

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Strategic matters

Cooperation with organizations and multilateral environmental agreements

COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

1. This document has been prepared by the Secretariat in collaboration with the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.50 and 17.51 on *Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)* as follows:

Directed to the Secretariat

17.50 *The Secretariat shall issue a Notification to the Parties requesting Parties that are involved in the harvest of or trade in toothfish, *Dissostichus spp.*, and that are not cooperating with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), to submit to the Secretariat a report on their implementation of Resolution Conf. 12.4 on Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish. The Secretariat shall forward to the Secretariat of CCAMLR any information received in response to the Notification.*

17.51 *The Secretariat shall consult with the Secretariat of CCAMLR and with relevant organizations regarding the provisions of Resolution Conf. 12.4, in particular those concerning the exchange of information between CITES and CCAMLR, and present its recommendations, including any proposals to amend the Resolution, to the Conference of the Parties at its 18th meeting.*

Implementation of Decision 17.50

3. Pursuant to Decision 17.50, the Secretariat issued [Notification to the Parties No. 2018/34](#) inviting Parties that are or have been involved in the harvest of, or trade in, toothfish (*Dissostichus spp.*) to submit information on their implementation of Resolution Conf. 12.4 on *Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources* by 1 August 2018.
4. At the time of writing this document (December 2018), no replies to the Notification had been received. In November 2018, the CITES Secretariat informed the Secretariat of CCAMLR accordingly.

Implementation of Decision 17.51

5. Pursuant to Decision 17.51, the CITES Secretariat further consulted the CCAMLR Secretariat regarding opportunities to update the provisions of Resolution Conf. 12.4, in particular in light of the observations made by the CCAMLR Secretariat in its report to CoP17 and the Secretariat's comments, both contained in document [CoP17 Doc. 14.3](#), regarding the flow of information between the Secretariats.

6. Paragraph 3 of Resolution Conf. 12.4 reads as follows:

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; and

7. While the CCAMLR Secretariat has fulfilled its obligations by providing information to the Conference of the Parties, the Secretariat noted in document [CoP17 Doc. 14.3](#) that because the genus *Dissostichus* is not included in the CITES Appendices, it received no information relating to these species, neither about legal nor illegal trade, or on other matters, and therefore had not been able to transmit any information to the CCAMLR Secretariat in turn.
8. Noting that no responses had been received to Notification to the Parties No. 2018/34 and further noting the low success that both Secretariats had in obtaining information on the implementation of Resolution Conf. 12.4 via such general, untargeted requests for information, the Secretariats agreed that the current provisions on information exchange in paragraph 3 of the Resolution are not achieving useful results.
9. The Secretariats agreed, however, that a number of topics beyond illicit trade in *Dissostichus* spp. recurred on the agendas of both Conventions, and were therefore of joint relevance. In these instances, increased communication and reciprocal input into the respective discussions between the Conventions would be helpful. These topics include, but are not limited to: capacity-building, traceability and further developments of catch documentation schemes (CDS).
10. The CCAMLR Secretariat also updated the CITES Secretariat on the changes made by CCAMLR to Conservation Measure 10-05 Annex C paragraph C4 which enables Non-Contracting Parties¹ engaged solely in the trade of toothfish through imports and exports to apply for limited access to the CDS permanently in order to improve traceability (CCAMLR-XXXVII paragraph 3.11).
11. The CITES and CCAMLR Secretariats agreed to propose amendments on the basis of these observations to update Resolution Conf. 12.4, which can be found in Annex 1 to the present document, and to recommend the deletion of Decisions 17.150 and 17.151 which the two Secretariats consider implemented.
12. In Annex 1, the CITES Secretariat further took the opportunity to suggest the removal of a reference to the “principles of CITES” from the perambulatory paragraph of the Resolution on illicit trade in toothfish, based on the fact that *Dissostichus* spp. is not listed on the CITES Appendices.
13. The resource implications of the adoption of the proposed amendments to the resolution are shown in Annex 2.

Recommendation

14. The Secretariat recommends that the Conference of the Parties:
 - a) adopt the amendments to Resolution Conf. 12.4, as shown in Annex 1 to the present document; and
 - b) agree to delete Decisions 17.50 and 17.51.

¹ In document [CoP17 Doc. 14.3](#), the CCAMLR Secretariat cited the following Non-Contracting-Parties to CCAMLR, as:

- 1) Importers of toothfish from CCAMLR Contracting Parties: Antigua and Barbuda, Brunei Darussalam, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Jamaica, Kenya, Malaysia, Mexico, Morocco, Nigeria, Philippines, Singapore, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.
- 2) Flag states for CCAMLR IUU-listed vessels under CCAMLR and therefore possibly engaged in the harvest of toothfish: Cambodia, Equatorial Guinea, Honduras, Iran (Islamic Republic of), Democratic People’s Republic of Korea, Mauritania, Nigeria, Panama, Sierra Leone, Togo and United Republic of Tanzania.

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

(Proposed new text is underline; proposed deletions of text are shown in ~~strikeout~~)

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, 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 activities threaten to harm the populations of several fish species, including those of the Patagonian toothfish and Antarctic toothfish, and urging all countries to cooperate with international efforts to eradicate illicit, unregulated and unreported 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 (2002), 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;

FURTHER NOTING that CCAMLR at its 37th meeting (2018) has created a mechanism for Non-Contracting Parties to CCAMLR engaged solely in the trade in *Dissostichus* spp. through imports and exports, to seek permanent limited access to the CCAMLR Catch Document Scheme solely for these purposes through the mechanisms defined in CCAMLR Conservation Measure 10-05 Annex C paragraph C4 (CCAMLR-XXXVII paragraph 3.11);

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 of species regulated by CCAMLR undermines the effectiveness of CCAMLR and the principles of CITES; and

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

1. 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;
2. FURTHER RECOMMENDS that Parties who are non-contracting Parties to CCAMLR, but that are engaged solely in import and export of toothfish, comply with the provisions of CCAMLR Conservation Measure 10-05 and apply for limited access to the CDS;
3. ENCOURAGES the CITES and CCAMLR Secretariats to maintain a regular flow of information on matters of shared interest such as on further developments of the catch document scheme, engagement initiatives linked to the catch document scheme, and any information available on illicit trade in these species;

With regard to illicit trade in toothfish products

24. WELCOMES WITH SATISFACTION the work of CCAMLR in combating illicit, unregulated and unreported 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;
- ~~3.~~ ~~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; and~~
- ~~45.~~ 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 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

- ~~56.~~ 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.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The authors of the present document consider that the proposed amendments to Resolution Conf. 12.4 would have no direct financial consequences, but will have workload implications for the Secretariat.