

**UNITED STATES – IMPORT PROHIBITION OF
CERTAIN SHRIMP AND SHRIMP PRODUCTS**

Status Report by the United States

Addendum

The following communication, dated 8 September 1999, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report on the Implementation of the Recommendations and Rulings in the
Dispute regarding United States – Import Prohibition of
Certain Shrimp and Shrimp Products

On 25 November 1998, the United States informed the Dispute Settlement Body (DSB) of its intention to implement the recommendations and rulings of the DSB in connection with this matter and to do so in a manner which is consistent with our firm commitment to the protection of endangered species, including sea turtles. At that time, the United States also advised the DSB that a “reasonable period of time” would be required to complete this process. On 21 January 1999, the United States and the other parties to the dispute reached agreement on 13 months as a reasonable period for implementation. Therefore, as provided for in Article 21.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, this second report on the status of our implementation is being presented.

As noted in our first report, our implementation of the recommendations and rulings of the DSB in this matter has several distinct elements and has and will continue to include opportunities for input from the other parties to the dispute. In our first report we provided a detailed report on the status of our implementation efforts.

We would recall that on 8 July 1999, the United States Department of State issued revised guidelines implementing our Shrimp/Turtle law. The revised guidelines, in accordance with the recommendations and rulings of the DSB are intended to: (1) introduce greater flexibility in considering the comparability of foreign programs and the U.S. program and (2) elaborate a timetable and procedures for certification decisions, including an expedited timetable to apply in 1999 only. These latter changes are designed to increase the transparency and predictability of the certification process and to afford foreign governments seeking certification a greater degree of due process.

Following the issuance of the revised guidelines, the Government of Pakistan asked the United States Government to send a team of technical experts to Pakistan for the purpose of

reassessing the operations of its shrimp fleet for possible certification and to assist with the development of a comprehensive TEDs program. We welcome this development and have informed the Government of Pakistan that we have assembled such a team and that the team stands ready to visit Pakistan at the first mutually convenient time.

To date, the State Department has not received any other requests from other governments for action under the revised guidelines but stands ready to consider any requests that are submitted.

We are also continuing our efforts to launch the negotiation of an agreement with the governments of the Indian Ocean region on the protection of sea turtles in that region. To that end, the United States Government actively participated in the Second ASEAN Symposium and Work Shop on Sea Turtle Conservation and Biology, held in Kota Kinabalu, Sabah, Malaysia on 15-17 July 1999. We are pleased to report that the Symposium concluded with the adoption of the Sabah Declaration, attached, which calls for "the negotiation and implementation of a wider regional agreement for the conservation and management of marine turtle populations and their habitats throughout the Indo-Pacific and Indian Ocean region." In what we hope will be the next step towards such negotiations, the Government of Australia has offered to host a follow-up meeting in October.

Finally, we would recall our offer of technical training in the design, construction, installation and operation of TEDs to any government that requests it. Any government that wants to receive such training need only make such a request to the United States in writing, through diplomatic channels. The United States will make every effort to meet such requests. Training programs will be scheduled on a first come, first served basis, although special efforts will be made to accommodate nations whose governments are making efforts to adopt and maintain nation-wide TEDs programs and who have not previously received such training. In this connection we welcome the aforementioned request from the Government of Pakistan. Also, we would note that the Government of Thailand has also sought further technical assistance concerning the design, construction, installation and use of TEDs and has asked to send a team to the U.S. National Marine Fisheries Services laboratory in Mississippi. We are actively working to arrange this visit.

ANNEX

2nd ASEAN Symposium and Workshop on Sea Turtle Conservation and Biology.

SABAH DECLARATION

REPRESENTATIVES, concerned scientists and participants from countries of the Indo-Pacific and Indian Ocean regions, including Southeast Asian member nations, having met at Kota Kinabalu, Sabah, Malaysia from 15 –17 July 1999 to participate in the 2nd ASEAN Symposium and Workshop on Sea Turtle Biology and Conservation;

ACKNOWLEDGE that:

Six of the world's seven species of marine turtles inhabit the waters of the Indian Ocean and Indo-Pacific: The Leatherback (*Dermochelys coriacea*); Olive Ridley (*Lepidochelys olivacea*); Green Turtle (*Chelonia mydas*) Hawksbill (*Eretmochelys imbricata*); Loggerhead (*Caretta caretta*), and Flatback (*Natator depressus*);

Marine turtles of the Indo-Pacific and Indian Ocean region are a shared resource with cultural, ecological and economic value;

These turtles have a complex and migratory life history that is dependent on oceanic, coastal and terrestrial habitats;

Since the 1st ASEAN Symposium and Workshop on Sea Turtle Biology and Conservation in 1993, governments from ASEAN member countries and other countries of the region have become increasingly aware of the challenges posed with respect to the conservation of marine turtles and have increased their efforts to address these challenges including the ASEAN Memorandum of Understanding on Sea turtle Conservation and Protection, and the establishment of the Turtle Islands Heritage Protected Area (TIHPA);

Advances in scientific research on marine turtles and marine turtle populations have resulted in widespread awareness and scientific consensus on the fragile status of marine turtle populations and a growing recognition that the threats to those populations have increased as a result of several factors ;

The long term survival and recovery of marine turtle populations of the Indian Ocean and Indo-Pacific region requires cooperation among all the countries throughout the migratory range of these populations;

Existing bilateral and multilateral instruments in the region include the Turtle Islands Heritage Protected Area, ASEAN Sea turtle MOU, SPREP, and The Convention on the Conservation of Migratory Species of Wild Animals (CMS), and these expressly provide institutional frameworks for regional cooperation;

THEREFORE:

SUPPORT the negotiation and implementation of a wider regional agreement for the conservation and management of marine turtle populations and their habitats in the Indo-Pacific and

Indian Ocean region, through which the countries of the region shall cooperate further to promote, advance and support national programs and regional cooperation;

RECOMMEND that the ASEAN member governments and other governments throughout the Indo-Pacific and Indian Ocean region support efforts to negotiate such an agreement and participate actively in negotiations and implementation toward that end;

CALLS upon relevant organisations including NGO's and multilateral institutions in the Indian Ocean and Indo-Pacific regions to support the negotiation, inclusive of actual engagement;

WELCOMES the proposal of the Government of Australia to organize a meeting of concerned countries on regional sea turtle management and conservation in October 1999,

And finally, ENDORSE this declaration and UNDERTAKE to provide ready support, in both their official and unofficial capacities, to help formulate and implement a regional agreement among the countries of the Indian Ocean and Indo-Pacific regions to further the conservation and management of the region's marine turtle populations.
