

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

Forty-ninth meeting of the Standing Committee
Geneva (Switzerland), 22-25 April 2003

Strategic and administrative matters

Memoranda of Understanding

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

1. This document has been prepared by the Secretariat.
2. At its 12th meeting, the Conference of the Parties decided the following:

Directed to the Standing Committee

12.7 *On the basis of the recognition by the Conference of the parties of the primary role of FAO and regional fisheries management organizations in fisheries management and the role of CITES in regulating international trade, the Standing Committee shall work with FAO in the drafting of a Memorandum of Understanding between CITES and FAO, to establish a framework for cooperation, to be presented in draft form for consideration at the 25th meeting (February 2003) of COFI and, if possible, the 49th meeting of the Standing Committee.*

The following terms of reference should guide the Standing Committee in carrying out this work:

- a) elaborate provisions regarding future FAO involvement in the scientific evaluation of proposals for including exploited aquatic species in the Appendices or for downlisting them (see Appendix F of the Report of COFI: FTVIII);*
- b) cooperate with respect to capacity building in developing countries, in particular efforts centred on fisheries law enforcement activities of mutual interest;*
- c) append to the MoU annexes consisting of workplans listing issues of common interest to both organizations, including those found in Appendix F of the Report of COFI: FTVIII; and*
- d) report on work completed under the MoU at each meeting of the Conference of the Parties to CITES and the FAO Committee on Fisheries.*

3. Recognizing that the Standing Committee would not meet before the 25th meeting of FAO's Committee on Fisheries (COFI, Rome, 24-28 February 2003) the Secretariat developed, in consultation with the Chairman of the Standing Committee, a draft MoU for consideration by COFI. The text was based on the terms of reference found in Decision 12.7. A copy is attached for reference (Annex).

DRAFT submitted by CITES for consideration by the
25th session of the FAO Committee on Fisheries
(Rome, 24-28 February 2003)

MEMORANDUM OF UNDERSTANDING

Between

The Convention on International Trade in
Endangered Species of Wild Fauna and Flora
(CITES or the Convention)

and

The Food and Agriculture Organization of the United Nations (FAO)

Concerning

Commercially-exploited aquatic species

February 2003

NOTING that the Food and Agriculture Organization of the United Nations (FAO) was founded in 1945, *inter alia*, to promote and recommend international action with respect to the conservation of natural resources and the adoption of improved methods of agricultural production and to furnish such technical assistance as Governments may request;

FURTHER NOTING that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was adopted in 1973, *inter alia*, to bring about international cooperation essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

RECOGNIZING that the aims and purposes of CITES and FAO are related and in conformity with each other and that strengthened cooperation between CITES and FAO would better ensure the achievement of those aims and purposes;

RECALLING the recommendation in February 2002 of the COFI Sub-committee on Fish Trade, a subsidiary body to the FAO Committee on Fisheries, that a Memorandum of Understanding (MoU) be established between FAO and CITES; and

FURTHER RECALLING the decision of the Conference of the Parties to CITES at its 12th meeting in November 2002 directing the Standing Committee to conclude an MoU with FAO to establish a framework for cooperation;

CITES and FAO agree on the following scope and methods of cooperation.

Article 1

Scientific evaluation of CITES listing proposals

CITES and FAO shall develop a procedure for ensuring future FAO involvement in the scientific evaluation of proposals for listing or transferring commercially-exploited aquatic species in the CITES Appendices in accordance with Article XV, paragraphs 1 and 2(b) of the Convention. Once agreed, the procedure shall be annexed to and considered part of this MoU.

Article 2

Capacity building for natural resource management

- a) CITES and FAO shall facilitate the provision of advice, technical assistance and training to developing countries and countries with economies in transition concerning the implementation of the Convention and FAO Codes or Plans of Action concerning the management of commercially-exploited aquatic species and related law enforcement efforts, for example in connection with the CITES Review of Significant Trade pursuant to Resolution Conf. 12.8, the making of non-detriment findings under the Convention, the FAO Code of Conduct for Responsible Fisheries and the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).
- b) CITES and FAO shall communicate and exchange information regularly and bring to each other's attention areas of concern where there is a role for CITES or FAO to play or where there are implementation difficulties that need to be taken into consideration and addressed.

Article 3

Technical and legal issues of common interest

CITES and FAO shall identify and work together to address technical and legal issues of common interest.

Article 4
Coordination of work

- a) The Secretariats of CITES and FAO shall meet annually to discuss implementation of this MoU and to prepare joint work plans for carrying out specific activities. The results of these meetings shall be provided to the CITES Standing Committee and the FAO Sub-committee on Fish Trade for review and input.
- b) The Secretariats of CITES and FAO shall periodically report on work completed under the MoU to meetings of the Conference of the Parties to CITES and the FAO Committee on Fisheries.

Article 5
General provisions

- a) This MoU shall take effect on the date of signature by both CITES and FAO. It shall 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 of CITES and FAO.
- b) Neither CITES nor FAO shall be legally or financially liable in any way for activities carried out jointly or independently. 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 CITES or FAO.

Ken Stansell
Chairman, Standing Committee
CITES

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Chairman of the Council
FAO

Date:

Date: