

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

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Forty-sixth meeting of the Standing Committee  
Geneva (Switzerland), 12-15 March 2002

Strategic and administrative matters

Arrangements for the 12th meeting of the Conference of the Parties

RULES OF PROCEDURE

1. The Secretariat has reviewed the Rules of Procedure adopted at the 11th meeting of the Conference of the Parties and proposes a number of amendments that are indicated in Annex 1 to the present document, where proposed deletions are struck out and proposed additions are underlined and emboldened. Annex 2 contains a 'clean' version of the draft Rules of Procedure, in which text proposed for deletion has been removed and the underlining has been removed from text proposed for addition.
2. The Secretariat's proposal in Annex 1 contains a number of cosmetic changes to the Rules. However, the explanations for the proposed substantive amendments are as follows.

Rule 2

The references to the Budget Committee here and throughout the Rules have been deleted in line with the agreement of the Standing Committee at its 45th meeting that a mechanism should be found for having the work of the Budget Committee of the Conference of the Parties given to the Finance Subcommittee of the Standing Committee.

In paragraph 2, a new sentence has been added at the end to clarify that the right of participation for observers that is granted by the Conference of the Parties may also be withdrawn by the Conference of the Parties. Some have argued that, in the absence of such an indication, the right of participation of observers is guaranteed once they have been admitted.

Rule 3

Several changes are proposed to this Rule to reflect comments made to the Secretariat by the Credentials Committee during the 11th meeting of the Conference of the Parties regarding the lack of clarity about what the Committee should require.

In paragraph 1, three changes are proposed.

- The credentials of delegations should include the Advisers. This requirement is entirely consistent with the Rules of Procedure of the General Assembly of the United Nations and a sentence has been included to cover it. It is also indicated that, under certain circumstances, these may be provided by the Representative (the head of the delegation). The Credentials Committee at the 11th meeting of the Conference of the Parties sought clarification on this point.
- There is no need to refer here to the voting rights because this is dealt with in paragraph 4 of this Rule and in Rule 24.
- It is proposed to delete the words "or on behalf of" to make it clear that the credentials have to be signed by the Head of State, the Head of Government or the Minister of

Foreign Affairs. This is logical considering that delegates are representing and voting on behalf of their countries in an intergovernmental forum and the proposed change is entirely consistent with the Rules of Procedure of the General Assembly of the United Nations.

In paragraph 2, new text has been proposed to indicate that, where possible, credentials should be submitted to the Secretariat at least one week before the opening session of the meeting.

In paragraph 3, new text has been proposed to indicate that copies of credentials may not be accepted by the Credentials Committee. This has always been the case but it was not specified in the Rules, so that, at the 11th meeting of the Conference of the Parties the Credentials Committee felt that it had insufficient terms of reference.

In paragraph 4, the existing text gave to delegates the right to participate provisionally but not to vote until a decision had been made regarding their credentials. It remained silent about the status of persons whose credentials had been found to be unacceptable, i.e. for whom a decision has been made in the negative. The proposed new text is to clarify that such persons may not participate in delegations. This would mean that they would be able to attend only as members of the public.

#### Rule 5

In paragraph 2, the old subparagraph c) is deleted to eliminate the Budget Committee, as explained above.

Paragraph 5 has been deleted because it is no longer in the terms of reference of the Plants Committee that they should serve as a plants working group of the Conference of the Parties.

#### Rule 11

Paragraph 2 is new and is to allow the delegations of States members of a regional economic integration organization (as defined in the Gaborone amendment) to be seated together if they so wish. The text proposed is the text that was already agreed by the Standing Committee at its 42nd meeting and that it asked to be deleted at its 43rd meeting (immediately before the 11th meeting of the Conference of the Parties). Since then, however, Ireland has ratified the Convention, so that all current member States of the European Union will be Parties to CITES at the time of the 12th meeting of the Conference of the Parties. Consequently, it seems appropriate to consider again the inclusion of this text.

#### Rule 12

In paragraph 2, text has been added to indicate that, when committees or working groups are created by Committees I and II, the Presiding Officer may either decide on which observers may participate or leave it to the chairman of the committee or working group to decide. This is to reflect Decision 11.73 directed to the Chairmen of Committees I and II, which states that "When possible, Presiding Officers should invite knowledgeable observers to participate in working groups of Committee I and Committee II."

#### Rule 14

In paragraph 2 it is suggested that the Secretariat should be consulted regarding the nominations for chairmanship and vice-chairmanship of the Conference and for chairmanship of the the Committees. In practice this has always happened and it would be preferable to recognize this consultation formally, especially noting that the Secretariat has itself hosted two out of the eleven meetings of the Conference of the Parties, when there was no host country.

### Rule 17

At the 11th meeting of the Conference of the Parties, the Credentials Committee suggested that it was not clear whether Advisers had the right to speak. A new paragraph 1 has been inserted to specify who has this right

In paragraph 2, text has been added to indicate that although, as a general rule, the Presiding Officer shall call on speakers in the order in which they signify their wish to speak, he/she has the right to depart from this rule in order to progress the debate and may even call on participants who have not asked for the floor, if this is appropriate.

### Rule 19

In paragraph 3, an introductory phrase has been inserted to indicate that the rule in this paragraph does not negate the rule in paragraph 2. In other words, once the Conference, in plenary session, has decided on the adoption or rejection of a proposal to amend Appendix I or II, the debate may not be re-opened, in spite of the provisions of paragraph 3.

### Rule 20

To create a logical order, the first sentence of the old paragraph 2, is now paragraph 3. The text has been amended to indicate that documents that arise out of discussion must have been circulated no later than during the session preceding the session at which they are to be discussed, and in the three working languages. The requirement relating to the working languages is a reflection of paragraph 1. It is also in accordance with point 1.12.3 of the Action Plan adopted by the Conference of the Parties, which says “Ensure that the three permanent Committees and the Conference of the Parties do not discuss any document not made available in advance in all three languages.”

### Rule 22

In paragraph 2, new text is proposed to indicate that a Representative of a Party that has submitted a proposal to amend Appendix I or II may amend the proposal to precise it. This possibility is given to all Representatives in Rule 23, old paragraph 6, but in the latter case the proposed amendment must be discussed before being agreed. However, considering that no discussion is required if the proponent Party amends its own proposal to reduce the scope, the same principle should apply if it amends the proposal to make it more precise.

### Rule 23

To create a logical order, the old paragraph 5 has been placed after the old paragraph 6.

In new paragraph 5, two substantive amendments are proposed.

- The first is to change the words “reduce its effect” to “reduce its scope”. In Rule 22, paragraph 2 it is indicated that the Representative of a Party that proposes an amendment to Appendix I or II may amend the proposal to reduce the scope; for example to propose an inclusion in Appendix II rather than in Appendix I, or to limit the scope to a population rather than a species, or if the proposal referred to a higher taxon, to limit the scope to certain species only. Rule 23, paragraph 5, is supposed to refer to the same case where the proposal to reduce the scope comes from a Party other than the proponent. Therefore the same words should be used.
- The second change proposed in new paragraph 5 is to make a correction to a problem in the English text that did not exist in the French and Spanish text. If a Representative proposes an amendment to a proposal to amend Appendix I or II, the Conference or the Committee should first decide on the amendment and, only if it is accepted, then decide on the amended proposal. If the amendment is not accepted, a vote should take place

on the original proposal. This is consistent with the Rules of Procedure of the General Assembly of the United Nations.

In new paragraph 6, two substantive changes are proposed.

- The first is to suggest an unambiguous approach to deciding which proposal to consider first when there are two amendment proposals that relate to the same taxon but are different in substance. The existing text requires determination of which proposal will have the “greatest effect on the trade”. Experience has shown that this can be interpreted in different ways. The Secretariat suggests that an improvement would be to decide first on the least trade-restrictive proposal and then on the next least trade-restrictive proposal. In this way the Conference can decide by stages what level of trade-restriction is adequate. This approach is further consistent with generally accepted principles, such as that trade restrictions should be imposed only when they are necessary and that any measures imposed should be the least trade-restrictive required.
- The second change deals with the case where one of the proposals relating to the same species is rejected. The change suggested is intended both to provide clarification and, by using the language of Rule 21, paragraph 6, to apply the same principle to discussion of amendment proposals as to draft resolutions.

#### Rule 25

In paragraph 4, the text has been amended to eliminate the need for the Presiding Officer to announce the number of abstentions after a vote is taken. If a vote is taken by roll-call then the Presiding Officer knows the number of abstentions. If it is taken by a show of hands, however, there should be no necessity to ask for a show of hands of those who abstain in the vote. The time spent in counting these is wasted since they are not counted in calculating the number of votes cast.

#### Rule 28

Several changes are proposed in order to eliminate the need for the Secretariat to approve the documents of non-governmental organizations before they are circulated. Thus, paragraph 2 now makes clear that no approval is required for any document distributed either by a Representative or by an observer. Paragraph 3 indicates that Representatives of Parties, and observers from non-party States or from intergovernmental organizations may ask the Secretariat to distribute their informative documents. Paragraph 5 retains for Representatives the right to complain to the Bureau about informative documents that have been distributed, as at the 11th meeting of the Conference of the Parties.

#### Rule 30

It has previously been stated at a meeting of the Conference of the Parties that, until the Rules of Procedure were adopted, there were no Rules and consequently there was no indication as to how to decide on the Rules in case of disagreement. This matter can be settled by having the Conference of the Parties agree that its Rules, once adopted, will continue to apply for each meeting unless they are amended. Thus, for each meeting, the Rules adopted at the previous meeting would apply until the new Rules were adopted.

3. The Secretariat requests the Standing Committee to agree that the draft Rules of Procedure contained in Annex 2 should be presented for adoption at the 12th meeting of the Conference of the Parties.



Draft Rules of Procedure for the 12th meeting of the Conference of the Parties

PART I

PARTICIPANTS: DELEGATES, OBSERVERS, SECRETARIAT

Rule 1 – Delegates

1. A State party to the Convention (hereafter referred to as "a Party")<sup>1</sup> shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
2. An Alternative Representative may at any time act in the place of the Representative.

Rule 2 – Observers

1. 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 the meeting by observers who shall have the right to participate in the plenary sessions and sessions of Committees I and II ~~and the Budget Committee~~ but not to vote.<sup>2</sup>
2. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
  - a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
  - b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be so represented in the plenary sessions and sessions of Committees I and II ~~and the Budget Committee~~ unless one-third of the Representatives present and voting object. Once admitted, these observers shall have the right to participate but not to vote.<sup>3</sup> **However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.**

Rule 3 – Credentials

1. The Representative or any Alternative Representative of a Party shall, ~~before exercising the voting rights of the Party,~~ have been granted powers by, ~~or on behalf of,~~ a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him/her to represent the Party at the meeting. **Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.**
2. ~~All~~Such credentials shall be submitted to the Secretariat of the Convention, **where possible at least one week before the opening session of the meeting.**

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<sup>1</sup> See Convention, Article I, sub-paragraph (h), and Article XXII. A Party is a State that has deposited with the Government of the Swiss Confederation its instrument of ratification, acceptance, approval or accession at least 90 days before the meeting.

<sup>2</sup> See Convention, Article XI, paragraph 6.

<sup>3</sup> See Convention, Article XI, paragraph 7.

3. The Credentials Committee referred to in Rule 5, paragraph 2 **a)**, shall examine the credentials and shall report thereon to the meeting. **It shall recommend acceptance of credentials only if the signed original has been presented.**
4. Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. **The right to participate in the delegation of a Party shall not extend to persons whose credentials the Conference of the Parties has decided are unacceptable.**
5. Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers [and, in the case of bodies and agencies referred to in Rule 2, paragraph 2 b), ~~of~~ evidence of the approval of the State in which they are located] to the Secretariat of the Convention at least one month prior to the opening of the meeting.

#### Rule 4 – Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.<sup>4</sup>

### PART II

#### ARRANGEMENT OF THE MEETING

#### Rule 5 – Plenary sessions, committees and working groups

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
  - a) the Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting;**
    - ba)** Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature-; **and**
    - cb)** Committee II, which shall act similarly in relation to **all** other matters to be decided upon by the Conference.
    - ~~c) The Budget Committee, which shall be responsible for making recommendations to the Conference in relation to all financial matters.~~
    - ~~d) The Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting.~~
3. The Conference and Committees I and II ~~and the Budget Committee~~ may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.
4. Each working group shall elect its own officers.
5. ~~In accordance with its Terms of Reference, the Plants Committee of the Conference of the Parties shall serve as a plants working group, if so requested by the Conference or by Committees I and II, to deal with specific issues.~~

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<sup>4</sup> See Convention, Article XII, paragraph 2 (a).

## Rule 6 – Rules of Procedure of committees and working groups

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups.

## Rule 7 – Quorum

A quorum for a plenary session of the meeting or for a session of Committee I or II shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of Committee I or II shall take place in the absence of a quorum.

## Rule 8 – Working languages

1. English, French and Spanish shall be the working languages of the meeting.
2. **Interventions** ~~Speeches~~ made in any of the working languages shall be interpreted into the other working languages in plenary session and sessions of Committees I and II ~~and of the Budget Committee~~. Interpretation shall be provided in sessions of ~~other committees~~ **the Credentials Committee** and working groups only if resources allow.
3. The official documents of the meeting shall be distributed in the working languages.

## Rule 9 – Other languages

1. A participant may speak in a language other than a working language. He/she shall be responsible for providing interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon that interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

## Rule 10 – Summary records

1. Summary records of plenary sessions and of sessions of Committees I and II ~~and the Budget Committee~~ shall be kept by the Secretariat in the working languages of the meeting. These shall be circulated to all Parties as soon as possible after the meeting.
2. The Credentials Committee and working groups shall decide upon the form in which their records shall be prepared.

## Rule 11 – Seating

1. Delegations shall, as a general rule, be seated in accordance with the alphabetical order of the English language names of the Parties they represent.
2. **However, delegations of Parties that are members of a regional economic integration organization<sup>5</sup> shall, at their request, be seated together.**
3. Seating limitations may require that no more than four delegates of any Party be present at plenary sessions and sessions of Committees I and II ~~and the Budget Committee~~.
4. Observers shall be seated in one or more designated areas within the meeting room. They may enter an area designated for delegations only when invited to do so by a delegate.

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<sup>5</sup> This means a regional economic integration organization constituted by sovereign States that have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention.



54. Seating limitations may require that no more than two observers from any State not a Party, or from any body or agency, be present at plenary sessions and sessions of Committees I and II ~~and the Budget Committee.~~

#### Rule 12 – Publicity of debates

1. All plenary sessions of the meeting and sessions of Committees I and II ~~and the Budget Committee~~ shall be open to the public. However any single session may be closed to the public by a decision of a simple majority of the Representatives present and voting.
2. As a general rule, participation in sessions of the Credentials Committee or any committees and working groups ~~other than Committees I and II and the Budget Committee~~ shall be limited to the delegates and those observers invited by the Presiding Officer of the session at which the Committee or working group is established ~~Chairmen of the committees or working groups~~. However, the Presiding Officer may leave it to the discretion of the Chairman of a committee or working group to decide on the invitation of observers.

#### Rule 13 – Media

1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Plenary sessions and sessions of Committees I and II ~~and the Budget Committee~~ are open to the representatives of the media, ~~except if~~ unless such sessions are closed to the public.
2. The representatives of the media shall be seated in a designated area within the meeting room. Photographers and television crews may only enter the areas designated for delegations and for observers when invited to do so by the Chairman of the Conference or the Chairman of Committee I or II ~~or the Budget Committee~~, and for as long as they are so authorized. Requests for such authorization shall be addressed to the Secretariat.

### PART III

### OFFICERS

#### Rule 14 – Chairmen and Vice-Chairmen

1. The Chairman of the Standing Committee shall act as temporary Chairman of the Conference until the Conference of the Parties elects a Chairman in accordance with Rule 14, paragraph 2.
2. The Conference of the Parties shall elect a Chairman and two Vice-Chairmen of the Conference to preside over plenary sessions of the meeting. It shall also elect a Chairman for each of the Committees I and II, and the ~~Budget and Credentials Committees~~. Candidates for these offices shall be nominated by the Standing Committee in consultation with the Secretariat and, where applicable, with the Host Government, which shall satisfy themselves that the candidates are, *prima facie*, capable of impartially expediting the business of the Conference. As Presiding Officers have ~~the Chairman has~~ no vote there is no other qualification required for nomination.
3. The Chairman of the Conference shall preside at all plenary sessions of the meeting.
4. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
5. If the Chairman of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.

6. The Presiding Officer shall not vote.

#### Rule 15 – Bureau

1. The Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of ~~the Budget Committee and~~ the Credentials Committee, the Standing Committee and the Secretariat shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.
2. The Chairman of the Conference shall preside over the Bureau.

### PART IV

#### RULES OF ORDER AND DEBATE

#### Rule 16 – Powers of Presiding Officer

1. In addition to exercising the powers conferred upon him/her elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting and at sessions of Committees I and II, ~~the Budget Committee,~~ the Credentials Committee and working groups:
  - a) declare the session open and closed;
  - b) direct the discussion;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to a vote and announce decisions;
  - f) rule on points of order;
  - g) subject to these Rules, have complete control of the proceedings and the maintenance of order; and
  - h) where necessary, determine that Rule 11, paragraph 3 or 5, shall be applied.
2. The Presiding Officer may, in the course of discussion at a plenary session of the meeting or at sessions of Committees I and II, ~~the Budget Committee,~~ the Credentials Committee and working groups, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
  - e) the suspension or adjournment of the session.

## Rule 17 – Right to speak

- 1. The right to speak shall extend to Representatives, Alternative Representatives and Advisers whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 2, as well as to the Secretariat.**
- 24.** The Presiding Officer 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 delegates **and to the Secretariat**. Amongst observers, precedence shall be given to non-Party States, intergovernmental organizations and non-governmental organizations, in this order. **However the Presiding Officer 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.**
- 32.** A delegate or observer shall speak only if called upon by the Presiding Officer, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
- 43.** A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Presiding Officer, give way during his/her **intervention** speech to allow any other delegate or observer to request elucidation on a particular point ~~in that speech~~.
- 54.** 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.
- 65.** The Conference and Committees I and II ~~and the Budget Committee~~ may, on a proposal by the Presiding Officer 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 either from a State not a Party, or from an agency or body may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Presiding Officer shall call him/her to order without delay.
- 76.** During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the Conference, **or** Committee I or II ~~or the Budget Committee~~, declare the list closed. He/she may, however, accord the right of reply to any delegate or observer if **an intervention** ~~speech~~ delivered after he/she has declared the list closed makes this desirable.

## Rule 18 – Procedural motions

1. During the discussion of any matter, a Representative may rise to a point of order. Except in cases where the speaker wishes to propose one of the motions referred to in paragraph 2, the point of order shall be immediately decided by the Presiding Officer. A Representative may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to a vote and the Presiding Officer's ruling shall stand unless a simple majority of the Representatives present and voting otherwise decides. In such instances, a Representative rising to a point of order may not speak on the substance of the matter under discussion.
2. The motions listed below shall have precedence, in the order shown, over all other proposals or motions before the Conference. In addition to the proposer of the motion, a delegate may speak in favour of the motion and a delegate of each of two Parties may speak against it, after which the motion shall be immediately put to a vote. The Presiding Officer may limit the time to be allowed to the speakers.

regarding the session

- a) suspension of the session;
- b) adjournment of the session;

regarding the debate on a particular issue

- c) adjournment of the debate on the particular subject or question under discussion;
- d) closure of the debate on the particular subject or question under discussion.

#### Rule 19 – Motions to open and reopen debates in plenary sessions

1. Whenever the Conference, in plenary session, decides upon a recommendation originating from Committee I or II ~~or the Budget Committee~~, where the discussion of the recommendation has been conducted with interpretation in the three working languages ~~of the meeting~~, there shall be no further discussion on the recommendation and it shall immediately be decided upon.

However, any Representative, if seconded by a Representative of another Party, may present a motion for the opening of debate ~~on any recommendation~~. Permission to speak on the motion ~~for opening the debate~~ shall be granted only to the Representative presenting ~~it~~ the motion and ~~at~~ the seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to open the debate shall be granted if, on a show of hands, one-third of the Representatives present and voting support the motion. While speaking on a motion to open the debate a Representative may not speak on the substance of the recommendation itself.

2. Once a proposal for amendment of Appendixes I ~~and~~ II has been adopted or rejected by the Conference of the Parties, it may not be reconsidered during the meeting.
3. **Without prejudice to paragraph 2 of this Rule,** ~~whenever~~ the Conference, in plenary session, following a discussion conducted with interpretation in the three working languages ~~of the meeting~~, has adopted a decision that is not based on a recommendation originating from Committee I or II ~~or the Budget Committee~~, it may be reconsidered during the meeting only under the following circumstances.

Any Representative, if seconded by a Representative of another Party, may present a motion for the reopening of debate ~~on any decision adopted~~. Permission to speak on the motion ~~for reopening the debate~~ shall be granted only to the Representative presenting ~~it~~ the motion and the seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to reopen the debate shall be granted if, on a show of hands, two-thirds of the Representatives present and voting support the motion. While speaking on a motion to reopen the debate a Representative may not speak on the substance of the decision itself.

### PART V

#### SUBMISSION OF PROPOSALS AND PROCEDURES FOR MAKING DECISIONS

#### Rule 20 – Submission of draft resolutions and other documents

1. As a general rule, draft resolutions and other documents shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting.
2. ~~Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committee I or II or the Budget Committee provided that copies of them have been circulated to all delegations no later than the day preceding the session.~~ **However,** the Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions and other documents arising after the 150-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.

**3. Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committee I or II provided that copies of them have been circulated to all delegations, in the working languages, no later than during the session preceding the session at which they are to be discussed.**

**43.** The Representative of any Party that has submitted a draft resolution or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.

**Rule 21 – Procedure for deciding on draft resolutions ~~and~~ other documents (except proposals to amend Appendices I and II)**

1. The Conference shall as far as possible decide on draft resolutions and other documents by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution or other document, the Presiding Officer shall propose that the decision on the draft resolution or other document be put to a vote.
3. If two or more draft resolutions or other documents relate to the same question, the Conference shall, unless it determines otherwise, decide on them in the order in which they have been submitted. The Conference may, after deciding on a draft resolution or other document, consider whether to decide on the next such draft resolution or document.
4. A Representative may propose that parts of a draft resolution or other document shall be decided upon separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion ~~for division~~ shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion for division is carried, those parts of the draft resolution or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution or other document have been rejected, the draft resolution or other document shall be considered to have been rejected as a whole.
5. Any Representative may propose an amendment to a draft resolution or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
6. When an amendment is moved to a draft resolution or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution or other document, the Conference shall first decide on the amendment furthest removed in substance from the original text and then on the amendment next furthest removed therefrom, and so on until all amendments have been submitted to decision. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be submitted to decision. If one or more amendments are adopted, the amended draft resolution or other document shall then be decided upon.

**Rule 22 – Submission of proposals for amendment of Appendices I and II**

1. Proposals for amendment of Appendices I and II shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties<sup>6</sup> in the working languages ~~of the meeting~~.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at anytime, withdraw the proposal or amend it to reduce its scope ~~of effect~~ **to**

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<sup>6</sup> See Convention, Article XV, paragraph 1 (a).

**precise it**. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its ~~scope of effect~~, it may not be re-amended, during the meeting, to increase the ~~scope of effect~~ of the amended proposal.

#### Rule 23 – Procedure for deciding on proposals for amendment of Appendices I and II

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion ~~for division~~ shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion ~~for division~~ is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.
- ~~56.~~ Any Representative may propose an amendment to a proposal for amendment of Appendices I and II to **precise it** or to reduce its **scope effect**. The Presiding Officer may permit the immediate discussion and consideration of **such a proposed amendment**~~the amended proposal~~ even though it has not been circulated previously.
- ~~65.~~ If two or more proposals – including proposals amended in accordance with Rule 22, paragraph 2, and Rule 23, paragraph ~~56~~ – relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that will have the ~~greatest~~ **least restrictive** effect on the trade and then on the proposal with the next ~~greatest~~ **least restrictive** effect on the trade, and so on until all proposals have been submitted to decision. When however, the adoption of one proposal necessarily **implies the rejection**~~covers the substance~~ of another proposal, the latter proposal shall not be submitted to decision.

#### PART VI

#### VOTING

#### Rule 24 – Right to vote

1. Each duly accredited Representative shall have one vote.
2. The Representative of a Party shall exercise the voting rights of that Party.

#### Rule 25 – Methods of voting

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 ten Representatives the vote shall be by secret ballot.
3. Voting by roll-call or secret ballot shall be expressed by "Yes", "No", or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
4. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. After all votes, except those concerning the designation of the next host country, the Presiding Officer shall announce the number of affirmative votes, and negative votes ~~and abstentions~~, as well as the majority needed to adopt the decision submitted to votation. He/she may be assisted by tellers appointed by the Secretariat.
5. After the Presiding Officer has announced the beginning of a vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

#### Rule 26 – Majority

1. Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the conduct of the business of the meeting shall be decided by a simple majority of the Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.
2. For the purpose of these Rules of Procedure, "Representatives present and voting" means duly accredited Representatives present and casting an affirmative or negative vote. Representatives abstaining from voting or Representatives who~~that~~ cast a vote of abstention, shall not be counted in calculating the majority required.

#### Rule 27 – Elections

1. If in an election to fill one place no candidate obtains the absolute majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
2. If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.
3. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.
4. This Rule also applies to the designation of the next host country of the Conference of the Parties.

## PART VII

### INFORMATIVE DOCUMENTS AND EXHIBITIONS

#### Rule 28 – Submission of informative documents and exhibitions

1. Informative documents on the conservation and utilization of natural resources may be submitted for the attention of the participants to the meeting by:
  - a) any Representative of a Party or any observer representing a State not party to the Convention or an intergovernmental organization; and
  - b) any observer representing any other organization.
2. **No approval is required for the distribution of** ~~Such documents.~~ **However, they** shall clearly identify the delegation or observer presenting them.
3. **Documents from the States and organizations referred to in paragraph 1 a) of this Rule may, on request,** ~~Where such documents are to be distributed by the Secretariat.~~ **In this case,** they shall be provided in sufficient numbers for distribution.
4. **Informative documents for distribution** from ~~the~~ organizations referred to in paragraph 1 b) of this Rule shall be ~~subject to approval by the Secretariat, in consultation with the Bureau if necessary, before distribution~~ **placed on the tables provided for this purpose.**
- ~~54.~~ ~~Where such documents are not to be distributed by the Secretariat, they shall not be subject to prior approval. However, a~~ Any Representative may complain to the Bureau if **an informative document that has been distributed** is considered offensive.
- ~~65.~~ Apart from an exhibition from the host country, where applicable, to show how it conserves nature and implements the Convention, no exhibition is authorized in the immediate vicinity of meeting rooms. Exhibitions set up in a specific exhibition area, at the cost of the exhibitors, may be subject to the approval of the Bureau, which may withdraw such permission at any time.

## PART VIII

### COMPLAINTS

#### Rule 29 – Complaints

1. A complaint may be addressed to the Bureau pursuant to Rule 28, paragraph **45**, or by any participant who has been subject to abuse by another.
2. When it receives a complaint, the Bureau shall obtain information necessary to consider the validity of the complaint, bearing in mind that legitimate differences of opinion may exist.
3. In the case of a complaint received pursuant to Rule 28, paragraph **45**, it shall consider whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute.
4. The Bureau shall decide on appropriate action, which may, as a last resort, include either a proposal to the Conference of the Parties to withdraw the right of admission of an organization to the meeting, or a formal complaint to a Party.



PART IX

AMENDMENT OF THE RULES OF PROCEDURE

Rule 30 – Amendment

These Rules are established by the Conference **of the Parties and shall remain valid for each meeting of the Conference unless they are** and may be amended by decision of the Conference.



Draft Rules of Procedure for the 12th meeting of the Conference of the Parties

PART I

PARTICIPANTS: DELEGATES, OBSERVERS, SECRETARIAT

Rule 1 – Delegates

1. A State party to the Convention (hereafter referred to as "a Party")<sup>1</sup> shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
2. An Alternative Representative may at any time act in the place of the Representative.

Rule 2 – Observers

1. 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 the meeting by observers who shall have the right to participate in the plenary sessions and sessions of Committees I and II but not to vote.<sup>2</sup>
2. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
  - a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
  - b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be so represented in the plenary sessions and sessions of Committees I and II unless one-third of the Representatives present and voting object. Once admitted, these observers shall have the right to participate but not to vote.<sup>3</sup> However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

Rule 3 – Credentials

1. The Representative or any Alternative Representative of a Party shall have been granted powers by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him/her to represent the Party at the meeting. Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.
2. All credentials shall be submitted to the Secretariat of the Convention, where possible at least one week before the opening session of the meeting.

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<sup>1</sup> See Convention, Article I, sub-paragraph (h), and Article XXII. A Party is a State that has deposited with the Government of the Swiss Confederation its instrument of ratification, acceptance, approval or accession at least 90 days before the meeting.

<sup>2</sup> See Convention, Article XI, paragraph 6.

<sup>3</sup> See Convention, Article XI, paragraph 7.

3. The Credentials Committee referred to in Rule 5, paragraph 2 a), shall examine the credentials and shall report thereon to the meeting. It shall recommend acceptance of credentials only if the signed original has been presented.
4. Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. The right to participate in the delegation of a Party shall not extend to persons whose credentials the Conference of the Parties has decided are unacceptable.
5. Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers [and, in the case of bodies and agencies referred to in Rule 2, paragraph 2 b), evidence of the approval of the State in which they are located] to the Secretariat of the Convention at least one month prior to the opening of the meeting.

#### Rule 4 – Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.<sup>4</sup>

## PART II

### ARRANGEMENT OF THE MEETING

#### Rule 5 – Plenary sessions, committees and working groups

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
  - a) the Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting;
  - b) Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature; and
  - c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.
3. The Conference and Committees I and II may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.
4. Each working group shall elect its own officers.

#### Rule 6 – Rules of Procedure of committees and working groups

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups.

#### Rule 7 – Quorum

A quorum for a plenary session of the meeting or for a session of Committee I or II shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of Committee I or II shall take place in the absence of a quorum.

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<sup>4</sup> See Convention, Article XII, paragraph 2 (a).

### Rule 8 – Working languages

1. English, French and Spanish shall be the working languages of the meeting.
2. Interventions made in any of the working languages shall be interpreted into the other working languages in plenary session and sessions of Committees I and II. Interpretation shall be provided in sessions of the Credentials Committee and working groups only if resources allow.
3. The official documents of the meeting shall be distributed in the working languages.

### Rule 9 – Other languages

1. A participant may speak in a language other than a working language. He/she shall be responsible for providing interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon that interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

### Rule 10 – Summary records

1. Summary records of plenary sessions and of sessions of Committees I and II shall be kept by the Secretariat in the working languages of the meeting. These shall be circulated to all Parties as soon as possible after the meeting.
2. The Credentials Committee and working groups shall decide upon the form in which their records shall be prepared.

### Rule 11 – Seating

1. Delegations shall, as a general rule, be seated in accordance with the alphabetical order of the English language names of the Parties they represent.
2. However, delegations of Parties that are members of a regional economic integration organization<sup>5</sup> shall, at their request, be seated together.
3. Seating limitations may require that no more than four delegates of any Party be present at plenary sessions and sessions of Committees I and II.
4. Observers shall be seated in one or more designated areas within the meeting room. They may enter an area designated for delegations only when invited to do so by a delegate.
5. Seating limitations may require that no more than two observers from any State not a Party, or from any body or agency, be present at plenary sessions and sessions of Committees I and II.

### Rule 12 – Publicity of debates

1. All plenary sessions of the meeting and sessions of Committees I and II shall be open to the public. However any single session may be closed to the public by a decision of a simple majority of the Representatives present and voting.
2. As a general rule, participation in sessions of the Credentials Committee or any working group shall be limited to the delegates and those observers invited by the Presiding Officer of the

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<sup>5</sup> *This means a regional economic integration organization constituted by sovereign States that have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention.*

session at which the Committee or working group is established. However, the Presiding Officer may leave it to the discretion of the Chairman of a committee or working group to decide on the invitation of observers.

#### Rule 13 – Media

1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Plenary sessions and sessions of Committees I and II are open to the representatives of the media unless such sessions are closed to the public.
2. The representatives of the media shall be seated in a designated area within the meeting room. Photographers and television crews may only enter the areas designated for delegations and for observers when invited to do so by the Chairman of the Conference or the Chairman of Committee I or II, and for as long as they are so authorized. Requests for such authorization shall be addressed to the Secretariat.

### PART III

### OFFICERS

#### Rule 14 – Chairmen and Vice-Chairmen

1. The Chairman of the Standing Committee shall act as temporary Chairman of the Conference until the Conference of the Parties elects a Chairman in accordance with Rule 14, paragraph 2.
2. The Conference of the Parties shall elect a Chairman and two Vice-Chairmen of the Conference to preside over plenary sessions of the meeting. It shall also elect a Chairman for each of the Committees I and II and the Credentials Committee. Candidates for these offices shall be nominated by the Standing Committee in consultation with the Secretariat and, where applicable, with the Host Government, which shall satisfy themselves that the candidates are, *prima facie*, capable of impartially expediting the business of the Conference. As Presiding Officers have no vote there is no other qualification required for nomination.
3. The Chairman of the Conference shall preside at all plenary sessions of the meeting.
4. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
5. If the Chairman of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
6. The Presiding Officer shall not vote.

#### Rule 15 – Bureau

1. The Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of the Credentials Committee, the Standing Committee and the Secretariat shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.
2. The Chairman of the Conference shall preside over the Bureau.

## PART IV

### RULES OF ORDER AND DEBATE

#### Rule 16 – Powers of Presiding Officer

1. In addition to exercising the powers conferred upon him/her elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting and at sessions of Committees I and II, the Credentials Committee and working groups:
  - a) declare the session open and closed;
  - b) direct the discussion;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to a vote and announce decisions;
  - f) rule on points of order;
  - g) subject to these Rules, have complete control of the proceedings and the maintenance of order; and
  - h) where necessary, determine that Rule 11, paragraph 3 or 5, shall be applied.
2. The Presiding Officer may, in the course of discussion at a plenary session of the meeting or at sessions of Committees I and II, the Credentials Committee and working groups, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
  - e) the suspension or adjournment of the session.

#### Rule 17 – Right to speak

1. The right to speak shall extend to Representatives, Alternative Representatives and Advisers whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 2, as well as to the Secretariat.
2. The Presiding Officer 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 delegates and to the Secretariat. Amongst observers, precedence shall be given to non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However the Presiding Officer 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. A delegate or observer shall speak only if called upon by the Presiding Officer, 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 Presiding Officer, give way during his/her intervention to allow any other delegate or observer 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 Conference and Committees I and II may, on a proposal by the Presiding Officer 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 either from a State not a Party, or from an agency or body may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Presiding Officer shall call him/her to order without delay.
7. During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the Conference, or Committee I or II, declare the list closed. He/she may, however, accord the right of reply to any delegate or observer if an intervention delivered after he/she has declared the list closed makes this desirable.

#### Rule 18 – Procedural motions

1. During the discussion of any matter, a Representative may rise to a point of order. Except in cases where the speaker wishes to propose one of the motions referred to in paragraph 2, the point of order shall be immediately decided by the Presiding Officer. A Representative may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to a vote and the Presiding Officer's ruling shall stand unless a simple majority of the Representatives present and voting otherwise decides. In such instances, a Representative rising to a point of order may not speak on the substance of the matter under discussion.
2. The motions listed below shall have precedence, in the order shown, over all other proposals or motions before the Conference. In addition to the proposer of the motion, a delegate may speak in favour of the motion and a delegate of each of two Parties may speak against it, after which the motion shall be immediately put to a vote. The Presiding Officer may limit the time to be allowed to the speakers.

regarding the session

- a) suspension of the session;
- b) adjournment of the session;

regarding the debate on a particular issue

- c) adjournment of the debate on the particular subject or question under discussion;
- d) closure of the debate on the particular subject or question under discussion.

#### Rule 19 – Motions to open and reopen debates in plenary sessions

1. Whenever the Conference, in plenary session, decides upon a recommendation originating from Committee I or II, where the discussion of the recommendation has been conducted with interpretation in the three working languages, there shall be no further discussion on the recommendation and it shall immediately be decided upon.

However, any Representative, if seconded by a Representative of another Party, may present a motion for the opening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and a seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to open the debate shall be granted if, on a show of hands, one-third of the Representatives



present and voting support the motion. While speaking on a motion to open the debate a Representative may not speak on the substance of the recommendation itself.

2. Once a proposal for amendment of Appendix I or II has been adopted or rejected by the Conference of the Parties, it may not be reconsidered during the meeting.
3. Without prejudice to paragraph 2 of this Rule, whenever the Conference, in plenary session, following a discussion conducted with interpretation in the three working languages, has adopted a decision that is not based on a recommendation originating from Committee I or II, it may be reconsidered during the meeting only under the following circumstances.

Any Representative, if seconded by a Representative of another Party, may present a motion for the reopening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and the seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to reopen the debate shall be granted if, on a show of hands, two-thirds of the Representatives present and voting support the motion. While speaking on a motion to reopen the debate a Representative may not speak on the substance of the decision itself.

## PART V

### SUBMISSION OF PROPOSALS AND PROCEDURES FOR MAKING DECISIONS

#### Rule 20 – Submission of draft resolutions and other documents

1. As a general rule, draft resolutions and other documents shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting.
2. However, the Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions and other documents arising after the 150-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.
3. Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committee I or II provided that copies of them have been circulated to all delegations, in the working languages, no later than during the session preceding the session at which they are to be discussed.
4. The Representative of any Party that has submitted a draft resolution or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.

#### Rule 21 – Procedure for deciding on draft resolutions and other documents (except proposals to amend Appendices I and II)

1. The Conference shall as far as possible decide on draft resolutions and other documents by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution or other document, the Presiding Officer shall propose that the decision on the draft resolution or other document be put to a vote.
3. If two or more draft resolutions or other documents relate to the same question, the Conference shall, unless it determines otherwise, decide on them in the order in which they have been submitted. The Conference may, after deciding on a draft resolution or other document, consider whether to decide on the next such draft resolution or document.

4. A Representative may propose that parts of a draft resolution or other document shall be decided upon separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion for division is carried, those parts of the draft resolution or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution or other document have been rejected, the draft resolution or other document shall be considered to have been rejected as a whole.
5. Any Representative may propose an amendment to a draft resolution or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
6. When an amendment is moved to a draft resolution or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution or other document, the Conference shall first decide on the amendment furthest removed in substance from the original text and then on the amendment next furthest removed therefrom, and so on until all amendments have been submitted to decision. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be submitted to decision. If one or more amendments are adopted, the amended draft resolution or other document shall then be decided upon.

#### Rule 22 – Submission of proposals for amendment of Appendices I and II

1. Proposals for amendment of Appendices I and II shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties<sup>6</sup> in the working languages.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at anytime, withdraw the proposal or amend it to reduce its scope or to precise it. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its scope, it may not be re-amended, during the meeting, to increase the scope of the amended proposal.

#### Rule 23 – Procedure for deciding on proposals for amendment of Appendices I and II

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.

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<sup>6</sup> See *Convention, Article XV, paragraph 1 (a)*.

4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.
5. Any Representative may propose an amendment to a proposal for amendment of Appendices I and II to precise it or to reduce its scope. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously.
6. If two or more proposals – including proposals amended in accordance with Rule 22, paragraph 2, and Rule 23, paragraph 5 – relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that will have the least restrictive effect on the trade and then on the proposal with the next least restrictive effect on the trade, and so on until all proposals have been submitted to decision. When however, the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall not be submitted to decision.

## PART VI

### VOTING

#### Rule 24 – Right to vote

1. Each duly accredited Representative shall have one vote.
2. The Representative of a Party shall exercise the voting rights of that Party.

#### Rule 25 – Methods of voting

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 ten Representatives the vote shall be by secret ballot.
3. Voting by roll-call or secret ballot shall be expressed by "Yes", "No", or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
4. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. After all votes, except those concerning the designation of the next host country, the Presiding Officer shall announce the number of affirmative votes and negative votes, as well as the majority needed to adopt the decision submitted to votation. He/she may be assisted by tellers appointed by the Secretariat.
5. After the Presiding Officer has announced the beginning of a vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

## Rule 26 – Majority

1. Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the conduct of the business of the meeting shall be decided by a simple majority of the Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.
2. For the purpose of these Rules of Procedure, “Representatives present and voting” means duly accredited Representatives present and casting an affirmative or negative vote. Representatives abstaining from voting or Representatives who cast a vote of abstention, shall not be counted in calculating the majority required.

## Rule 27 – Elections

1. If in an election to fill one place no candidate obtains the absolute majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
2. If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.
3. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.
4. This Rule also applies to the designation of the next host country of the Conference of the Parties.

## PART VII

### INFORMATIVE DOCUMENTS AND EXHIBITIONS

## Rule 28 – Submission of informative documents and exhibitions

1. Informative documents on the conservation and utilization of natural resources may be submitted for the attention of the participants to the meeting by:
  - a) any Representative of a Party or any observer representing a State not party to the Convention or an intergovernmental organization; and
  - b) any observer representing any other organization.
2. No approval is required for the distribution of such documents. However, they shall clearly identify the delegation or observer presenting them.
3. Documents from the States and organizations referred to in paragraph 1 a) of this Rule may, on request, be distributed by the Secretariat. In this case, they shall be provided in sufficient numbers for distribution.
4. Informative documents for distribution from the organizations referred to in paragraph 1 b) of this Rule shall be placed on the tables provided for this purpose.

5. Any Representative may complain to the Bureau if an informative document that has been distributed is considered offensive.
6. Apart from an exhibition from the host country, where applicable, to show how it conserves nature and implements the Convention, no exhibition is authorized in the immediate vicinity of meeting rooms. Exhibitions set up in a specific exhibition area, at the cost of the exhibitors, may be subject to the approval of the Bureau, which may withdraw such permission at any time.

## PART VIII

### COMPLAINTS

#### Rule 29 – Complaints

1. A complaint may be addressed to the Bureau pursuant to Rule 28, paragraph 5, or by any participant who has been subject to abuse by another.
2. When it receives a complaint, the Bureau shall obtain information necessary to consider the validity of the complaint, bearing in mind that legitimate differences of opinion may exist.
3. In the case of a complaint received pursuant to Rule 28, paragraph 5, it shall consider whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute.
4. The Bureau shall decide on appropriate action, which may, as a last resort, include either a proposal to the Conference of the Parties to withdraw the right of admission of an organization to the meeting, or a formal complaint to a Party.

## PART IX

### AMENDMENT OF THE RULES OF PROCEDURE

#### Rule 30 – Amendment

These Rules are established by the Conference of the Parties and shall remain valid for each meeting of the Conference unless they are amended by decision of the Conference.