

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Administrative and financial matters

Procedural matters

POTENTIAL CONFLICTS OF INTEREST IN THE ANIMALS AND PLANTS COMMITTEES

1. This document has been prepared by the Secretariat.

Background

2. Relevant background on this issue was summarized in document [CoP16 Doc. 11 \(Rev. 1\)](#), submitted for consideration by the Conference of the Parties at its 16th meeting (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, March 2013), during its consideration of document [SC63 Doc. 8](#) about this matter, the Standing Committee noted that the Animals and Plants Committees had submitted a document on potential conflicts of interest for discussion at CoP16. The Standing Committee therefore decided not to discuss the issue at SC63.
4. At CoP16, and following its consideration of document CoP16 Doc. 11 (Rev. 1), the Conference of the Parties adopted revisions to Resolution Conf. 11.1 (Rev. CoP16) 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 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 Conference of the Parties furthermore 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.*

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.

7. At the 65th meeting of the Standing Committee (SC65, Geneva, July 2014), the Secretariat reported on the implementation of the new provisions on conflict of interest in Resolution Conf. 11.1 (Rev. CoP16) (see document [SC65 Doc. 13.3](#)). It drew the attention of the Standing Committee to a report by the Joint Inspection Unit of the United Nations, contained in document [SC65 Inf. 11](#), which recommended that guidance regarding conflicts of interest be developed for, and followed by, all United Nations system organizations and multilateral environmental agreements. The Secretariat further noted that it had compiled and was reviewing examples of conflict of interest procedures under other relevant agreements and organizations. The Standing Committee noted the information provided by the Secretariat, and agreed to continue consideration of this matter at the present meeting.

Implementation of provisions concerning conflict of interest in Resolution Conf. 11.1 (Rev. CoP16)

8. At the time of writing the present document, paragraph iii) of the new conflict of interest policy and procedures referred to in paragraph 4 above has been applied at the 27th and 28th meetings of the Animals Committee (AC27, Veracruz, April 2014 and AC28, Tel Aviv, August 2015) and the 21st and 22nd meetings of the Plants Committee (PC21, Veracruz, May 2014 and PC22, Tbilisi, October 2015). At the beginning of these meetings, the Secretariat invited any member with any financial interest that he or she considered calling 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 summary records of the meetings.
9. The Secretariat notes that paragraphs i) and ii) of the policy have not been applied yet. The procedures outlined in these two paragraphs will first be applicable for the cycle of committee membership selection starting at the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). Lastly, concerning the implementation of paragraph iv) of the conflict of interest policy, the Secretariat is not aware of any instances where members or alternate members of the Animals or Plants Committee have failed to abide by this instruction.

Implementation of Decisions 16.9 and 16.10

10. Document [SC61 Doc. 8](#), prepared by the Secretariat in 2011, described conflicts of interest procedures adopted by other relevant agreements and organizations. Building on that document, the Secretariat has continued to compile updated and additional examples of procedures for dealing with possible conflicts of interest. A useful example of an overview of the procedures adopted under multilateral agreements may be found in document CC/8/2010/3 of the United Nations Framework Convention on Climate Change. The document compiles the procedures of, *inter alia*, the Stockholm Convention on Persistent Organic Pollutants, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Montreal Protocol on Substances that Deplete the Ozone Layer, the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Protocol).² A more recent example is the conflict of interest policy and related procedures adopted in January 2015 by the third session of the plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.³
11. At AC28 and PC22, the Animals and Plants Committees agreed to seek a mandate at CoP17 to review the Terms of Reference of the Scientific Committees, as contained in Resolution Conf. 11.1 (Rev. CoP16), from which the Animals and Plants Committees derive their respective Rules of Procedures [see documents [AC28 Sum.1 \(Rev. 1\)](#) and [PC22 Sum.1 \(Rev.1\)](#)]. At the same meetings, the Animals and Plants Committees further agreed to report to the Standing Committee that they were supportive of an overall review of the Rules of Procedure for the meetings of all CITES committees (see document SC66 Doc. 5.2).
12. Although the discussions of the Animals and Plants Committees in this context did not make reference to the conflict of interest policy and procedures referred to in paragraph 4 above, the Secretariat notes that a review of the Terms of Reference of the Scientific Committees, if mandated at CoP17, would present an

² See http://unfccc.int/files/kyoto_protocol/compliance/plenary/application/pdf/cc-8-2010-3_coi_in_mea_and_other_relevant_un_bodies.pdf

³ See http://www.ipbes.net/images/documents/RoP/Conflict_of_interest_policy.pdf

opportunity for the Standing Committee to contribute to a coherent update of these aspects in Resolution Conf. 11.1 (Rev. CoP16), if revisions are necessary.

13. Since several important measures relating to conflict of interest adopted at CoP16 have not yet been implemented or tested, the Secretariat believes that it may be premature to assess the functioning of the policy set out in Resolution Conf. 11.1 (Rev. CoP16), or propose recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts. Furthermore, should the Conference of the Parties authorize a comprehensive review of the Terms of Reference of the Scientific Committees in Resolution Conf. 11.1 (Rev. Cop16) (see paragraphs 11 and 12), the Secretariat recommends the revision and extension of Decisions 16.9 and 16.10 at CoP17 for implementation by the 18th meeting of the Conference of the Parties.

Recommendation

14. The Standing Committee is invited to take note of this report and to consider recommending to CoP17 the extension of Decisions 16.9 and 16.10 with the aim to review the conflict of interest policy, and provide amendments to Resolution Conf. 11.1 (Rev. CoP16) as necessary for consideration at the 70th meeting of the Standing Committee, and eventual adoption at the 18th meeting of the Conference of the Parties.