

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

Interpretation and implementation matters

Regulation of trade

INTRODUCTION FROM THE SEA

1. This document has been submitted by the Standing Committee.\*
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decision 17.181, and renewed Decisions 16.48 to 16.51 on *Introduction from the sea* as follows:

***Directed to the Secretariat***

16.48 (Rev. CoP 17)

*The Secretariat shall report at the 69th or 70th meetings of the Standing Committee on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16) on Introduction from the sea.*

*To compile the aforementioned report, the Secretariat shall, where appropriate, approach relevant Parties bilaterally regarding their experience with the implementation of the above mentioned provisions.*

*The report should focus in particular on the conditions under which non-detriment findings are made and permits and certificates are issued, as well as on the relationship between chartering States and States in which the vessel is registered, in performing those tasks. It should especially assess the capacity of chartering States and the States in which the vessels are registered to control compliance with the provisions of the CITES Convention.*

*In that regard, the report should pay special attention to the implementation of the provisions of the Resolution pertaining to the legality of the acquisition and landing of the specimens concerned.*

*The report shall also include any cases where Parties have been unable to take advantage of this provision, including in situations where at least one of the States involved is not party to a relevant Regional Fisheries Management Organization or Arrangement (RFMO/A).*

*Between now and the 18th meeting of the Conference of the Parties, the Secretariat shall further communicate with the Secretariat of the relevant RFMO/A and other relevant international organizations, in particular regarding the implementation of the relevant*

---

\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

obligations resulting from these RFMO/As or other international organizations, and share information provided with Parties on a timely basis.

#### **Directed to Parties**

16.49 (Rev. CoP17)

*Parties taking advantage of the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16) should provide in a timely manner all information that might be requested from them by the Secretariat in view of the establishment of its report on this issue at the 69th and 70th meetings of the Standing Committee.*

#### **Directed to the Standing Committee**

16.50 (Rev. CoP17)

*The Standing Committee shall assess the findings of the report of the Secretariat on the implementation of the Convention by the Parties concerned in relation to the provision on chartering arrangements provided for in Resolution Conf. 14.6 (Rev. CoP16). On the basis of this report and any other information available, the Standing Committee shall provide an assessment on the implementation of this provision and, where relevant, propose amendments to this provision at the 18th meeting of the Conference of the Parties.*

#### **Directed to Parties**

16.51 (Rev. CoP17)

*On the basis of the assessment of the Standing Committee and any other relevant information, the Parties should review at the 18th meeting of the Conference of the Parties the provisions on chartering provided for in Resolution Conf. 14.6 (Rev. CoP16).*

#### **Directed to the Secretariat**

17.181 *The Secretariat shall report to the Standing Committee, as appropriate, on the results of the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).*

#### Implementation of Decisions 16.48 (Rev. CoP17) to 16.51 (Rev. CoP17)

3. Based on the Secretariat's report to the Standing Committee at its 69th meeting (SC69, Geneva, November 2017) in document [SC69 Doc. 36](#) and subsequent discussions, the Standing Committee invited the Secretariat to issue a Notification asking Parties to submit information on challenges in implementing Resolution Conf.14.6 (Rev. CoP16) on *Introduction from the sea* beyond the issue of chartering.
4. Pursuant to these instructions, the Secretariat issued Notification [No. 2018/67](#) of 9 July 2018. With a view to minimize reporting, the Secretariat annexed a short questionnaire to the Notification that Parties could follow in providing a response.
5. In document [SC70 Doc. 34](#), the Secretariat reported to the 70th meeting of the Standing Committee (SC70, Sochi, October 2018) that 11 responses had been received from Australia, Canada, China, Côte d'Ivoire, Guatemala, Indonesia, Norway, New Zealand, Uruguay, and the United States of America.
6. Based on the responses to the Notification and other information available for its report, the Secretariat noted *that not many Parties have legislation or regulations in place for the different scenarios outlined under Resolution Conf. 14.6 (Rev. CoP16) on Introduction from the sea, and that the practical experience in implementing these provisions is still very limited, in particular in view of the small number of commercial trade transactions reported.*
7. The Secretariat further invited the Standing Committee to consider whether adding specific guidance regarding introduction from the sea certificates to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* would be appropriate and helpful.

8. The Secretariat further explained that to assist future efforts to address this experience gap, it will update its training material on introduction from the sea and continue to work with relevant partner organizations, including the Food and Agriculture Organization of the United Nations, to improve awareness of CITES provisions on introduction from the sea among relevant government officials, including, but not limited to, fisheries and port inspectors.

#### Implementation of Decision 17.181

9. In document SC70 Doc. 34, the Secretariat further reported to the Standing Committee that it had continued to monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), pursuant to Decision 17.181.
10. In December 2017, the United Nations General Assembly, in Resolution A/RES/72/249, agreed to convene an intergovernmental conference, under the auspices of the United Nations, to develop the instrument on BBNJ as soon as possible. It further agreed on four initial sessions until the first half of 2020, with the first session having taken place on 4-17 September 2018 at the United Nations Headquarters in New York.
11. At SC70, the representative of Europe (Israel), who had attended the first session, updated the Committee that the Chair of the BBNJ Conference, Singapore, will circulate an initial negotiating text by 25 February 2019 and that the tentative date for the next session is 25 March-5 April 2019.

#### Deliberations at SC70

12. At SC70, Committee Members noted that they did not believe that specific guidance regarding introduction from the sea certificates needed to be added to Resolution Conf. 12.3 (Rev. CoP17), but that continued capacity-building on CITES provisions concerning introduction from the Sea was necessary.
13. The Standing Committee noted document SC70 Doc. 34 and the information contained therein and agreed that adding specific guidance regarding introduction from the sea certificates to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* would not be necessary.
14. The Standing Committee agreed to submit to the Conference of the Parties the draft decisions contained in Annex 2 to document SC70 Doc. 34 as a replacement to Decisions 16.48 (Rev. CoP17) to 16.51 (Rev. CoP17).

#### Recommendations

15. Noting that the second session of the BBNJ Conference will take place between the submission of this document and the 18th meeting of the Conference of the Parties, the Conference of the Parties may wish to request an oral update on any pertinent developments by the CITES Secretariat at this current meeting.
16. The Conference of the Parties is invited to:
  - a) adopt the draft decisions in Annex 1; and
  - b) agree that Decisions 16.48 (Rev. CoP17) to 16.51 (Rev. CoP17) can be deleted.

#### COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the draft decisions proposed by the Standing Committee in Annex 1 be adopted noting that draft decisions 18.AA and 18.BB, if adopted, would replace Decisions 16.48 (Rev. CoP17) to 16.51 (Rev. CoP17) and in view of its relevance to the implementation of the Convention, Decision 17.181 is proposed for continuation after CoP18.
- B. The Secretariat's assessment of the budget implications for adopting the draft decisions are shown in Annex 2.

**Draft decisions on *introduction from the sea***

**Directed to the Secretariat**

- 18.AA The Secretariat shall continue to monitor the implementation of Resolution 14.6 (Rev. CoP16) on *Introduction from the sea*, including the provisions on chartering, and report as appropriate to the Standing Committee.
- 17.181 The Secretariat shall report to the Standing Committee, as appropriate, on the results of the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

**Directed to the Standing Committee**

- 18.BB The Standing Committee shall, as appropriate, review the information provided by the Secretariat as requested in Decisions 18.AA and 17.181 and, if necessary, propose measures for consideration at the 19th meeting of the Conference of the Parties, which may include amendments to Resolution Conf. 14.6 (Rev. CoP16).

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 authors of the present document propose that the draft decisions will have no direct financial cost, but will have workload implications for the Standing Committee and the Secretariat.