

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Species trade and conservation issues

CONSERVATION OF AND TRADE IN *DISSOSTICHUS* SPECIES

1. This document has been submitted by Australia.

Background

2. Australia has submitted a proposal to include in Appendix II, the Patagonian toothfish, *Dissostichus eleginoides*, in accordance with Article II 2(a), of the Convention, and the Antarctic toothfish *Dissostichus mawsoni*, in accordance with Article II 2 (b).
3. The Patagonian toothfish is a slow-growing, long-lived species with a life history that makes it particularly vulnerable to over-exploitation. It has a wide geographical distribution in the Antarctic and Southern Oceans. The inclusion of toothfishes in Appendix II of CITES is being proposed in order to ensure that future international trade in and fishing of toothfishes are sustainable. The Patagonian toothfish is under severe pressure from illegal, unregulated and unreported (IUU) long-line fishing in the Southern Ocean, despite the continuing efforts of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to establish tight controls over fishing for toothfishes including the adoption of the Catch Documentation Scheme (CDS). A CITES listing will provide additional tools and opportunities to ensure sustainable trade.
4. An annotation has been included as an integral part of the species listing. The annotation provides for the application of CCAMLR conservation and management measures in respect of trade in specimens of *Dissostichus* species harvested from within the CCAMLR Convention Area. The regulation of trade in these species from within a CCAMLR area would be managed by CCAMLR. Documentation issued by CCAMLR in accordance with the CDS will be taken to be equivalent to a certificate of introduction from the sea or export permit issued under CITES.
5. The annotation also provides for the regulation of trade in specimens of *Dissostichus* species harvested from waters that are outside the CCAMLR Convention Area (both high seas and waters under the jurisdiction of coastal States). The regulation of trade in these specimens would occur in accordance with the normal operation of the relevant provisions of CITES (Article IV).

Recommendation

6. The draft resolution in the Annex has been prepared for discussion if the proposal for inclusion of the species in Appendix II is adopted. It aims to deal with implementation problems that may arise from the annotation by agreeing that CCAMLR is the authority competent to issue documents that are recognized as an acceptable substitute to CITES certificates and export permits for these species. It also deals with a cooperative approach to the management of these species through the exchange of information between CITES and CCAMLR.

COMMENTS FROM THE SECRETARIAT

- A. This proposed resolution is dependent upon the Conference of the Parties adopting proposal Prop. 12.39 (see also the comments from the Secretariat on this proposal in document CoP12 Doc. 66).
- B. The obligations of Parties with respect to the issuance of permits and certificates by the Management Authority and the making of non-detriment findings by the Scientific Authority are outlined in Article IV of the Convention. A resolution cannot relieve Parties of these obligations, and therefore the paragraph under ACCEPTS is not possible. However, Parties may designate CCAMLR as their Scientific Authority for *Dissostichus* spp. for catches taken within the CCAMLR area, and accept the advice of the CCAMLR Scientific Committee for the purposes of the Convention.
- C. The Secretariat observes that this proposal does not provide details on the *Dissostichus* Catch Document or the Catch Documentation Scheme, and to conform to the Convention, a certificate of introduction from the sea or export permit may only be issued by the Management Authority of the State of introduction or State of export. It is nevertheless possible to achieve compatibility with the Catch Documentation Scheme of CCAMLR if authorities designated to validate *Dissostichus* Catch Documents are also designated as Management Authorities under CITES, for the purpose of granting certificates of introduction from the sea.
- D. Under RESOLVES, the Scientific Authority of the State of introduction is tasked to determine the origin of the specimens and their legal acquisition. This goes beyond the conditions of paragraph 6 of Article IV, which defines the role of the Scientific Authority only in terms of advising whether the introduction will not be detrimental to the survival of the species involved.
- E. The Secretariat agrees that if Prop. 12.39 is adopted, improving synergy and collaboration with CCAMLR for the purpose of reducing illegal, unregulated and unreported fishing and enhancing the conservation of these species, are warranted.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Conservation of and trade in *Dissostichus* species

RECALLING the decision of the Parties to include *Dissostichus eleginoides* in Appendix II in accordance with Article II, paragraph 2(a), of the Convention, and to include *Dissostichus mawsoni* in Appendix II in accordance with Article II, paragraph 2 (b);

CONCERNED about the conservation status of *Dissostichus eleginoides* as specimens of this species are slow-growing and long-lived with a life history that makes them particularly vulnerable to overexploitation;

AWARE that *Dissostichus eleginoides* and *Dissostichus mawsoni* represent a very valuable renewable biological and economic resource;

AWARE that *Dissostichus eleginoides* and *Dissostichus mawsoni* are subject to commercial harvesting in waters within the area covered by the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) Area, and *Dissostichus eleginoides* in waters outside the CCAMLR Convention Area;

RECOGNIZING that CCAMLR is the international body responsible for the conservation and rational use of Antarctic marine living resources in the CCAMLR Convention Area and that CCAMLR has established a range of conservation, management and other relevant measures and resolutions for the conservation of *Dissostichus* species;

AFFIRMING that any international trade in *Dissostichus* species taken through illegal, unregulated and unreported fishing activities (IUU fishing) undermines the conservation of the species and the efforts of States, including those party to CCAMLR, to conserve the species;

CONCERNED that IUU fishing poses an ongoing and substantial threat to *Dissostichus* species in the wild and that strengthened international cooperation between range and non-range States, and fishing States is required to ensure the effective conservation of *Dissostichus* species;

ACKNOWLEDGING that CCAMLR has established and is improving management tools to protect and sustainably manage *Dissostichus* species, including a range of conservation measures designed to ensure that only sustainable fishing occurs, such as the Catch Documentation Scheme for *Dissostichus* species, which aims, *inter alia*, to monitor international trade in these species;

RECOGNIZING that CCAMLR has invited non-contracting States involved in the harvesting, landing or trading of *Dissostichus* species to participate in its Catch Documentation Scheme;

RECOGNIZING also that under international law, coastal States exercise sovereignty, sovereign rights and jurisdiction over maritime areas as set out in the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on 10 December 1982 (UNCLOS);

RECALLING that Article IV, paragraph 2 (a), of the Convention on International Trade in Endangered Species of Wild Fauna and Flora requires, as a condition for granting an export permit, that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

RECALLING also that Article IV, paragraph 6 (a), of the Convention, requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of introduction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned;

CONSCIOUS of the need to develop procedures to provide for the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention, for the purposes of regulating trade in *Dissostichus* species;

RECOGNIZING that *Dissostichus* Catch Documents (DCD) issued under the CCAMLR Catch Documentation Scheme for *Dissostichus* species (CDS) contain features required for a certificate of introduction from the sea or an export permit issued under the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that CCAMLR is the body competent to determine measures that will lead to the conservation of *Dissostichus* species within the CCAMLR Convention Area, and that the advice of the CCAMLR Scientific Committee in respect of the annual catch limits, is a non-detriment finding for *Dissostichus* species within the CCAMLR Convention Area for the purposes of Article IV, paragraphs 2 (a), 3 and 6 (a) of CITES;

ACCEPTS that a *Dissostichus* Catch Document issued in accordance with the requirements of the CCAMLR Catch Documentation Scheme for *Dissostichus* species is equivalent to and an acceptable substitute for a certificate of introduction from the sea or export permit issued under CITES;

AGREES that, for the purposes of the implementation of Article IV, paragraph 6 (a), of the Convention, the prior grant of a certificate of introduction from the sea shall be required in respect of specimens of the species *Dissostichus eleginoides* harvested from waters that are not included in the exclusive economic zone, in the territorial sea or the internal waters of a State, or in the archipelagic waters of an archipelagic State, as defined in UNCLOS;

URGES Parties to consult with the CCAMLR Secretariat before issuing a certificate of introduction from the sea for specimens of the species *Dissostichus eleginoides* harvested in waters not under the jurisdiction of any State and outside the CCAMLR Convention Area, ;

RESOLVES that, for the issuance of a certificate of introduction from the sea for specimens of *Dissostichus eleginoides* harvested outside the CCAMLR Convention Area, a finding that the introduction will not be detrimental to the survival of the species should only be made where the Scientific Authorities of the State of introduction verify that the specimens have not been harvested in waters under the jurisdiction of a coastal State in contravention of the applicable laws of that coastal State and have not been harvested within the CCAMLR Convention Area and that the specimens concerned have been harvested in a manner that is consistent with the long-term conservation and sustainable harvesting of the species;

RECOMMENDS that Parties inform the CITES Secretariat about legal exporters of *Dissostichus* species and that importing countries be particularly vigilant in controlling the unloading of products of *Dissostichus* species;

RECOMMENDS that the Animals Committee, in consultation with the CCAMLR Scientific Committee and other relevant experts, examine trade in *Dissostichus* species and report at the 13th meeting of the Conference of the Parties on any trade measures that may be required, including establishment of specific quotas, zero quotas or other restrictions on exports of *Dissostichus* species, in order to maintain the level of exports of *Dissostichus* species harvested outside the CCAMLR Convention Area at below the level that would be detrimental to the survival of *Dissostichus* species;

DIRECTS the Secretariat to establish procedures whereby CITES can cooperate with CCAMLR for the purpose of exchanging information relevant to the harvesting and regulation of trade in *Dissostichus* species, enhancing synergies between CCAMLR and CITES and facilitating consultations on introductions from the sea;

DIRECTS the Secretariat to share with CCAMLR any information it collects regarding the illegal trade in *Dissostichus* species; and

URGES all Parties and non-Parties to CITES to take measures individually and collectively, including through CCAMLR and other international bodies, to prevent continued IUU fishing and illegal trade in *Dissostichus* species, and to report to the CITES Secretariat on any developments regarding this issue.