

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

Fifty-first meeting of the Standing Committee
Bangkok (Thailand), 1 October 2004

Strategic and administrative issues

Arrangements for the 13th meeting of the Conference of the Parties

SECRET BALLOTS

Background

1. At the 50th meeting of the Standing Committee (SC50, March 2004, Geneva), the Secretariat presented document SC50 Doc. 8.4, which recommended that a number of changes to the Rules of Procedure for meetings of the Conference of the Parties be proposed for adoption at the 13th meeting (CoP13).
2. One of the recommended changes was to Rule 25.2, regarding voting, where the Secretariat had suggested the addition of the words, "A request for a vote by secret ballot shall take precedence over a request for a roll-call vote".
3. In its document, the Secretariat explained the reason for this recommendation as follows:

After CoP12, the Chairmen of Committees I and II pointed out that the Rules were unclear regarding whether a request to vote by secret ballot should take precedence over a request to vote by roll-call. It is generally assumed that requests to vote by secret ballot take precedence. The Secretariat has proposed an addition to the end of Rule 25.2 in order to make this clear.

4. The Standing Committee did not endorse the recommended change to Rule 25.2 but requested the Secretariat to prepare a document on this issue for consideration at its 51st meeting. The present document is presented in response to this request.
5. It should be recalled that, at SC50, the Committee also discussed document SC50 Doc. 9, on the use of secret ballots, which had been prepared in response to Decision 12.100, which is 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.

6. Following its discussion of this issue, the Committee requested the Secretariat to prepare a document for CoP13 indicating that the Standing Committee had considered this issue and did not wish to propose any amendment to the Rules of Procedure. This was done and the result is presented in document CoP13 Doc. 1.1.

Precedence of secret ballots

7. The purpose of the Secretariat's above-mentioned recommendation at SC50 was to clarify that, if one Party requests that a vote be held by a roll-call and another requests that it be held by secret ballot, then the vote will be held by secret ballot, no matter which of these requests comes first.
8. The relevant rules of the meetings of the Conference of the Parties are the following:
 - 25.1 *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.*
 - 25.2 *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 taking of a vote by roll-call simply has the effect of placing on the record how each delegation votes. This is the reason why a roll-call will take place if it is requested by even one Party.
10. The taking of a vote by secret ballot has exactly the opposite effect. It is much more difficult to obtain, requiring 11 Parties to call for the ballot.
11. It would be possible to present the arguments for and against voting by secret ballot, but the Secretariat believes that this would not be relevant to the determination of which method of voting should take precedence. The key issue is the difference in the number of Parties required to call for a particular method of voting.
12. If it were accepted that a request for a roll-call vote should take precedence over a request to vote by secret ballot, this would mean that, even after a Party had requested a vote by secret ballot and the 10 supporting Parties had been counted, it would then still be possible for just one Party to block this by calling for a roll-call vote. Therefore, if there were one Party represented in the room that objected to votes being taken by secret ballot, there would never be any voting by this method. This would make it meaningless to provide for the possibility to vote by secret ballot in the Rules of Procedure.
13. Consequently, the Secretariat concludes that it must have been the intention of the Conference of the Parties that a request for a secret ballot supported by 10 Parties would take precedence over a request for a roll-call vote.
14. The Secretariat wishes to stress that it has no opinion regarding whether or not voting by secret ballot should be possible at meetings of the Conference of the Parties.