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Your ref.: /

Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs and
United Nations Legal Counsel
Headquarters of the United Nations
405 E 45th St
New York, NY 10017

Geneva, 14 June 2024

Subject: CITES contribution to the report of the Secretary-General on oceans and the law of the sea

Dear Mr de Serpa Soares,

I have the pleasure of writing to you in response to your letter, dated 19 March 2024, in which you solicited the contribution of the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to the report of the Secretary-General on oceans and the law of the sea.

First, let me thank you for your kind invitation to attend the meeting of UN Oceans, at the Principals' level, held on Tuesday, 16 January 2024. As you know, the CITES Secretariat has been following closely the developments regarding the negotiations and now adoption of the Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement). I have duly informed the CITES Standing Committee of this great achievement in [document SC77 Doc.47](#) on *Introduction from the sea* at its 77th meeting that took place in November 2023.

It is clear that common objectives, a common vision, and complementarity between the new BBNJ Agreement, Regional Fisheries Management Organizations and other regional bodies are essential for effective implementation of both CITES and the new Agreement.

I also invite your attention to the fact that all new shark listings adopted at CITES CoP19 in Panama in 2022 have now entered into force (the last ones on 25 November 2023) and, as a result, several hundreds of shark and ray species, among others, are now listed in CITES Appendices. Consequently, their trade is governed by CITES trade rules. More detailed information is provided below.

Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Postal address:
CITES Secretariat
Palais des Nations
Avenue de la Paix 8-14
1211 Geneva 10, Switzerland

cites.org

CITES has identified several compliance cases concerning the overexploitation of marine species that are currently ongoing. There are also some emerging issues regarding rules applying to territories not recognized under the UN, which are operating in BBNJ areas and trading with Parties to CITES under unclear legal basis.

In its reports to the Standing Committee, the Secretariat also provided some highlights on the work of CITES that is relevant to the implementation of the new Agreement and achievement of its goals. Allow me to briefly mention a few of these areas where, hopefully, the Convention may be supportive of the efforts as a strong, effective and impactful partner:

As reported in [document SC77 Doc. 46](#) on *Legal acquisition findings*, which is the technical word used in CITES for verifying the legality of trade in listed species, the CITES Secretariat and the FAO jointly organized a series of legal workshops on CITES and fisheries, which included capacity-building on trade from areas beyond national jurisdiction (i.e. introduction from the sea). The first and second workshops were held at the subregional level, respectively for Pacific Island countries in November 2021 and English-speaking Caribbean countries (May-June 2022). The third workshop for Latin American and Spanish-speaking Caribbean countries was hosted by the CITES Management Authority of Ecuador, in Manta, Ecuador, from 8 to 11 May 2023.

The Study and Guide on Implementing CITES through national fisheries frameworks, developed jointly by FAO and the CITES Secretariat and published in 2020 has been revised to include the amendments to the CITES Appendices agreed at CoP19. The Secretariat developed a short video to illustrate the implementation of the Convention with regard to specimens taken in the marine environment beyond national jurisdiction. The study is available on the [CITES website](#).

More specifically, at the species level, as indicated above several families of **sharks and rays** (*Carcharhinidae*, *Sphyrnidae* and *Rhinobatidae*) as well as three species of **sea cucumbers** (*Thelenota* species) were included in CITES Appendix II at CoP19. In addition, a number of Resolutions and Decisions were adopted or revised with a focus on the maintenance of biodiversity of oceans and marine ecosystems and ensuring that international trade in CITES-listed marine species does not endanger the survival of these species in the wild. Most notably are the following:

- A new Resolution on Conservation and trade in **marine turtles** ([Resolution Conf. 19.5](#)), and an update to the Decision on marine turtles (*Cheloniidae* spp. and *Dermochelyidae* spp.) (Decision 18.217 (Rev. CoP19));
 - Decisions on trade in **stony corals** (*Scleractinia* spp.) (Decisions 19.177 & 19.178);
 - Decisions on **eels** (*Anguilla* spp.) (Decisions 19.218 to 19.221);
 - Decisions on **sharks and rays** (*Elasmobranchii* spp.) (Decisions 19.222 to 19.227);
 - The renewal of a Decision on **humphred wrasses** (*Cheilinus undulatus*) (Decision 18.209);
 - Decisions on **seahorses** (*Hippocampus* spp.) (Decisions 19.228 to 19.232);
 - Decisions on trade in **queen conch** (*Strombus gigas*) (Decisions 19.233 to 19.236);
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- Decisions on **marine ornamental fishes** (Decisions 19.237 & 19.238); and
- An update to the Resolution on **Legal Acquisition Findings (LAFs)** ([Resolution Conf. 18.7 \(Rev. CoP19\)](#)) to expand on providing guidance on *Evidence of legality along the chain of custody for marine species*.

In December 2023, the CITES Secretariat organized an international workshop on **Non-Detriment Findings (NDFs)** in Nairobi, Kenya, which included a working group on aquatic species and produced preliminary CITES Guidance for the making of NDFs for aquatic species. In April 2024, pursuant to Decision 19.136, the Secretariat organized a technical workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction*. The workshop considered how NDFs might best be achieved for the introduction from the sea of specimens of CITES Appendix-II listed species that are commercially exploited and are taken by multiple Parties in areas beyond national jurisdiction. The workshop benefited from a presentation by DOALOS on the Fish Stock Agreement and the BBNJ Agreement and their relationship to CITES, as well as presentations and participation by the Secretariats of the Inter-American Tropical Tuna Commission (IATTC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT).

In fulfilment of Decision 19.226 on **sharks and rays** (*Elasmobranchii* spp.), the CITES Standing Committee established an intersessional working group on sharks and rays, which, *inter alia*, discusses the legal aspects of taking CITES-listed specimens from areas beyond national jurisdiction. The results of the working group will be reported to the 78th meeting of the Standing Committee (SC78, Geneva, February 2025).

Regarding **queen conch** (*Strombus gigas*), the CITES Secretariat in collaboration with the Gulf and Caribbean Fisheries Institute (GCFI) developed simplified NDF guidelines for queen conch following a consultation process that involved multiple range States and stakeholders. Furthermore, in accordance with Decision 19.234 paragraph b), the CITES Secretariat supported a project involving University of Rhode Island and GCFI to assess genetic variation of queen conch across the Caribbean with the aim of identifying and tracing specimens of queen conch in international trade.

Pursuant to Decisions 19.237 & 19.238 on **marine ornamental fishes**, the CITES Secretariat organized a technical workshop on marine ornamental fishes in May 2024 in Brisbane, Australia. The workshop considered the conservation priorities and management needs related to the trade in non-CITES listed marine ornamental fishes worldwide, with a particular focus on data from importing and exporting countries. The results of the workshop are reported to the Animals Committee in document [AC33 Doc. 44, Rev. 1](#).

Since CoP19, the Secretariat has supported various Parties in their implementation of the Convention with regards to introduction from the sea and species taken in areas beyond national jurisdiction (Decisions 19.140 & 19.141), including newly listed species. Such support ranges from awareness raising, to the development of guidance, and technical support on the legal regime of introduction from the sea, CITES certificates to issue in such cases, the making of NDFs and LAFs, and questions related to transit and transshipment. I spoke at the UNEP/DOALOS organized side event on the *Ratification and Implementation of the BBNJ Agreement* at the 6th meeting of the United Nations Environment Assembly on the contribution of CITES to the objectives of the BBNJ. I was also invited to mention the linkages and the need for

collaboration between CITES and the Agreement on BBNJ at the International Day for Biodiversity on 22 May 2024.

With regards to enforcement activities supporting **efforts to combat wildlife crime related to marine species**, several activities have taken place, notably on the totoaba (*Totoaba macdonaldi*) and vaquita (*Phocoena sinus*). This includes a study on totoaba and vaquita as well as missions by the CITES Secretariat to China, Mexico and the United States of America in March and June 2024 to examine activities being implemented by authorities at national and international levels to combat totoaba trafficking. Further, the CITES Secretariat has also been working with its partners in the International Consortium on Combating Wildlife Crime (ICWC) to support the outcomes of the meeting of Range, Transit and Consumer States of Totoaba, and at the time of writing is in discussions with partners to convene Wildlife Inter Regional Enforcement (WIRE) and Regional Investigative and Analytical Case Management (RIACM) meetings to support Parties' efforts in this regard.

The CITES Secretariat appreciates the opportunity to provide input to the report of the Secretary-General and agrees to the posting of the present letter on the website of the Division for Ocean Affairs and the Law of the Sea.

Any enquiries regarding the above can be directed to deleuil@cites.org, with a copy to info@cites.org. The CITES Secretariat remains at your disposal as may be needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ivonne Higuero', with a stylized, flowing script.

Ivonne Higuero
CITES Secretary-General

Cc: Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs
Emails: doalos@un.org; ruth.valenzuela-hijar@un.org
