

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



Fifty-eighth meeting of the Standing Committee  
Geneva (Switzerland), 6-10 July 2009

Administrative matters

RULES OF PROCEDURE

1. This document has been prepared by the Secretariat. The current Rules of Procedure of the Standing Committee are presented in Annex 1.
2. At the 57th meeting of the Standing Committee (SC57, Geneva, July 2008), in document SC57 Doc. 4.1, the Secretariat recommended that the Committee consider the rules in relation to 'credentials', 'participation of observers from international organizations' and 'documents for meetings'.
  - a) Regarding credentials: The Secretariat drew attention to the fact that, in past meetings of the Committee, a number of participants did not have credentials. It asked the Committee to consider whether this was a problem, and if so, to decide on the solution. (Several options were put forward.)
  - b) Regarding participation of observers from international organizations: The Secretariat recommended an amendment to Rule 6, paragraph 2, to specify that, as a condition for participation in a meeting of the Committee, any national non-governmental agency or body would be required to present proof of the approval of the State in which it was located, thus eliminating this requirement for international bodies, as in the Rules of the Conference of the Parties.
  - c) Regarding documents for meetings: The Secretariat recommended an amendment to Rule 20 to indicate that Parties directly affected by documents to be considered at a Committee meeting should be alerted in advance and sent the document if requested, rather than documents being sent automatically to all Parties concerned.
3. During the meeting, the Committee established a working group to consider these recommendations. It presented its proposed amendments to the Rules of Procedure in document SC57 Com. 2 (attached as Annex 2). However these were not agreed by the Committee, which requested that the issue be considered further through a postal procedure and that the Secretariat prepare a document for consideration at the present meeting.
4. An exchange of views among members of the Committee took place initially through fax and email and subsequently through the Standing Committee Forum on the CITES website.
5. On the basis of the proposed amendments to the rules contained in document SC57 Com. 2, and taking into account the exchange of views of the members of the Committee, the Secretariat has prepared the tables below, with revised proposals to amend the Rules of Procedure. It should be noted that some of the proposed amendments drew little or no comment and so appeared broadly acceptable. The proposed amendments to two rules (Rule 9 and Rule 12) were clearly problematic, and continue to be so. And one member was not convinced that was a need to change the Rules of Procedure.

6. In the three following tables, the text in the middle column is based on the proposals in document SC57 Com. 2. The proposed changes marked in that document (additions underlined, deletions struck out) were accepted in the preparation of the present document. Therefore the changes marked in these tables indicate the departures from document SC57 Com. 2. In relation to Rules 9 and 12, square brackets have been used to isolate text that is problematic and that is not being recommended by the Secretariat.

Rule	Proposed amended text	Secretariat's comment
<b>Representation and attendance</b>		
6.1	Any body or agency technically qualified in protection, conservation or management of wild fauna and flora may be represented at meetings of the Committee by observers, and any person so qualified may participate as an observer, provided that they are invited by the Chairman <sup>7</sup> . <u>Any request for an invitation must be made in accordance with the following procedure, and admitted by the Committee:</u>	The proposals shown here to a large extent follow the comments from members of the Standing Committee.  One Party questioned the need to change Rule 6.
	<del>a) the Chairman may invite any such qualified body, agency or person to participate in a meeting;</del>	The initial reason was to remove the need [in paragraph b) ii)] for international organizations to obtain approval from the State in which their headquarters was located. This change is reintroduced here.
	<u>ab)</u> persons wishing to participate as observers <sub>2</sub> and <u>bodies and agencies</u> wishing to be represented at a meeting by observers <sub>2</sub> shall, at least 30 days before the meeting, submit a request to the Secretariat, together with:  i) the names of the observers;  ii) in the case of national non-governmental bodies, proof of the approval of the State in which the <del>person or body</del> <u>person or body</u> is located <del>or, in the case of an international non-governmental body, of the State in which its headquarters is located;</del> and  iii) in the case of a first request, relevant information with regard to the technical qualifications of the person or body;	At SC57, the working group on Rules of Procedure proposed to amend this rule to establish a clear system for bodies, agencies and persons to be invited to attend a meeting of the Committee, so that the invitation would eliminate the need for credentials.
	<u>be)</u> the Secretariat shall forward <del>this</del> <u>each</u> request <u>made in accordance with paragraph a) above,</u> and relevant information <sub>2</sub> to the Chairman and the members of the Committee for approval, <u>after which the Chairman may issue an</u> <del>prior to the issuance of the Chairman's invitation.</del>	
6.2	Once <del>admitted</del> <u>invited</u> to a meeting, these observers shall have the right to participate only during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any such observer to participate shall be withdrawn if so agreed by the Committee.	
<b>Credentials</b>		
7.	The Representative or, in his/her absence, the Alternate Representative of a member shall, before exercising the voting rights of the member at a meeting, have been granted credentials by or on behalf of a proper authority enabling him or her to represent the member at the meeting.	This is the current Rule 7 and no change is proposed.
8.	Any observer representing a State or the United Nations, its Specialized Agencies or the International Atomic Energy Agency in a meeting, shall have been granted credentials by or on behalf of a proper authority enabling him or her to represent that State, body or agency.	

Rule	Proposed amended text	Secretariat's comment
9.	<p>The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention, [before the accredited person enters the meeting] together with a translation into one of the working languages if they are not in one of those languages.</p>	<p>This is the most problematic of all the amendments proposed at SC57.</p> <p>The words in square brackets are the addition proposed by the working group. The problem is that they go much further than the Rules of the CoP or of other MEAs, the Governing Council of UNEP or even the UN General Assembly. They are also stricter than for observers from non-governmental organizations. Can they therefore be justified?</p> <p>Some Parties have concerns about how the Secretariat can enforce this rule if it is amended.</p> <p>Some Parties believe that the amendment in square brackets create a contradiction between this rule and Rule 12 below. The Secretariat agrees that it can be interpreted that way.</p> <p>The Secretariat is not supporting the change to Rule 9 indicated in square brackets. But it poses, again, the question of whether it is acceptable that participants be remain in the room and intervene in the debate when they have no credentials. And, if it is not, what rights does the Committee believe these participants should have?</p> <p>There are many possible options (see document SC57 Doc. 4.1).</p>
10.	<p>The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, and shall provide a list of the credentials received in accordance with Rules 7 and 8, and draw attention to any potential problems.</p>	<p>This was a new rule proposed by the working group.</p>
11.	<p>On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them requires further review by members of the Committee. In the latter case, a Credentials Committee of not more than three Representatives of members, or their Alternates, shall examine the credentials requiring further review and shall report thereon at the meeting. Credentials in the form of a letter from the Minister for Foreign Affairs or the Minister responsible or the Director of the Management Authority or a <i>note verbale</i> from a permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall however not be accepted if they have been signed by the person whom they accredit. Credentials may be valid for more than one meeting if this is specified in the text thereof.</p>	<p>This is Rule 10 in the current Rules. No change is proposed.</p>

Rule	Proposed amended text	Secretariat's comment
12.	<p>Pending a decision on their credentials, representatives of members and the observers referred to in Rules 4 and 5 may participate provisionally in the meeting. [However, if the Committee receives evidence that a participant is not authorized to represent the State, body or agency concerned, he or she shall not be granted the right to speak until his or her credentials are presented. If the Committee learns that a participant is not legitimately representing a State, body or agency that is entitled to be represented in the meeting, his or her right of admission shall be withdrawn.]</p>	<p>The first sentence is based on Rule 11 of the current Rules, with the changes recommended by the working group at SC57.</p> <p>The rest (in square brackets) is new text recommended by that working group and is problematic. The Secretariat knows of no precedent for this approach but at least one member of the Committee believes that it requires further work, and should be based on precedent.</p>
<b>Meetings</b>		
20.	<p>All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received, in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting to the members and alternate members of the Committee at least 45 days before the proposed date of the meeting where they are to be discussed. When the Secretariat believes that a Party may be directly affected by any discussion of a document to be considered by the Committee, it shall alert the Party concerned and inform it where the document may be viewed on the CITES website. It shall provide printed documents to all Parties that request them.</p>	<p>This is the text as proposed by the working group at SC57.</p> <p>One Party, through the Web forum, proposes that the deadline for the Secretariat to post documents on its website be not only as soon as possible but "no later than 10 days after the submission deadline". The Secretariat has not included this text in the proposal opposite because the Rule already states that the Secretariat must send documents to members 45 days before the meeting, which is 15 days after the deadline for submitting documents. It doubts the benefit of an additional deadline, five days in advance, for posting documents on the web. Moreover, it is not clear what the consequence would be if there were any unforeseen reason (e.g. technical difficulties) that prevented a document being posted 10 days before the meeting. The Secretariat believes that the 10-day limit would not be a helpful addition to the rules and so has not proposed it here.</p>

## Recommendations

7. The Secretariat recommends that the Standing Committee adopt the revisions to the Rules of Procedure indicated in the tables above, except for the bracketed text indicated in Rules 9 and 12.
8. With regard to the bracketed text, the Secretariat recommends that the Standing Committee establish a working group to consider again the question of what is the appropriate action to take in cases where no credentials are presented by representatives (or putative representatives) of States. The Secretariat would be pleased to participate and share the results of its own research and to propose possible solutions.

## **Rules of Procedure of the Standing Committee**

(as amended at the 53rd meeting, Geneva, June–July 2005)

### **Representation and attendance**

#### Rule 1

Each member of the Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. Each member shall also designate a person with whom communications regarding the work of the Committee should be conducted between meetings of the Committee and an alternate.

#### Rule 2

If a regional member is not represented at a meeting, its alternate member shall be entitled to represent the region.

#### Rule 3

The Representative shall exercise the voting right of a member or alternate member. In his/her absence, the Alternate Representative shall act in his/her place. Only members or alternate members representing the six regions shall have the right to vote, except in the case of a tie vote when the Depository Government shall have the right to vote to break the tie.

#### Rule 4

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by observers who shall have the right to participate but not to vote.

#### Rule 5

The United Nations, its Specialized Agencies, the International Atomic Energy Agency, as well as any State not a Party to the Convention may be represented at meetings by observers who shall have the right to participate in meetings of the Committee but not to vote.

#### Rule 6

1. The Chairman may invite any person or any body or agency technically qualified in protection, conservation or management of wild fauna and flora to be represented at meetings of the Committee by observers. These observers shall have the right to participate only during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any such observer to participate shall be withdrawn if so agreed by the Committee.
2. Any person or body wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least 30 days before the meeting, or in the case of an emergency meeting at least seven days prior to that meeting. This request shall be accompanied by relevant information with regard to the technical qualifications of the person or body and proof of the approval of the State in which the body is located. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

## **Credentials**

### Rule 7

The Representative or, in his/her absence, the Alternate Representative of a member shall, before exercising the voting rights of the member at a meeting, have been granted credentials by or on behalf of a proper authority enabling him or her to represent the member at the meeting.

### Rule 8

Any observer representing a State or an organization in a meeting, shall have been granted credentials by or on behalf of a proper authority enabling him or her to represent the State or organization.

### Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention, together with a translation into one of the working languages if they are not in one of those languages. The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, indicating whether credentials have been presented for each participant and the form of the credentials received, drawing attention to any potential problems.

### Rule 10

On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them requires further review by members of the Committee. In the latter case, a Credentials Committee of not more than three Representatives of members, or their Alternates, shall examine the credentials requiring further review and shall report thereon at the meeting. Credentials in the form of a letter from the Minister for Foreign Affairs or the Minister responsible or the Director of the Management Authority or a *note verbale* from a permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall however not be accepted if they have been signed by the person whom they accredit. Credentials may be valid for more than one meeting if this is specified in the text thereof.

### Rule 11

Pending a decision on their credentials, representatives of members and observers may participate provisionally in the meeting.

## **Officers**

### Rule 12

Following each regular meeting of the Conference of the Parties, the regional members of the Committee shall elect its Chairman, Vice-Chairman and Alternate Vice-Chairman from among the regional members.

### Rule 13

The Chairman shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat and maintain liaison with other CITES committees between meetings of the Committee. He/she shall represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee.

### Rule 14

The Vice-Chairman and the Alternate Vice-Chairman shall assist the Chairman in his/her functions, and shall act on his/her behalf at meetings in the absence of the Chairman.

## Rule 15

The Secretariat of the Convention shall service and act as secretary for meetings of the Committee. However, in the event of a closed session, the meeting shall provide for its own rapporteur, if needed.

## **Meetings**

### Rule 16

Meetings of the Committee shall be called at the request of the Chairman or of a simple majority of the members.

### Rule 17

The time and place of meetings shall be determined by the Chairman.

### Rule 18

Notice of meetings shall normally be given by the Secretariat at least 75 days, and in case of emergency meetings at least 14 days, in advance of the meeting.

### Rule 19

Documents to be considered at a meeting shall normally be provided to the Secretariat at least 60 days before the meeting where they are to be discussed, and should not be longer than 12 pages.

### Rule 20

All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received, in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting to the members and alternate members of the Committee at least 45 days before the proposed date of the meeting where they are to be discussed. The documents shall also be provided to all Parties that may be directly affected by any discussion of the documents and to all Parties that request them.

### Rule 21

A quorum for a meeting shall consist of Representatives or Alternate Representatives of seven regional members or alternate regional members from at least four regions. No decision shall be taken at a meeting in the absence of a quorum.

### Rule 22

1. The right to speak shall extend to all participants whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 4, 5 or 6, as well as to the Secretariat.
2. The Chairman shall, as a general rule, call upon speakers in the order in which they signify their desire to speak and shall give precedence to the members of the Committee. Amongst observers, precedence shall be given to representatives of Parties, non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However the Chairman may depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate.
3. Participants shall speak only if called upon by the Chairman, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.



4. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chairman, give way during his/her intervention to allow any other participant to request elucidation on a particular point.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The Committee may, on a proposal by the Chairman or by a Representative, limit the time to be allowed to each speaker and the number of times the members of a delegation or the observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Chairman shall call him/her to order without delay.
7. During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He/she may, however, accord the right of reply to any participant if an intervention delivered after he/she has declared the list closed makes this desirable.

#### Rule 23

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairman or by Representatives or Alternate Representatives of regional members or alternate regional members from two regions.

#### Rule 24

In the case of a vote, the decision of the Committee shall be taken by a simple majority of the regional members or alternate regional members voting. In the case of a tie, the motion shall be considered as rejected unless the tie is broken by the vote of the Depositary Government.

#### Rule 25

At the request of the Chairman or of any Representative or Alternate Representative the Committee shall decide by a vote whether the discussion of any particular subject shall be held in closed session; any such vote shall be decided by a simple majority. Parties represented at the meeting by observers shall be entitled to be represented at closed sessions.

#### Rule 26

A concise executive summary of the decisions of the Committee shall be prepared by the Secretary for endorsement by the Committee before the closure of the meeting. However the executive summary of the last day of each meeting shall be sent by email to the members for endorsement after the meeting.

#### Rule 27

A summary record of each meeting shall be prepared by the Secretary and sent to the Parties represented at the meeting within 40 days. This shall be presented in the order of the agenda and comprise three parts for each agenda item: a short statement indicating the main points of the discussion; the text indicating the decision that was made, as it appears in the executive summary; and the text of any statement provided by the representative of any Party that was read into the record during the meeting. The Secretary shall take into account the comments received within 20 days of the circulation and shall communicate the final summary record to all Parties after it is approved by the Chairman.

#### Rule 28

1. The working languages of the meetings of the Committee shall be English, French and Spanish and no working document may be discussed at a meeting unless it has been made available in accordance with Rules 19 and 20 in these languages.
2. Documents arising out of the discussion of the foregoing may be discussed provided that copies have been circulated no later than during the session preceding the session at which they are to be discussed.

## **Communication procedure**

### Rule 29

Any member may submit a proposal to the Chairman for a decision by postal procedure. The Chairman shall send the proposal to the Secretariat for communication to the members, who shall comment within 40 days of the communication of the proposal; any comments received by the Secretariat within this time limit shall also be so communicated to the members.

### Rule 30

If no objection from a regional member to a proposal is received by the Secretariat within 25 days of the date when the results of the consultation on the proposal were communicated to the members, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

### Rule 31

If any regional member objects to a proposal within the applicable time limit, the proposal shall be put to a vote. The proposal shall be considered as decided by a simple majority of the regional members. If no majority is achieved, the proposal shall be referred to the next meeting of the Committee.

## **Final provisions**

### Rule 32

In matters not covered by the present Rules, the Rules of Procedure currently in effect for meetings of the Conference of the Parties shall apply *mutatis mutandis*.

### Rule 33

These Rules shall come into force on adoption by the Committee, and shall remain valid for each of its meetings unless amended by decision of the Committee.

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



Fifty-seventh meeting of the Standing Committee  
Geneva (Switzerland), 14-18 July 2008

Strategic and administrative matters

RULES OF PROCEDURE

*This document has been prepared by a working group of the Standing Committee on the basis of document SC57 Doc. 4.1.*

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE STANDING COMMITTEE

**Representation and attendance**

Rule 6

1. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora may be represented at meetings of the Committee by observers, and any person so qualified may participate as an observer, provided that they are invited by the Chairman, in accordance with the following procedure, and admitted by the Committee:
  - a) the Chairman may invite any such qualified body, agency or person to participate in a meeting;
  - b) persons wishing to participate as observers and bodies wishing to be represented at a meeting by observers shall, at least 30 days before the meeting, submit a request to the Secretariat, together with:
    - i) the names of the observers;
    - ii) in the case of national non-governmental bodies, proof of the approval of the State in which the person or body is located or, in the case of an international non-governmental body, of the State in which its headquarters is located; and
    - iii) in the case of a first request, relevant information with regard to the technical qualifications of the person or body;
  - c) the Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee for approval prior to the issuance of the Chairman's invitation.
2. Once admitted to a meeting, these observers shall have the right to participate only during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any such observer to participate shall be withdrawn if so agreed by the Committee.

## **Credentials**

### Rule 7

The Representative or, in his/her absence, the Alternate Representative of a member shall, before exercising the voting rights of the member at a meeting, have been granted credentials by or on behalf of a proper authority enabling him or her to represent the member at the meeting. [No change]

### Rule 8

Any observer representing a State or the United Nations, its Specialized Agencies or the International Atomic Energy Agency ~~an organization~~ in a meeting, shall have been granted credentials by or on behalf of a proper authority enabling him or her to represent ~~the~~ that State, body or agency ~~or organization~~.

### Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention, before the accredited person enters the meeting together with a translation into one of the working languages if they are not in one of those languages. ~~The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, indicating whether credentials have been presented for each participant and the form of the credentials received, drawing attention to any potential problems.~~

### Rule 10 [new]

The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, and shall provide a list of the credentials received in accordance with Rules 7 and 8, and draw attention to any potential problems.

### Rule 11 [previously 10]

On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them requires further review by members of the Committee. In the latter case, a Credentials Committee of not more than three Representatives of members, or their Alternates, shall examine the credentials requiring further review and shall report thereon at the meeting. Credentials in the form of a letter from the Minister for Foreign Affairs or the Minister responsible or the Director of the Management Authority or a *note verbale* from a permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall however not be accepted if they have been signed by the person whom they accredit. Credentials may be valid for more than one meeting if this is specified in the text thereof. [no change]

### Rule 12 [previously 11]

Pending a decision on their credentials, representatives of members and the observers referred to in Rules 4 and 5 may participate provisionally in the meeting. However, if the Committee receives evidence that a participant is not authorized to represent the State, body or agency concerned, he or she shall not be granted the right to speak until his or her credentials are presented. If the Committee learns that a participant is not legitimately representing a State, body or agency that is entitled to be represented in the meeting, his or her right of admission shall be withdrawn.

## **Meetings**

### Rule 20

All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received, in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting to the members and alternate members of the Committee at least 45 days before the proposed date of the meeting where they are to be discussed. ~~The documents shall also be provided to all Parties that~~ When the Secretariat believes that a Party may be directly affected by any discussion of a document to be considered by the Committee, it shall alert the Party concerned and inform it where the document may be viewed on the CITES website. It shall provide ~~the printed documents and~~ to all Parties that request them.