

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Administrative and financial matters

ADOPTION OF THE RULES OF PROCEDURE AND
REPORT OF THE WORKING GROUP

1. This document has been submitted by Canada as Chair of the intersessional working group on Rules of Procedure.*

Background

2. The 17th meeting of the Conference of the Parties adopted the following Decision with regards to the Standing Committee Rules of Procedure:

Decision 17.2 directed to the Standing Committee

The Standing Committee shall review its Rules of Procedure and align them as closely as possible with the Rules of Procedure of the Conference of the Parties mutatis mutandis.

3. During the 69th meeting of the Standing Committee, the Committee adopted revised Rules of Procedure aligned as closely as possible to the CoP Rules of Procedure. The Committee also established an intersessional working group on Rules of Procedure whose mandate consisted of reviewing and proposing amendments to the Rules of Procedure of the Standing Committee and the Conference of the Parties, considering and proposing revisions to Resolution Conf. 11.1 (Rev. CoP17) on Establishment of Committees, and considering the functioning of the conflict of interest policy.
4. With regards to the Standing Committee Rules of Procedure, the working group's mandate was:
 - for the Rules of Procedure of the Standing Committee, review Rules 4.3 (proposed deletion); 14.4 (clarification of the type of point of order that can be made); 17.2 (clarification of the process to join or withdraw from intersessional working groups); 19.1 (entry into effect of the decisions of the Standing Committee); 20 (procedure for intersessional decision-making);
5. The membership of the intersessional working group on the Rules of Procedure was agreed as follows: Chair of the Standing Committee (Chair); Antigua and Barbuda, Bolivia (Plurinational State of), Botswana, Brazil, Canada, China, Colombia, European Union, Israel, Japan, Kuwait, Norway, Peru, South Africa, Sri Lanka, Switzerland, United States of America and Venezuela (Bolivarian Republic of); and Animal Welfare Institute, Humane Society International, IWMC – World Conservation Trust, Lewis & Clark – International

* *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.*

Environmental Law Project, Pet Industry Joint Advisory Council, Safari Club International, and Species Survival Network; and the Chairs of the Animals and Plants Committees.

Regarding Rule 4.3

6. In SC60 Doc. 3, the Secretariat provided some of the history behind this provision and proposed removing the requirement in Rule 4.3 to have the Chair of the Standing Committee approve the participation of observers. During the 69th meeting and within the working group, there were mixed views on the options to retain, modify or delete Rule 4.3. As the majority appeared to favour deletion of the Rule for efficiency and to align with the CoP Rules of Procedure, the working group proposed its deletion. Additionally, it was clarified that the Secretariat would approve the documentation provided by non-Party observers and a small amendment to Rule 4.2 is proposed to reflect this understanding.

Regarding Rule 14.4

7. At its 69th meeting, the Standing Committee agreed to extend the right to call a point of order to non-member Party observers present at the meeting and amended Rule 14.4 accordingly. The working group was asked to discuss and provide any needed clarifications. The working group noted the understanding that non-member Parties could not raise a point of order to call for a vote and an amendment to Rule 14.4 is proposed to reflect this understanding. The working group also agreed that resolution of a conflict as a result of a point of order would rest with the Committee and thus the Chair would need to seek the Committee's views on a point of order called by a non-member Party. This appears to be understood within the Rules of Procedure as written and no further edits were proposed.

Regarding Rule 17.2

8. The Standing Committee was asked to clarify the process for joining or withdrawing from an intersessional working group. As currently written, such requests must be made to the Chair of the Standing Committee through the Secretariat. There was consensus with the view that chairs of the relevant intersessional working groups were better placed to make decisions on the inclusion (or withdrawal) of working group members and that those intersessional working group Chairs would be expected to ensure the terms of Rule 17.1 (regarding balanced representation) are respected. Amendments to Rule 17.2 to reflect this understanding are thus proposed. Further, in reviewing Rule 17, the working group noted a clarification needed in Rule 17.1 and proposed a small editorial amendment.

Regarding Rule 19.1

9. The Standing Committee was asked to determine the appropriate entry into effect date for decisions of the Standing Committee. This is relevant as, for example, knowing the "start" time for decisions with timelines will be important where it is not already identified in the Standing Committee decision. The current (and past) Rules of Procedure indicated Committee decisions enter into effect upon endorsement of the relevant Executive Summary. The Secretariat, in SC69 Doc. 3, proposed all decisions made by the Standing Committee enter into force on the last day of the meeting of the Committee, unless otherwise specified. This language implies that decision taken on the last day, which are recorded in Executive Summary endorsed after the meeting closes, also come into effect on the last day of the meeting. There were mixed views on whether or not to amend the last sentence of this Rule outlining when Committee decisions come into effect. On the one hand, some participants agreed with the proposal to modify the Rule so that decisions come into effect on the last day of the meeting of the Standing Committee. On the other hand, others pointed out that it is preferable to have an accurate agreed record before the decisions come into effect. Based on this current input, the working group proposes to retain the current language (status quo), noting that there do not appear to have been any difficulties associated with the application of Rule 19.1 as written. In practice, the Standing Committee decisions cover a range of issues of variable significance to other bodies or Parties. In retaining the Rule as written, it may be more relevant for the Standing Committee (through the Chair) to ensure any decisions taken with timelines provide clear and unambiguous deadlines (rather than "start" times).

Regarding Rule 20

10. As requested by the Standing Committee, the working group also gave attention to the postal procedure for decision making. The working group members identified the following key elements to be reflected in a revised postal procedure:

- A postal procedure should be used only in urgent circumstances.
- Transparency is desirable so that parties are aware of any decisions the Committee is considering via postal procedure. In particular, transparency around when, and what type of, decisions are being presented to the Committee and transparency around the results of the Committee’s postal deliberation.
- The process should be timely but needs to include enough time to allow Standing Committee members to consult with the Parties in their region (and translation time).
- There is a need to clarify the treatment of quorum in postal procedures. It was noted that paragraph 4 of Rule 20 does provide for the treatment of quorum and what to do if quorum is not achieved (insufficient votes are received).
- The opportunity to comment on recommendations for Standing Committee decision is welcomed, and the Chair should be requested to amend any recommendation as a result of comments received.

Based on the input from the working group, amendments to Rule 20 are proposed to maintain a 40-day comment period but also allow for all Parties to comment Parties via notifications, to allow the Chair to adapt the proposed recommendation in response to comments received, to give the opportunity for the Standing Committee to object to the recommendation, to clarify the next step if a decision cannot be taken by postal procedure because quorum or a simple majority was not achieved and to notify Parties of the outcome of the postal deliberation.

Recommendation

11. The Standing Committee adopt the Rules of Procedure for the Standing Committee with the amendments identified in the Annex of this document in fulfilment of Decision 17.2.

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



Rules of Procedure of the Standing Committee

(as amended at the 7069th meeting, Geneva, ~~October~~ November 20187)

Representation and attendance

Rule 1

1. Each Member of the Committee shall be entitled to be represented at meetings of the Committee by a Representative, an Alternative Representative and such Advisors as the Member may deem necessary. Each Member shall designate a person with whom communications regarding the work of the Committee should be conducted between meetings of the Committee.
2. If a regional Member is not represented at a meeting, its alternate Member shall be entitled to represent the region as the acting regional Member.
3. Members and acting regional Members shall submit the names of their Representative, Alternative Representative and any Advisors to the Secretariat at least seven days before the meeting through the person designated for communications regarding the work of the Committee.
4. The Representative shall exercise the voting right of a regional Member or an acting regional Member. Only Members or acting 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 2

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. Such Parties shall submit the names of these observers to the Secretariat at least seven days before the meeting through the national Management Authority.

Rule 3

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, and shall submit the names of these observers to the Secretariat at least 30 days before the meeting.

Rule 4

1. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
 - a) an intergovernmental or a national governmental agency or body; or
 - b) an international or national non-governmental agency or body, including a private sector entity

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers shall be permitted to be so represented in the meeting of the Standing Committee. Once admitted,

these observers shall have the right to participate but not to vote. However, the right of any such observers to participate may be withdrawn at any time if so agreed by the Members present.

2. Bodies and agencies referred to in paragraph 1 of this Rule desiring to be represented at the meeting by observers shall submit the names of these observers to the Secretariat of the Convention at least 30 days before the meeting, and for approval by the Secretariat provide:
 - a) evidence of the approval of the State in which it is located in the case of a national non-governmental body or agency; or
 - b) evidence that it has a legal persona and an international character, and a relevant remit and programme of activities in the case of an international non-governmental body or agency, unless it has already been registered by the Secretariat.

~~3.—The Secretariat shall forward each request received and relevant information to the Chair for approval.~~

Credentials

Rule 5

1. The Representative or, in his/her absence, the Alternative Representative of a regional Member or in the absence of the Member, the acting regional 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/acting Member at the meeting.
2. Credentials in the form of a letter from the Minister for Foreign Affairs, the competent Minister or the Management Authority authorized to communicate with the Secretariat or a *note verbale* from the permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall not be accepted if they have been signed by the person whom they accredit.
3. Any observer representing a Party not a member of the Committee, a State not Party to the Convention or an intergovernmental agency or body, shall have been granted credentials by or on behalf of a proper authority enabling him/her to represent the State, regional economic integration organization, agency or body.
4. The credentials required under this Rule shall be presented to the Secretariat where possible at least one week before the meeting, together with a translation into one of the three 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, and shall provide a list of the credentials received in accordance with this Rule, and draw attention to any potential problems.
5. 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/acting regional Members, or their Alternative Representatives, shall examine the credentials requiring further review and shall report thereon at the meeting.
6. Pending a decision on their credentials, Representatives and Alternative Representatives of Members or acting Members and observers referred to in Rules 2 and 3 may participate provisionally in the meeting. The right to participate in the meeting shall not extend to persons whose credentials the Standing Committee has decided are unacceptable.

Officers and Secretariat

Rule 6

1. Immediately following each regular meeting of the Conference of the Parties, the regional Members of the Committee shall elect Members to serve as Chair and Vice-Chair from among the regional Members.
2. The Representative of the Member elected as Chair 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.

3. The Representative of the Member elected as Vice-Chair shall assist the Chair in his/her functions, and shall act on his/her behalf at meetings in the absence of the Chair.

Rule 7

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.

Arrangement of the meeting

Rule 8

1. Subject to guidance provided by the Conference of the Parties, meetings of the Committee shall be called at the request of the Chair or of a simple majority of the Members.
2. The time and place of meetings shall be determined by the Chair in consultation with the Secretariat in accordance with any instructions provided by the Conference of the Parties.
3. Notice of meetings shall normally be given by the Secretariat at least 75 days in advance of the meeting; in case of emergency meetings, notice should be given at least 14 days in advance of the meeting.

Rule 9

1. Delegates of regional Members and acting regional Members shall be seated by the region they represent; delegates of other Members shall be seated immediately behind. Seating limitations may require that no more than four delegates of any Member be seated with the delegation of the Member with additional delegates seated with observers.
2. Behind delegations of the Members, shall be seated delegations of Parties not members of the Committee, as a general rule, in accordance with the alphabetical order of the English language names of the Parties they represent. Seating limitations may require that no more than four delegates of any Party not member of the Committee be present at plenary sessions.
3. Observers shall be seated in one or more designated areas within the meeting room. Seating limitations may require that no more than two observers from any observer body or agency, be present at plenary sessions.

Rule 10

1. English, French and Spanish are the working languages of the meetings of the Committee. No working document may be discussed at a meeting unless it has been made available in accordance with Rule 11 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 preceeding the session at which they are to be discussed.
3. Interventions made in any of the working languages shall be interpreted into the other two in plenary sessions of the Committee. Interpretation shall normally not be provided in sessions of working groups, unless resources have explicitly been allocated for this purpose by the Conference of the Parties.

Documents

Rule 11

1. Working documents to be considered at a meeting shall be provided to the Secretariat in one of the working languages and shall normally be provided at least 60 days before the meeting where they are to be discussed, and should not be longer than 12 pages.

2. At least 45 days before each meeting of the Standing Committee, the Secretariat shall to the extent possible place on its website:
 - a) all documents submitted by any Party, the Chair of the Animals or the Plants Committee, or submitted by an observer at the request of the Chair in the language in which they have been received; and
 - b) documents prepared by the Secretariat.
3. At least 14 days before each meeting of the Standing Committee, the Secretariat shall, to the extent possible, place on its website in the three working languages all documents mentioned in the present Rule.

Rule 12

1. Information documents on the protection, conservation or management of wild fauna and flora may be submitted for information purposes only by:
 - a) any Representative of any Party, or any observer representing a State not party to the Convention or an intergovernmental organization;
 - b) the Chair of the Animals or the Plants Committee;
 - c) any observer representing any other organization; and
 - d) the Secretariat.
2. No approval is required for the distribution of such documents. However, they shall clearly identify who is presenting them.
3. Information documents from the States and organizations referred to in paragraph 1 of this Rule may, on request, be made available by the Secretariat. Paper copies shall be provided in sufficient numbers for distribution. Information documents submitted by Parties and by the Secretariat relating to specific items on the agenda of the meeting shall be numbered by the Secretariat and included in its list of official documents.
4. The CITES logo may not be used on information materials and other material unless explicitly authorized by the CITES Secretariat.
5. Any Party may complain to the Secretariat if any information document or material that has been distributed is considered offensive.

Rules of order and debate

Rule 13

A quorum for a meeting shall consist of Representatives or Alternative Representatives of seven regional Members or acting regional Members from at least four regions. No session shall take place in the absence of a quorum.

Rule 14

1. The right to speak shall extend to all participants whose credentials are under consideration or have been accepted, to the Chairs of the Animals and Plants Committees and to observers who have been admitted to the meeting in accordance with Rule 2, 3 or 4, as well as to the Secretariat.
2. The Chair 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 nongovernmental organizations, in this order. However the Chair 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 Chair, 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, which can be made only by Members or non-member Parties. He/she may, however, with the permission of the Chair, give way during his/her intervention to allow any other participant to request elucidation on a particular point. Only Members shall have the right to make a point of order to call for a vote.
5. The Chair 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 Chair or by a Member, limit the time to be allowed to each speaker and the number of times the speaker may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Chair shall call him/her to order without delay.
7. During the course of a debate the Chair 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 15

1. The Committee shall as far as possible take decisions by consensus. Whenever the Committee fails to reach consensus, the Chair or Representatives or Alternative Representatives of regional Members or acting regional Members from at least two regions may propose that the adoption of the decision be put to a vote.
2. In the case of a vote, the decision of the Committee shall be taken by a simple majority of the regional Members or acting regional Members casting an affirmative or negative vote. 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 16

At the request of the Chair or of any regional Member or acting regional Member, 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 in accordance with paragraph 2 of Rule 15. Parties represented at the meeting by observers shall be entitled to be represented at closed sessions.

Working groups and sub-Committees

Rule 17

1. The Standing Committee may establish such in-session and intersessional working groups as may be necessary for the Committee to carry out its functions. ~~Intersessional~~ ~~Such~~ working groups shall normally work electronically unless the Committee or the Conference of the Parties have determined otherwise. For each working group, the Committee shall define the terms of reference, in accordance with relevant Resolutions and Decisions of the Conference of the Parties, and shall determine the composition of the working group, striving to achieve regional balance. The membership of each working group shall be limited to the Members and non-member Parties and to those observer bodies and agencies with expertise on the matter invited by the Chair to join the working group. The Chair shall aim to ensure a fair and balanced representation of Members, non-member Parties and observer bodies and agencies with the number of observers not exceeding the number of Parties (Members and non-members).
2. Intersessional working groups should normally conclude their work at the last regular meeting of the Committee preceding a meeting of the Conference of the Parties. Any Party or Observer wishing to join or withdraw from an intersessional working group should make the request in writing or by email to the Chair of the ~~intersessional working group Standing Committee through the Secretariat~~. The Chair of the intersessional working group shall inform the Chair of the Standing Committee and the Secretariat of changes to the representation on the intersessional working group, respecting the requirements in Rule 17 paragraph 1. Unless appointed by the Chair of the Standing Committee, each working group shall elect its own officers, whenever possible from among the Members and alternate Members of the Committee.
3. Subject to resource constraints, the Secretariat shall provide support and guidance to intersessional working groups.
4. Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

Rule 18

The Standing Committee may appoint subcommittees from among the Members of the Committee and non-member Parties with specific terms of reference to implement defined tasks. The terms of reference shall also define the composition, mode of operation and lifespan of the subcommittee.

Executive summary and summary record

Rule 19

1. A concise executive summary of the decisions of the Committee shall be prepared by the Secretariat 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 and acting regional Members for endorsement after the meeting. The decisions of the Committee shall come into effect upon endorsement of the Executive Summary in which they are contained.
2. A consolidated summary record of each meeting shall be prepared by the Secretariat and made available on the CITES website 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 list of Members and observers participating in the debate shall be included in the summary record as well. The Secretariat shall take into account the comments received within 20 days of the circulation and – upon approval of the Chair of the Committee – the Secretariat shall make the final summary record available on the website of the Convention.
3. The Secretariat shall make and keep a sound recording of the audio of all plenary sessions of the Committee, and shall make the recordings available to any Party upon request.

Procedure for intersessional decision-making

Rule 20

1. Where the urgency of a matter requires a decision to be made between meetings of the Committee, a Member or the Secretariat may submit a recommendation to the Chair for decision by email procedure or using any other electronic procedure which has been agreed by the Committee. With the approval of the Chair, the Secretariat shall communicate any such recommendation to the Members, who may shall comment within 40 days of the communication of the recommendation, in the case of a compliance matter the Secretariat shall also communicate any such recommendation to the Party(ies) concerned, who may also comment within the 40-day comment period; any comments received by the Secretariat within this time limit shall also be so communicated to the Members. The Secretariat shall communicate any such recommendation to Parties via a notification to the Parties and invite Parties to provide their comments on the recommendation to the Standing Committee Member(s) of their Region, for submission to the Secretariat within the 40-day comment period.
2. Upon expiry of the comment period, the Chair, with the assistance of the Secretariat, shall within 14 days:
 - a) if appropriate, revise the recommendation taking into account any comments made by the Members and, in the case of a compliance matter, by the Party(ies) concerned; and
 - b) submit the recommendation to the Members for decision.
32. Regional Members may object to the a recommendation within 25 days of the date when the results of the consultation on the recommendation was submitted were communicated to the Members. If no objection is received by the Secretariat within the deadline, the proposal shall be considered as adopted, and notice of the adoption shall be given to all Members and Parties.
43. If any regional Member objects to the a-recommendation within the applicable time limit in paragraph 3, the recommendation shall be put to a vote by email or using any electronic procedure which has been agreed to by the Committee. The recommendation shall be considered as decided if supported by a simple majority of the regional Members casting an affirmative or negative vote within 14 days of the notification of the vote provided that votes are received from at least seven regional Members from at least four regions. If

insufficient votes are received or no majority is achieved, the recommendation is not adopted and shall be referred to the next meeting of the Committee.

5. The Secretariat shall communicate the outcome of the voting procedure to Parties via a notification to the Parties within seven days of adoption of the recommendation or of the referral of the matter to the next meeting of the Committee.

Final provisions

Rule 21

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 22

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.