

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

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SUPPLEMENTARY EXPLANATORY NOTES ON INTERPRETATION AND IMPLEMENTATION
OF ARTICLE III(5), ARTICLE IV(6) AND (7) AND ARTICLES XIV(4), (5) AND (6)
RELATING TO INTRODUCTION FROM THE SEA (DOC. 11.18)

(submitted by Australia)

The provisions of the Convention that relate to introduction from the sea are perhaps the only substantial provisions of the Convention for which an agreed interpretation and implementation are yet to be realised. Document Doc. 11.18 – Interpretation and Implementation of Article III(5), Article IV(6) and (7) and Articles XIV(4), (5) and (6) relating to introduction from the Sea – has been submitted by Australia to address this outstanding requirement. The document has been developed in close consultation with interested organizations and government agencies.

The purpose of this supplementary note is to provide a simplified explanation of the document and thus enhance understanding of its contents and reduce any confusion about the intent of draft resolution.

Why is there a need to address this issue?

There is growing concern in some sections of the international community about the sustainability of some commercial harvesting of marine species, particularly on the high seas. Illegal, unregulated and unreported fishing has become a serious issue for inter-governmental bodies responsible for the conservation and management of marine resources. There is thus an increasing likelihood that commercially harvested marine species will be proposed for inclusion in Appendix-II of the Convention.

Under these circumstances, Australia believes there is value in reaching agreement on practical and effective measures before the conference of the parties is asked to consider proposals to list economically important marine species on the Appendices to the Convention. An agreed approach to administering the provisions of the Convention that relate to introduction from the sea will facilitate the administration of the subsequent movement of and commerce in specimens.

Document Doc. 11.18 represents an initial attempt to address the principal issues embodied in the provisions of the Convention that relate to "introduction from the sea". In developing the draft resolution, every effort has been made to construct practical regulatory and administrative systems that do not impose unnecessary or burdensome requirements on legitimate activities.

What does the draft resolution seek to achieve?

Document Doc. 11.18 seeks to achieve agreement on the following issues:

1. The circumstances that constitute an "introduction from the sea";

In order to achieve uniform implementation of the introduction from the sea provisions of the Convention, it is necessary to agree on an interpretation of the term "marine environment not under the jurisdiction of a State". The draft resolution proposes adoption of a definition that is consistent with that contained in the 1982 UN Convention on the Law of the Sea (UNCLOS).

2. Implementation of Articles III(5), IV(6), XIV(4) and XIV(5) concerning regulation of trade in specimens that constitute introductions from the sea;

The draft resolution seeks to identify the range of information that should be included on a certificate of introduction from the sea issued in accordance with Article III(5) and IV(6) of the Convention. Much of the information identified is the same as that required when a Management Authority issues a CITES export permit and is prescribed in Resolution Conf 10.2. The additional information is considered necessary to facilitate accurate documentation of transactions and subsequent analyses of trade in specimens. For this reason

- Operative paragraph b) provides for a certificate of introduction from the sea to contain information on measures to control and monitor total catches.
- Operative paragraph c) proposes information requirements that will accurately distinguish between harvest and export data when specimens that have been introduced from the sea pursuant to Article III(2) or IV(2) are subsequently exported.
- Operative paragraph d) proposes an administrative procedure that enables a Management Authority, when issuing an export permit pursuant to Article III(2) or IV(2), to satisfy the requirements for a non-detriment finding simply by attaching a copy(ies) of the relevant certificate(s) of introduction from the sea.
- Operative paragraph f) clarifies the potential confusion over which State is responsible for issuing a certificate of introduction from the sea when specimens of Appendix-II listed species are transferred at sea. The draft resolution also recognizes the agreed “transit” provisions of resolution Conf 9.7.

The draft resolution also seeks the co-operation of Parties to report the introduction from the sea of all specimens of Appendix-II listed species that are taken in accordance with Article XIV(4) by requesting such Parties to include all relevant information in their annual reports.

The resolution also seeks to facilitate and monitor implementation of these administrative measures by mandating specific tasks to the Secretariat and the Animals Committee – in particular establishing liaison and collaboration with relevant intergovernmental organizations.