

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



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Strategic matters

Cooperation with other organizations

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
(REPORT OF THE WORKING GROUP)

1. This document has been prepared by the Chair of the Standing Committee Working Group^{*} on cooperation with the Food and Agriculture Organization of the United Nations (FAO).
2. At its 14th meeting (the Hague, 2007) the Conference of the Parties adopted Decisions 14.16 directed to the CITES Secretariat, which provides:

The Secretariat shall initiate discussions with the Food and Agriculture Organization of the United Nations (FAO) on how cooperation between the two organizations related to forestry and non-timber forest products might be enhanced.
3. At its 15th meeting (Doha, 2010) the Conference of the Parties adopted Decision 15.18, directed to the Standing Committee, which provides:

The Standing Committee shall analyse the current Memorandum of Understanding (MoU) between CITES and FAO, determine the cooperative scheme between CITES and FAO on forestry issues, and ensure that future cooperation between FAO and CITES is carried out under the framework of the MoU.
4. At its 61st meeting (Geneva, August 2011), the Secretariat presented document SC61 Doc. 15.5, the Annex of which included a draft Memorandum of Cooperation (MoC) between the Food and Agriculture Organization of the United Nations (FAO) and the CITES Secretariat. The draft memorandum was developed jointly by the Secretariats of the FAO and the CITES Secretariat.
5. The Standing Committee requested that the Secretariat invite further comments from Parties through a Notification and prepare a further document for consideration at SC62. In October 2011 the Secretariat circulated Notification No. 2011/041, which invited Parties to provide comments to the Secretariat on the draft MoC presented at SC61.
6. At its 62nd meeting (Geneva, July 2012), the Secretariat presented document SC62 Doc. 14.4, the Annex of which included a revision of the draft Memorandum of Cooperation (MoC) between the Food and Agriculture Organization of the United Nations (FAO) and the CITES Secretariat. The revision reflected comments received from Parties in response to Notification No. 2011/041, as well as amendments suggested by the FAO.
7. After discussion, the Committee agreed to establish a working group with a mandate to “prepare a revised draft memorandum of cooperation, on the basis of document SC62 Doc. 14.4 Annex 1, for consideration at

^{*} *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

SC63.” The members of the working group were Canada (Chair), China, Japan, Peru, the United States, a Party representing the European Commission, Germany, Lewis and Clark College and WWF.

8. At its 63rd meeting (Bangkok, March 2013), the Standing Committee agreed to extend the mandate of the working group to SC65, understanding that if the working group could complete its work before that date, it should undertake to do so.
9. The working group’s discussions, conducted intersessionally via email, focused largely on the fundamental meaning and scope of the working group mandate, which was to prepare a revised draft memorandum of cooperation on the basis of document SC62 Doc. 14.4 Annex 1, and in light of the content of Decisions 14.16, 14.17 and 15.18, which seek determination of a cooperative scheme between CITES and FAO on forestry issues.
10. During discussions, the CITES Secretariat informed the working group that in relevant bilateral discussions undertaken with the FAO Secretariat, the FAO had expressed its interest in concluding a cooperative MoU with the CITES Secretariat that would be general and institutional in nature. Such an institutional MoU would provide the overarching framework for any cooperative arrangement on specific areas of work (for example, commercially on exploited aquatic species or forestry), which would be annexed to the institutional MoU. The CITES Secretariat further informed the working group that the FAO Secretariat had indicated that its usual MoU practice, the 2006 MoU on commercially exploited aquatic species notwithstanding, was to focus at the institutional level. Accordingly, it did not favour conclusion of an MoU with CITES in any specific area, including forestry.
11. While members of the working group do not oppose, in principle, the concept of a general umbrella MoC between CITES and the FAO Secretariats, some contributing members of the working group were of the understanding that the task given to it by the Standing Committee was to revise SC62 Doc. 14.4 Annex 1, so as to provide a forestry-specific MoC that addresses FAO and CITES organizational cooperation on forestry issues.
12. Other contributing members of the working group believed that a general umbrella MoC was appropriate, and the draft MoC contained in Annex 1 of SC62 Doc. 14.4 did not require extensive revision, in that the mandates of CITES and FAO offer a range of opportunities for close cooperation between the two organizations. As FAO appeared opposed to a specific cooperation agreement on forestry issues in the absence of a general umbrella MoC, some members believed that the working group should elaborate a proposal for a specific MoU on forestry that, along with the existing specific MoU on aquatic species, would complement the draft MoC contained in Annex 1 of SC62 Doc. 14.4. These working group members wished to seek the opinion of the FAO and CITES Secretariats on this approach. Other members of the group expressed the view that should such an MoC be required, it should be more general and less prescriptive in nature than the aforementioned draft MoC.
13. Acknowledging the dichotomy of opinion that exists within the working group regarding its mandate, the working group determined that its way forward was to submit a forestry-specific MoC revision to Annex 1 of SC62 Doc. 14.4 to the Standing Committee, thereby fulfilling the working group’s perceived mandate and at SC65 to seek guidance from the Standing Committee on the need for a general, umbrella MoC.
14. The working group notes that the revised MoC it has submitted is not supported by all members, but believes the revision does provide a basis for consideration by the Standing Committee of the best approach to this issue.
15. Annex 1 to the present document contains a clean version of the working group’s revised draft MoC, while Annex 2 indicates changes that were made to the original draft by the working group.

Recommendations

16. The Standing Committee is invited to take note of the draft memorandum of cooperation with regard to forestry issues contained in Annex 1 to this document
17. The Committee is invited to determine the need for an over-arching memorandum of cooperation between CITES and FAO, in addition to the existing MoU with regard to commercially exploited aquatic species and the draft MoC on forestry issues contained in Annex 1 to this document.

DRAFT MEMORANDUM FOR COOPERATION BETWEEN THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO) AND THE SECRETARIAT OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

This Memorandum for Cooperation is initiated between the Forestry Department of the Food and Agriculture Organization of the United Nations, hereinafter referred to as "FAO Forestry", and the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as "CITES". FAO Forestry and CITES, hereinafter are jointly referred to as the Participants.

INTRODUCTION

Both participants recognize the benefits that arose from the 2006 Memorandum of Understanding on commercially exploited aquatic species and would, therefore, see potential benefit in having an effective framework for cooperation with regard to biological conservation and sustainable use of forest resources which takes into account the increasing volume and importance of the work of both FAO Forestry and CITES on biological conservation and sustainable resource use, consistent with their respective mandates.

FAO Forestry and CITES are resolved to act in close cooperation, on matters of mutual interest regarding forestry issues, with a view to harmonizing the efforts of both secretariats towards greater effectiveness, as far as possible consistent with their respective objectives, mandates and functions, as described below.

Therefore, the Participants, share the views as follows:

ITEM I

Purpose

The purpose of this Memorandum for Cooperation is to establish a framework for cooperation between FAO Forestry and CITES in the area of biological conservation and sustainable use of forest resources, with a view to encouraging complementarity where appropriate, and mutual support in their work within their respective mandates, and better serving the member States of FAO and CITES.

ITEM II

Representation

Each Participant should invite the other to participate, without the right to vote, in the deliberations of its governing bodies and of other bodies where matters of particular concern to the other Participant are considered, and in which it may have or has indicated that it has an interest. Representatives of the Participant so invited should be afforded full opportunity to present its views on matters within the scope of its activities and mandate, subject to the applicable Rules of Procedure and any decisions of the member States/Parties of CITES and FAO.

ITEM III

Exchange of Information

1. The Participants should regularly exchange information regarding their relevant activities and positions.
2. Each Participant should inform its member States of relevant activities of the other Participant, or, as appropriate, provide an opportunity for the other Participant to do so.
3. The Participants should keep each other informed of their relevant activities and positions in other organizations and forums.
4. The Participants should remind CITES Parties and FAO Member States of the importance of cooperation between CITES and FAO Forestry at the national level, and to promote improved communication, collaboration, and information exchange among national representatives to FAO and national CITES authorities.

ITEM IV

Cooperation

Cooperation under this Memorandum for Cooperation should include:

- a. Encouraging the regular exchange of information, as provided for in Item III, on relevant issues and activities, including relevant decisions of the Conference of the Parties to CITES and its subsidiary bodies, and of FAO governing bodies.
- b. The establishment of specific areas of work or joint work programmes with regard to timber and non-timber forest species, and associated capacity strengthening of common member countries for implementation of CITES decisions. Such joint work programmes will be appended to the present Memorandum for Cooperation, for information.
- c. The participants agree and acknowledge that the present memorandum is without prejudice to the status of the MoU on commercially exploited aquatic species, and which shall continue to be in effect.
- d. Cooperation between the Participants, consistent with each Participant's mandate, in the implementation of agreed joint activities and joint programmes of work, as provided for in Item V, and subject to the oversight of their respective governing bodies.
- e. Cooperation, where appropriate and possible, between the Participants in activities undertaken within their separate programmes of work, with a view to seeking harmony, synergy and coherence in matters relating to timber and non-timber forest species.
- f. Encouraging, as appropriate, participation of each Participant in the meetings of subsidiary or governing bodies, and relevant working or liaison groups.
- g. Cooperation between the Participants, as appropriate, to facilitate capacity building in developing countries and countries with economies in transition on forestry issues relating to species of interest to both Participants which are listed or may be listed on the CITES Appendices.

ITEM V

Joint activities and joint programmes of work

1. In order to promote cooperation within the context of this Memorandum for Cooperation, and in order to develop joint actions to address issues of mutual relevance, either of the Participants may propose joint activities or joint programmes of work, subject to the approval of their respective governing bodies or member States/Parties, aimed at specific objects of cooperation. Such joint activities or joint programmes of work should specify the objectives, areas of work, planned outputs, timetable, responsibilities and financial obligations of the Participants, and specify any other sources of funds, as well as staffing responsibilities. In implementing such joint activities and joint programmes of work, the Participants may jointly decide to cooperate with other organizations and agencies, including funding agencies, subject to approval of their member States/Parties.
2. Such joint activities and joint programmes of work may be modified by the written mutual consent of the Participants, subject to the approval of each Participant's governing body or member States/Parties.
3. Where necessary within the context of confirmed joint activities or programmes of work, either Participant may second staff to the other Participant, and make other relevant administrative arrangements.

ITEM VI

Financial implications

1. Any minor and ordinary expenditure relating to the implementation of this Memorandum for Cooperation should be borne by the respective Participant.
2. Nothing in this Memorandum of Cooperation is intended to affect any issues relating to legal or financial liability of the Participants. If the cooperation proposed by one of the Participants to the other in

accordance with this Memorandum of Cooperation entails expenditure beyond minor and ordinary expenditures, the two Participants shall consult to determine the availability of the resources required, the most equitable way of meeting such expenditure and, if resources are not available, the most appropriate ways to obtain the necessary resources. If necessary and if confirmed by the Participants' governing bodies or member States/Parties, the Participants may jointly seek in-kind and financial resources from other organizations and agencies, including funding agencies, for their joint activities and joint programmes of work. Separate letters of intent or other arrangements, with specific budgets and resource identification, may be formulated for individual activities involving the commitment of financial resources by either signatory, subject to approval by the participants' governing bodies or member States/Parties.

ITEM VII

Implementation of this commitment

1. The Assistant Director-General of the FAO Forestry Department and the Secretary-General of CITES may make the arrangements necessary for ensuring satisfactory implementation of this Memorandum for Cooperation, including through the development of specific areas of work or joint work programmes, subject to the approval of the CITES Parties and the FAO Member States.
2. Both Participants will regularly report to their governing bodies and subsidiary bodies, on progress made in the implementation of this Memorandum for Cooperation and seek further guidance and endorsement regarding existing and new areas of cooperation.

ITEM VIII

Focal Points

The Assistant Director-General of the FAO Forestry Department and the Secretary-General of CITES are the focal points for the purposes of this Memorandum for Cooperation, in particular for official communications and the exchange of information. The Participants may, however, designate separate focal points in the case of joint activities and programmes of work.

ITEM IX

Commitments with other organizations

This Memorandum for Cooperation is without prejudice to commitments formulated by either Participant with other organizations, or programmes within the United Nations System.

ITEM X

Modification of this Memorandum for Cooperation

This Memorandum for Cooperation may be modified by written mutual consent of the Participants, subject to the approval of their respective governing bodies.

ITEM XI

Termination

This Memorandum for Cooperation will remain in effect unless terminated by 90 days' written notice served by one Participant upon the other, following approval by the Participants' respective governing bodies, or replaced by another commitment.

ITEM XII

Privileges and Immunities, Settlement of Problems

1. Nothing in this Memorandum for Cooperation or in any document or activity related thereto should be construed as a waiver of the privileges and immunities of the Participants.

2. Any dispute relating to the interpretation or implementation of this Memorandum for Cooperation should be settled by consultations between the Participants.

ITEM XIII

Duration

This Memorandum for Cooperation will commence upon signature by the Director-General of FAO and the Secretary-General of CITES.

On behalf of the Food and Agriculture Organization of the United Nations	On behalf of CITES
Date:	Date: