

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

Forty-seventh meeting of the Standing Committee
Santiago (Chile), 1-2 November 2002

Strategic and administrative matters

ADOPTION OF THE RULES OF PROCEDURE

1. At the 46th meeting of the Standing Committee it was agreed to amend several rules of the Rules of Procedure that had been adopted at the 45th meeting. The summary report of the meeting also indicates the following:

The amendments proposed to Rules 9, 26 and 33 [of the Rules from SC45] were adopted. The Secretariat was requested to take into account the requests for slightly less condensed summary reports of meetings in future. It was agreed that in future the Chairman should provide an open invitation for observer organizations to attend meetings of the Committee. The Chairman noted that the discussions relative to Rule 6 had provided the guidance requested. It was agreed that this issue would be placed on the agenda of SC47 for additional discussions relative to any revision of Rule 6, which remains in effect. The revised draft of Rules prepared by the Secretariat was noted and participants were requested to provide comments to the Secretariat, to be taken into account in the preparation of a further draft for presentation at the next meeting.

2. During the 46th meeting, the Secretariat circulated a revised version of the Rules of Procedure, with the corrections that had been agreed. It also included suggested changes to the Rules to take into account the discussion in the Committee regarding the admission of observers and to ensure parallels with the Rules of Procedure of the Conference of the Parties. This revised document was numbered SC46 Doc. 2 (Rev. 1) Annex (Rev.1).
3. The Secretariat received comments from only two Parties that had participated in the 46th meeting of the Standing Committee.
4. China suggested the following text for Rule 6:
 1. *The Chairman may invite, after consultation with members of the Standing Committee and the Secretariat, any person or anybody technically qualified in protection, conservation or management of wild fauna and flora to be represented at meetings of the committee by observers. The observers shall have the right to participate, without vote, in discussion of specific agenda items determined by the committee. However the right of any observer to participate shall be withdrawn if so agreed by the committee or, in the case of a national non-governmental organization, if so requested by a representative of the State in which it is located.*

2. Any person or any body wishing to participate in the meeting of the committee in accordance with paragraph 1 above shall submit the request to the Secretariat at 14 days before the meeting. This request shall accompany relevant information with regard to its technical qualifications. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

5. Saint Lucia commented as follows:

Our concerns relate to ensuring that the rules adequately allow for the following:

- a) *The ability of the Standing Committee, through the Chair, to stipulate the particular sessions which any NGO is approved to attend at a specific Standing Committee meeting. Thus, NGOs may not be involved in certain sessions or agenda items, if necessary, and this can be decided by the Chair.*
- b) *Specific criteria to objectively select suitable NGOs for each Standing Committee meeting, based on the particular topics under review. This would be available to guide the Chair, and reflect the wishes of the Standing Committee that the access to NGOs allows participation of NGOs with particular expertise on wild fauna and flora relevant to the Standing Committee meeting in question and trade aspects of such species. The Standing Committee could maintain additional avenues for NGOs that may not gain access to the Standing Committee meetings to continue to provide their views, e.g. via the panel discussion that has already been in place for this sort of contribution to the SC meetings.*
- c) *A greater degree of flexibility in items relating to closed sessions, participation, etc., so that, should it be necessary, the degree of flexibility of the Chair is supported fully by the rules.*

6. The Secretariat has prepared a revised draft of the Rules of Procedure of the Standing Committee, based on document SC46 Doc. 2 (Rev. 1) Annex (Rev.1), taking into account the comments made at SC46 as well as the written comments from China. The draft for consideration is presented in the Annex to the present document. It should be noted that the only Rules that are different from those in the aforementioned document are Rules 6, 9, 23.1 and 23.2.

7. In the proposed revision of Rule 6, the Secretariat has incorporated the ideas presented by China, the only significant difference being the suggestion that observers wishing to attend a meeting should inform the Secretariat one month in advance (as for meetings of the Conference of the Parties), rather than 14 days.

8. Regarding the comments of Saint Lucia, this contained no particular proposals for amendments and none seems to be required.

DRAFT RULES OF PROCEDURE OF THE STANDING COMMITTEE

Representation and attendance

Rule 1

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

Rule 2

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

Rule 3

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

Rule 4

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

Rule 5

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

Rule 6

1. The Chairman may, after consultation with members of the Standing Committee and the Secretariat, invite any person or any body or agency technically qualified in protection, conservation or management of wild fauna and flora to be represented at meetings of the Committee by observers. These observers shall have the right to participate the during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any observer to participate shall be withdrawn if so agreed by the Committee or, in the case of a national non-governmental organization, if so requested by a representative of the State in which it is located.
2. Any person or body wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least one month 14 days before the meeting. This request shall be accompanied by relevant information with regard to the

technical qualifications of the person or body. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

Credentials

Rule 7

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

Rule 8

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

Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention in one of the working languages of the Convention. The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, indicating whether credentials have been presented for each participant and the form of the credentials received, drawing attention to any potential problems.

Rule 10

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

Rule 11

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

Officers

Rule 12

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

Rule 13

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

Rule 14

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

Rule 15

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

Meetings

Rule 16

The Committee shall normally meet at least once every year.

Rule 17

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

Rule 18

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

Rule 19

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

Rule 20

Documents to be considered at a meeting shall normally be provided to the Secretariat at least 60 days before the meeting where they are to be discussed.

Rule 21

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

Committee, to all Parties that may be directly affected by any discussion of the documents and to all Parties that have informed the Secretariat of their intention to be represented at the meeting.

Rule 22

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

Rule 23

1. The right to speak shall extend to all participants whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 4, 5 or 6, as well as to the Secretariat.
2. The Chairman shall, as a general rule, call upon speakers in the order in which they signify their desire to speak and shall give precedence to the 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 Chairman may depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate.
3. Participants shall speak only if called upon by the Chairman, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
4. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chairman, give way during his/her intervention to allow any other participant to request elucidation on a particular point.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The Committee may, on a proposal by the Chairman or by a Representative, limit the time to be allowed to each speaker and the number of times the members of a delegation or the observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Chairman shall call him/her to order without delay.
7. During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He/she may, however, accord the right of reply to any participant if an intervention delivered after he/she has declared the list closed makes this desirable.

Rule 24

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

Rule 25

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

Rule 26

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

Rule 27

A concise executive summary of the decisions of the Standing Committee shall be prepared by the Secretary and endorsed by the Standing Committee before the closure of each meeting.

Rule 28

A summary record of each meeting shall be prepared by the Secretary and sent to the Parties represented at the meeting within 40 days. This shall be presented in the order of the agenda and comprise three parts for each agenda item: a short statement indicating the main points of the discussion (without reference to any particular Party); the text indicating the decision that was made, as it appears in the executive summary; and the text of any statement provided by the representative of any Party that was read into the record during the meeting. The Secretary shall take into account the comments received within 20 days of the circulation and shall communicate the final summary record to all Parties after it is approved by the Chairman.

Rule 29

The working languages of the meetings of the Committee shall be English, French and Spanish.

Communication procedure

Rule 30

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

Rule 31

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

Rule 32

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

Final provisions

Rule 33

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

Rule 34

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