

Interpretation and Implementation of the Convention

INTERPRETATION OF ARTICLE XIV, PARAGRAPH 1

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| <ol style="list-style-type: none"> <li>1. This document has been submitted by France.</li> <li>2. Paragraph 1 of Article XIV of the Convention allows Parties to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included or not included in the appendices of the Convention.</li> <li>3. These measures may include the complete prohibition of these activities.</li> <li>4. This clause, often included in international treaties, seeks to recognize each State's sovereignty over its own resources. This was reiterated on several occasions by Resolutions adopted by the Conference of the Parties to CITES.</li> <li>5. Nonetheless, Resolution Conf. 6.7, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), recommends that any State considering taking stricter measures concerning non-native species should previously consult with States where the species is found.</li> </ol> | <ol style="list-style-type: none"> <li>6. The report prepared by Environmental Resources Management on the improvement of the effectiveness of the Convention recognizes the need to establish detailed provisions based on Article XIV. The study foresees "the adoption of an additional resolution concerning stricter domestic measures" as well as co-operation between the World Trade Organization (WTO) and CITES.</li> <li>7. Taking into account the recommendations of the report on effectiveness, the attached draft resolution seeks to strengthen Resolution Conf. 6.7 and to define the framework for adopting these measures.</li> <li>8. Under the principle that a State exerts sovereignty over its own resources, each State remains free to adopt stricter domestic measures covering species and populations that are naturally found on its territory.</li> <li>9. On the other hand, except under some special circumstances, States intending to adopt stricter domestic measures concerning a species not naturally present on its territory will be required to consult the States in which this species is found.</li> </ol> |
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Doc. 10.37 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Interpretation of Article XIV, Paragraph 1

CONSIDERING the recommendations of the study "How to Improve the Effectiveness of CITES" by Environmental Resources Management and especially paragraph 5.2.3;

CONSIDERING that the preamble to the Convention recognizes "that peoples and States are and should be the best protectors of their own wild fauna and flora;"

CONSIDERING that international co-operation is fundamental to achieving the objectives of the Convention;

RECALLING that paragraph 1 of Article XIV of the Convention allows Parties to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included or not included in the appendices to the Convention and that stricter domestic measures may include the complete prohibition of the activities mentioned above;

RECALLING, however, that this clause, often included in international treaties, seeks to recognize each State's sovereignty over its own resources;

RECALLING also that this interpretation has been reiterated several times by Resolutions adopted by the Conference of the Parties; and

RECALLING moreover Resolution Conf. 6.7, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that domestic legislation of the Parties concerning the implementation of the Convention correspond as closely as possible to the spirit and the provisions of the Convention as stated in the Resolutions of the Conference of the Parties and in the Notifications to the Parties;

DECIDES to amend paragraph a) of Resolution Conf. 6.7 as follows: "REQUESTS that the Parties adopt stricter domestic measures concerning only species or populations of species included or not included in the appendices found on their territory, except under special circumstances such as the existence on their territory of confirmed fraudulent trade that justifies the adoption of special measures;" and

DECIDES to amend paragraph b) of Resolution Conf. 6.7 as follows: "RECOMMENDS that each Party that has taken or that is considering taking stricter measures concerning non-indigenous species consult with the States in the natural range of these species concerning the appropriateness of such measures."