

RESOLUTION CONF. 13.8

*PARTICIPATION OF OBSERVERS AT MEETINGS OF
THE CONFERENCE OF THE PARTIES*

1. The references to “observers” in this Resolution can usefully be clarified.
2. Article XI of the Convention provides that:
 6. *The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.*
 7. *Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:*
 - (a) *international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and*
 - (b) *national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.*

Once admitted, these observers shall have the right to participate but not to vote.
3. Thus, the term “observers” is used in the Convention to indicate the persons who are representing States, agencies and bodies at a meeting.
4. This term is incorrectly used in paragraph b), under “RECOMMENDS” of the Resolution, to refer to the States, agencies or bodies themselves, rather than to their representatives, and the Secretariat has drafted an amendment to correct the text.
5. The term is also incorrectly used in paragraph a) under the second “INSTRUCTS the Secretariat”. This paragraph relates to the submission of informative documents by observers. Consequently, as this issue is now addressed in detail in Rule 28 of the Rules of Procedure, the Secretariat suggests that it be deleted from the Resolution.

Recommendation

6. The Secretariat recommends that the Conference of the Parties adopt the amendments to Resolution Conf. 13.8 shown in Annex 11.2.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 13.8

*PARTICIPATION OF OBSERVERS AT MEETINGS OF
THE CONFERENCE OF THE PARTIES*

NB: Text proposed to be deleted is ~~crossed out~~. Proposed new text is underlined.

RECOGNIZING that Article XI, paragraph 7, of the Convention provides for the participation of observers at meetings of the Conference of the Parties;

RECOGNIZING the valuable contributions of observers to meetings of the Conference of the Parties;

RECALLING Decisions 11.14, 11.70, 11.71, 11.73, and 11.124 to 11.128 adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that any body or agency that informs the Secretariat of its desire to be represented at a meeting of the Conference of the Parties and that wishes to be considered as an international agency or body in accordance with Article XI, paragraph 7 (a), should be registered by the Secretariat only if it demonstrates, to the satisfaction of the Secretariat that it is:

- a) qualified in protection, conservation or management of wild fauna and flora; and
- b) an organization in its own right, with a legal persona and an international character, remit and programme of activities;

INSTRUCTS the Secretariat to apply Rule 3, paragraph 5, of the Rules of ~~the~~ Procedure for meetings of the Conference of the Parties such that it may not accept any additional names of observers of bodies and agencies (other than the United Nations and its Specialized Agencies) after the six-week deadline, and that it may not accept any changes in the names after this deadline except where a body or agency has registered no more than two observers before the deadline and the Secretariat is satisfied that the person whose name is to be replaced is prevented from attending through *force majeure*;

RECOMMENDS that:

- a) in selecting venues for meetings of the Conference of the Parties, the Parties make every effort to ensure that these have space for observers on the floors of the halls for the plenary sessions, Committee I and Committee II; and
- b) the Secretariat and the host country of each meeting of the Conference of the Parties make every effort to ensure that each State, agency or body that is represented at the meeting by observers ~~approved observer~~ is provided with at least one seat on the floor in the meeting rooms of the plenary sessions, Committee I and Committee II, unless one-third of the Party representatives present and voting object;

INSTRUCTS the Presiding Officers at plenary sessions and sessions of Committee I and Committee II:

- a) to make every effort to allow observers time in the sessions to make interventions; they may give them a time limit for speaking if necessary and encourage them not to be redundant in speaking on a particular issue; and
- b) when possible, to invite knowledgeable observers to participate in working groups of Committee I and Committee II; and

INSTRUCTS the Secretariat :

- a) ~~to make every effort to ensure that informative documents on the conservation and utilization of natural resources, prepared by observers for distribution at a meeting of the Conference of the Parties are distributed to the participants in the meeting; and~~
- b) not to provide sponsorship through the Sponsored Delegates Project to any representative of a Party at a meeting of the Conference of the Parties who is also an observer for a non-governmental organization.