

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



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

Strategic and administrative matters

Rules of Procedure

RECOMMENDATIONS OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. The Rules of Procedure of the Standing Committee were last amended at its 53rd meeting (Geneva, June-July 2005) and are contained in the Annex to the present document. The Secretariat wishes to raise issues in relation to two aspects of these Rules.

Credentials

3. Rules 7 and 8 require that any representative of a State member of the Committee and any observer representing a State or organization in a meeting of the Committee present credentials issued by a proper authority enabling him or her to represent the State or organization.
4. Rule 11 provides the possibility for representatives of members and observers to participate provisionally at a meeting "Pending a decision on their credentials". This tolerance allows time for a review of the credentials presented and for any problems to be addressed. For meetings of the Standing Committee, the review of credentials is conducted by the Secretariat, in accordance with Rule 9.
5. However, in the past, not all participants in meetings of the Committee have presented the required credentials. For example, at the 54th meeting of the Committee (Geneva, October 2006), the Secretariat reported that the observers representing five Parties and 14 organizations had not presented credentials. Although a number of participants who had not presented credentials did not intervene during the meeting, some others, from non-governmental organizations, intervened frequently.
6. Where a participant in a meeting of the Standing Committee does not submit credentials, the consequences or possible consequences are the following:
 - a) In the case of members of the Committee, it is clear from Rule 7 that no Representative or Alternate Representative of the member may vote if he or she has not submitted credentials.
 - b) In other cases, although the Rules are not explicit about the consequences, it may be inferred from Rule 11 that the Standing Committee may decide not to allow a participant to remain in the meeting, or not to allow a participant to make any intervention, either because that person has not submitted credentials or because the credentials submitted were not acceptable.

7. The Secretariat therefore raises the question of whether the Committee wishes to amend either the Rules of Procedure or its practice, in relation to the credentials required from representatives of Parties or of organizations. In this connection, the following should be noted.
 - a) The Rules of the Standing Committee did not require the presentation of credentials until after its 37th meeting (Rome, December 1996), at which a participant claiming to represent a Party was in fact not authorized to do so. As a consequence, the Rules were amended at the 40th meeting (London, March 1998) to require the presentation of credentials.
 - b) The Secretariat is not aware of any other case where a person wrongly claimed to represent a Party in a meeting of the Standing Committee.
 - c) The role of the Standing Committee has changed over the years and its role in the CITES compliance mechanism now makes it more important to ensure that the decision-making members of the Committee have the appropriate level of authorization.
 - d) Although the Standing Committee has the possibility, in accordance with its Rule 10, to establish a Credentials Committee to consider problems brought to its attention by the Secretariat, to date it has never done so.

Recommendation

8. If the Standing Committee believes that there is no problem in relation to the presentation and consideration of credentials, then no action is required.
9. If the Standing Committee believes that there is a problem in relation to the presentation and consideration of credentials, it is invited to consider the following options, or any others that might be deemed appropriate:
 - a) amending the Rules of Procedure to indicate that credentials are required for meetings of the Standing Committee only by either:
 - i) representatives of States members of the Committee;
 - ii) representatives of Parties (i.e. members and non-members of the Committee); or
 - iii) representatives of States (i.e. all Parties and non-Parties);
 - b) amending the Rules of Procedure to indicate the restrictions applicable to participants who have not presented credentials (e.g. they will not be permitted to intervene until credentials have been presented);
 - c) amending the Rules of Procedure to follow the Rules of the Conference of the Parties as far as practicable; or
 - d) amending the practices of the Standing Committee when considering the report on credentials submitted.
10. The Standing Committee might wish to establish a working group to consider this issue.

Participation of observers from international organizations

11. Rule 6, paragraph 2, requires bodies that wish to participate in a meeting of the Standing Committee to provide proof of the approval of the State in which the body is located.
12. In this respect the rules for meetings of the Standing Committee are stricter than for meetings of the Conference of the Parties, for which the requirement for such approval applies only to "national non-governmental agencies or bodies" and not to international agencies or bodies or to national governmental agencies and (c.f. Article XI, paragraph 7, of the Convention).

Recommendation

13. The Secretariat recommends that Rule 6, paragraph 2, be amended to accord with the text of the Convention and the Rules of Procedure of the Conference of the Parties, to read as follows:

Any person or body wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least 30 days before the meeting, or in the case of an emergency meeting at least seven days prior to that meeting. This request shall be accompanied by relevant information with regard to the technical qualifications of the person or body and, in the case of national non-governmental agencies or bodies, proof of the approval of the State in which the body is located. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

Documents for meetings

14. Rule 20 of the Rules of Procedure indicates that documents to be considered at a meeting of the Standing Committee should be provided to, amongst others, "all Parties that may be directly affected by any discussion of the documents and to all Parties that request them".
15. It should be noted that the number of Parties affected by the discussion of a particular topic can sometimes be very large. It might, for example, be all range States of a widespread species.
16. The same rule applied also to the Animals and Plants Committees, which however changed the rule during their last joint meeting (Geneva, April 2008) to indicate that the Parties directly affected should be alerted by the Secretariat and documents sent on request. This allows the Secretariat to alert Parties by email, rather than automatically sending documents to the Parties concerned, thus minimizing the financial and environmental costs of informing them.

Recommendation

17. The Secretariat recommends that the final sentence of Rule 20 of the Rules of Procedure be amended to read as follows:

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

RULES OF PROCEDURE OF THE STANDING COMMITTEE
(as amended at the 53rd meeting, Geneva, June–July 2005)

Representation and attendance

Rule 1

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

Rule 2

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

Rule 3

The Representative shall exercise the voting right of a member or alternate member. In his/her absence, the Alternate Representative shall act in his/her place. Only members or alternate members representing the six regions shall have the right to vote, except in the case of a tie vote when the 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 meetings by observers who shall have the right to participate in meetings of the Committee but not to vote.

Rule 6

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

Credentials

Rule 7

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

Rule 8

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

Rule 9

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

Rule 10

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

Rule 11

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

Officers

Rule 12

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

Rule 13

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

Rule 14

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

Rule 15

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

Meetings

Rule 16

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

Rule 17

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

Rule 18

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

Rule 19

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

Rule 20

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

Rule 21

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

Rule 22

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

7. During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He/she may, however, accord the right of reply to any participant if an intervention delivered after he/she has declared the list closed makes this desirable.

Rule 23

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

Rule 24

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

Rule 25

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

Rule 26

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

Rule 27

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

Rule 28

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

Communication procedure

Rule 29

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

Rule 30

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

Rule 31

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

Final provisions

Rule 32

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

Rule 33

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