

DRAFT MEMORANDUM FOR COOPERATION BETWEEN
THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
AND
THE SECRETARIAT OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF
WILD FAUNA AND FLORA

This Memorandum for Cooperation is initiated between the Food and Agriculture Organization of the United Nations, hereinafter referred to as "FAO", of the one part; and the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as "CITES" of the other part. FAO and CITES, hereinafter are jointly referred to as the Participants.

INTRODUCTION

Both Participants are aware of the need to provide an effective framework which takes into account the increasing volume and importance of the work of both FAO and CITES on biological conservation and sustainable resource use, as it relates to their respective mandates, and the various aspects of the cooperation between FAO and CITES. They desire to ensure harmony and synergy in the work of the two Participants, to better serve their respective member States.

FAO and CITES are resolved to act in close cooperation, on matters of mutual interest, with a view to harmonizing the efforts of both secretariats towards greater effectiveness, as far as possible, having due regard to their respective objectives, mandates and functions, as described below.

Therefore, the Participants, share the views as follows:

ITEM I

Purpose

The purpose of this Memorandum for Cooperation is to establish a framework for cooperation between FAO and CITES in the area of biological conservation and sustainable resource use of relevance to food and agriculture, fisheries, forestry, and wildlife with a view to promoting synergy between the Participants, ensuring complementarity, where appropriate, and mutual support in their work, and better serving the member States of FAO and CITES.

ITEM II

Representation

Each Participant should invite the other to participate, without the right to vote, in the deliberations of its governing bodies and of other bodies where matters of particular concern to the other Participant are considered, and in which it may have or has indicated that it has an interest. Representatives of the Participant so invited should be afforded full opportunity to present its views on matters within the scope of its activities and mandate.

ITEM III

Exchange of Information

1. The Participants should regularly exchange information regarding their relevant activities and positions.
2. Each Participant should inform its member States of relevant activities of the other Participant, or, as appropriate, provide an opportunity for the other Participant to do so.

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3. The Participants should keep each other informed of their relevant activities and positions in other organizations and forums, and, as far as possible, coordinate their positions.
4. In this context, and subject to such arrangements as may be necessary to safeguard confidential matters, the Participants should cooperate in the preparation of official documents, by making available drafts of the relevant documents, and providing technical advice and input, where appropriate and feasible.

ITEM IV

Cooperation

Cooperation under this Memorandum for Cooperation should include:

- a. Ensuring the regular exchange of information, as provided for in Item III, on relevant issues and activities, including relevant decisions of the Conference of the Parties to CITES and its subsidiary bodies, and of FAO governing bodies.
- b. The establishment of specific Memoranda covering specific areas of work or joint work programmes, such as: commercially-exploited aquatic species, forest tree species, wildlife species, and capacity strengthening of common member countries for implementation of CITES decisions. Such Memoranda will be appended to the present Memorandum for Cooperation, for information.
- c. The Participants agree and acknowledge that the present memorandum is without prejudice to the legal status of the MoU which is attached as Annex 1, and which shall continue to be binding and in force.
- d. Cooperation between the Participants, in the implementation of agreed joint activities and joint programmes of work, as provided for in Article V.
- e. Cooperation, where appropriate and possible, between the Participants in activities undertaken within their separate programmes of work, with a view to seeking harmony, synergy and coherence, and to reducing the reporting burden on the member States of FAO and CITES.
- f. Supporting participation of each Participant, in the meetings of subsidiary or governing bodies, and relevant working or liaison groups.
- g. Cooperation between the Participants, as appropriate, to facilitate capacity building in developing countries and countries with economies in transition on issues relating to species of interest to both Participants which are listed or may be listed on the CITES Appendices.
- h. Cooperation between the Participants, to ensure adequate consultations in the scientific and technical evaluation of proposals for including species in the CITES Appendices, transferring between those Appendices, or deleting from those Appendices, species of interest to both organizations based upon their respective mandates, and the criteria agreed by the Parties to CITES.
- i. Cooperation between the Participants in addressing scientific, technical, socio-economic and legal issues relating to the listing of species in the CITES Appendices and the implementation of such listings, as appropriate.

ITEM V

Joint activities and joint programmes of work

1. In order to promote cooperation within the context of this Memorandum for Cooperation, and in order to develop joint actions to address issues of mutual relevance, either of the Participants, may propose joint activities or joint programmes of work aimed at specific objects of cooperation. Such joint activities or joint programmes of work should specify the objectives, areas of work, planned outputs, timetable, responsibilities and financial obligations of the Participants, and specify any other sources of funds, as well as staffing responsibilities. In implementing such joint activities and joint programmes of work, the Participants may jointly confirm cooperation with other organizations and agencies, including funding agencies.

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- Such joint activities and joint programmes of work may be modified by the written mutual consent of the Participants.
- Where necessary within the context of confirmed joint activities or programmes of work, either Participant may second staff to the other Participant, and make other relevant administrative arrangements.

JTEM VI

Financial implications

- Any minor and ordinary expenditure relating to the implementation of this Memorandum for Cooperation should be borne by the respective Participant.
- Unless otherwise confirmed, neither Participant will be legally or financially liable in any way for activities carried out jointly or independently under this Memorandum for Cooperation. If the cooperation proposed by one of the Participants to the other in accordance with this Memorandum of Cooperation entails expenditure beyond minor and ordinary expenditures, the two Participants shall consult to determine the availability of the resources required, the most equitable way of meeting such expenditure and, if resources are not available, the most appropriate ways to obtain the necessary resources. If necessary and if confirmed by the two Participants, they may jointly seek in-kind and financial resources from other organizations and agencies, including funding agencies, for their joint activities and joint programmes of work. Separate letters of intent or other arrangements, with specific budgets and resource identification, may be formulated for individual activities involving the commitment of financial resources by either signatory.

JTEM VII

Implementation of this commitment

- The Assistant Directors-General of the FAO Departments concerned and the Secretary-General of CITES may make the arrangements necessary for ensuring satisfactory implementation of this Memorandum for Cooperation, including through the establishment of specific Memoranda covering specific areas of work or joint work programmes.
- Both Participants will report, as appropriate, to their governing bodies and subsidiary bodies, on progress made in the implementation of this Memorandum for Cooperation and, where necessary, seek further guidance and endorsement regarding existing and new areas of cooperation.

JTEM VIII

Focal Points

The Assistant Director-General of the FAO Fisheries and Aquaculture Department and the Assistant Director-General of the FAO Forestry Department, in their respective areas of responsibility, and the Secretary-General of CITES are the focal points for the purposes of this Memorandum for Cooperation, in particular for official communications and the exchange of information. The Participants may, however, designate separate focal points in the case of joint activities and programmes of work, and in relation to specific legal and policy instruments.

JTEM IX

Commitments with other organizations

This Memorandum for Cooperation is without prejudice to commitments formulated by either Participant with other organizations, or programmes within the United Nations System.

JTEM X

Modification of this Memorandum for Cooperation

This Memorandum for Cooperation may be modified by written mutual consent of the Participants.

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ITEM XI

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Termination

This Memorandum for Cooperation will remain in force unless terminated by 90 days' written notice served by one Participant upon the other, or replaced by another commitment.

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ITEM XII

Privileges and Immunities, Settlement of Problems

- Nothing in this Memorandum for Cooperation or in any document or activity related thereto should be construed as a waiver of the privileges and immunities of the Participants.
- Any dispute relating to the interpretation or implementation of this Memorandum for Cooperation should be settled by consultations between the Participants.

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ITEM XIII

Duration

This Memorandum for Cooperation will commence upon signature by the Director-General of FAO and the Secretary-General of CITES.

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On behalf of the Food and Agriculture Organization of the United Nations	On behalf of CITES
Date:	Date:

Annex 1. Existing Memorandum of Understanding between FAO and CITES from 2006

Annex 1

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS (FAO) AND THE SECRETARIAT OF THE CONVENTION ON
INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)**

**FAO AND CITES IN ORDER TO STRENGTHEN THE COOPERATION
BETWEEN THEM HAVE DECIDED AS FOLLOWS:**

1. The signatories will communicate and exchange information regularly and bring to each other's attention general information of common interest and areas of concern where there is a role for the other to play. The signatories will be invited as observers to meetings under their respective auspices where subjects that are of common interest will be discussed.
2. The signatories will cooperate as appropriate to facilitate capacity building in developing countries and countries with economies in transition on issues relating to commercially-exploited aquatic species listed on the CITES Appendices.
3. FAO will continue to provide advice to CITES on, and be involved in any future revision of, the CITES listing criteria.
4. The FAO will work together with CITES to ensure adequate consultations in the scientific and technical evaluation of proposals for including, transferring or deleting commercially-exploited aquatic species in the CITES Appendices based on the criteria agreed by the Parties to CITES, and both signatories will address technical and legal issues relating to the listing and implementation of such listings.
5. As is required by the Convention, the CITES Secretariat will continue to inform FAO of all relevant proposals for amendment of Appendices I and II. Such information shall be provided to FAO to allow FAO to carry out a scientific and technical review of such proposals in a manner it deems appropriate and for the resulting output to be transmitted to the CITES Secretariat. The CITES Secretariat shall communicate the views expressed and data provided from this review and its own findings and recommendations, taking due account of the FAO review, to the Parties to CITES.
6. In order to ensure maximum coordination of conservation measures, the CITES Secretariat will respect, to the greatest extent possible, the results of the FAO scientific and technical review of proposals to amend the Appendices, and technical and legal issues of common interest and the responses from all the relevant bodies associated with management of the species in question.
7. The Secretariats to CITES and FAO will periodically report on work completed under the MoU to the Conference of the Parties to CITES and the FAO Committee on Fisheries, respectively.
8. This MoU will take effect on the date of signature by both signatories. It will remain in force unless terminated by 90 days' written notice served by one upon the other, or replaced by another agreement. It may be amended by written mutual agreement.
9. Unless otherwise agreed, neither signatory will be legally or financially liable in any way for activities carried out jointly or independently under this MoU. Separate letters of agreement or other arrangements, with specific budgets and resource identification, will be concluded for individual activities involving the commitment of financial resources by either signatory.

Signed

Assistant Director General,
Fisheries Department

Date: 29 September 2006

Signed

Secretary-General
CITES Secretariat

Date: 3 October 2006

Page 1: [1] Comment [CITES3] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Short hand reference to Secretariat of CITES changed to CITES for ease of reading

Page 1: [2] Comment [CITES4] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Japan and USA request use of the term Participants, which has been accepted and included throughout the text

Page 1: [3] Comment [CITES5] **John Scanlon** **5/ 2/ 2012 12:22:00 PM**
Japan request to refer only to 'endangered species' not included – CITES text refers to species threatened with extinction and not necessarily now threatened with extinction (Article II).

Page 1: [4] Comment [CITES6] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Japan request accepted

Page 1: [5] Comment [CITES7] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Japan request to refer to Item accepted and reflected throughout the text.

Page 1: [6] Comment [CITES8] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Japan requests deleting complementarity. No other such request. Language modified to accommodate comment from Japan.

Page 1: [7] Comment [CITES9] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Japan request to replace shall with should accepted and reflected throughout the text.

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and of the governing bodies of relevant international instruments within the framework of either Party

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- g. Involvement by FAO in revisions of the CITES listing criteria for species of interest to both Parties and provision of advice by FAO to CITES regarding the CITES listing criteria[CITES1].

Page 2: [14] Comment [CITES14] **John Scanlon** **5/ 1/ 2012 8:30:00 AM**
Colombia, EU and US request to delete original sub-para (g). Japan request to retain. Deleted.

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in the CITES Appendices based on

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Japan request to replace agreed with confirmed not included . CITES Parties agree the CITES listing criteria.

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Japan request accepted

Page 3: [21] Comment [CITES23]	John Scanlon	5/ 1/ 2012 8:30:00 AM
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Japan request accepted

Page 3: [22] Comment [CITES24]	John Scanlon	5/ 1/ 2012 8:30:00 AM
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Japan request for should replaced with are.

Page 3: [23] Comment [CITES25]	John Scanlon	5/ 1/ 2012 8:30:00 AM
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Japan request accepted