

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



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Strategic matters

Scientific committees

POTENTIAL CONFLICTS OF INTEREST IN THE ANIMALS AND PLANTS COMMITTEES

1. This document has been prepared by the Secretariat.
2. Relevant background on this issue was summarized in document CoP16 Doc. 11 (Rev. 1), submitted for consideration at the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013), as follows:

In Decision 15.9, CoP15 decided the following: "Considering that members of the Animals and Plants Committees serve in a personal capacity, the Standing Committee shall review the need for the Rules of Procedure of those Committees to deal with potential conflicts of interest of its members relating to their activities in the Committees, and shall report on this matter at the 16th meeting of the Conference of the Parties". This issue was briefly discussed at the 61st session of the Standing Committee in August 2011. At the 62nd session of the Standing Committee in July 2012, at the request of the Chair of the Animals Committee, the Standing Committee decided that this issue should be considered again at its 63rd session, on the basis of a report by the Secretariat.

The EU and its Member States are convinced that this matter needs to be adequately addressed by the CITES Parties. This view is also shared by the Chairs of the Animals and Plants Committees.

The EU and its Member States therefore propose that, unless a satisfactory solution to this issue is found at the 63rd session of the Standing Committee, the matter be resolved at the 16th meeting of the Conference of the Parties.

3. At its 63rd meeting (SC63, Bangkok, 2013), and during its consideration of document SC63 Doc. 8, the Standing Committee noted that a document on the issue of potential conflicts of interest in the Animals and Plants Committees had been submitted for discussion at CoP16. It was therefore suggested that the issue should not be discussed by the Standing Committee.
4. Following its consideration of document CoP16 Doc. 11 (Rev. 1), the Conference of the Parties adopted Resolution Conf. 11.1 (Rev. CoP16) which reads as follows:

Regarding representation in the Animals and Plants Committees

RECOMMENDS that the following guidelines be implemented:

...

c) Conflict of interest

A "conflict of interest"¹ refers to any current financial interest which could significantly impair the individual's impartiality, objectivity or independence in carrying out his or her duties as a member

¹ Conflict-of-interest policies in scientific assessment bodies typically make a distinction between "conflict of interest" and "bias", which refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues.

of the Committee. A candidate's employment by itself does not automatically constitute a conflict of interest:

- i) Parties proposing candidates as members or alternate members are to request that, together with their names and *curriculae vitae*, each candidate provides a declaration of interest which should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference by the Parties at which the representatives will be elected. In that declaration, the candidate should disclose any current financial interest that might call into question his or her impartiality, objectivity or independence in carrying out his or her duties as a member or alternate member of the Committee;
- ii) Following an election, the declaration of interest and the curriculum vitae of each member and alternate member shall be made available by the Secretariat to the Chair and the members of the Committee concerned, and to the Chair of the Standing Committee;
- iii) Each member shall, at the beginning of each meeting of the Committee, declare any financial interests that he or she considers calls into question his or her impartiality, objectivity or independence regarding any subject on the agenda for that meeting of the Committee. If a member has declared such an interest, he or she may take part in discussions but not in the decision-making regarding the agenda item in question. If the member is the subject of the potential conflict of interest, he or she shall not chair the meeting or sub-meeting for the agenda item in question; and
- iv) When taking part in meetings or seminars outside the CITES framework, the members and alternate members should specify that their interventions are not made on behalf of the Committee or of any CITES body, unless specific instructions have been issued by the Committee to that effect;

...

5. In addition to the conflict of interest policy contained in paragraph 4 above, the Conference of the Parties adopted an amendment to Annex 2 to Resolution Conf. 11.1 (Rev. CoP16) on the establishment of the Animals and Plants Committees of the Conference of the Parties, as follows:

...

RESOLVES that the duties of members elected by the regions of the Animals and Plants Committees and their alternates are as follows:

- a) *each member should, to the best of their abilities, act as impartially as possible and endeavour to base their judgements and opinions upon an objective, scientific assessment of the available evidence;*

...

6. The 27th meeting of the Animals Committee (AC27, Veracruz, April 2014) and the 21st meeting of the Plants Committee (PC21, Veracruz, May 2014) were the first meetings to which the new conflict of interest policy and procedures applied. The Secretariat therefore wrote to all members of the Committee on 20 February 2014 advising them of the new provisions. A copy of the relevant letter, sent via email, is contained in the Annex to this document.
7. At the beginning of AC27 and PC21, the Secretariat invited any member with any financial interest that he or she considered called into question his or her impartiality, objectivity or independence regarding any subject on the agenda for the meeting to declare this so that it could be recorded in the Summary Record of the meeting. No member of either Committee declared any such financial interest, and this was reflected in the respective meeting records.
8. At CoP16, the Conference of the Parties also adopted Decisions 16.9 and 16.10, directed to the Standing Committee and the Secretariat, as follows:
 - 16.9 *The Standing Committee shall, at its 65th meeting and on the basis of a review from the Secretariat, assess the functioning of the conflict of interest policy set out in paragraph c) under Regarding representation in the Animals and Plants Committees of Resolution Conf. 11.1 (Rev.*

CoP16), and make recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts, having reference to such mechanisms developed in other multilateral environmental agreements or relevant international organizations and bodies, for consideration at the 17th meeting of the Conference of the Parties.

16.10 *The Secretariat shall compile examples of conflicts of interest procedures under other relevant agreements and organizations, and shall prepare a report for the 65th meeting of the Standing Committee.*

9. Document SC61 Doc. 8, prepared by the Secretariat in 2011, describes conflicts of interest procedures adopted by other relevant agreements and organizations. Building on that document, the Secretariat compiled a number of updated and additional examples of conflicts of interest procedures. It is awaiting the final report of the Joint Inspection Unit of the United Nations on *Post-Rio+20 Review of Environmental Governance in the United Nations System*, particularly the section on conflict of interest, before it completes the compilation and prepares its report on this issue.

Recommendation

10. The Standing Committee is invited to take note of this report and to continue consideration of this matter at its 66th meeting.



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



Our ref.: acpc.Col
Your ref.:

Chairs, members, alternate members and
nomenclature specialists of the AC/PC

Geneva, 20 February 2014

Subject: Potential conflicts of interest – Declarations of current financial interest

Dear colleagues,

At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties considered an agenda item on potential conflicts of interest in the Animals and Plants Committees. Related discussions by the Conference led it to adopt revisions to Resolution Conf. 11.1 (Rev. CoP15) on *Establishment of committees*, which provide a policy on conflicts of interest for these Committees. The Conference also adopted Decisions 16.9 and 16.10, which direct the Standing Committee and Secretariat to further review the policy and to report the results at the 17th meeting of the Conference of the Parties (CoP17, South Africa, 2016).

The policy on conflicts of interest adopted at CoP16 includes action to be taken in relation to the nomination and election of members and alternate members of the Animals and Plants Committees. These aspects of the policy will be applicable for the first time in preparation for the elections at CoP17.

Other aspects of the policy will apply at the 27th meeting of the Animals Committee (AC27) and the 21st meeting of the Plants Committee (PC21) to be held in Veracruz, Mexico during April/May 2014.

In Resolution Conf. 11.1 (Rev. CoP16), in paragraph c) iii) under the section entitled *Regarding representation in the Animals and Plants Committees*, the Conference of the Parties recommends that:

Each member shall, at the beginning of each meeting of the Committee, declare any financial interests that he or she considers calls into question his or her impartiality, objectivity or independence regarding any subject on the agenda for that meeting of the Committee. If a member has declared such an interest, he or she may take part in discussions but not in the decision-making regarding the agenda item in question. If the member is the subject of the potential conflict of interest, he or she shall not chair the meeting or sub-meeting for the agenda item in question.

The Secretariat is writing to bring the above provision to your attention and to explain how it plans to proceed with its implementation.

Invitation of oral declarations

At the beginning of AC27 and PC21, the Secretariat will invite members, including the Chair, any alternate members who are replacing members and the nomenclature specialist to declare orally any current financial interest that he or she considers calls into question his or her impartiality, objectivity or independence regarding any subject on the agenda for the meeting.

Effect and recording of declarations

If any member has declared a current financial interest in relation to one or more agenda items, he or she shall not chair the meeting or sub-meeting for the agenda item in question and may take part in discussions on that item but not in the decision-making.

- 2 -

The relevant Committee will be invited to note any declarations that are made and the summary record of the meeting will indicate any such declarations.

Sharing of lessons learned with the Standing Committee

Experience gained by the Animals and Plants Committee with the application of the new policy regarding potential conflicts of interest will be shared with the Standing Committee through, *inter alia*, the report of the Secretariat envisaged under Decision 16.10 of the Conference of the Parties.

Thank you in advance for working with us to ensure effective implementation of the new policy on conflicts of interest, thereby safeguarding the integrity, independence and credibility of decision-making under the Convention.

Yours sincerely,



Marceil Yeater (Ms)
Chief, Legal Affairs & Trade Policy