

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

Fifty-first meeting of the Standing Committee
Bangkok (Thailand), 1 October 2004

Strategic and administrative matters

MEMORANDUM OF UNDERSTANDING WITH THE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

1. This document has been prepared by the Secretariat on behalf of the Chairman of the Standing Committee.
2. Pursuant to a decision adopted by the Standing Committee at its 49th meeting (Geneva, April 2003), the Chairman has liaised with the FAO Secretariat and agreed on a draft Memorandum of Understanding (MoU) between FAO and CITES. The text of the draft MoU is contained in the Annex to this document.
3. The draft MoU takes into consideration the limited negotiating authority of the FAO Secretariat. In this regard, the Chairman agreed to use as a starting point the FAO proposal for an MoU that was agreed at the ninth session of the FAO Committee on Fisheries Subcommittee on Fish Trade (COFI-FT9, Bremen, February 2004). He then worked to bring more balance to the text with regard to CITES.
4. It should be noted that the Chairman and the FAO Secretariat were unable to reach agreement on precise language for paragraphs 10 and 17, so these paragraphs contain alternative language in square brackets.
5. The final text agreed by the Standing Committee at this meeting will be presented for consideration at the 26th meeting of the FAO Committee on Fisheries (Rome, February 2005).

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 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 the role of CITES 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 positive results 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 Fisheries Report 673, particularly Paragraph 18 and Appendix F);

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 resources and the duty of all States to cooperate when fishing on the high seas, and maintaining the goal of sustainable utilization as stated in the FAO Code of Conduct for Responsible Fisheries;
10. NOTING that CITES cannot replace, but rather has sought to complement [has not sought to replace but rather to complement] 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 proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species 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 and be involved in the process of revision of the CITES listing criteria. These criteria are the primary basis for the evaluation of proposals for amendment of the CITES Appendices.
15. The signatories will identify and work together 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 to address technical and legal issues of common interest affecting these species.
16. As is required by the Convention, the CITES Secretariat will continue to inform FAO of all proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species. Such information shall be provided to FAO as soon as possible 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 consider, 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 [as well as the substance of the preambular paragraphs of this MoU] in its advice and recommendations to the CITES Parties.

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

Date

Chairman, CITES Standing Committee

Date
