

Guidance on how to become a Party to CITES

This note has been prepared by the CITES Secretariat to provide non-binding guidance to States that are not yet a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on the steps to take to become a Party. The note contains the following sections: I. Considerations before joining the Convention; II. How to join the Convention; and III. What happens next. Questions related to accession to CITES can be addressed to info@cites.org. March 2024

I. Considerations before joining the Convention

Consultations

1. CITES regulates international trade in more than 40,000 species. Some of these are traded in commercial volumes, in particular certain tree and other plant species and certain species of sharks and rays. There are also species that are subject to poaching and illegal trafficking by organized criminal groups.
2. Before becoming a Party to CITES, a State should consider consulting with relevant governmental agencies responsible for management of international commerce, tourism, forests, marine resources as well as control and enforcement, such as police, customs, port and airport authorities, etc., as appropriate and relevant. The State should also consider consulting indigenous peoples and local communities whose livelihood may involve CITES-listed species either for trade or for tourism. Finally, depending on the national constitution, it may be necessary to consult the national parliament prior to accession.

Designation of CITES national authorities

3. Before joining the Convention, the State should designate one or more Management Authorities competent to grant permits and certificates on behalf of that Party. Resolution Conf. 18.6 on *Designation and role of CITES Management Authorities (MA)* provides an overview of the responsibilities of the CITES MA and can be useful in determining which government agency (or agencies) is best suited to carry out the functions as CITES MA.
4. Some non-Party States have designated competent authorities to issue comparable documentation as non-Parties. The information on such authorities related to each non-Party can be found here: <https://cites.org/eng/parties/country-profiles/national-authorities>
5. The State should also designate one or more CITES Scientific Authorities to provide scientific advice, in particular on non-detriment findings (NDFs) which are required before any trade can be authorized by the CITES MA. Resolution Conf. 10.3 on *Designation and role of CITES Scientific Authorities* is useful to determine which agency/agencies can carry out the functions of the CITES SA. Some Parties have established the SA as a scientific committee with experts from fauna, flora, marine species, etc. with a secretariat. The SA should be able to make its scientific advice independent from the MA.
6. The designation of the national CITES authorities should be done by a legally binding instrument, which can take the form of a decree or similar.

Reservations

7. A State preparing to join the Convention should consider whether it wishes to enter any reservations. The provisions related to reservations are set out in Article XXIII of the Convention. Paragraph 1 states notably that *the provisions of the present Convention shall not be open to general reservations* while paragraph 2 states that: *Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to a) any species included in Appendix I, II or III; or b) any parts or derivatives specified in relation to a species included in Appendix III.* It is important to note that once a State has become bound by the Convention, it is no longer possible to enter reservations, except during a 90-day period after the adoption of amendments to the Appendices, where reservations can be entered in accordance with Articles XV and XVI.
8. A State that has entered a reservation is treated as a State not a Party to the Convention with respect to trade in the particular species or parts or derivatives specified in the reservation. The list of reservations currently in place is available here: <https://cites.org/eng/app/reserve.php>.

II. How to join the Convention

9. Provisions related to accession to CITES are set out in Article XXI of the Convention: *The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.* A model instrument of accession prepared by the UN Treaty Section is contained in Annex I to the present guidance.
10. The Depositary Government is Switzerland. The instrument of accession must be deposited through appropriate diplomatic channels. The contact information of the Depositary is the following:

DFAE Direction du droit international public (DDIP)
Section traités internationaux,
Kochergasse 10,
3003 Berne;
Telephone: +41 58 484 50 66,
Email: dv-staatsvertraege@eda.admin.ch;
website: <https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/traites-internationaux/depositaire/>

11. In depositing its instrument, the State will accede to the Convention as amended by the Bonn and Gaborone Amendments as these amendments have already entered into force. The full text of the Convention with the Bonn and Gaborone amendments can be found here: <https://cites.org/sites/default/files/eng/disc/CITES-Convention-EN.pdf>
12. According to Article IX, paragraph 2, of the Convention, *a State depositing an instrument of [...] accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.* If more than one authority has been designated, the State must determine which one is authorized to communicate with the CITES Secretariat and the other Parties – and keep the Secretariat informed of any changes. The information concerning the designated authorities can be included in the diplomatic note verbale that will accompany the instrument of accession. See Annex II for a model of such a note verbale.
13. The States are also encouraged to designate one or more enforcement focal points (customs, police etc.) with competence to combat illegal trade in wild fauna and flora. The contact information of authorities and focal points that have been designated are available on the CITES website: <https://cites.org/eng/parties/country-profiles>.

III. What happens next

14. Upon receipt by the Depositary Government through the appropriate diplomatic channels of the instrument of accession, the Convention enters into force 90 days later in accordance with Article XXII of the Convention.
15. The Depositary Government will notify existing Parties through a diplomatic Notification and the CITES Secretariat will issue a Notification to the Parties as well. The CITES Secretariat and the

concerned State will also prepare a joint Press release about the accession. The relevant CITES webpages will be updated with the information pertaining to the newly acceded Party.

16. If the instrument of accession is received at least 90 days before the next meeting of the Conference of the Parties (CoP), the State will be able to participate as a Party and to exercise the right to vote at such meeting and at subsequent meetings of the CoP.
17. A Party to the Convention will become legally bound by the provisions and will have to adopt adequate national legislation to implement and enforce the Convention – if it has not already done so. A grace period of 8 years is granted to recently acceded Parties to allow sufficient time to develop, consult and adopt adequate national legislation that meets the CITES minimum criteria, established in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*.
18. A Party to the Convention will have to pay a contribution to the CITES core budget. The scale of contributions is decided by the Conference of the Parties and is tied to the United Nations scale of contributions. The current scale for the current Parties is available here: <https://cites.org/sites/default/files/eng/res/19/Res-19-01-A5.pdf>
19. Upon request, the CITES Secretariat is available to provide support to recently acceded Parties with the development of national legislation, understanding the mandatory reporting requirements, identification materials, CITES permit system, as well as the tools and support available to combat illegal trade and other matters where the Party seeks support or capacity-building.

Annex I

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government
or Minister for Foreign Affairs)

ACCESSION

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

Annex II

MODEL NOTE VERBALE

[The Ministry of Foreign Affairs/The Permanent Mission/The Embassy] of [name of COUNTRY] presents its compliments to the Federal Department of Foreign Affairs – Directorate of International Public Law and has the honour to submit its instrument of accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done in Washington on 3rd March 1973 and amended in Bonn on 22 June 1979 and in Gaborone on 30 April 1983.

The CITES Management Authority designated by [title and date of decree] for [name of country] is:

[name of authority and all contact details, including emails].

The CITES Scientific Authority designated by [title and date of decree] for [name of country] is:

[name of authority and all contact details, including emails].

The Focal Point for Enforcement is

[name of enforcement focal point and all contact details, including emails].

[The Ministry of Foreign Affairs/The Permanent Mission/The Embassy] of [name of COUNTRY] avails itself of this opportunity to renew to the Federal Department of Foreign Affairs – Directorate of International Public Law the assurance of its highest consideration.

[name of TOWN, DATE]

[SIGNATURE and STAMP]