

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Fourteenth meeting of the Conference of the Parties
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Committee II

Reservations regarding species transferred from one Appendix to another

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

This document has been prepared by the Secretariat on the basis of document CoP14 Doc. 49 Annex 2, approved as amended by Committee II at its 10th session. The following is the text of Resolution Conf. 4.25 with the approved amendments.

RESERVATIONS

RECOGNIZING that, in accordance with Article XXIII of the Convention, a State may, when it becomes a Party to CITES, enter a reservation with respect to any species included in Appendix I, II or III or any parts or derivatives specified in relation to a species included in Appendix III and that, in this case, it shall be treated as a State not a Party to the present Convention with respect to trade in the specified species or parts or derivatives until it withdraws such reservation;

RECOGNIZING that when Appendix I or II is amended in accordance with Article XV of the Convention, any Party may, within 90 days, make a reservation with respect to the amendment and that, in this case, it shall be treated as a State not a Party to the Convention with respect to trade in the species concerned until such reservation is withdrawn;

RECOGNIZING further that, in accordance with Article XVI of the Convention, any Party may at any time enter a reservation with respect to a species included in Appendix III or any specified parts or derivatives and that, in this case, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned until such reservation is withdrawn;

NOTING that there have been different interpretations of these provisions of the Convention by Parties;

BELIEVING that the transfer of a species from one Appendix of the Convention to another must be viewed as a deletion from one Appendix and its simultaneous inclusion in the other;

CONSIDERING that, if a species is deleted from the Appendices, any reservation entered in relation to that species ceases to be valid;

CONSIDERING also that all Parties should interpret the Convention in a uniform manner;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control;

AGREES that, if a species is deleted from one Appendix of the Convention and simultaneously included in another, the deletion shall render invalid any reservation that was in effect in relation to the species and, consequently, any Party that wishes to maintain a reservation in relation to the species must enter a new reservation in accordance with Article XV, paragraph 3, or Article XVI, paragraph 2;

INSTRUCTS the Secretariat to remind affected Parties explicitly of the reservations that will be rendered invalid, in time for the Parties to renew their reservations if they so desire; and

CALLS on the Parties having entered reservations nevertheless to maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in specimens of these species may be properly monitored.