

Interpretation and Implementation of the Convention
SALE OF TOURIST ITEMS OF APPENDIX-I SPECIES
AT INTERNATIONAL AIRPORTS, SEAPORTS AND BORDER CROSSINGS

1. This document has been submitted by the United States of America.

Background

2. Merchants in many places of international departure, such as international airports, seaports, and border crossings, including those in some countries Party to the Convention, continue to sell tourist souvenirs of Appendix-I species (such as elephant ivory, stuffed sea turtles, etc.), in spite of the fact that they can not be legally exported or imported by the traveller purchasing them. Some of these souvenirs are offered for sale in duty-free areas, which are beyond Customs control points.
3. The offer for sale of Appendix-I specimens (parts, products, and derivatives) as souvenirs in places of

international departure, and particularly in duty-free areas, creates a problem with regard to enforcement of the Convention, creates a conservation concern and promotes, either intentionally or unintentionally, trade in species listed in Appendix I.

4. Although some Parties and the Secretariat have taken steps to educate international travellers (potential buyers of such souvenirs of Appendix-I species), these sales continue. Also, there is still widespread public ignorance of the requirements of the Convention and of domestic legislation relating to trade in endangered species.
5. Parties should take steps to prohibit such sales and to educate international travellers about the illegalities involved with exporting or importing souvenirs of Appendix-I species.

Doc. 10.57 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Sale of Tourist Items of Appendix-I Species at International Airports, Seaports and Border Crossings

OBSERVING that Article III, paragraph 3(c), of the Convention requires that specimens of Appendix-I species are not to be traded internationally for primarily commercial purposes;

CONSIDERING that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix I species that are souvenirs being imported by a person returning to his State of usual residence;

RECALLING Resolution Conf. 4.12 (Rev.) on control of tourist souvenir specimens, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and revised at the ninth meeting (Fort Lauderdale, 1994), which recognized that parts, products, and derivatives of species listed on Appendices I and II continue to be widely sold as tourist souvenir specimens, urged Parties to comply with the requirements of Article III of the Convention with respect to tourist souvenir specimens and to vigorously control the export and import of specimens of Appendix I species (including parts and derivatives) whether or not exported or imported as personal effects, and also urged that Parties, in collaboration with national and international tourist agencies, carriers, and other relevant bodies, take all possible steps to ensure that tourists travelling abroad are made aware of the import and export controls that are or may be in force;

RECALLING paragraph h) of Resolution Conf. 9.7, adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), which notes that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones;

NOTING that specimens of Appendix-I species continue, in some countries, to be offered for sale at international airport gift shops and other venues (including duty-free areas) catering largely to international travellers;

RECOGNIZING that the sale of such wildlife specimens in places of international departure may encourage, either

intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of species listed in Appendix I;

ACKNOWLEDGING that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten a species;

RECOGNIZING that international airports, seaports, and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that such sales may seriously detract from that educational message; and

ACKNOWLEDGING that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species;

THE CONFERENCE OF THE PARTIES TO THE
 CONVENTION

URGES:

- a) that Parties take all necessary steps to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points; and
- b) that such steps include inspection and provision of information to merchants; and

RECOMMENDS that all Parties provide prominent displays of information, in all relevant languages, in places of international departure, informing travellers about the purpose and requirements of the Convention, and of the responsibilities of international travellers with respect to international and domestic laws relating to the import and export of wildlife specimens.

Interpretation and Implementation of the Convention

TRADE IN SPECIMENS OF SPECIES TRANSFERRED TO APPENDIX II
SUBJECT TO ANNUAL EXPORT QUOTASIntroduction

1. This document has been prepared by the Secretariat.
2. The present report covers the use of export quotas granted for 1994, 1995 and 1996 for species transferred to Appendix II subject to annual export quotas for Ecuador, Indonesia, Madagascar, South Africa, the United Republic of Tanzania and Uganda.

Changes made at the ninth meeting of the Conference of the Parties

3. At its ninth meeting (Fort Lauderdale, 1994), the Conference of the Parties agreed to the transfer of the population of *Crocodylus niloticus* of South Africa and the population of *Crocodylus porosus* of Indonesia to Appendix II pursuant to Resolution Conf. 3.15 on ranching.
4. Indonesia also proposed, and the Conference agreed, that its population of *Scleropages formosus* should be transferred to Appendix I and that all subsequent exports from Indonesia should be specimens produced in captive-breeding operations. No exports of wild-taken specimens of this species have been reported by Indonesia for 1994 or later.
5. The population of *Melanosuchus niger* of Ecuador was transferred to Appendix II pursuant to Resolution Conf. 3.15 on ranching but with a zero export quota for 1995 and 1996.
6. Because of continuing civil war, Somalia was not in a position to submit a proposal to the ninth meeting of the Conference of the Parties to maintain its population of *Crocodylus niloticus* in Appendix II and the population was returned to Appendix I.

Marking requirements

7. In paragraph b) of Resolution Conf. 9.22, the Conference has recommended that skins and flanks from crocodiles should be individually tagged and that chalcos should have a tag attached on each side (flank). Paragraph d) of the same Resolution specifies the minimum information that should be included on the tag, which should include the ISO two-letter code for the country of export, a unique serial identification number, a standard species code and, where appropriate, the year of production or harvest. In addition, in paragraph e) of the same Resolution the Conference has recommended that the same information as is on the tag(s) should be given on the export permit or re-export certificate. The Secretariat is satisfied that the countries concerned have complied with the above conditions.
8. As in the past, the Secretariat has assisted in procuring tags for the countries granted export quotas, and also for other countries that export crocodilian skins that requested assistance, on the condition that they reimburse the Secretariat for the cost incurred.

Reported exports

9. The information included in the table on the last page of this report has been compiled from the records in the annual reports submitted by the Management Authorities of the countries concerned, from proposals to the tenth meeting submitted by some of them, and

from the copies of export permits that some of them have sent to the Secretariat regularly.

10. Ecuador: The Secretariat has no reason to doubt that Ecuador has kept to its annual export quotas of zero for *Melanosuchus niger* for 1995 and 1996.
11. Indonesia: In 1994 the population of *Crocodylus porosus* of Indonesia was subject to export quotas of 7,000 skins of ranched/captive-bred animals and 1,500 skins from wild-taken animals. In its annual report for 1994, Indonesia reported that it authorized the export of 3,346 skins of this species. However, the source of these skins is not indicated, nor are the details of the identification numbers of the tags.
12. Madagascar: In its proposal to the tenth meeting of the Conference of the Parties, Madagascar has indicated that in 1994 it authorized the export of 3,568 skins of *Crocodylus niloticus* from ranched/captive-bred animals, but these included 570 skins from the 1991 export quota. Madagascar also authorized export of 50 skins of wild-taken animals under its 1992 export quota. In both cases, tags were attached to the skins corresponding to the year in which they were removed from the wild. In 1995, Madagascar authorized the export of 4,539 skins from ranched animals, of which 829 skins could not be exported until early in 1996.
13. In 1995, at least 123 skins from ranched animals and 20 skins from wild-taken animals were used locally to manufacture articles, most of which were exported to France, including the island of Reunion.
14. Madagascar did not order tags for wild-taken specimens for 1995 and 1996 quota years and no exports of wild-taken skins were reported for these years, except for locally processed articles.
15. Madagascar has submitted another proposal for the maintenance of its population of *Crocodylus niloticus* in Appendix II pursuant to Resolution Conf. 3.15 on ranching. The quality of the proposal is much improved over the previous two proposals.
16. South Africa: South Africa did not report any export of wild-taken skins of *Crocodylus niloticus* under its export quota for 1994. From 1995 the population was not subject to annual export quotas.
17. United Republic of Tanzania: In its annual report for 1994 the United Republic of Tanzania has indicated that it authorized the export of 3,479 skins. The source of the skins and the identification numbers of the tags are not specified in the report. Furthermore, one shipment of 22 specimens was recorded in the report as live animals, whereas it appears from the copy of the export permit sent to the Secretariat that the export concerned skins. The record in the annual report is therefore incorrect.
18. It appears from permits issued in 1996 that the United Republic of Tanzania authorized the export of 1,360 skins, of which 425 were from its 1995 export quota. It also authorized the export of 109 skins as hunting trophies, many of which were authorized under its 1995 export quota.
19. At the ninth meeting of the Conference of the Parties it was agreed to grant the United Republic of Tanzania annual export quotas for wild-taken skins of *Crocodylus*

niloticus for 1995 and 1996. It was also agreed that the export quota for 1997 should be agreed between the Management Authority of the United Republic of Tanzania, the Secretariat and the IUCN/SSC Crocodile Specialist Group. At the time of writing of this report, the process of consultation with the Management Authority of the United Republic of Tanzania had been initiated.

20. **Uganda:** At the ninth meeting, the Conference of the Parties extended the maintenance of the Ugandan population of *Crocodylus niloticus* in Appendix II under the quota system, for a second interval, subject to an annual export quota of 2,500 skins from ranched animals for 1995, 1996 and 1997.
21. Uganda has submitted a proposal to the tenth meeting to maintain its population of *Crocodylus niloticus* in Appendix II pursuant to Resolution Conf. 3.15 on ranching. In the proposal it is indicated that Uganda authorized the export of 798 skins in 1994, 624 skins in 1995 and none in 1996.

Observations

22. The Secretariat has consulted with the World Conservation Monitoring Centre regarding the establishment of a computerized system for the tracking of tags used

for crocodylian skins in trade, in relation to the recommendation in paragraph I) of Resolution Conf. 9.22. However, for the countries covered in this report, the Secretariat has kept an up-to-date record of the tags that they have ordered, and has used this information to check tag identification numbers specified on export permits.

23. There is a need for the countries that export crocodylian skins and the countries of destination to include in their annual reports details of the identification numbers of the tags that are attached to crocodile skins in trade. This is fundamental to any tracking system that may be adopted in the future.
24. As with leopard hunting trophies and skins (see document Doc. 10.42), some of the crocodile skins were not exported during the year of production and in the year to which the export quota applies. In the case of Madagascar, for example, skins produced and tagged in 1991 and 1992 were exported in 1994. Should these skins be considered as part of the 'specified annual export quota' for 1994, as stated in annotation -110 of Appendices I and II or should they be considered under the quota corresponding to the year of production? The Conference of the Parties is requested to provide the Secretariat with guidance.

Utilization of Annual Export Quotas for Crocodylians

Country		1994		1995		1996	
		Quota	Annual reports (exports)	Quota	Annual reports (exports)	Quota	From permits or proposals
<i>Crocodylus niloticus</i>							
Madagascar	R/C W	4 300 100	3 568 50 ¹	4 500 100	3 539 0	5 000 200	3 360 0
South Africa	W	1 000	0	population retained in Appendix II under Resolution Conf. 3.15 on ranching			
Tanzania, United Republic	R/W H	200 100	3 479 50	1 000 100	915 58	1 000 100	1 360 109
Uganda	R	2 500	798	2 500	624	2 500	0
<i>Crocodylus porosus</i>							
Indonesia	R/C W	7 000 1 500	3 346	population retained in Appendix II under Resolution Conf. 3.15 on ranching			
<i>Melanosuchus niger</i>							
Ecuador		population in Appendix I		population transferred to Appendix II under ranching with zero export quotas for 1995 and 1996			
¹ skins from the 1992 export quota C: skins from captive-bred animals R: skins from ranched animals W: skins from wild-taken animals							

Interpretation and Implementation of the Convention

TRADE IN ALIEN SPECIES

1. This document has been submitted by Argentina, New Zealand and the United States of America.

Introduction to the Topic

2. An alien (non-indigenous) species is a species, subspecies, or lower taxon, occurring as a result of human activity in an area or ecosystem in which it is not native (Clout and Lowe 1996). Alien species which colonize natural or semi-natural ecosystems, cause change and threaten biodiversity are categorized as "invasive" (Clout and Lowe 1996). They have been identified as the second largest threat to biological diversity globally after habitat loss and degradation (Berntsen, 1996). International conservation bodies have recently addressed the issue of alien species and the problems associated with them. In July, 1996, the United Nations Environment Programme (UNEP), the Secretariat for the Convention on Biological Diversity, UNESCO, and the Scientific Committee on Problems of the Environment (SCOPE) of the International Council of Scientific Unions (ICSU) sponsored a Conference on Alien Species in Trondheim, Norway. This Conference provided a forum for dialogue among scientists and policy makers on research and management issues related to alien species; contributed to ongoing deliberations in international and national fora dealing with these issues, and developed a sound scientific knowledge base on issues related to alien species.
3. At the World Conservation Congress in October 1996, The IUCN/SSC Invasive Species Specialist Group conducted a workshop on "Dealing with Alien Invasive Species." During the course of this workshop, draft guidelines for the prevention of biodiversity loss due to biological invasion were made available for further discussion and consideration. The IUCN/SSC Invasive Species Specialist Group is developing a global database of invasive species.
4. The IUCN workshop was followed by further discussion of the invasive species issue at the Third Conference of the Parties of the Convention on Biological Diversity (CBD) in November 1996, held in Buenos Aires, Argentina. At this CBD Conference of the Parties, CBD Parties adopted Decision L.5, which suggested that Parties may wish to use the results of the Norway Conference on Alien Species in the implementation of Article 8(h) of the Convention, which states that "each Contracting Party shall, as far as possible and appropriate: prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species." The CBD Parties also included alien species as one of four thematic categories for consideration in the implementation of the conservation and sustainable use Articles of the Convention, by recommending "the development of a thematic approach in the further compilation and dissemination of information on the implementation of Articles 6 and 8 and recommends inclusion of the following work areas within this approach: methodologies to evaluate and mitigate threats to biological diversity; ways to suppress or mitigate perverse or negative incentives having a deleterious effect on biological diversity; alien species; and protected areas.
5. Non-indigenous species are introduced in native ecosystems in several ways: (a) unintentionally as an adjunct to human activities such as trade and (b) intentionally when introductions are linked to produc-

tion industries such as agriculture, horticulture, forestry, and aquaculture (Clout and Lowe 1996).

6. CITES is the international treaty which regulates international trade in protected species of wildlife and, therefore, is an appropriate forum for the discussion of introductions of invasive species deriving from international trade in live specimens of these species. The IUCN/SSC Invasive Species Specialist Group has developed draft guidelines for the prevention of biodiversity loss due to biological invasion and several of these guidelines are pertinent to CITES.
7. The intent of the United States in asking that the issue of trade in alien [invasive] species be discussed by the CITES Conference of the Parties is to:
 8. – heighten international awareness of the threats alien species pose to the conservation of biodiversity and focus attention on finding practical solutions to the alien species problems;
 9. – encourage co-operation and collaboration between CITES and the Convention on Biological Diversity (CBD) on threats to biodiversity from the introduction of alien species through international trade in these species;
 10. – encourage Parties to pay particular attention to these issues when developing national legislation and regulations, when issuing export or import permits for live specimens of potentially invasive species, or when otherwise approving exports or imports of live specimens of potentially invasive species;
 11. – heighten awareness of the work of and collaborate with the IUCN/SSC Invasive Species Specialist Group, to prevent the introduction of alien species in trade. The Parties could collaborate with the Specialist Group to collect information on the species in international trade which may pose serious problems if introduced as exotic species and evaluate the invasive risk potential of species in international trade, or of other species, whose introductions might affect the status' of CITES-listed species. Such collaboration and information would be extremely useful to Parties seeking to develop national guidelines for the importation of exotic flora and fauna and implementing Article 8(h) of the Convention on Biological Diversity.

Biological Perspective

12. The mixing of fauna and flora caused by people intentionally or unintentionally transporting species across biogeographical boundaries has, along with habitat destruction, been a major cause of extinctions throughout the world. Island ecosystems and their endemic species are particularly vulnerable to invasions by alien species. Invasive species are found in all taxonomic groups, including bacteria, fungi, algae, mosses, ferns, higher plants, invertebrates, fish, reptiles, birds, and mammals. Introductions of alien (non-indigenous) species occur as an adjunct to human activities such as trade and tourism. Both the intentional and unintentional movement of organisms around the globe is increasing as trade and travel routes continue to expand at a rapid rate.
13. The threats posed by introduced species to global biodiversity are immense and ever-increasing. In the

long-term, because they are usually irreversible, they may prove to be more insidious than habitat loss and degradation which may be reversible in many cases. Invasive alien species can prey on native species, compete for food and space, degrade habitats and ecosystem functions, degrade water quality, and transport and spread diseases and parasites. The result frequently is: loss of genetic, species, and biological diversity; extinction and replacement of native species; and changed, often decreased, biological productivity. The degradation of biodiversity and economic damage inflicted by invasive, alien species can seriously undermine not only countries' efforts to develop and implement programs of sustainable utilization of their wildlife, but also the broader prerequisites of a diversified and sustainable economy. On Guam, the introduction of the brown tree snake (*Boiga irregularis*) has extirpated at least, nine bird species and threatens the biodiversity and stability of Guam's terrestrial ecosystems.

14. Prevention of further biological invasions is therefore an extremely urgent priority for the conservation of biodiversity. In addition, the control of invasive species is extremely time-consuming and depletes resources and funds that could better be used for improving natural resource management and biodiversity conservation and for implementing CITES effectively.

International Trade Perspective

15. The commercial trade of live flora and fauna to supply international pet, food, horticultural, and collector markets has been increasing steadily since CITES' inception. The global trade in wildlife and its products is estimated at 5 to 8 billion dollars annually (General Accounting Office 1994). As a result, the risk of unintentional introductions of alien species has also increased. Imported species held in captivity sometimes subsequently escape or are released (Office of Technology Assessment 1993). Often, determining which of the two has occurred is difficult (i.e., whether the introduction is intentional or accidental [unintentional]). For example, the source of bighead carp (*Hypophthalmichthys nobilis*) recently established in the Mississippi River is unclear. Some contend it escaped from aquaculture facilities, while others believe it was illegally released in order to establish free-living populations (Office of Technology Assessment 1993).
16. In the United States, well over 300 non-indigenous fish and wildlife species of foreign origin have already established free-living populations, approximately 122 of which are causing harm and threatening biodiversity (Office of Technology Assessment 1993). Although some of these species were introduced intentionally, many become established by accident. The risk of deleterious introductions, both intentional and unintentional, from species in international commercial trade remains grave.
17. In the United States, about 23 percent of the vertebrate species of foreign origin that currently live in the wild were originally imported as cage birds or other wildlife pets (Office of Technology Assessment 1993). In Hawaii, introduced bird species threaten the endemic avifauna because these exotic bird species compete with native species for nest sites and food, carry diseases such as avian malaria, and displace native species in disturbed habitats (Long 1981).
18. In many U.S. states, including Florida and California, monk parakeets (*Myiopsitta monachus*), which are listed in CITES Appendix II and are an agricultural pest in their country of origin, have established free-living, self-sustaining populations. This introduction resulted

from "escaped" monk parakeets bought into the United States for the pet market.

19. Swamp eels (*Monopterus albus*) have become established in the wild in the U.S. State of Georgia as a result of people releasing their unwanted pet eels into freshwater ponds. This species is popular in the aquarium pet trade and once established in the wild, its predatory habits causes severe problems to native fishes and invertebrates.
20. Some cacti of the genus *Opuntia* (prickly-pear cacti) have been notoriously invasive weeds in Australia, as well as parts of Africa, the Middle East, and elsewhere. Cut leaves of the wetland carnivorous plant species *Sarracenia leucophylla* (white-topped pitcher plant) of the southeastern United States are used in the florist market. The United States received an application to export whole plants so that it could be grown in some wetlands elsewhere for the market. In addition to the CITES requirements, the United States considered the risk of its escaping and becoming established and invasive, as some species of *Sarracenia* have become established outside their native ranges. Terrestrial orchids of the Asian genus *Arundina* have become naturalized in Hawaii, where a great many invasive plants threaten many native plant species.
21. Brush-tailed possums (*Tichosurus* species) are fur-bearing marsupials native to Australia which pose a threat to the welfare and survival of native wildlife species within the United States. This species was imported into the United States for the commercial pet market. The U.S. is currently reviewing available economic and biological information on this species to determine if such imports would be injurious to wildlife under the U.S. Lacey Act of 1900 (18 U.S.C.42), and therefore subject to regulation under the Act. The injurious wildlife provisions of the U.S. Lacey Act restrict importation into the U.S. or the transportation in interstate commerce of live wildlife or eggs of any non-indigenous wildlife species determined to be injurious to certain interests, including: agriculture, horticulture, forestry, human health and welfare, and the welfare and survival of wildlife within the U.S.
22. Introductions of alien species through trade and tourism usually remains largely undocumented and unknown until such alien species become invasive and harmful. Some countries have adopted domestic legislation to regulate alien species and their introductions. New Zealand, as well as several other Parties, has developed national standards for live animal imports and adopted measures to prevent escapes and subsequent introductions. The IUCN/SSC Invasive Species Specialist Group has developed draft guidelines for the prevention of biodiversity loss due to biological invasion. The Invasive Species Specialist Group could play a critical role in assisting and providing guidance to the Parties and the CITES Secretariat on this issue. The Specialist Group is developing a "global database of invasive species" (Clout and Lowe 1996). This will be a computerized global listing of invasive species known to significantly threaten "conservation values, along with their biological characteristics, distribution, habitat associations, and methods used for control" (Clout and Lowe 1996). This database will be a predictive tool and provide information to decision and policy makers on invasive species.

Recommendations

23. The United States looks forward to the discussion of these issues at CoP10 and recommends that Parties:
24. – recognize that non-indigenous species can pose significant threats to biodiversity, that flora and

fauna species in commercial trade are likely to be introduced to new habitat as a result of international trade, and that awareness of these problems is needed in the business and public sectors;

25. – recognize that CITES can play a significant positive role in this issue;
26. – pay particular attention to these issues when developing national legislation and regulations when issuing export or import permits for live animals or plants of potentially invasive species or when otherwise approving exports or imports of live specimens of potentially invasive species;
27. – encourage Management Authorities of exporting countries to consult with the Management Authority of a planned importing country, when possible and when applicable, when considering exports of potentially invasive species, to determine if there are domestic measures regulating imports, or other concerns of the importing country;
28. – consider the threats of introduction of alien species and the risks to native biodiversity in the context of implementation of CITES and other Conventions, including the Convention on Biological Diversity. Parties should consider opportunities for synergy between their national implementation of CITES and of the Convention on Biological Diversity, and explore appropriate co-operation and collaboration between the two Conventions on the issue of introductions of alien (invasive) species;
29. – consider requesting that the Animals and Plants Committee:
30. – formally liaison with the IUCN/SSC Invasive Species Specialist Group between CoP10 and CoP11 to: review species in international trade, with respect to their biological potential for becoming invasive; and collaborate with them in the development of the global database of invasive species and identify the species which may pose problems if they are introduced. Such a database will help: guide Parties in their

evaluation of the alien species problem in their country; guide domestic decision-making; and help countries evaluate the risks imported animals and plants may pose to indigenous wildlife;

31. – co-operate with the IUCN/SSC Invasive Species Specialist Group in the implementation of their document, "Draft IUCN Guidelines for the Prevention of Biodiversity Loss due to Biological Invasion," parts of which are related to the trade and transport of live wildlife species; and
32. – further discuss the movement and international trade and transport of live specimens of potentially invasive species, and recommend means to ensure that unintentional introductions do not occur.

References

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Interpretation and Implementation of the Convention
ESTABLISHMENT OF A WORKING GROUP ON MARINE FISH SPECIES

1. This document has been submitted by the United States of America.

COMMENTS OF THE SECRETARIAT

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| <ol style="list-style-type: none"> 2. The Secretariat agrees with the principle of establishing a working group to consider marine fish species. 3. The Secretariat is concerned however that a working group should not be established unless the funds required for it to function are provided in the Trust Fund. 4. The Secretariat suggests that, if a group is established: 5. – its terms of reference should be clear in the resolution adopted and could extend to all marine spe- | <ol style="list-style-type: none"> 6. – cies or at least to all marine species subject to commercial fisheries; 6. – the text of the attached draft resolution should be reformulated to clarify the roles of the chairman, the Standing Committee and the working group; and 7. – the Conference should decide on the size and composition of the working group. |
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Doc. 10.60 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES
Establishment of a Working Group on Marine Fish Species

CONCERNED about the technical and practical issues associated with implementation of the Convention in relation to marine fish species subject to large-scale commercial harvesting and international trade;

RECOGNIZING the progress made by the Timber Working Group towards identifying issues and developing recommendations to address technical and implementation issues for timber species;

NOTING that some marine fish species subject to large-scale commercial harvesting and international trade currently qualify for inclusion in the appendices of the Convention;

NOTING the information needs identified by the Animals Committee to appropriately assess the biological and trade status of shark species through implementation of Resolution Conf. 9.17, adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994);

RECOGNIZING the significant work already accomplished by the Animals Committee; and

ACKNOWLEDGING the contributions of the Parties, the IUCN/SSC Shark Specialist Group, TRAFFIC, the Food and Agriculture Organization (FAO) of the United Nations, other international scientific and fishery management bodies and non-governmental organizations towards achieving the goals of Resolution Conf. 9.17;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Standing Committee to establish a temporary working group on marine fish species subject to large-scale commercial harvesting and international trade, chaired by the Chairman of the Animals Committee, which would:

- a) in consultation with the Standing Committee:
 - i) establish limited terms of reference;
 - ii) co-ordinate preparation of an analysis of technical and practical implementation concerns associated with the inclusion in the appendices of marine fish species subject to large-scale commercial harvesting and international trade and develop recommendations on the approaches to take to address identified issues;
 - iii) define its own relationship with existing international organizations that are involved in the collection of data on marine fish species;
 - iv) consult with FAO and other international fishery management bodies and co-ordinate activities with theirs and assure the continued implementation of Resolution Conf. 9.17; and
 - v) consider matters referred to it by the Animals Committee, the Standing Committee or the Secretariat;
- b) ensure that relevant expertise is the key issue when establishing the composition of the working group;
- c) begin to co-ordinate collection of data and actions to achieve consistency of reporting on marine fish species and to advise organizations established by regional fisheries treaties accordingly; and
- d) report back to the 11th meeting of the Conference of the Parties.

Interpretation and Implementation of the Convention

ESTABLISHMENT OF A WORKING GROUP ON MARINE FISH SPECIES

1. This informational document, which is submitted by the United States of America, presents the rationale for establishment of a temporary Working Group on Marine Fish Species, as proposed in document Doc. 10.60.
2. The United States believes that marine fish species (including shellfish and other invertebrates) subject to large-scale harvest and international trade should be managed by the appropriate regional fisheries conservation and management bodies, not by CITES.
3. However, if a marine fish species meets the CITES listing criteria, CITES does have a role in supporting regional conservation and management of that species through documenting and regulating international trade. A listing in CITES Appendix II may help prevent a marine fish species from meeting the criteria for inclusion in Appendix I.

Facilitating trade in marine fish species

4. The United States proposal for a temporary Working Group on Marine Fish Species has nothing to do with facilitating the listing of marine fish species under CITES. Instead, it is designed to address questions concerning implementation and enforcement so as to facilitate legitimate trade in marine fish species in CITES Appendix II that are subject to large-scale commercial harvest and international trade.
5. An Appendix-II listing for commercially harvested marine fish species would raise unique issues in the permitting of shipments in international trade. For example, what unit should be covered by an export permit or certificate – individual specimens, or amounts expressed in total weight (i.e. pounds or tonnes)? Another example is the need for a streamlined process for making a non-detriment finding under Article IV. The proposed working group could identify these issues and develop recommendations for facilitating the issuance of permits.
6. The United States believes that it is prudent to address potentially significant issues before they become problems. Similar questions have been addressed by the Timber Working Group, which met twice between CoP9 and CoP10 and has presented several practical draft resolutions to CoP10 that will help facilitate trade in connection with any future timber listing.

Consultation with FAO and regional bodies

7. The principal objective of document Doc. 10.60 is to facilitate legitimate trade in marine fish species. How-

ever, since CITES does not have management and conservation competence for marine fish species, it needs to develop a mechanism to consult and work closely with the Food and Agriculture Organization (FAO), the specialized international agency with competence for fisheries. In addition, CITES should consult and work closely with appropriate regional fisheries conservation and management bodies charged with responsibility for these species. This need was recognized in the final report of the Study on How to Improve the Effectiveness of CITES (in section 4.2.3). The proposed working group could serve these functions, such as ensuring that CITES receives available data from the regional management bodies so that decisions are based on the most appropriate and current data.

8. The working group on sharks at the 13th Meeting of the Animals Committee recognized the need for a mechanism for liaison between that Committee and FAO and other intergovernmental scientific and fisheries bodies, to monitor activities directed toward implementation of Resolution Conf. 9.17. The proposed Working Group on Marine Fish Species could also meet this need.

Membership, terms of reference and funding

9. The proposed working group would be composed of marine fisheries experts and would include representatives of major fishing countries, fishing industries, FAO and regional fisheries conservation and management bodies. Its work would be accomplished through meetings and other means, between CoP10 and CoP11.
10. The United States draft resolution calls for the proposed working group, in consultation with the Standing Committee, to establish limited terms of reference. If it is the wish of the Parties to establish those terms of reference at CoP10, the United States would be glad to revise the draft resolution and participate in a working group on this matter.
11. Concerning the source of funding for the proposed working group, we note that the Timber Working Group was financed by external funds. The United States is prepared to contribute to the expenses of the proposed working group and invites other Parties to do likewise.