

# Introduction From the Sea (IFS)



# Introduction From the Sea (IFS)

- One of 4 types of trade regulated by CITES
- A prior grant of an **IFS certificate** is required  
[Convention Article III 5 and Article IV 6 and 7]
- Involves “specimens taken in the marine environment not under the jurisdiction of any State”  
[Convention Article I(c)]



**“marine environment not under the jurisdiction of any State”**



(commonly known as)

**High seas**

The Conference of the Parties (CoP) has agreed that this means:

“those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State, consistent with international law, as reflected in the United Nations Convention on the Law of the Sea”

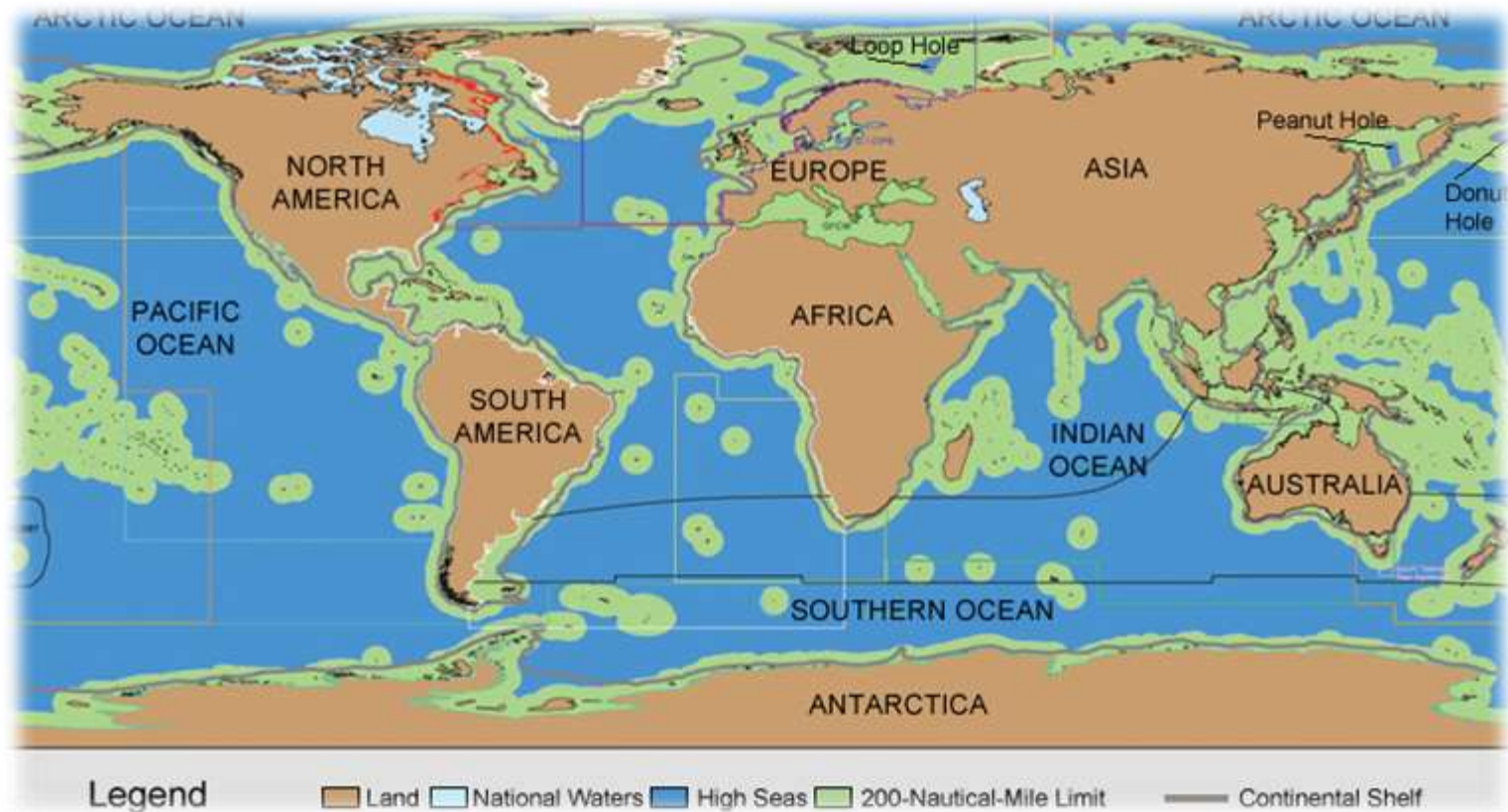
[Resolution Conf. 14.6 (Rev. CoP16)]

# The world's high seas

**71%** of the Earth is covered by ocean

**64%** of the ocean is considered high seas/ international waters

The high seas cover **45%** of the Earth's surface



# What is IFS?

“Transportation into a State of specimens of any species which were taken in the **marine environment not under the jurisdiction of any State**”

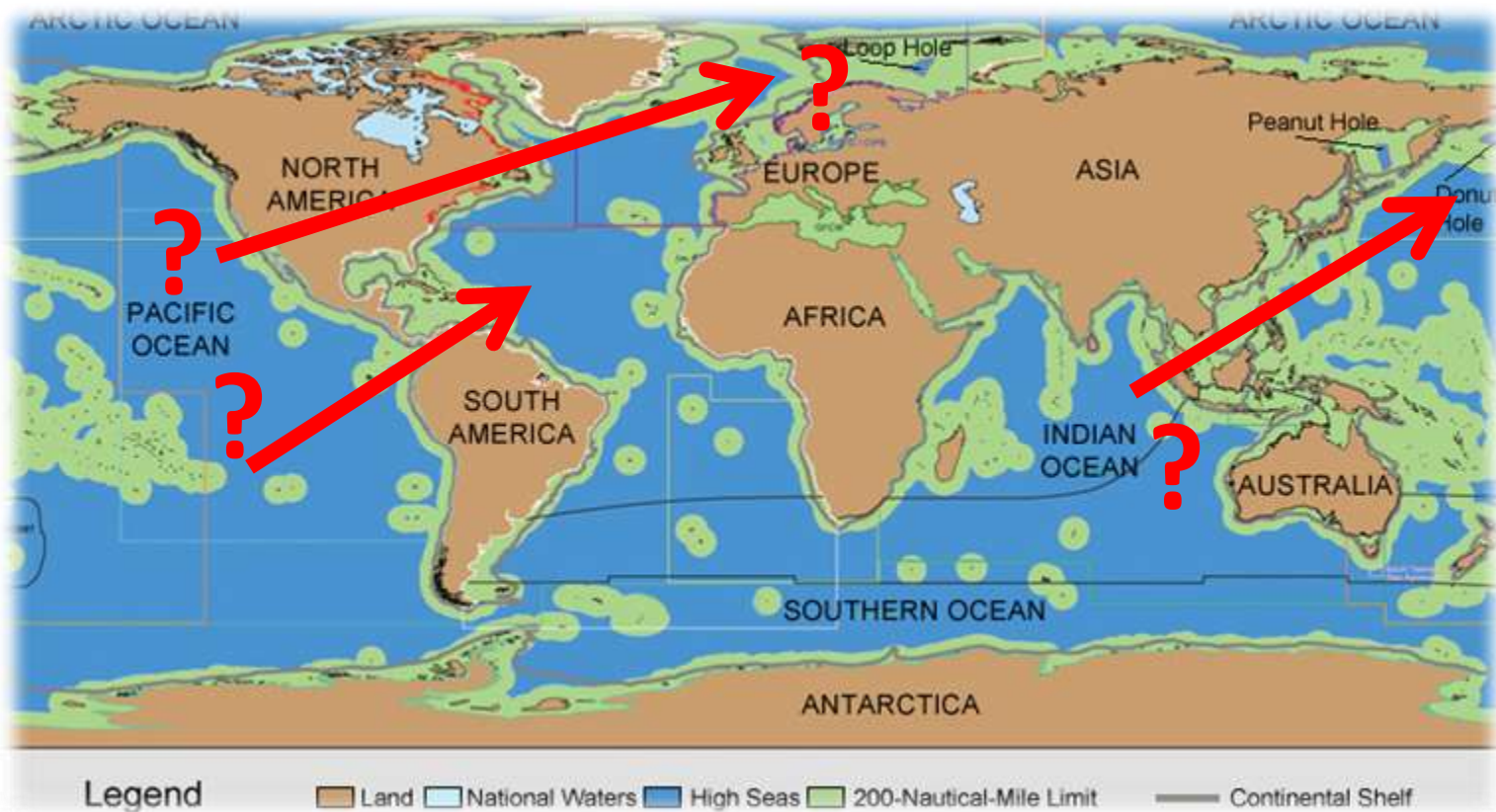


Need for a common understanding to facilitate the standard implementation of trade controls

[Resolution Conf. 14.6 (Rev. CoP16), preamble]

# What is IFS?

“Transportation into a State of specimens of any species which were taken in the *marine environment not under the jurisdiction of any State*”



Source: Fisheries and Oceans Canada

# What is IFS: issues to consider

**What  
is being taken?**

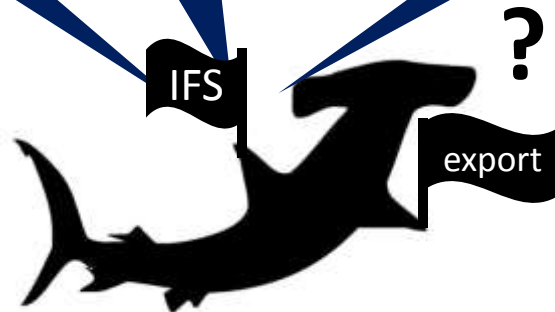
*Is the specimen  
listed in CITES  
Appendix I or II?*

**Who  
is taking it?**

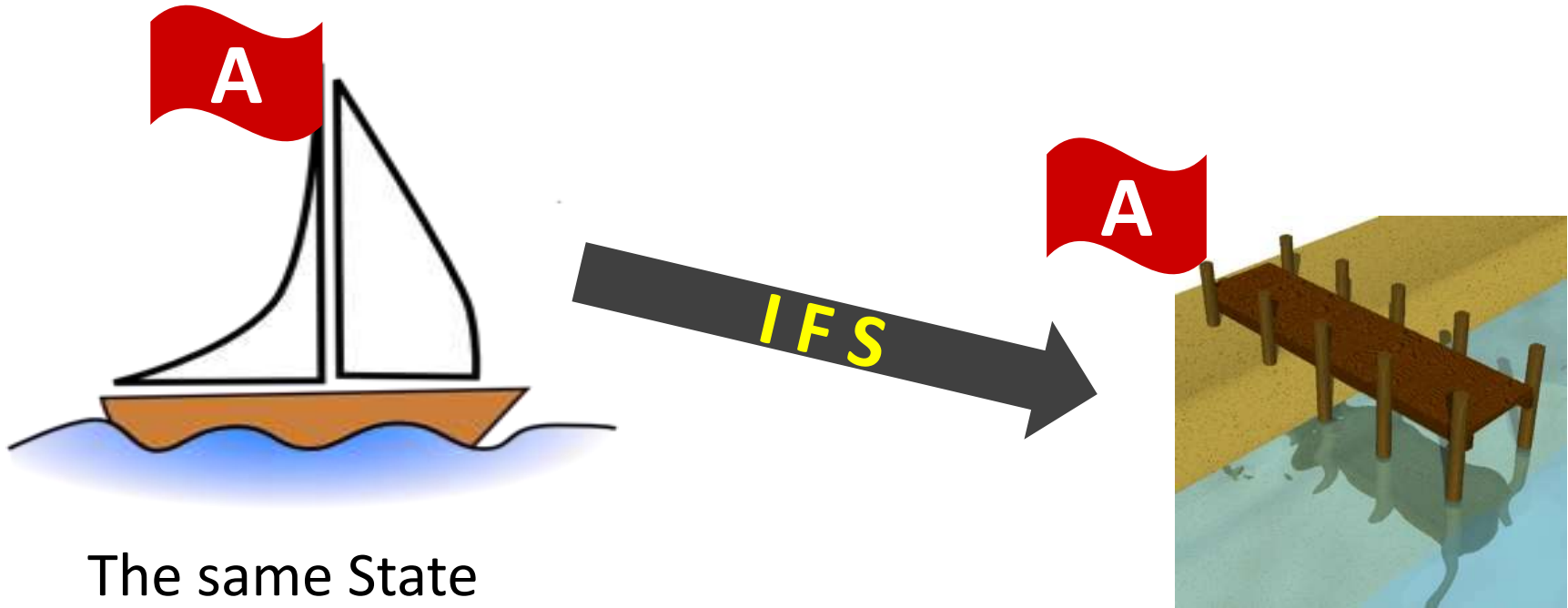
*Which State owns the  
vessel?  
Is the vessel chartered?*

**Where  
is it taken from?**

*In which State was it  
landed?*



# IFS is a one-State transaction

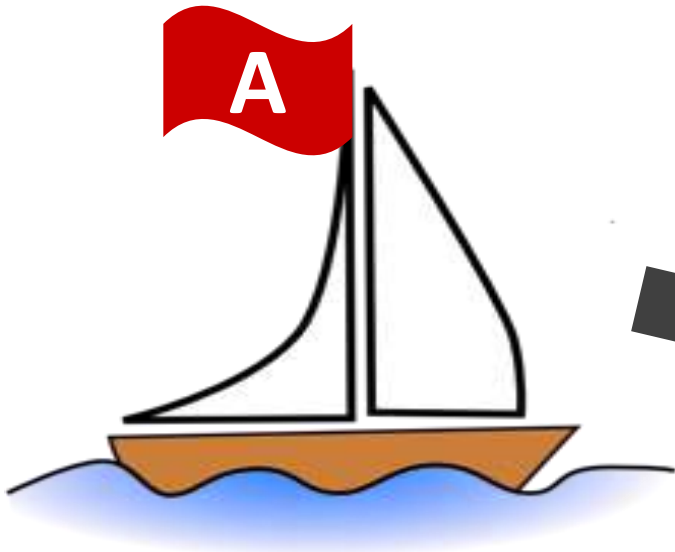


The same State

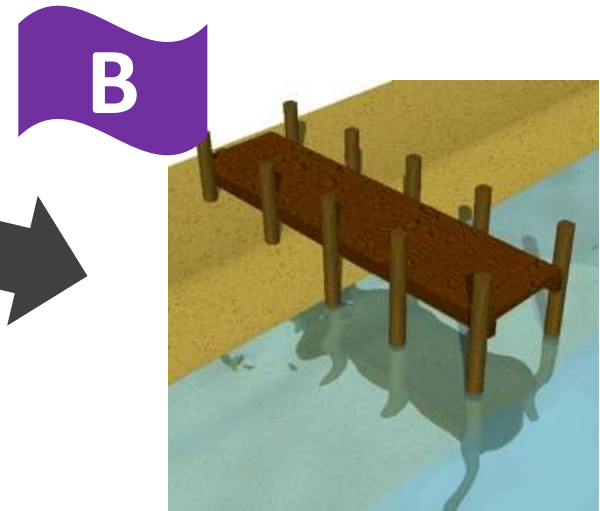
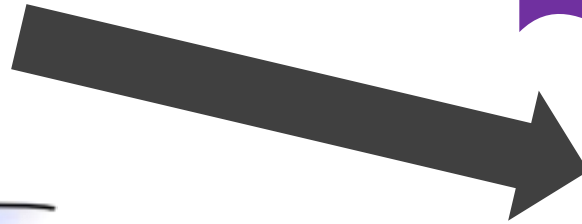
- Takes the specimens from the high seas;
- Serves as the State of introduction; and
- Issues an IFS certificate.



# Two or more States = export/import



State of export



State of import

# IFS certificate = traceability

A CITES certificate must be issued by the State of introduction, and the **source code 'X'** be used to indicate IFS



# IFS for Appendix-I specimens

Before an IFS certificate is granted, the State of introduction must ensure:

Non-detriment  
(sustainability)  
finding (NDF)

Scientific Authority

Specimen not to be  
used for primarily  
commercial  
purposes

Recipient of living  
specimen suitably  
equipped to house  
and care for it

Management Authority

[CITES Art III 5]



# IFS for Appendix-II specimens

Before an IFS certificate is granted, the State of introduction must ensure:

Non-detriment  
(sustainability)  
finding (NDF)

**Scientific Authority**

Living specimen handled so  
as to minimize the risk of  
injury, damage to health or  
cruel treatment

**Management Authority**

[CITES Art IV 6 and 7]

may involve consultation  
with other national SAs or  
international scientific  
authorities



# No IFS for Appendix-III specimens

Introduction from the sea does not apply to  
Appendix-III specimens

[CITES Art V]



Brown sea cucumber (*Isostichopus fuscus*)  
(Included in Appendix III by Ecuador)

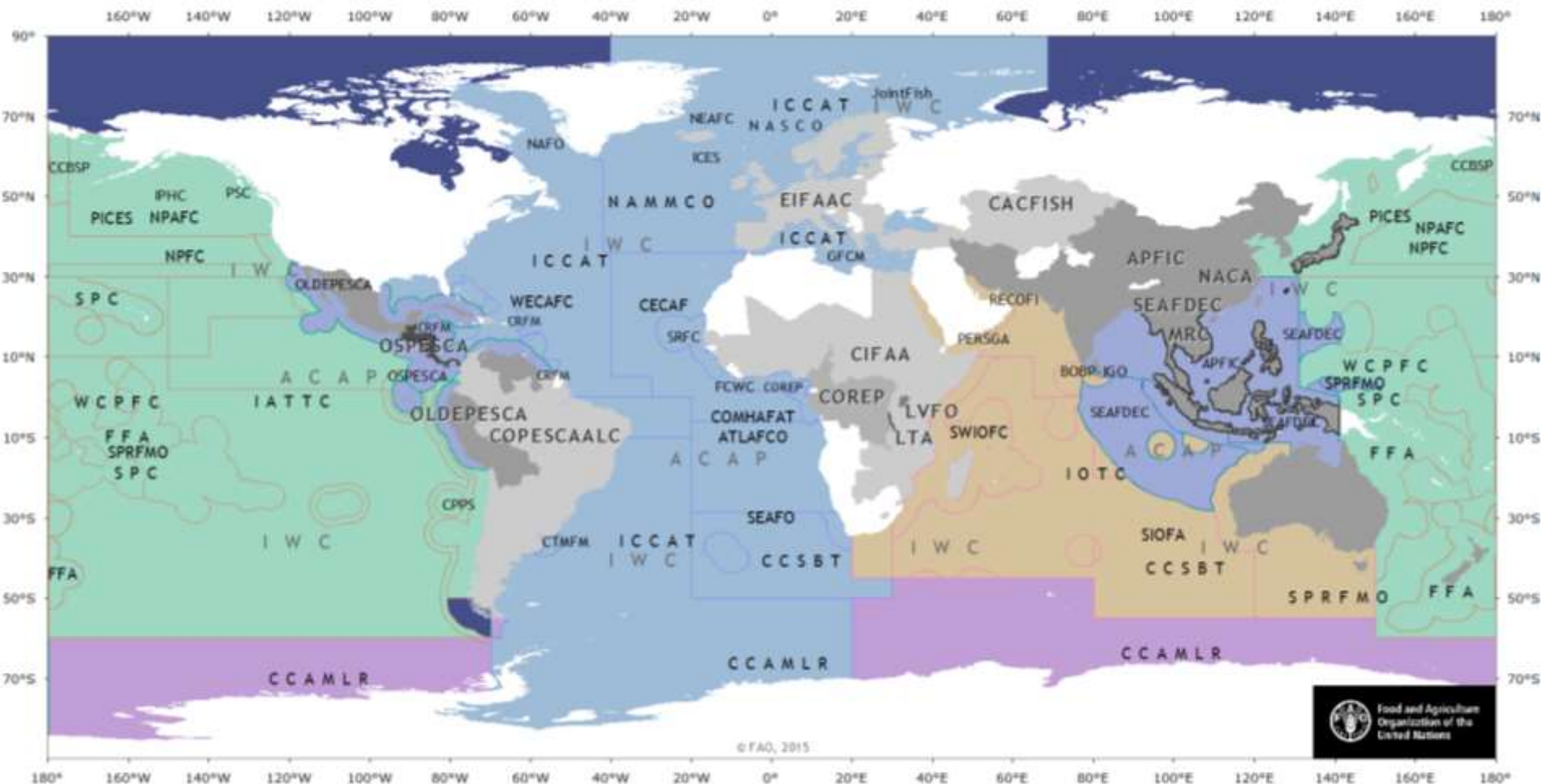
# IFS involves consultation & cooperation

- with **Regional Fishery Management Organizations and Arrangements (RFMO/As)**
- with **FAO's progress to promote responsible fisheries, e.g. IPOA-Sharks and 2009 Port State Measures Agreement**



[Resolution Conf. 14.6 (Rev. CoP16)]

# Regional Fisheries Management Organizations (RFMOs) and Regional Fishery Bodies (RFBs)



Disclaimer: The designations employed and the presentation of material in the maps are for illustrative only and do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal or constitutional status of any country, territory or sea area, or concerning the delimitation of frontiers or boundaries.

# IFS: consistency with applicable measures

Parties take into account whether or not the specimen is **acquired and landed:**

In a manner consistent with applicable measures under international law, e.g. other treaty, convention, agreement; and

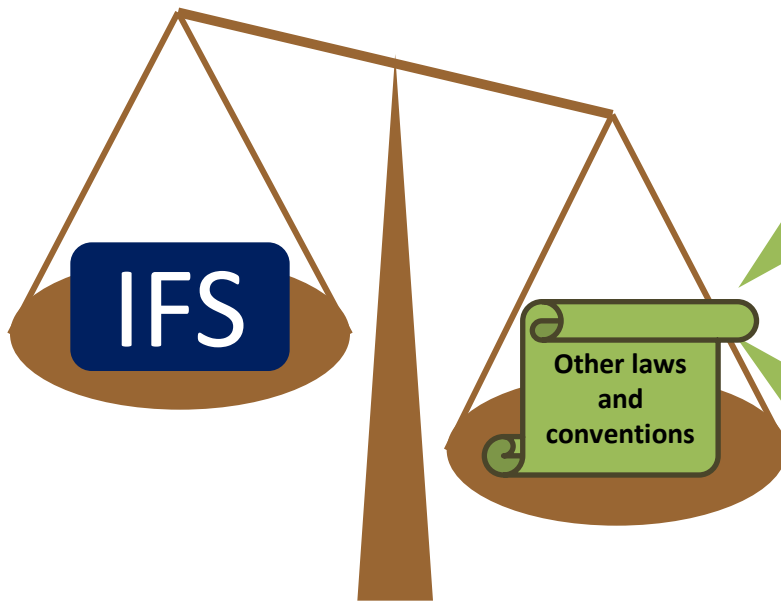
through any illegal, unreported or unregulated (IUU) fishing activity.

[Resolution Conf. 14.6 (Rev. CoP16)]



# Relationship with other laws & conventions

Parties respect obligations which are...



deriving from conventions which are in force at the time CITES entered into force, and which afford protection to marine species in App II

related to codification and development of the **UN Convention on the Law of the Sea (UNCLOS)**

[CITES Art XIV]

# UNCLOS and BBNJ

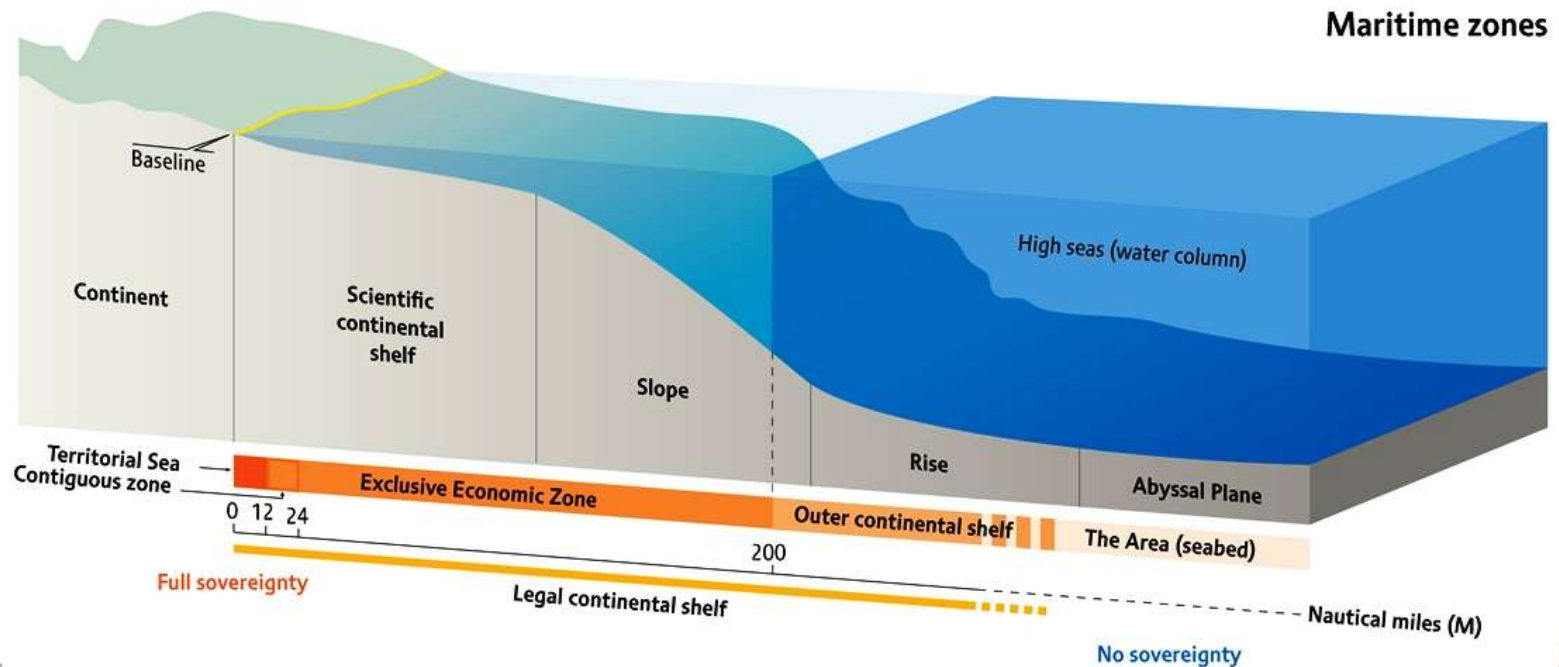


## UNCLOS:

- sets out the legal framework for all activities in the oceans and seas;
- has gaps regarding biodiversity in areas beyond national jurisdiction (ABNJ).

# UNCLOS and BBNJ

- Since 2004: Ad hoc Open-ended Informal Working Group (*aka biodiversity beyond national jurisdiction or BBNJ working group*)
- In Rio+20 outcome documents States committed to take a decision on the development of an international instrument under UNCLOS by 69th General Assembly



[Source: Riccardo Pravettoni, UNEP/GRID-Arendal, 2009]

# UNCLOS and BBNJ

- January 2015: BBNJ working group recommended to the General Assembly to develop an international instrument under UNCLOS:
  - Marine genetic resources including access & benefit sharing
  - **Area based management tools, including marine protected areas**
  - Environmental Impact Assessments
  - Capacity building and technology transfer
- Fisheries are excluded (tentatively)
- Work of the Preparatory committee will commence in 2016 and report by the end of 2017

# IFS: areas of further work

- Chartering arrangements
  - Chartering applies to a very small % of cases
  - Special rules exist on chartering

[Decisions 16.48 – 16.51]

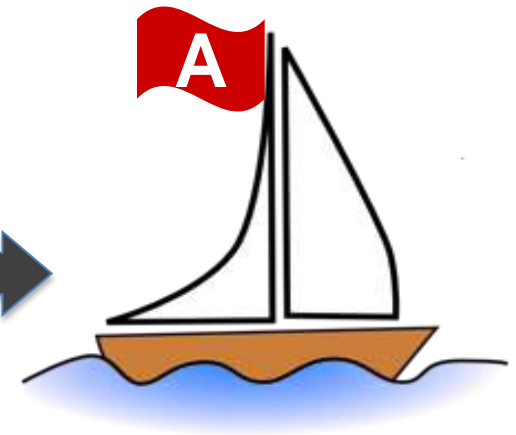


# Basic chartering situations

- Chartering State and vessel registration State are different States

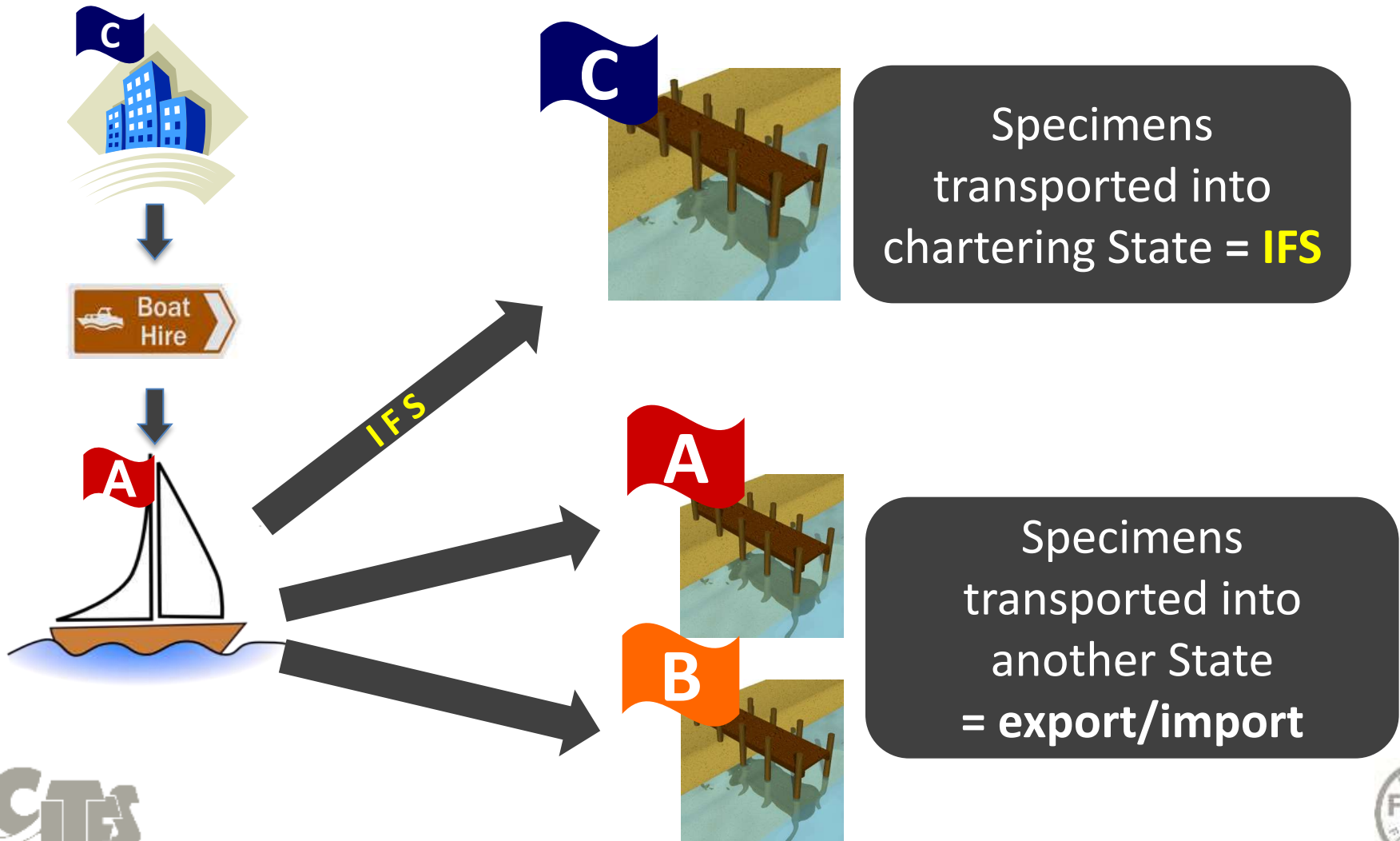


Company in State C  
= Chartering State



Boat registered in State A  
= Vessel registration State

# Basic chartering situations



# IFS: guidance on chartering situations

applies under the following conditions:



The operation is under a **written arrangement**

(between the State where the vessel is registered and the chartering State, consistent with the framework on chartering operations of a relevant RFMO/A)



**CITES Sec informed** of the arrangement in advance of its entry into effect



**CITES Sec makes the arrangement available** to all Parties and to any relevant RFMO/A

[Resolution Conf. 14.6 (Rev. CoP16)]





# IFS: areas for further work on chartering

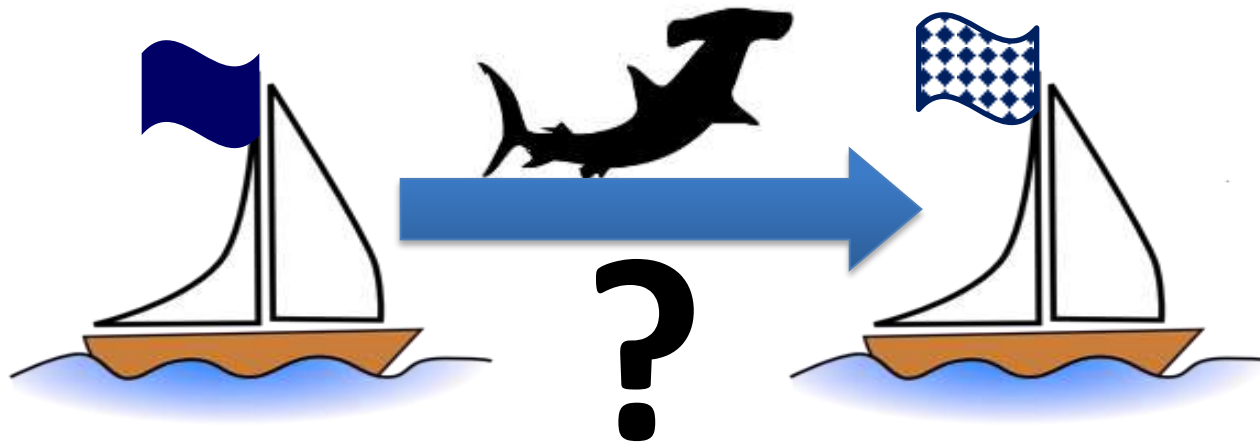
- Conditions for making NDFs
- Conditions for IFS certificate issuance
- Relationship between chartering and vessel registration States
- Capacity of chartering and vessel registration States

[CoP Decisions 16.48 – 16.51]



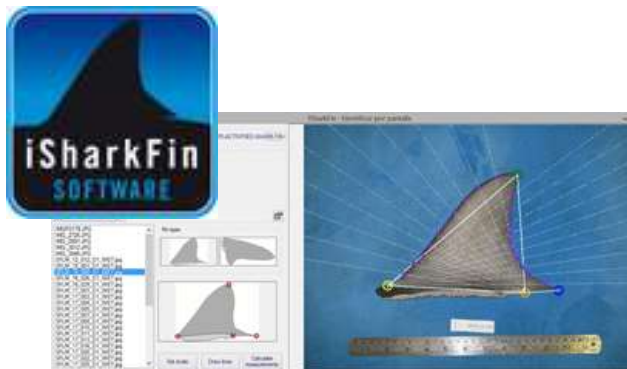
# IFS: areas for further work

- high seas transshipment between vessels registered in different States



# IFS: areas for further work

- Capacity building & special requirements of developing States
  - Develop tools and materials (e.g. on CITES Virtual College)
  - EU-CITES project



The image is a screenshot of the CITES Virtual College website. At the top, it features the CITES logo and the text 'Convention on International Trade in Endangered Species of Wild Fauna and Flora'. Below this, there is a navigation bar with 'You are not logged in. (Login)' and a language dropdown menu set to 'English (en)'. The main content area is divided into several sections:

- REFERENCE MATERIALS:** A section with a collage of books and documents.
- TRAINING CENTRE:** A section with a collage of training materials and a link to 'Introduction to CITES'.
- The CITES Virtual College:** A central section with a European Union flag and text: 'The development of the CITES Virtual College has been a truly collaborative initiative among many partners and organizations. There are too many institutions and people to thank, but we do wish to express our particular gratitude to the European Union for its very generous financial support for the development and design of capacity-building courses, and to the International University of Andalusia for hosting the Virtual College. I would also like to acknowledge the 179 Parties to CITES for recognizing the importance of the Virtual College in the provision of Internet-based training on the Convention.' Below this text is the name 'John E. Scanlon, Secretary General, CITES'.
- WELCOMING ADDRESS:** A section with a photo of Mr. John E. Scanlon and text: 'I am delighted to welcome you to the CITES Virtual College, in what we understand is a first for a multilateral environmental agreement. More...'

At the bottom of the page, there is a section titled 'Available Courses'.

Thank you for your attention!



*CITES and FAO working for legal, sustainable and traceable international trade in sharks and manta rays, supported by the European Union*