

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters

Regulation of trade

INTRODUCTION FROM THE SEA

1. This document has been prepared by the Standing Committee.*
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decision 17.181 on *Introduction from the sea* which remains in effect. The Decision reads as follows:

17.181 Directed to the Secretariat

The Secretariat shall report to the Standing Committee, as appropriate, on the results of the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

3. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.157 and 18.158 on *Introduction from the sea* as follows:

18.157 Directed to the Secretariat

The Secretariat shall continue to monitor the implementation of Resolution 14.6 (Rev. CoP16) on Introduction from the sea, including the provisions on chartering, and report as appropriate to the Standing Committee.

18.158 Directed to the Standing Committee

The Standing Committee shall, as appropriate, review the information provided by the Secretariat as requested in Decisions 18.157 and 17.181 and, if necessary, propose measures for consideration at the 19th meeting of the Conference of the Parties, which may include amendments to Resolution Conf. 14.6 (Rev. CoP16).

4. In document SC74 Doc 51, the Secretariat reported to the 74th meeting of the Standing Committee (SC74, Lyon, March 2022) that it continued to monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), pursuant to Decision 17.181.
5. The first session of the Intergovernmental Conference on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national

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jurisdiction, established by General Assembly resolution 72/249 of 24 December 2017, was convened from 4 to 17 September 2018, the second session from 25 March to 5 April 2019 and the third session from 19 to 30 August 2019. Following the third session, the President of the Intergovernmental Conference issued a revised draft text of an agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (available as document [A/CONF.232/2020/3](#)).

7. The fourth session of the Conference, which was postponed twice by General Assembly decisions 74/543 and 75/570 owing to the COVID-19 pandemic, took place from 7 to 18 March 2022. Substantive discussions were held on the four thematic issues of the package under discussion (marine genetic resources, including questions on the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; capacity-building and the transfer of marine technology); as well as cross-cutting issues, including textual negotiations on the revised draft text. The fourth session marked the end of the mandate provided under General Assembly resolution 72/249, and a new resolution is now needed to provide a mandate for further Intergovernmental Conferences. The President of the Conference has called for delegations to continue to engage and make progress in the intersessional period.
9. The Secretariat further reported to SC74 that it continued to monitor the implementation of Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*, including the provisions on chartering, pursuant to Decision 18.157. The Conference of the Parties adopted Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* to provide practical guidance regarding the correct and effective implementation of the Convention for the harvesting and landing into a State of specimens taken in marine areas beyond the areas subject to the sovereignty or sovereign rights of a State. The Secretariat informed the Standing Committee that in assisting some Parties to put in place legal and regulatory measures concerning new marine species listings, it had observed that CITES provisions regulating trade in listed marine species are not yet sufficiently understood and implemented by the Parties.
10. The Secretariat provided reporting and analysis of trade transactions with exporter and source codes corresponding to introduction from the sea trade transactions in document SC74 Doc 51, with the support and participation of the United Nations Environment Programme-World Conservation Monitoring Centre (UNEP-WCMC). The analysis flagged possible discrepancies between trade reported as introduction from the sea and the reality of the volume of trade taking place.
11. The Secretariat reported to the Standing Committee that, in order to support national authorities in meeting their commitments under the Convention, the Secretariat had developed training materials and organised subregional workshops, which were held online across the second half of 2021. The Secretariat organised further subregional workshops during the first half of 2022.
12. The Secretariat reported at SC74 that it had also supported several Parties through the national legislation project on institutional and legislative aspects, provided capacity-building activities and provided support through direct correspondence with Management Authorities and customs officers of Parties concerning implementation of new listings of marine species. Through these activities, the Secretariat had identified a list of key challenges faced by Parties with regards to introduction from the sea, set out in document SC74 Doc 51. The Secretariat provided for the consideration of the Standing Committee the 10 most frequently asked questions by Parties in the course of these capacity-building activities, along with responses.
13. The Standing Committee noted the document submitted by the Secretariat and the advice provided by Parties and observers on the responses to the 10 questions most frequently asked questions on CITES trade from areas beyond national jurisdiction. The Committee further invited Parties and observers to provide these comments to the Secretariat in order to improve the frequently asked questions. The Committee agreed to submit to the Conference of the Parties the draft decisions set out in Annex 1 to the present document.

Recommendations:

14. The Conference of the Parties is invited to adopt the draft Decisions 19.AA to 19.DD contained in Annex 1 to the present document

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of Parties adopt the draft decisions in Annex 1 to the document to support further provision of advice and technical support on the implementation of the Convention as regards trade from areas beyond national jurisdictions. This work will be undertaken, where appropriate, in collaboration with partners such as the Food and Agriculture Organization of the United Nations.
- B. With respect to draft decision 19.AA, the Secretariat notes that this is a renewal of Decision 17.181 requesting the Secretariat to monitor discussions on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. As of August 2022, the Secretariat can provide the further update that a fifth session took place in New York from 15 to 26 August 2022 pursuant to General Assembly decision 76/564. Progress was made in discussions however consensus was not reached on a new instrument. The session was suspended, to be resumed in early 2023.
- C. The Secretariat would like to draw Parties' attention to the relevance of the discussions under agenda item 40, concerning revised guidance on the making of legal acquisition findings, to Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*. The revised rapid guidance is pertinent here because of the role of legal acquisition findings in the export of specimens from areas beyond national jurisdictions, and because of the need to make a verification of legality in introduction from the sea transactions in line with paragraph 3 of that Resolution.
- D. The Secretariat furthermore recommends the deletion of Decision 17.181 and Decisions 18.157 to 18.158 as these are either replaced by the new decisions or have been implemented.

DRAFT DECISIONS ON *CITES TRADE FROM AREAS BEYOND NATIONAL JURISDICTION*

Directed to the Secretariat

- 19.AA** The Secretariat shall monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and report to the Standing Committee the results, as appropriate.
- 19.BB** The Secretariat shall continue to monitor the implementation of Resolution 14.6 (Rev. CoP16) on *Introduction from the sea* and report as appropriate to the Standing Committee.
- 19.CC** The Secretariat shall approach and work with the States that are most active in the trade in CITES species from the sea, including flag-of-convenience States and territories, with a view to encouraging them to fulfil their CITES responsibilities.

Directed to the Standing Committee

- 19.DD** The Standing Committee shall, as appropriate, review intersessionally the 10 questions most frequently asked on 'CITES trade from areas beyond national jurisdiction' and the responses prepared by the Secretariat and provide recommendations to the Secretariat regarding the possible amendment of the Annex to Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*.

**TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS**

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

Decision	Activity	Indicative costs (USD) (excludes Programme Support Costs)	Source of funding
19.DD	International (online workshop) to gather inputs on the 10 questions most frequently asked on 'CITES trade from areas beyond national jurisdiction' and the responses prepared by the Secretariat.	40,000	Extrabudgetary funds