

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

Status Report by the United States

Addendum

The following communication, dated 9 November 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.

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Status Report Regarding 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 fourth 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 previous reports we provided detailed reports on the status of our implementation efforts. This report focuses on what has developed since our most recent report.

It will be recalled that a key element of our implementation efforts has been an effort 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 a widely attended work shop on sea turtle conservation hosted by the Government of Australia in Perth, Australia, from 19 to 22 October. We are pleased to report that the Symposium concluded with a resolution, attached, agreeing to hold further consultations aimed at concluding an instrument to be called the Indian Ocean and South-East Asian Regional Agreement on Conservation and Management of Marine Turtles and their Habitats. The resolution calls for efforts to initiate negotiations within the first half of the year 2000. We strongly welcome this cooperative effort and will lend it our full support.

We would also 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 have held discussions with the Government of Thailand and are pleased to report that we have invited a team of specialists from the Government of Thailand, as well as the Southeast Asia Fisheries Development Center (SEAFDEC), to visit the National Marine Fisheries Laboratory in Pascagoula, Mississippi for additional training in the use and maintenance of TEDs and related gear modifications. The State Department is also working with the National Marine Fisheries Service on arrangements for a training/technology transfer seminar for the Government of Pakistan, tentatively scheduled to be held in early 2000.

## RESOLUTION

on developing a

Regional Agreement on the Conservation and Management of

Marine Turtles and their Habitats in the

Indian Ocean and South-East Asian Region

Representatives of Australia, Bangladesh, Cambodia, Comoros, India, Iran, Kenya, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Reunion (French Department), Seychelles, Sri Lanka, Tanzania, Thailand, United Arab Emirates and Vietnam met in Perth, Australia from 19 to 22 October 1999.

The meeting was also attended and advised by experts from a number of nations, regional and international organisations, namely the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the World Conservation Union (IUCN), the IUCN Marine Turtle Specialist Group, the IUCN Commission on Environmental Law/Environmental Law Centre, the USA State Department and National Marine Fisheries Service, the ASEAN Marine Turtle Technical Working Group and the South-East Asian Fisheries Development Centre.

The representatives of the nations present:

*Aware* that the populations of the six species of marine turtles inhabiting the waters and beaches of the Indian Ocean and South East Asia (the Region) are listed as vulnerable, endangered or critically endangered on the IUCN Red List of Threatened Species;

*Recognising* that the marine turtles occurring in the Region migrate and disperse over vast distances, which makes their survival dependent on their conservation over a wide area and in a wide range of marine and coastal habitats;

*Noting* that marine turtles are generally protected by laws of the nations of the Region and that marine turtle conservation programs are being developed and implemented by many countries;

*Noting* that marine turtles are listed in Appendices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the ASEAN Agreement on the Conservation of Nature and Natural Resources, the African Convention on the Conservation of Marine and Natural Resources and the Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region and related protocols;

*Recognising* that other international instruments, including the United Nations Convention on Law of the Sea (UNCLOS) and the Convention on Biological Diversity (CBD), have relevance to conservation of marine turtles and their habitats in the Region;

*Aware* that initiatives have been taken among groups of nations in the Region to develop cooperative marine turtle conservation programs;

*Noting* that communities in the Region value marine turtles for a wide range of reasons including: subsistence; tourism; cultural and religious purposes; medicinal purposes; education, as flagship species; indicating the state of health of marine habitats; helping to maintain healthy ecosystems; as a significant component of marine biodiversity; and for science and research;

*Recognising* that altering marine turtle management regimes has potential social and economic impacts;

*Recognising* the need to raise public awareness of the threatened status of marine turtles and the consequences of human activities for marine turtle populations and their habitats;

*Aware* that threats to marine turtles, including harvests of eggs and turtles, destruction or modification of habitats including through coastal development and pollution, tourism, hatchery operations, and incidental mortality of turtles including through fishing activities, could, if not properly managed, lead to further decline in marine turtle populations;

*Concerned* by the additional harm caused to marine turtles by actions that are not within the jurisdiction of nations in the Region, including pollution from ships and distant water fishing operations;

*Acknowledging* the need for shared responsibility for the conservation and sustainable management of marine turtle populations and their habitats;

Agreed that

- All parties would benefit from closer collaboration between coastal States of the region as well as concerned States from outside the region and relevant inter-governmental, non-governmental and private sector organisations, to improve the conservation of marine turtles and their habitats;
- An appropriate structure to facilitate this collaboration would be a new regional instrument, with a small secretariat to coordinate actions under the agreement, working with nations and with institutions in South-East Asia, Australasia, the Northern Indian Ocean, the North-West Indian Ocean and adjacent seas, and the Western Indian Ocean [as indicated in the attached diagram];
- Further consultations should take place to reach consensus on ways in which appropriate arrangements, mechanisms and structures to facilitate regional cooperation can best be established and developed;
- These consultations should aim to conclude an instrument (the Indian Ocean and South-East Asian Regional Agreement on Conservation and Management of Marine Turtles and their Habitats), possibly under the CMS, that:
  - is non-binding, at least initially;
  - builds on the existing cooperative arrangements between nations in the region; and
  - includes both parties and non-parties to the CMS, which is provided for under Article V of the CMS;
- These consultations should build on the discussions documented in the report of this consultation;

- The instrument could include the following key features:
  - participation of nations within the Region in the ranges of the marine turtle populations to be conserved, as well as other nations prepared to support regional marine turtle conservation efforts;
  - global recognition of the regional arrangement;
  - agreed conservation measures to mitigate threats to marine turtles and degradation of marine turtle habitat;
  - national commitments to implementing the regional arrangement;
  - provision for public participation in the implementation of the agreement;
  - clear links to administrative structures and financial resources, including to multilateral funding organisations, for implementing agreed actions;
  - recognition of widely differing national and sub-regional circumstances, and flexibility to provide for a range of national and sub-regional approaches to marine turtle conservation;
  - recognition of the responsibilities of existing marine resource management organisations in the Region; and
  - provision for regular review of and improvement to strategies or agreements and their implementation;
- The instrument could make provision for the following cooperative actions, *inter alia*:
  - exchange of expertise, techniques and knowledge among nations, including information about best practice approaches;
  - cooperating on the following initiatives:
    - involving stakeholders in marine turtle conservation and management;
    - developing public awareness programs;
    - developing retraining programs for communities and industry participants affected by changes in marine turtle management regimes;
  - collaborative research and monitoring on the conservation status of shared populations of marine turtles, and the stability of marine turtle populations and their habitats;
  - conducting studies to identify the threats to particular turtle populations, and best practice approaches to minimising threats, including:
    - developing mechanisms to minimize fisheries-related marine turtle mortalities, and
    - developing mechanisms, such as environmental impact assessments and regional planning, to minimize the impact of coastal developments on turtles and their habitats;

- standardising methods and levels of data collection and data dissemination among parties;
  - collaboration with international organisations;
  - capacity building and strengthening existing institutions;
  - developing best practice approaches to conservation;
  - complementary implementation of threat reduction measures;
  - assistance to nations to regulate trade in marine turtle products;
  - assistance to nations to develop national programs for the protection, management and conservation of marine turtles and their habitats;
- Efforts should be made to ensure that the nations of the Region meet within the first half of 2000 with a view to drafting and negotiating an instrument.

Dated this 22<sup>nd</sup> day of October 1999

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