be deleted is ~~crossed-out~~. Proposed new text is underlined. **Changes made by the Working Group are in bold.**

Directed to the Standing Committee

~~15.XX 14.48~~ The Standing Committee shall:

- a) ~~at its 57th meeting (SC57), establish a~~ extend operation of the working group on Introduction from the Sea, established at SC57, which with the understanding that it shall continue to 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) and the final report of the meeting of the working group held in Geneva from 14 to 16 September 2009;
- b) ~~include in ensure that~~ **include in** the working group **includes** representatives of CITES authorities and fishery authorities from each of the six CITES regions and **obtains input from request the participation of and input from 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, and the fishing industry, and intergovernmental organizations and non-governmental organizations with CITES and fishery expertise;**
and
- e) ~~contingent on the availability of external funding, convene a meeting of the working group between SC57 and SC58; and~~
- ec) ask the working group to prepare a discussion paper and draft revised resolution for consideration by the Standing Committee at ~~SC58~~ 62 and for consideration at the ~~156th~~ meeting of the Conference of the Parties.

Directed to the Secretariat

15.XX The Secretariat shall, contingent on the availability of external funding, convene **a two** meetings of the working group ~~between SC57 61 and before SC58 62;~~