Introduction From the Sea (IFS)
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• 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)]
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

Source: Fisheries and Oceans Canada
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”
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

[Resolution Conf. 12.3 (Rev. CoP16) section I(i)]
IFS for Appendix-I specimens

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

- Non-detriment (sustainability) finding (NDF)
- Specimen not to be used for primarily commercial purposes
- Recipient of living specimen suitably equipped to house and care for it

[Scientific Authority]  [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**
  - May involve consultation with other national SAs or international scientific authorities

- **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]
No IFS for Appendix-III specimens

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

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)
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

Specimens transported into chartering State = IFS

Specimens transported into another State = export/import
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
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