

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

Meetings of the Conference of the Parties

Arrangements for the 17th meeting of the Conference of the Parties (CoP17)

GUIDANCE ON THE SUBMISSION OF CREDENTIALS – REPORT OF THE WORKING GROUP

1. This document is drafted by the Chair (Dr. ZHOU Zhihua from China) of the intersessional working group on submission of credentials with assistance from the CITES Secretariat and the members of the working group, which was established by the 65th meeting of the Standing Committee in July 2014, Geneva, Switzerland.
2. During the 16th meeting of Conference of the Parties, following decision was adopted regarding submission of credentials:

Directed to the Secretariat

- 16.1 *The Secretariat shall develop, for consideration at the 65th meeting of the Standing Committee, draft guidance to Parties on the submission of credentials for a meeting of the Conference of the Parties taking note of the CoP16 Credentials Committee Chair's recommendations that this guidance should address, inter alia, the following:*
- a) *submission of original credentials only and not copies of credentials;*
 - b) *use of stationery with an official letterhead which indicates the relevant country and government office;*
 - c) *signature of credentials by the head of State, head of government or minister of foreign affairs;*
 - d) *the acceptability of alternative signatories (in a temporary or acting capacity), if their authority to sign is clearly indicated;*
 - e) *provision of the name and title of the signatory; and*
 - f) *translation into one of the three working languages of the Convention.*

When the draft guidance has been endorsed by the Standing Committee, the Secretariat shall make it available to Parties through the CITES website.

The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

3. In accordance with the Decision, the Secretariat carefully analyzed relevant information of credentials submission, and submitted document SC65 Doc 11.2 (Guidance on the submission of credentials) to the 65th meeting of the Standing Committee for discussion. Several parties give interventions during the discussion under agenda item 11.2. Unable to reach consensus during the meeting, the Committee agreed to establish an intersessional working group chaired by China, and with the members from the Democratic Republic of Congo, Kuwait, Niger and representatives of the European Union.
4. The working group started discussion through e-mail after the meeting. Invited by the Chair, Ms. Marceil Yeater participated the working group on behalf of the Secretariat.
5. Following comments mentioned in SC65 were discussed:
 - a. Australia suggested to provide a standardized sample of credentials.
 - b. SC65 Doc.11.2 proposed following amendment to paragraph 1, Rule 3 of Rules of Procedures for CoP:

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.~~

However, the United States wish parties can not only designate the representative and alternate representatives, but also designate advisers.

- c. US also prefer to add more body or person to issue the credentials, e.g. the Permanent Commission in Geneva.
6. Information on credential submission of following four UN conventions or agreements was provided by Ms. Marceil Yeater:
 - 1) The reminder Notification on credentials for CBD COP12 which was sent by the CBD Secretariat in late July 2014[†].
 - 2) Information provided by the CMS Secretariat in advance of COP11[‡].
 - 3) The 2006 Rules of procedure for parties meeting to the Vienna Convention and Montreal Protocol (see Rules 16 - 20 on credentials)[§].
 - 4) Annex III on Protocol Issues for guidance on credentials for the upcoming UNFCCC conference^{**}.
7. After discussion, the group concluded following:
 - 1) It is unnecessary to provide a standardized sample of credentials, since it is so difficult to follow as each country has its own special form for such credential and that will be never possible for the representatives to give instructions for higher Authorities such as the Head of State or Head of the Government. Instead, it is important to clearly inform parties that the elements should be included by the credentials.
 - 2) The working group does not agree the proposed revision of paragraph 1, Rule 3, thus the following sentence should be maintained: **"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"**. The arguments are: firstly, the working group noted that it is important for parties to nominate advisers for

[†] <http://www.cbd.int/doc/notifications/2014/ntf-2014-100-cop12-mop7-mop1-en.pdf>

[‡] <http://www.cms.int/en/cop11/logistics#Credentials>

http://ozone.unep.org/Publications/VC_Handbook/Section_3_Rules_of_Procedure/Rules_of_procedure.shtml

http://unfccc.int/files/parties_and_observers/notifications/application/pdf/notification_to_parties_cop_20_cmp10_.pdf

the delegation, because many CITES issues need professional knowledge from experts, who usually participate the delegation as advisers. Secondly, the working group noted that it is common for other conventions to designate advisers, e.g. the Vienna Convention and Montreal Protocol, UNFCCC.

- 3) The working group considered it unnecessary to add any more specific body or person (e.g. permanent delegation in UN) to issue the credentials, since it can be covered by the current categories. For example, the Rules of Procedures of Vienna Convention and Montreal Protocols indicated that, "The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization."

UNFCCC also requires that, the credentials must be issued by the Head of State of Government or by the Minister of Foreign Affairs.

8. Based on the discussion during SC65 and taken by the intersessional working group, the working group revised the Draft Checklist for Submission of Credentials of Representatives of Parties to CoP Meetings provided by SC65 Doc. 11.2. This is contained in the annex of this document. It is suggested to be delivered to the parties before CoP by the Secretariat.
9. The 66th meeting of the Standing Committee is invited to adopt the comments included in paragraph 7 and 8, including the Draft Guidance for Submission of Credentials of Representative of Parties to COP Meetings in the annex to this document.

**DRAFT GUIDANCE FOR SUBMISSION OF CREDENTIALS OF REPRESENTATIVES
OF PARTIES TO COP MEETINGS (Revised)**

(Language added is underlined, and that deleted is strike out)

In addition to Rule 3 of the Rules of Procedure of the CoP, Parties may consider the following guidance:

- 1. The signed original of the credentials, granting powers to the Representative, any Alternative Representative or Advisers of a Party, and the names of members of its delegation, must be submitted to the Secretariat.**

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative, any Alternative Representative or Advisers of a Party if a signed original of the credentials has been submitted to the Secretariat. **Copies, including scans and faxes of the original credentials, are not acceptable.**

It is recommended that all signed original credentials, together with the list of names of members of the delegation, be submitted to the CITES Secretariat at the venue of the CoP meeting. Credentials should be handed to Secretariat staff at the registration desk, in an envelope which clearly indicates that it contains credentials.

Exceptionally, at the request of a Party, its signed original credentials may be submitted to the Secretariat office in Geneva.

The Credentials Committee is established during the first or second plenary session of each meeting of the Conference of the Parties. Therefore, the Credentials Committee cannot review the credentials submitted to the Secretariat until after the meeting has started. In the meantime, delegates who have submitted their credentials can participate provisionally in the meeting but not vote.

Parties are encouraged to submit a photocopy or a scanned or telefaxed copy of their signed original credentials to the Secretariat at least one week before the opening of the meeting, so that it can advise whether there are any potential problems with their acceptance by the Conference of the Parties. This might be done through one of the following methods:

In person:

Handed to the Secretariat in Geneva or at the venue of the meeting of the CoP

By email:

info@cites.org

By telefax:

+41 22 797 3417

By postal service or courier:

CITES Secretariat
Re: CoP Credentials
International Environment House
Chemin des Anémones 11-13
1219 Châtelaine-Geneva
Switzerland

2. Credentials must be established on official stationery.

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative, any Alternative Representative or Advisers of a Party if they are on official stationery with a letterhead that indicates the country and government office that has issued them.

3. Credentials must be signed by an authorized signatory, and his/her name and title must be clearly shown.

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative, any Alternative Representative or Advisers of a Party if they have been issued by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs. The name and title of the signatory must be clearly indicated in the credentials.

In exceptional circumstances, the Credentials Committee will recommend acceptance of credentials granting powers to the Representative, any Alternative Representative or Advisers of a Party if they are issued by an alternate signatory (in a temporary or acting capacity). In this case, the formal authority of the alternate signatory to sign on behalf of the Head of State, the Head of Government or the Minister of Foreign Affairs must be clearly indicated in the credentials, or in an accompanying decree or other official document.

4. Credentials must be submitted in, or be accompanied by a translation into, English, French or Spanish.

The Credentials Committee will only recommend acceptance of credentials granting powers to a Representative, if they are submitted in, or accompanied by a translation into, one of the working languages of the Convention (English, French and Spanish).