

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

Fiftieth meeting of the Standing Committee
Geneva (Switzerland), 15-19 March 2004

Strategic and administrative matters

USE OF SECRET BALLOTS

1. This document has been prepared by the Secretariat.

Background

2. At its 12th meeting (CoP12, Santiago, 2003) the Conference of the Parties adopted Decision 12.100, directed to the Standing Committee, as follows:

The Standing Committee shall examine the general issue of secret ballots and in particular the question of whether secret ballots should be retained in the Rules of Procedure of the Conference of the Parties and, if so, under what conditions. The Committee should review the way in which the use of secret ballots has been formulated in the Rules of Procedure and establish, to the extent possible, whether and when secret ballots have been used under other biodiversity-related conventions and global, multilateral environmental agreements, and report at the next meeting of the Conference of the Parties.

3. At its 49th meeting (Geneva, April 2003), the Standing Committee requested the Secretariat to prepare, for consideration at the 50th meeting, a document with information on the history of the way in which secret ballots have been dealt with in the Rules of Procedure of the Conference of the Parties, how they have been used, and the relevant rules and practice of other multilateral environmental agreements.

The history of secret ballots in CITES

4. In the Rules of Procedure adopted at each of the first five meetings of the Conference of the Parties, the only rule about calling for a secret ballot was Rule 14.2, which stated that:

CoP1

Plenary sessions of the Conference of the Parties shall normally vote by show of hands, but any Representative may request a roll-call vote or a secret ballot...

CoP2-CoP5

The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote or a secret ballot...

5. During the first three meetings of the Conference, no vote was taken by secret ballot. At the fourth meeting (Gaborone, 1983) there was only one vote taken by secret ballot, this being in the plenary meeting. But at the fifth meeting (Buenos Aires, 1985), there were six

votes taken by secret ballot in plenary sessions. This slowed down the proceedings of the meeting considerably and prompted a revision of the Rules of Procedure.

6. Consequently, at the sixth meeting (Ottawa, 1987) a new rule was adopted, making it very much more difficult to obtain a vote by secret ballot. This was Rule 14.3, which stated that:

All votes in respect of the election of officers or of prospective host countries shall be by secret ballot and although it shall not normally be used any Representative may request a secret ballot for other matters. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot or roll-call vote.

7. At its ninth meeting (Fort Lauderdale, 1994), the Conference of the Parties decided to make it easier to obtain agreement to hold a vote by secret ballot, by requiring only that any motion for such a vote be seconded by the representatives of 10 Parties. This has remained the case since that time.
8. The rule on methods of voting is now Rule 25 of the Rules of Procedure adopted at CoP12, of which the relevant paragraphs are as follows:

1. *The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may himself/herself require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.*

2. *All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters. The Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot.*

9. The table below shows the number of votes held by secret ballot in plenary sessions and sessions of Committees I and II at the last four meetings of the Conference of the Parties, other than votes to elect the next host country. With only one exception, all of these related to marine animals, elephants or mahogany.

	Plenary	Com. I	Com. II
CoP9	1	0	0
CoP10	2	13	1
CoP11	3	8	2
CoP12	4	12	1

Provisions for secret ballots in other conventions

10. A survey of the provisions for secret ballots for matters other than elections in the rules of the bodies of other convention was undertaken in 1998 by the CITES Management Authority of the United Kingdom of Great Britain and Northern Ireland, after it had expressed to the Standing Committee the need to reduce the number of secret ballots at meetings of the Conference of the Parties.

11. They found that, in the majority of cases they examined, the rules indicated that voting is normally by a show of hands but that a vote would be taken by roll call or by secret ballot if this was requested by any Party. This applied to:
- the 1987 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
 - the 1989 Montreal Protocol on Substances that deplete the Ozone Layer;
 - the 1992 United Nations Framework Convention on Climate Change; and
 - the 1992 Convention on Biological Diversity.

The survey also indicated that the rules of procedure for the 1979 Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals were similar except that any request for a secret ballot would have to be seconded, and the matter would then be immediately voted on. These rules also indicated that any motion for a secret ballot may not be conducted by secret ballot (which used to be the case in the Rules of Procedure of the Conference of the Parties to CITES). In practice, however, it seemed that secret ballots were seldom used in the meetings of these conventions.

12. The Secretariat has not attempted to verify whether this information is still correct.

Conclusion

13. The Rules of Procedure for meetings of the Conference of the Parties to CITES, apparently make it more difficult to obtain agreement to hold a vote by secret ballot than it is at meetings of many (if not most) other multilateral environmental agreements. Nonetheless, questions about the use of secret ballots at CITES meetings continue to be raised at meetings of the Conference of the Parties (and occasionally at meetings of the Standing Committee).
14. There are two main reasons for this.
- a) One is that the use of secret ballots is viewed as going contrary to the principle of transparency and accountability. On the other hand, the delegations of several Parties at CoP12 expressed the view that they regarded the possibility of using secret ballots as a way of preventing undue pressure on Parties during meetings. In any case, it is a possibility provided for in most multilateral environmental agreements.
 - b) The other is that there continue to be many votes held by secret ballot at each meeting of the Conference and the conduct of these votes is time consuming. If an electronic voting system were available, then the process of conducting a secret ballot (or any other vote) would be completed very quickly.
15. The statement of requirements for hosting a CoP, that the Secretariat sends to potential CoP host countries, and that forms a part of the memorandum of understanding that it signs with each host country, has for many years included a request that an electronic voting system should be provided if this is possible. So far, however, this has never proved possible, mostly because of the cost. For CoP13, the Government of Thailand is exploring the possibility of providing for electronic voting but at the time of writing has not been able to make any commitment.

Recommendation

16. The Secretariat recommends that no change be made in the rules of the Conference of the Parties relating to the requesting of a secret ballot.