



NOTIFICATION TO THE PARTIES

No. 2007/036

Geneva, 12 November 2007

CONCERNING:

Bonn and Gaborone amendments to the text of the Convention

1. The text of the Convention has been amended twice in accordance with the procedure established in Article XVII of the Convention.
2. On 22 June 1979, at the first extraordinary meeting of the Conference of the Parties, in Bonn, Germany, Article XI, paragraph 3 a), was amended to allow the Conference to adopt financial provisions. This amendment entered into force on 13 April 1987 and has now been accepted by 138 out of the current 172 Parties.
3. The 34 Parties that have not accepted the Bonn amendment are: Afghanistan, Algeria, the Bahamas, Bangladesh, Benin, the Bolivarian Republic of Venezuela, Bolivia, Cameroon, the Central African Republic, the Congo, Costa Rica, the Democratic Republic of the Congo, the Dominican Republic, Gambia, Ghana, Guatemala, Guinea, Honduras, Israel, Liberia, Malawi, Malaysia, Mozambique, Nicaragua, the Philippines, Portugal, Singapore, Somalia, Spain, Sri Lanka, the Sudan, Thailand, the United Republic of Tanzania and Zambia.
4. On 30 April 1983, at the second extraordinary meeting of the Conference of the Parties, in Gaborone, Botswana, Article XXI was amended to make the Convention open to accession by organizations of regional economic integration composed of sovereign States, such as the European Community. However this amendment has not yet entered into force because to date only 47 States that were party to the Convention on 30 April 1983 have accepted it. The amendment will enter into effect for Parties that have deposited an instrument of acceptance once it is accepted by 54 (i.e. two-thirds) of the 80 States that were party to the Convention on 30 April 1983. For any other State that is a Party at the time of entry into force of the amendment, it will come into effect 60 days after that Party has deposited its instrument of acceptance of the amendment. States that become party after the amendment has entered into force will accede to the Convention as amended.
5. The 33 States that were party to the Convention on 30 April 1983 and that have not accepted the Gaborone amendment are: the Bahamas, Bangladesh, Cameroon, the Central African Republic, Costa Rica, the Democratic Republic of the Congo, Ecuador, Gambia, Guatemala, Guinea, Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Liberia, Malaysia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, the Russian Federation (as a 'continuator' of the Union of Soviet Socialist Republics), South Africa, the Sudan, Suriname, Thailand, Tunisia, the United Arab Emirates, the United States of America and Zambia. The amendment will enter into force when it has been accepted by seven of these Parties.

6. A further 55 States that became party to CITES after 30 April 1983 have not accepted the Gaborone amendment, namely: Afghanistan, Albania, Algeria, Azerbaijan, Belarus, Benin, Bulgaria, Burundi, Cambodia, Chad, the Comoros, Côte d'Ivoire, Cuba, Djibouti, Dominica, the Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Georgia, Guinea-Bissau, Honduras, Jamaica, Kazakhstan, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Malta, Mauritania, Mexico, Moldova, Mongolia, Montenegro, Myanmar, Namibia, Qatar, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Serbia, Sierra Leone, Singapore, Somalia, Swaziland, the Syrian Arab Republic, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, Vanuatu, Viet Nam and Yemen.
7. Since the adoption of the amendments to the Convention mentioned above, the Conference of the Parties has regularly urged all Parties that had not yet done so to deposit as soon as possible an instrument of acceptance of the amendments of 22 June 1979 and 30 April 1983.
8. The Secretariat joins the Conference of the Parties in urging the Parties listed in paragraphs 3, 5 and 6 above to accept these amendments as soon as possible by depositing an instrument of acceptance with the Depositary Government, the Government of the Swiss Confederation.
9. The texts of the amendments to Articles XI and XXI are annexed to this Notification.

Annex 1

Bonn amendment to the text of the Convention

The Bonn amendment consists of inserting at the end of Article XI, paragraph 3 (a), of the Convention the words ", and adopt financial provisions", so that it reads as follows:

3. *At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:*
 - (a) *make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;*
 - (b) *consider and adopt amendments to Appendices I and II in accordance with Article XV;*
 - (c) *review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;*
 - (d) *receive and consider any reports presented by the Secretariat or by any Party; and*
 - (e) *where appropriate, make recommendations for improving the effectiveness of the present Convention.*

Annex 2

Gaborone amendment to the text of the Convention

The Gaborone amendment consists of inserting five new paragraphs after the words "Depositary Government." in Article XXI of the Convention, so that it would read as follows:

1. The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.
2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.
3. In their instruments of accession, such organization shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.
4. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.
5. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.
6. Any reference to "Party" in the sense used in Article I (h) of this Convention, to "State"/"States" or to "State Party"/"State Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.