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**Sent:** 24 June 2003 06:29

**To:** CITES

**Cc:** Grant.Bryden@mfat.govt.nz; Jane.Willing@fish.govt.nz

**Subject:** Memorandum of Understanding with the Food and Agriculture Organisation of the United Nations (FAO)

Notification to the Parties 2003/030 of 6 May 2003 sought comments by 30 June on the draft MoU prepared by the Secretariat.

New Zealand's comments are as follows.

New Zealand considers that the Secretariat has performed good work in preparing the draft MoU text. New Zealand was disappointed at the lack of progress on the MoU at the FAO COFI meeting in February and continues to support the establishment of an MoU between CITES and FAO.

We consider however that the Secretariat's draft is rather formal and its present wording could suggest that it is a legally binding document. We do not see the MoU as being a legally binding document but rather as a facilitating document and would prefer to see the language and form altered to better reflect that fact so that it will facilitate cooperation between rather than dictating terms to the two organisations. We suggest that a starting point could be the removal of the terms "shall develop" and "shall be annexed" in Article and replacing them with either "should develop" and "should be annexed" or "will develop" and "will be annexed". A similar substitution of wording could be used in Article 2 in the first lines of sub-sections a) and b) and also in Articles 3, 4 and 5.

Best regards

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