

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



Joint sessions of the 29th meeting of the Animals Committee and  
the 23rd meeting of the Plants Committee  
Geneva (Switzerland), 22 July 2017

Strategic matters

REVIEW OF THE TERMS OF REFERENCE OF THE ANIMALS AND PLANTS COMMITTEES  
CONTAINED IN RESOLUTION CONF. 11.1 (REV. COP17)

1. This document has been prepared by the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.5 and 17.9 on the review of the terms of reference of the Animals and Plant Committees as contained in Resolution Conf. 11.1 (Rev. CoP17) as follows:

***Directed to the Animals and Plants Committees***

17.5 *The Animals and Plants Committees shall also identify possible inconsistencies and overlap between Resolution Conf. 11.1 (Rev. CoP17) on Establishment of Committees and their own Rules of Procedure and submit to the 70th meeting of the Standing Committee any required revisions to the Resolution for consideration at the 18th meeting of the Conference of the Parties.*

***Directed to the Animals and Plants Committees***

17.9 *The Animals and Plants Committee shall review their terms of reference as contained in Resolution Conf. 11.1 (Rev. CoP17) on Establishment of Committees in order to, as necessary: remove redundancies with other activities directed to the Committees by Resolutions adopted by the Conference of the Parties; reflect current practice including provision of scientific advice upon request of Parties; and otherwise clarify the functions of the Committees in their role as science advisory bodies to the Conference of the Parties. The Animals and Plants Committees shall present any proposed amendments to Resolution Conf. 11.1 (Rev. CoP17) arising from their review to the Standing Committee for inclusion into their proposed amendments, as appropriate, pursuant to Decision 17.3, and for consideration by the Conference of the Parties.*

3. At CoP17, the Conference of the Parties also adopted Decisions on the *Rules of Procedure* of the Committees (Decisions 17.1 to 17.4 and 17.6 to 17.8) and potential conflict of interest in the Animals and Plants Committees [Decisions 16.9 (Rev. CoP17) and 16.10 (Rev. CoP17)]. The outcomes of these instructions are expected to result in a proposal by the Standing Committee for amendments to Resolution Conf. 11.1 (Rev. CoP17), for consideration at the 18th meeting of the Conference of the Parties (CoP18). As such, coordination and synchronisation of the work on these issues with that called for in paragraph 2 above would be valuable.

4. Those most relevant to the tasks outlined in the above paragraph are:

**Directed to the Standing Committee**

- 17.3 *Resolution Conf. 11.1 (Rev. CoP17) on Establishment of Committees contains provisions that are relevant for the Rules of Procedure of the Committees. In reviewing the Rules of Procedure, the Standing Committee at its 70th meeting, with input from the Animals and Plants Committees, shall identify possible inconsistencies and overlap and make such suggestions as appropriate to revise Resolution Conf. 11.1 (Rev. CoP17), for consideration at the 18th meeting of the Conference of the Parties.*

**Directed to the Animals and Plants Committees**

- 17.4 *Based on a proposal prepared by the Secretariat, the Animals and Plants Committees shall review their respective rules of procedure and align them as closely as possible with the Rules of Procedure of the Conference of the Parties and the Standing Committee, taking into account the unique composition and role of the Scientific Committees.*

**Directed to the Secretariat**

- 17.7 *In order to assist the review of the Animals and Plants Committees referred to in Decision 17.4 and 17.5, the Secretariat shall prepare draft amendments to the Rules of Procedure of the Animals and Plants Committees and recommend revisions, as appropriate, to Resolution Conf. 11.1 (Rev. CoP17) to address possible inconsistencies and overlap between the Resolution and the Rules of Procedure of the Animals and Plants Committees for consideration at the 29th meeting of the Animals Committee and 23rd meeting of the Plants Committee respectively.*

**Directed to the Secretariat**

- 17.8 *The Secretariat shall maintain and publish on the CITES website a list of active intersessional working groups, established by the Standing Committee, and the Animals and the Plants Committees, including Chairs and members of such groups..*

**Directed to the Standing Committee**

- 16.9 (Rev. CoP17)

*The Standing Committee shall, at its 69th and 70th meeting and on the basis of a review from the Secretariat, assess the functioning of the conflict of interest policy set out in paragraph c) under Regarding representation in the Animals and Plants Committees of Resolution Conf. 11.1 (Rev. CoP17) on Establishment of Committees, and make recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts, having reference to such mechanisms developed in other multilateral environmental agreements or relevant international organizations and bodies, for consideration at the 18th meeting of the Conference of the Parties.*

**Directed to the Secretariat**

- 16.10 (Rev. CoP17)

*The Secretariat shall continue to compile examples of conflicts of interest procedures under other relevant agreements and organizations, and shall prepare a report for consideration at the 69th meeting of the Standing Committee.*

Background

5. Document [CoP17 Doc. 10.2.1](#), submitted by the Chair of the Animals Committee, noted in paragraph 8 that the Terms of Reference (ToRs) for the Scientific Committees, as outlined in Resolution Conf. 11.1 (Rev. CoP17), would benefit from a review to align them more closely with the current practices and expectations of the Committees, as well as to remove redundancies with more recent Resolutions adopted by the Conference of the Parties. As such, and in consultation with the Plants Committee, the Animals

Committee agreed to seek the mandate contained in Decision 17.9 to review the ToRs of the Scientific Committees contained in the above mentioned Resolution.

6. In its comments on document CoP17 Doc. 10.2.1, the Secretariat recommended that, in order to ensure consistency, the Animals and Plants Committees, and the Standing Committee collaborate closely in their review of Resolution Conf. 11.1 (Rev. CoP17). It also suggested that the Standing Committee submit a consolidated revision of the Resolution to the 18th meeting of the Conference of the Parties taking into consideration the results of the implementation of the Decisions mentioned in paragraphs 2 and 3 above.

#### Discussion

7. According to Decision 17.9, the review of the ToRs contained in Annex 2 of Resolution Conf. 11.1 (Rev. CoP17) shall focus on the following aspects:
  - a) removing redundancies with other activities directed to the Committees by Resolutions adopted by the Conference of the Parties;
  - b) reflecting current practice including provision of scientific advice upon request of Parties; and
  - c) clarifying the functions of the Committees in their role as science advisory bodies to the Conference of the Parties.
8. Annex 2 (*Establishment of the Animals and Plants Committees*) is divided in several parts. Paragraph 1 contains the key elements of the ToRs, grouped from a) to l). They are briefly introduced below, with some initial observations. Importantly, the Committees are to implement these ToRs within the policy agreed by the Conference of the Parties.
  - a) The following tasks are emphasized in relative detail in the ToRs: nomenclature issues [subparagraph b)], the Review of Significant Trade [subparagraphs f) and g)] and the Periodic Review of the Appendices [subparagraph h)]. These duties, as well as those mentioned in subparagraph c) on identification, are to a large extent subject of separate Resolutions, which specify the roles and responsibilities of the Animals and Plants Committees in a more complete and updated manner.
  - b) The only reference in the ToRs to existing Resolutions can be found in subparagraph c), which explicitly mentions “the Resolution on the Identification Manual and Decisions related to it”.
  - c) Subparagraph a) calls for the Animals and Plants Committees to provide advice and guidance to certain CITES bodies “on all matters...which may include proposals to amend the Appendices”, but Parties or range States are not mentioned in the subparagraph.
  - d) The Committees have questioned the need for the development of regional directories of botanist and zoologist, as indicated in subparagraph e). It is unclear if such directories still exist or are being maintained.
  - e) Subparagraph i) requests the Committees to make available advice on management techniques and procedures for range States requesting such assistance. Providing such an advice upon request of the range States is a demand-driven process that may have important cost implications.
  - f) Subparagraphs j) and l) contain instructions for the Animals and Plants Committees on how to deliver the outcomes of their work to various CITES bodies, i.e. through draft resolutions with a budget and source of funding for consideration by the Conference of the Parties (“Decisions” are not mentioned, although this is now the most frequent format in which the Committees formulate their recommendations to the Conference of the Parties); and through regular reporting to the Conference of the Parties and, as requested, the Standing Committee.
  - g) The remaining subparagraphs refer to capacity building, particularly in support of Scientific Authorities [subparagraph d)]; and to acting upon any other functions entrusted to the Animals and Plants Committees by the Conference of the Parties or the Standing Committee [subparagraph k)].
9. In paragraph 2 of Annex 2 of the Resolution, the Conference of the Parties:

*AGREES that in giving instructions to the Animals and Plants Committees, the Conference of the Parties should pay attention to whether the nature of the work is within their mandate and whether the committees have the time and personnel to undertake such work.*

It would seem important for the Animals and Plant Committees to regularly provide feedback to the Conference of the Parties on their resources and resource needs, and articulate realistic time frames for implementing the various mandates. The Conference of the Parties could clarify the time and personnel resources made available to the Committees in this regard. This may touch upon relevant provisions in Resolution Conf. 17.2 on *Financing and the costed programme of work for the Secretariat for the triennium 2017-2019*, and issues such as the preferred length, location and nature of meetings of the Animals and Plants Committees.

10. The implementation of Decision 17.9 and the discussion on the Terms of Reference of the Animals and Plants Committees are related to other matters mentioned in Resolution Conf. 11.1 (Rev. CoP17). These include the issues of conflict of interest and the Rules of Procedure, referred to above in paragraphs 3 and 4. Other matters that could be addressed to reflect current practices and clarify functions of the scientific Committees include:
  - a) the election and replacement of the candidates of the Animals and Plants Committees;
  - b) the representation of the Convention by the Animals and Plants Committees in other scientific bodies;
  - c) the size and composition of the Animals and Plants Committees;
  - d) regional communication and representation; and
  - e) the duties of the members.

#### Suggested approach for implementing Decision 17.9

11. To provide direction to the process described in Decision 17.9, the Animals and Plants Committees could create a joint working group to review Annex 2 of Resolution Conf. 11.1 (Rev. CoP17), and articulate other aspects relevant to the functioning of the Animals and Plants Committees contained in Resolution Conf. 11.1 (Rev. CoP17). The working group would work electronically and take into account the previous deliberations and recommendations included in document CoP17 Doc. 10.2.1 prepared by the Chair of the Animals Committee.
12. Lessons could be also learnt from the previous review of the CITES scientific Committees under Decision 13.10<sup>1</sup> and the *modus operandi* of scientific subsidiary bodies of other biodiversity-related Conventions.
13. It is recommended that members of the working group be selected on the basis of their expertise and taking into account the need to ensure regional distribution and gender balance. In addition, observers could be invited from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and other biodiversity-related Conventions, representatives of research institutions or academia and relevant international intergovernmental organizations. The Secretariat should provide administrative and technical support and perform any other function as may be entrusted to it by the working group.
14. The working group is advised to work intersessionally and report to the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee.

#### Recommendation

15. The Animals and Plants Committees are invited to endorse the suggested approach for implementing Decision 17.9 and establish a working group at the present meeting that will work intersessionally and report to the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee.

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<sup>1</sup> See <https://cites.org/sites/default/files/eng/com/sc/54/E54i-04.pdf> and <https://cites.org/sites/default/files/eng/cop/14/doc/E14-12.pdf>