

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

COOPERATION WITH THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

1. This document has been submitted by Japan.
2. At its 12th meeting (Santiago, 2002), the Conference of the Parties adopted the following decision:

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. At its 25th meeting (Rome, February 2003), the FAO's Committee on Fisheries (COFI) was unable to reach consensus on a draft Memorandum of Understanding (MoU). The COFI, however, agreed that an open-ended informal group should continue work on the MoU at opportune times including at the ninth session of COFI Sub-Committee on Fish Trade (COFI-FT, Bremen, February 2004), and to delegate the authority to finalize an MoU to COFI-FT. COFI also agreed a process for FAO to provide advice to CITES on proposals to amend Appendices I and II of CITES with respect to commercially-exploited aquatic species, and that this would also cover deletions from Appendix II.
4. At its 49th meeting (Geneva, April 2003), the CITES Standing Committee instructed the Secretariat to issue a Notification to the Parties attaching a draft MoU prepared by the Secretariat, in consultation with the Chairman of the Standing Committee, and inviting comments to be submitted to the Secretariat. It further instructed the Secretariat to make these comments available on the

CITES website. It also mandated its Chairman to liaise with FAO on the development of an MoU between CITES and FAO. Comments received from Parties on the draft MoU were to assist the Chairman in carrying out this work.

5. The Standing Committee also agreed that the Chairman should provide, if possible, a resulting document to the Committee for consideration at its 50th meeting.
6. At its ninth session, COFI-FT adopted (by consensus with one abstention) a proposed MoU, which is attached as an Annex to this document. It further agreed on a process for attempting to reach agreement with CITES on the text of the MoU, including the submission of the FAO proposal to the Chairman of the Standing Committee and a negotiating mandate of the FAO Secretariat. COFI-FT also agreed that the FAO proposal should form the basis of the final MoU and that if CITES wished to make additions to that text, those additions could be considered but that any changes should not weaken or diminish the FAO text. COFI-FT also agreed to implement the process agreed to at COFI 25 for providing advice to CITES on proposals to amend Appendices I and II of CITES with respect to commercially-exploited aquatic species.
7. The second draft of the MoU from CITES was sent to the FAO Secretariat on behalf of the Chairman of the Standing Committee. This draft, however, did not incorporate comments from Parties on the first draft. The second draft from CITES was not circulated to Parties and has not been posted on the CITES website but it was circulated to the participants in the ninth session of COFI-FT.
8. The issue of the MoU with FAO was withdrawn from the agenda of the 50th meeting of the Standing Committee (Geneva, March 2004), and the Chairman indicated that encouraging progress had been made but that the FAO proposal had been received too late for consideration by the Committee. He also indicated that negotiations could take place before the next meeting of the Standing Committee, which will take place immediately before CoP13.
9. This document has been prepared in light of the above history and because it was impossible to know, on the date by which documents had to be submitted for consideration at CoP13 (5 May 2004), whether CITES and FAO could sign an MoU before CoP13. Unless this is the case, the Conference may wish to have a brief report on the negotiation with FAO from the Chairman of the Standing Committee and provide further direction to the Standing Committee since Decision 12.7 has essentially expired.

COMMENTS FROM THE SECRETARIAT

- A. Contrary to what is stated in paragraph 7 above, the revised draft MoU prepared by the Chairman of the Standing Committee (see document CoP13 Inf. 8) did take into account Parties' comments on the initial draft.
- B. During the ninth session of COFI-FT, the revised draft MoU was distributed but it was not reconciled with the FAO proposal. The Chairman of the Standing Committee therefore has been liaising with the FAO Secretariat to accomplish this.
- C. The Chairman of the Standing Committee has referred to the negotiation of an MoU with FAO in his report for CoP13 (document CoP13 Doc. 7.1). It is anticipated that his oral report at CoP13 will summarize any progress that he is able to report at the 51st meeting of the Standing Committee on his discussions with FAO.

TEXT, AS ADOPTED BY THE NINTH SESSION OF THE SUB-COMMITTEE ON FISH TRADE
OF THE COMMITTEE ON FISHERIES, FOR A MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FOOD AND AGRICULTURE ORGANIZATION (FAO) OF THE UNITED NATIONS
AND
THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA (CITES)

RECOGNIZING the primary role of sovereign States, FAO and regional fisheries management organizations in fisheries conservation and management;

RECOGNIZING further that the mission of FAO with respect to fisheries is to facilitate and secure the long-term sustainable development and utilization of the world's fisheries and aquaculture resources;

NOTING IN PARTICULAR FAO's three medium-term strategic objectives for fisheries namely:

- Promotion of Responsible Fisheries Sector Management with priority given to the implementation of the Code of Conduct for Responsible Fisheries, Compliance Agreement, International Plans of Action;
- Promotion of Increased Contribution of Responsible Fisheries and Aquaculture to World Food Supplies and Food Security; and
- Global Monitoring and Strategic Analysis of Fisheries;

RECOGNIZING also the role of CITES in regulating international trade in species threatened with extinction which are or may be affected by international trade and those that may become threatened with extinction unless international trade in specimens of such species is subject to strict regulation as well as other species which must be subject to regulation in order that international trade in specimens of certain species threatened with extinction may be brought under effective control;

RECOGNIZING further that the CITES Parties have adopted criteria for the listing of species on its Appendices I and II and that for marine species, the CITES Secretariat has an obligation to consult inter-governmental bodies having a function in relation to those species "especially with a view to obtaining scientific data" and "to ensuring co-ordination with any conservation measures enforced by such bodies";

TAKING account of the results of the 8th Session of the FAO Committee on Fisheries Sub-Committee on Fish Trade held in Bremen, Germany from 12 – 16 February 2002 (which was endorsed by the Twenty-fifth Session of the Committee on Fisheries (COFI) held in Rome from 24 to 28 February 2003) and in particular Paragraph 18 and Appendix F of the report of that meeting (FAO Fisheries Report No. 673);

ALSO TAKING account of the Decision of the 12th Conference of the Parties to CITES regarding the development of an MOU to establish a framework for cooperation between CITES and FAO;

AFFIRMING the rights and duties of all States pertaining to fishing activities outlined in the UN Convention on the Law of the Sea, highlighting the goal of optimum utilization and the duty of all States to cooperate when fishing on the high seas, and maintaining the goal of sustainable utilization as stated in the FAO Code of Conduct for Responsible Fisheries;

NOTING that CITES cannot replace traditional fisheries management and the particular importance of consulting all relevant bodies associated with the management of the species when considering amendments to CITES appendices;

BELIEVING that there is a need to strengthen the process in CITES for scientific evaluation of proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species and improve communication between fisheries agencies and CITES authorities at the national level;

FAO AND CITES IN ORDER TO STRENGTHEN THE COOPERATION BETWEEN THEM
HAVE DECIDED AS FOLLOWS:

1. The Fisheries Department of FAO and the CITES Secretariat will send each other general information of common interest.
2. FAO will be invited as an observer to meetings under the auspices of CITES or its Committees that are of common interest and CITES will be invited as an observer to meetings of common interest held by the Fisheries Department of FAO, the FAO Committee on Fisheries or its subcommittees.
3. FAO and CITES will cooperate as appropriate to promote capacity building in developing countries for issues relating to commercially-exploited aquatic species listed on CITES appendices.
4. FAO will continue to provide advice to CITES and be involved in the process of revision of the CITES listing criteria. These criteria will be the primary basis for the evaluation of proposals for amendment of the CITES Appendices by the FAO and the CITES Secretariat and for subsequent actions of the CITES Parties.
5. CITES will inform FAO of all proposals for amendment of Appendices I and II concerning commercially-exploited aquatic species. Such information shall be provided to FAO as soon as possible to allow FAO to carry out a scientific and technical review of such proposals in a manner it deems appropriate and for the resulting output to be transmitted to the CITES Secretariat who will consider it in its deliberations to provide recommendations to the Parties to CITES regarding such proposals.
6. In order to ensure coordination of conservation measures, the CITES Secretariat will incorporate to the greatest extent possible the results of the FAO scientific and technical review of proposals to amend the Appendices, the responses from all the relevant bodies associated with management of the species in question, as well as the substance of the preambular paragraphs of this memorandum in its advice and recommendations to the CITES Parties.

This Memorandum may be cancelled by either signatory by giving notice to the other in writing at any time.

Director General, FAO _____ Date: _____

Chairman, CITES Standing Committee _____ Date: _____