

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

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Strategic and administrative matters

Cooperation with other organizations

REVISION OF RESOLUTION CONF. 12.4 ON COOPERATION
BETWEEN CITES AND THE COMMISSION FOR THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES REGARDING TRADE IN TOOTHFISH

1. This document has been submitted by Australia.
2. Australia proposes the revision of Resolution Conf. 12.4 in order to establish a mechanism for ongoing reporting of use by the CITES Parties of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) *Dissostichus* Catch Document, and regular reporting of this information by the CITES Secretariat to the CITES Parties and to CCAMLR.
3. Article XV, paragraph 2 (b), of the Convention establishes that for marine species, the Secretariat "shall consult inter-governmental bodies having a function in relation to those species". At its 12th meeting (Santiago, 2002), the Conference of the Parties adopted Resolution Conf. 12.4 relating to Cooperation between CITES and CCAMLR in which it recommended that CITES Parties adopt the CCAMLR *Dissostichus* Catch Document and "implement requirements for verification in all cases where specimens of these species are introduced into or exported from or transit through the territory under their jurisdiction".
4. The Conference of the Parties also adopted Decisions 12.57-12.59 dealing with Trade in toothfish. Decision 12.57 deals with reporting by Parties of their use of the CCAMLR *Dissostichus* Catch Document in 2003. Decision 12.58 requires the Secretariat to compile information from Parties on the use of the CCAMLR *Dissostichus* Catch Document, send this information to CITES Parties and CCAMLR, and also report at the 13th meeting of the Conference of the Parties. Decision 12.59 requires the Secretariat to invite CCAMLR to consider how further cooperation between CITES and CCAMLR could be progressed.
5. The actions outlined in Decisions 12.57 and 12.58 applied only to 2003. In order to establish full and effective cooperation between CITES and CCAMLR with regard to trade in toothfish, Australia regards it as important that such actions be ongoing. Accordingly, Australia suggests a revision of Resolution Conf. 12.4 as an effective mechanism for achieving this objective and has prepared a draft resolution based on Resolution Conf. 12.4. It seeks to establish ongoing reporting of trade in toothfish using the CCAMLR *Dissostichus* Catch Document.
6. Australia also proposes that the Conference of the Parties explicitly acknowledge that illegal, unreported and unregulated (IUU) fishing represents a threatening process in the Southern Ocean ecosystem, including for the conservation of Patagonian toothfish and Antarctic toothfish.
7. In addition to these changes, Australia suggests that references to "illicit, unregulated and unreported fishing" be amended to reflect the generally accepted phrase "illegal, unreported and unregulated (IUU) fishing". Similarly, it is suggested that references to "illicit trade" be amended to refer to "trade in toothfish derived from IUU fishing".
8. Australia suggests that for purposes of accuracy and clarity the reference in the fifth paragraph of Resolution Conf. 12.4 to a CCAMLR action plan be removed.

9. Annex 1 contains a copy of Resolution Conf. 12.4 with the proposed changes marked. Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.
10. Annex 2 contains a clean version of the draft resolution for consideration by the Conference of the Parties.

COMMENTS FROM THE SECRETARIAT

- A. Article XV, paragraph 2 (b), of the Convention only applies in relation to proposed amendments to Appendices I and II. It can therefore not serve as a basis for establishing an ongoing reporting mechanism within CITES for *Dissostichus* spp. which are not included in the Convention.
- B. The reporting by Parties on their use of the CCAMLR Catch Documentation Scheme and related verification requirements should be directly to CCAMLR. The CITES Secretariat has insufficient resources to serve as an intermediary for ongoing reporting related to non-CITES species.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of Resolution Conf. 12.4 on Cooperation between CITES and the
Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish

NB: Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.

RECOGNIZING that international cooperation is essential for the protection of certain species of wild fauna and flora and prevention of overexploitation and other adverse effects that can be caused by international trade;

CONSCIOUS of the importance of oceans for the earth's ecosystem and of the obligation of all States to protect and preserve the marine environment and its resources;

RECALLING that Article XV, paragraph 2 (b), of the Convention, provides that the Secretariat, as regards marine species, shall consult with intergovernmental organizations having a function in relation to those species;

RECOGNIZING that several organizations and regional agreements in the field of fisheries are adopting conservation measures that include guidelines for the certification of the origin of capture for species whose recovery and sustainable use they wish to promote and that for the success of these efforts it is important that all States, including those that are not members of or parties to those organizations or agreements, cooperate with these conservation measures and implement them;

KEEPING IN MIND that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has adopted ~~an action plan that includes, together with~~ measures for preventing and eliminating excessive fishing, and other measures ~~others~~ aimed at ensuring transparency of international trade in the species that it regulates, especially the Patagonian toothfish and Antarctic toothfish (*Dissostichus* spp.) in order that that trade does not affect the sustainable development of fishing nor the responsible use of Antarctic marine living resources;

TAKING NOTE that CCAMLR promotes cooperation with specific organizations and with any other organization that contributes to the work of that Commission and its Scientific Committee in aspects related to the protection of the Antarctic marine ecosystem;

CONCERNED that ~~illicit, unregulated and unreported fishing~~ illegal, unreported and unregulated (IUU) fishing activities ~~threaten to harm the populations of several fish species, including those of the Patagonian toothfish and Antarctic toothfish~~ represent a threatening process in the Southern Ocean ecosystem, including for the conservation of Patagonian toothfish and Antarctic toothfish, and urging all countries to cooperate with international efforts to eradicate ~~illicit, unregulated and unreported fishing~~ IUU fishing;

TAKING NOTE that CCAMLR has established regulations on commercial exploitation of all Antarctic marine living resources, especially the Patagonian toothfish and Antarctic toothfish, for all member States in order to prevent fishing from reaching levels of overexploitation;

FURTHER NOTING that CCAMLR, at its 21st meeting, urged CITES Parties to require a document under the CCAMLR Catch Documentation Scheme for all toothfish imports as well as agreeing that further cooperation with CITES would be welcome;

ALSO RECOGNIZING the need for CCAMLR and CITES to cooperate closely, both for the exchange of information concerning international trade in products of the Patagonian toothfish and Antarctic toothfish, and in their efforts to ensure that international trade in these species is carried out with the utmost legality, rigour and transparency;

CONCERNED that illicit international trade in specimens derived from IUU fishing of species regulated by CCAMLR undermines the effectiveness of CCAMLR and the principles of CITES;

URGING the Parties to CITES to use all measures within their power to ensure that ships flying their flag are not used to undermine conservation measures adopted by CCAMLR or adopted voluntarily outside the scope of that Convention by countries in whose jurisdictional waters specimens of *Dissostichus* spp. are captured;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

With regard to international trade in toothfish

RECOMMENDS that, regarding these species, the Parties adopt the *Dissostichus* Catch Document used by CCAMLR for *Dissostichus* spp. and implement requirements for verification in all cases where specimens of these species are introduced into or exported from or transit through the territory under their jurisdiction;

RECOMMENDS that the Parties should report to the Secretariat before the end of each calendar year on their use of the *Dissostichus* Catch Document, and on their verification requirements for such Catch Documents;

REQUESTS the Secretariat to compile the information on the use of, and verification requirements for, *Dissostichus* Catch Documents provided by Parties, and send this information to CITES Parties and to CCAMLR yearly, and report on this at each meeting of the Conference of the Parties;

With regard to ~~illicit~~ trade in toothfish products derived from IUU fishing

WELCOMES WITH SATISFACTION the work of CCAMLR in combating ~~illicit, unregulated and unreported fishing~~ IUU fishing and urges the Parties to CITES to study carefully the question of trade in specimens of Patagonian toothfish and Antarctic toothfish, especially their geographic origin, and to cooperate with the Secretariat of CCAMLR in gathering information in this regard;

ENCOURAGES CCAMLR to maintain a permanent flow of information to the Parties to CITES through the Conference of the Parties and requests that the Secretariat in turn transmit to the Secretariat of CCAMLR any information available on ~~illicit trade in these species~~ trade in toothfish or toothfish products derived from IUU fishing; and

INVITES all interested countries, the United Nations Food and Agriculture Organization (FAO) and other intergovernmental or international organizations active in this field to cooperate in efforts to prevent illicit trade in ~~these species~~ toothfish or toothfish products derived from IUU fishing and transmit any relevant information to the Secretariat of CCAMLR; and

With regard to adhesion to the Convention for the Conservation of Antarctic Marine Living Resources

RECOMMENDS to the Parties that capture toothfish or that trade in toothfish products, and which have not yet done so, to adhere to the Convention for the Conservation of Antarctic Marine Living Resources and, in any case, to cooperate voluntarily with its conservation measures.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Revision of Resolution Conf. 12.4 on Cooperation between CITES and the
Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish

RECOGNIZING that international cooperation is essential for the protection of certain species of wild fauna and flora and prevention of overexploitation and other adverse effects that can be caused by international trade;

CONSCIOUS of the importance of oceans for the earth's ecosystem and of the obligation of all States to protect and preserve the marine environment and its resources;

RECALLING that Article XV, paragraph 2 (b), of the Convention, provides that the Secretariat, as regards marine species, shall consult with intergovernmental organizations having a function in relation to those species;

RECOGNIZING that several organizations and regional agreements in the field of fisheries are adopting conservation measures that include guidelines for the certification of the origin of capture for species whose recovery and sustainable use they wish to promote and that for the success of these efforts it is important that all States, including those that are not members of or parties to those organizations or agreements, cooperate with these conservation measures and implement them;

KEEPING IN MIND that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has adopted measures for preventing and eliminating excessive fishing, and other measures aimed at ensuring transparency of international trade in the species that it regulates, especially the Patagonian toothfish and Antarctic toothfish (*Dissostichus* spp.) in order that that trade does not affect the sustainable development of fishing nor the responsible use of Antarctic marine living resources;

TAKING NOTE that CCAMLR promotes cooperation with specific organizations and with any other organization that contributes to the work of that Commission and its Scientific Committee in aspects related to the protection of the Antarctic marine ecosystem;

CONCERNED that illegal, unreported and unregulated (IUU) fishing activities represent a threatening process in the Southern Ocean ecosystem, including for the conservation of Patagonian toothfish and Antarctic toothfish, and urging all countries to cooperate with international efforts to eradicate IUU fishing;

TAKING NOTE that CCAMLR has established regulations on commercial exploitation of all Antarctic marine living resources, especially the Patagonian toothfish and Antarctic toothfish, for all member States in order to prevent fishing from reaching levels of overexploitation;

FURTHER NOTING that CCAMLR, at its 21st meeting, urged CITES Parties to require a document under the CCAMLR Catch Documentation Scheme for all toothfish imports as well as agreeing that further cooperation with CITES would be welcome;

ALSO RECOGNIZING the need for CCAMLR and CITES to cooperate closely, both for the exchange of information concerning international trade in products of the Patagonian toothfish and Antarctic toothfish, and in their efforts to ensure that international trade in these species is carried out with the utmost legality, rigour and transparency;

CONCERNED that illicit international trade in specimens derived from IUU fishing of species regulated by CCAMLR undermines the effectiveness of CCAMLR and the principles of CITES;

URGING the Parties to CITES to use all measures within their power to ensure that ships flying their flag are not used to undermine conservation measures adopted by CCAMLR or adopted voluntarily outside the scope of that Convention by countries in whose jurisdictional waters specimens of *Dissostichus* spp. are captured;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

With regard to international trade in toothfish

RECOMMENDS that, regarding these species, the Parties adopt the *Dissostichus* Catch Document used by CCAMLR for *Dissostichus* spp. and implement requirements for verification in all cases where specimens of these species are introduced into or exported from or transit through the territory under their jurisdiction;

RECOMMENDS that the Parties should report to the Secretariat before the end of each calendar year on their use of the *Dissostichus* Catch Document, and on their verification requirements for such Catch Documents;

REQUESTS the Secretariat to compile the information on the use of, and verification requirements for, *Dissostichus* Catch Documents provided by Parties, and send this information to CITES Parties and to CCAMLR yearly, and report on this at each meeting of the Conference of the Parties;

With regard to trade in toothfish derived from IUU fishing

WELCOMES WITH SATISFACTION the work of CCAMLR in combating IUU fishing and urges the Parties to CITES to study carefully the question of trade in specimens of Patagonian toothfish and Antarctic toothfish, especially their geographic origin, and to cooperate with the Secretariat of CCAMLR in gathering information in this regard;

ENCOURAGES CCAMLR to maintain a permanent flow of information to the Parties to CITES through the Conference of the Parties and requests that the Secretariat in turn transmit to the Secretariat of CCAMLR any information available on trade in toothfish or toothfish products derived from IUU fishing; and

INVITES all interested countries, the United Nations Food and Agriculture Organization (FAO) and other intergovernmental or international organizations active in this field to cooperate in efforts to prevent illicit trade in toothfish or toothfish products derived from IUU fishing and transmit any relevant information to the Secretariat of CCAMLR; and

With regard to adherence to the Convention for the Conservation of Antarctic Marine Living Resources

RECOMMENDS to the Parties that capture toothfish or that trade in toothfish products, and which have not yet done so, to adhere to the Convention for the Conservation of Antarctic Marine Living Resources and, in any case, to cooperate voluntarily with its conservation measures.