

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

Arrangements for the 18th meeting of the Conference of the Parties (CoP18)

REVIEW OF THE RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES:  
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 Rules of Procedure of the Conference of the Parties:

**Decision 17.1 directed to the Standing Committee**

*With the support of the Secretariat, the Standing Committee shall review the Rules of Procedure for the Conference of the Parties, including, but not limited to, rules 4, 5, 9, 25, 26, 27, 28 and 32\*; and propose amendments, as appropriate, at the 18th meeting of the Conference of the Parties with a view to ensuring the effective conduct of meetings.*

\* *This refers to the rule numbers in Annex 2 of document CoP17 Doc. 4.1 (Rev. 1).*

3. During the 69th meeting of the Standing Committee, the Committee (SC69, Geneva, November – December 2017), 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. During the discussion of the CoP Rules of Procedure, no additional Rules were identified as requiring specific review such that the working group was directed to focus its discussion on the Rules identified in Decision 17.1.
4. With regards to the Rules of Procedure of the Conference of the Parties, the working group's mandate was:
  - for the Rules of Procedure of the Conference of the Parties, review Rules 4 (Observers), 5 (Credentials), 9 (Quorum), 25 (Procedure for deciding on proposals for amendment of Appendices I and II), 26 (Right to vote), 28 (Majority) and 32 (Amendment);

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\* *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.*

- Note, the mandate agreed at 69th meeting of the Standing Committee accidentally excluded Rule 27, which was however considered by the working group in accordance with the Decision 17.1.

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 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 5.1, 9 and 26.1 (REIO voting rights)

6. In its document for the 69th meeting of the Standing Committee (SC69 Doc. 11.1), the Secretariat provided some of the history behind the discussion around the voting rights for Regional Economic Integration Organizations (REIO) who are Parties to the Convention. Regarding credentials (Rule 5.1), while some working group members proposed the areas of competence for a REIO should be clear, the preference was to include this requirement within Rule 26 and no changes are proposed to Rule 5.1 on Credentials.
7. Regarding the Quorum (Rule 9), most working group members were satisfied with the Rule as amended at the 17th Conference of the Parties and no further amendments are proposed.
- Regarding right to vote (Rule 26), Article XXI, paragraphs 4 and 5 of the Convention contain the provisions referenced in Rule 26.1.
  4. *In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.*
  5. *In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.*

Similar to the discussion at the 17th Conference of the Parties, there is no agreement on the application of these provisions and how they should be reflected in the Rules of Procedure. Some participants suggest that the REIO right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention is in reference only to those Member States that are accredited and present at the meeting. Others feel this was not the intent of the provisions. Based on the lack of consensus, the working group Chair proposed no further modifications to the language as agreed at 17th meeting of the Conference of the Parties

8. In discussing these Rules, some participants raised an issue of transparency around areas which are in the competency of the REIO and those that fall to individual Member States. Working group members who found transparency useful favoured an additional paragraph in Rule 26 to indicate the expectation that REIO parties provide an indication of their competency for each meeting of the Conference of the Parties. Thus an additional paragraph 26.3 is proposed in Annex 1 of this document. Note, the European Union did not favour inclusion of additional text. If however, such text is included they would prefer it read “In advance of each vote, each REIO shall announce whether it will exercise its right to vote in accordance with Rule 26.1 above or whether its Member States will exercise their right to vote.”

#### Regarding Rule 4 (Observers)

9. As noted in SC69 Doc. 11.1, the proposal to amend Rule 4.3 so that the evidence required for observers under in Rule 4.3a) and 3b) need not be provided if the organization has already been registered by the Secretariat was not agreed by the working group. Based on comments received, some working group members preferred to leave the Rule as written and require evidence at each meeting. Others expressed some flexibility, with one suggestion being that national Authorities could provide a timeline on the validity of the evidence provided. Based on the views heard, the working group proposed no modifications to Rule 4 on observers.

#### Regarding Rule 27 (Secret Ballot)

10. For the 17th meeting of the Conference of the Parties a proposal was made to alter the process by which a decision to take a vote by secret ballot is taken. This issue had also been discussed in previous meetings of the CoP. The views expressed in these past debates were also expressed, relatively equally, by members of the working group. Thus, the Chair indicated that the options were to either retain the status quo or propose an amendment whereby the motion to proceed by secret ballot is taken by vote (which cannot itself be by secret ballot) and requires a simple majority to pass. Proposed language for an amendment to Rule 27.2 was:
  2. All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters. The Presiding Officer shall ask whether the request is seconded. If it is seconded by 40 a simple majority of the Representatives present and voting, then the vote shall be by secret ballot. The determination of whether a vote shall be by secret ballot, shall not be made by secret ballot.

Mindful of the past discussions on this issue and noting the lack of consensus within the working group, the Chair proposed to retain the status quo and thus not propose any amendments to Rule 27.2.

#### Regarding Rule 25 (Procedure for deciding on proposals for amendment of Appendices I and II)

11. Rule 25 outlines the steps or conditions the Chair must evaluate putting forward for decision proposals to amend the Appendices. It is a key and fundamental process of the CoP and it is important that all Parties have a full understanding of these rules and what changes may be desired to this process. Some of the issues and questions raised with the current Rule included how to address situations where two different proposals address the same species, including the taxonomic scope of each proposal and the order of consideration (least vs. most restrictive). The Chair also noted the challenges associated with the current treatment of amendments to reduce the scope of a proposal during the course of debate. Finally, the treatment of the growing practise of using annotations with listing proposals and introducing supportive Decisions to help arrive at consensus on a listing decision is not well defined in the current rules.
12. Paragraph 5 of Rule 25 allows for a representative to amend a proposal to reduce its scope or make it more precise. Past experience had demonstrated challenges in the application of this Rule; the working group therefore suggests modifying Rule 25.5 and 25.6 to have amendments to a proposal agreed separately from the decision to adopt a proposal as set out in the Annex to this document.
13. When considering the order by which proposals are put to decision when they deal with the same species, some working group participants further divided this issue into consideration of taxon coverage (genus vs. species proposals; "largest number of species" impacted) or consideration of substance (two different actions proposed for the same species) and provided thoughts on these issues. Currently, the direction in the existing rules to consider the "least restrictive" proposal first is used both in consideration of "taxon coverage" and "substance". In other words, the Chair of Committee I determines the order of proposals using the same criteria, whether it be determining order between two proposals different in substance for the same species (i.e. same "taxon coverage") or between two proposals with different taxon coverage. What was clear was, whatever order is favoured, the rules need to support arriving at a single clear listing recommendation or decision for each relevant taxon under consideration. Further, it was recognized that it is unrealistic to set rules that will clearly address every possible scenario. The rules should provide good direction to the Chair to help them conduct an orderly debate on the proposals submitted but should not be overly or unnecessarily complex. While all working participants seem to be working to solutions that allow the maximum consideration of all proposals submitted to the Conference of the Parties, the approaches proposed were varied and not necessarily complementary. As such, there was insufficient time to arrive at a conclusion and propose further amendments to Rule 25. The Standing Committee is invited to reflect on any additional next steps regarding the review of Rule 25.

#### Regarding Rule 28.1 and Rule 32 (Majority to amend the Rules of Procedure)

14. As noted in SC69 Doc. 11.1, the issue of the majority needed to amend the Rules of Procedures was discussed (and put to a vote) at 16th meeting of the Conference of the Parties which resulted in a decision that any proposal to amend the Rules of Procedure would be decided by a two-thirds majority. Working group members generally (but not uniformly) favoured reflecting the outcome of CoP16 in Rule 32 of the Rules of Procedure. As such a proposed amendment to Rule 32 is presented in the Annex to this document

### Other issues

15. During the course of discussion, some working group members drew attention to other Rules that may merit consideration. However, the working group did not have time to fully consider these issues. Regarding the right to speak, one participant noted that while Rule 19 establishes the right to speak, some issues seem to take a disproportionate amount of time during the Conference of the Parties. The suggestion was to amend the Rule to establish a limit time for the presentation and debate of each proposal. However, some other members of the working group disagreed with this proposal. Other issues raised were: clarifications such as consider deleting or moving the footnote to Rule 1; clarify a number of points in Rule 2 as well as the definition of working documents as per Rule 2, 22 and 23; consider revisions to Rule 7 so give discretion to the working group chair in admitting additional Parties or observers; edit Rule 19 to reference “Chair” (not chairman), to maintain consistent reference to “bodies or agency” and to consider the right to speak of the chair of the Standing Committee; clarify Rule 24, paragraph 1 and in the footnote on information vs consultation; and edit Rule 30 to reference that information documents shall deal with matters relevant to CITES.

### Recommendation

15. The Standing Committee agree to present the Rules of Procedure for the Conference of the Parties with the amendments identified in paragraph 7 (Rule 26), 11 (Rule 25.5 and 25.6) and 14 (Rule 32) and reflected in Annex 1 of this document in fulfilment of Decision 17.1.

# Rules of Procedure of the Conference of the Parties

(as amended at the ~~1847~~<sup>184</sup>th meeting, ~~Colombo~~<sup>Johannesburg</sup>, 2019~~6~~)

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## Part I

## Definitions and Participants: delegates, observers, Secretariat

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### **Rule 1**      **Scope**

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Articles XI and XVII of the Convention.<sup>1</sup>

### **Rule 2**      **Definitions**

For the purpose of these Rules of Procedure:

- a) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora agreed at a meeting of representatives of 80 countries in Washington D.C., United States of America, on 3 March 1973;
- b) "Party" means a Party to the Convention as defined by Article I, subparagraph (h), Article XXI and Article XXII of the Convention;
- c) "Regional economic integration organization" means an organization defined in Article XXI of the Convention;<sup>2</sup>
- d) "Conference of the Parties (CoP)" means the Conference of the Parties established by Article XI of the Convention;
- e) "Delegates" means Representatives, Alternate Representatives and Advisers representing a Party to the Convention;
- f) "Duly accredited", when referring to Representatives, Alternative Representatives and Advisers representing Parties to the Convention means that their credentials have been accepted by the Conference of the Parties in accordance with Rule 5;
- g) "Representatives present and voting" means duly accredited Representatives, including Alternate Representatives, present and casting an affirmative or negative vote;
- h) "Presiding officer" means an officer elected to preside over sessions in accordance with Rule 16;
- i) "Secretariat" means the Secretariat of the Convention, which shall arrange for, service and act as secretariat for any meeting of the Conference of the Parties in accordance with Article XII, paragraph 2, of the Convention and Rule 6;
- j) "Working documents" means all documents for discussion and possible decision by the Conference of the Parties, including the draft agenda, draft resolutions, draft decisions and reports submitted by any Party to the Convention, the Standing Committee, the Animals Committee, the Plants Committee or the Secretariat, as well as proposals to amend Appendices I and II, submitted by Parties;
- k) "Information documents" means documents submitted to the Conference of the Parties in accordance with Rule 30, by Parties, observers or the Secretariat for information purposes only.

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<sup>1</sup> *These Rules of Procedure cannot be understood as an implicit acceptance of the Gaborone Amendment to Article XXI of the Convention by any Party that has not deposited its instrument of acceptance of that amendment.*

<sup>2</sup> *Nothing in these rules prejudices the views of any Party concerning the rights and obligations of regional economic integration organizations in other international fora.*

**Rule 3 Delegates**

1. A Party to the Convention shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
2. An Alternative Representative may at any time act in the place of the Representative.

**Rule 4 Observers**

1. 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 the meeting by observers who shall have the right to participate in the plenary sessions and sessions of Committees I and II but not to vote.<sup>3</sup>
2. 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 60 days before the meeting<sup>4</sup>, shall be permitted to be so represented in the plenary sessions and sessions of Committees I and II, unless one-third of the Representatives present and voting object. Once admitted, these observers shall have the right to participate but not to vote.<sup>5</sup> However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

3. A body or an agency referred to in paragraph 2 of this Rule desiring to be represented at the meeting by observers shall submit the names of these observers, pay the standard participation charge to the Secretariat at least 60 days prior to the opening of the meeting and 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<sup>6</sup>
  - b) evidence that it has a legal persona and an international character, remit and programme of activities in the case of an international non-governmental body or agency.

**Rule 5 Credentials**

1. The Representative and any Alternative Representative of a Party as well as any Adviser in the delegation 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, or, in the case of a regional economic integration organization, by the competent authority of that organization, enabling him/her to represent the Party at the meeting.
2. All credentials shall be submitted to the Secretariat of the Convention, where possible at least one week before the opening session of the meeting, together with a translation into English, French or Spanish if they are not in one of these languages.

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<sup>3</sup> See Convention, Article XI, paragraph 6.

<sup>4</sup> Where justified, the Secretariat may exceptionally accept late registrations.

<sup>5</sup> See Convention, Article XI, paragraph 7.

<sup>6</sup> See Convention, Article XI, paragraph 7 (b)



Committee I or II shall take place in the absence of a quorum. For the purposes of calculating the quorum, a regional economic integration organization shall not be counted in addition to its member States.

**Rule 10**      **Working languages**

1. English, French and Spanish shall be the working languages of the meeting.
2. Interventions made in any of the working languages shall be interpreted into the other working languages in plenary session and sessions of Committees I and II. Interpretation shall be provided in sessions of the Credentials Committee, the Bureau and working groups, only if the Conference of the Parties agrees to provide the resources for this.
3. The official working documents of the meeting shall be distributed in the three working languages. Information documents submitted in accordance with Rule 30 below are not submitted for discussion and therefore shall be distributed only in the working language in which they are provided.

**Rule 11**      **Other languages**

1. A participant may speak in a language other than a working language. He/she shall be responsible for providing interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon that interpretation.
2. Any working document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

**Rule 12**      **Summary records**

1. Summary records of plenary sessions and of sessions of Committees I and II shall be kept by the Secretariat in the working languages of the meeting. These shall be made available on the website of the Convention as soon as possible after the meeting.
2. The Credentials Committee and working groups shall decide upon the form in which their records shall be prepared.

**Rule 13**      **Seating**

1. Delegations shall, as a general rule, be seated in accordance with the alphabetical order of the English language names of the Parties they represent.
2. Seating limitations may require that no more than four delegates of any Party be present at plenary sessions and sessions of Committees I and II.
3. Observers shall be seated in one or more designated areas within the meeting room. They may enter an area designated for delegations only when invited to do so by a delegate.
4. Seating limitations may require that no more than two observers from any State not a Party, or from any observer body or agency, be present at plenary sessions and sessions of Committees I and II.

**Rule 14**      **Publicity of debates**

1. All plenary sessions of the meeting and sessions of Committees I and II shall be open to the public. However any single session may be closed to the public by a decision of a simple majority of the Representatives present and voting.
2. As a general rule, sessions of the Credentials Committee or any working group shall be open only to the delegates and those observers invited by the Presiding Officer of the session at which the Committee or working group is established.

**Rule 15**     **Media**

1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Media accreditation is strictly reserved for representatives of the media (print, photo, radio, television, film, news agencies, online media) who represent a *bona fide* media organization and who are not registered as an observer for any agency or body. Applications for accreditation shall be considered on a case-by-case basis and the decisions of the Secretariat shall be final. Plenary sessions and sessions of Committees I and II are open to the accredited representatives of the media unless such sessions are closed to the public.
2. The representatives of the media shall be seated in a designated area within the meeting room. Photographers and television crews may only enter the areas designated for delegations and for observers when invited to do so by the Chair of the Conference or the Chair of Committee I or II, and for as long as they are so authorized. Requests for such authorization shall be addressed to the Secretariat.

**Part III**

**Officers**

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**Rule 16**     **Chairs and Vice-Chairs**

1. The Chair of the Standing Committee shall act as temporary Chair of the Conference until the Conference of the Parties elects a Chair in accordance with paragraph 2.
2. The Conference of the Parties shall elect a Chair, an Alternate Chair and two Vice-Chairs of the Conference to preside over plenary sessions of the meeting. It shall also elect a Chair for each of the Committees I and II and the Credentials Committee. Candidates for these offices shall be nominated by the Standing Committee after appropriate consultations with, *inter alia*, if applicable, the host country. The Standing Committee shall satisfy itself that the candidates are, *prima facie*, capable of impartially expediting the business of the Conference. As Presiding Officers have no vote, there is no other qualification required for nomination.
3. The Chair of the Conference shall preside at all plenary sessions of the meeting.
4. If the Chair of the Conference is absent or is unable to discharge his/her duties, the Alternate Chair shall deputize for him/her as Presiding Officer. If the Chair and Alternate Chair are both unavailable, the Bureau shall nominate one of the Vice-Chairs of the Conference to serve as Presiding Officer.
5. If the Chair of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairs of the Conference to deputize for him/her as Presiding Officer.
6. The Presiding Officer shall not vote.

**Rule 17**     **Bureau**

1. The Chair, the Alternate Chair and the Vice-Chairs of the Conference, the Chairs of Committees I and II and of the Credentials Committee, the Chair and the other members of the Standing Committee and the Secretariat shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.
2. The Chair of the Conference shall preside over the Bureau.
3. If the Chair of the Conference is absent or is unable to discharge his/her duties, the Alternate Chair shall deputize for him/her. If the Chair and Alternate Chair are both unavailable, the Bureau shall nominate one of the Vice-Chairs to preside.

**Rule 18 Powers of Presiding Officer**

1. In addition to exercising the powers conferred upon him/her elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting and at sessions of Committees I and II, the Credentials Committee and working groups:
  - a) declare the session open and closed;
  - b) direct the discussion;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to a vote and announce decisions;
  - f) rule on points of order;
  - g) subject to these Rules, have complete control of the proceedings and the maintenance of order; and
  - h) where necessary, determine that Rule 13, paragraph 2 or 4 on seating arrangements, shall be applied.
2. The Presiding Officer may, in the course of discussion at a plenary session of the meeting or at sessions of Committees I and II, the Credentials Committee and working groups, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
  - e) the suspension or adjournment of the session.

**Rule 19 Right to speak**

1. The right to speak shall extend to Representatives, Alternative Representatives and Advisers whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 4, as well as to the Secretariat.
2. The Chairs of the Animals and Plants Committees shall have the right to speak in that capacity on matters relevant for the work of those Committees.
3. The Presiding Officer 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 delegates and to the Secretariat. Amongst observers, precedence shall be given to non-Party States, intergovernmental agencies and bodies and non-governmental agencies and bodies, in this order. However the Presiding Officer 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.
4. A delegate or observer shall speak only if called upon by the Presiding Officer, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

5. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Presiding Officer, give way during his/her intervention to allow any other delegate or observer to request elucidation on a particular point.
6. 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.
7. The Conference and Committees I and II may, on a proposal by the Presiding Officer 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 either from a State not a Party, or from an agency or body may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Presiding Officer shall call him/her to order without delay.
8. During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the Conference, or Committee I or II, declare the list closed. He/she may, however, accord the right of reply to any delegate or observer if an intervention delivered after he/she has declared the list closed makes this desirable.

**Rule 20**      ***Procedural motions***

1. During the discussion of any matter, a Representative may rise to a point of order. Except in cases where the speaker wishes to propose one of the motions referred to in paragraph 2, the point of order shall be immediately decided by the Presiding Officer. A Representative may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to a vote and the Presiding Officer's ruling shall stand unless a simple majority of the Representatives present and voting otherwise decides. In such instances, a Representative rising to a point of order may not speak on the substance of the matter under discussion.
2. The motions listed below shall have precedence, in the order shown, over all other proposals or motions before the Conference. In addition to the proposer of the motion, a delegate may speak in favour of the motion and a delegate of each of two Parties may speak against it, after which the motion shall be immediately put to a vote. The Presiding Officer may limit the time to be allowed to the speakers.

Regarding the session

- a) suspension of the session
- b) adjournment of the session

Regarding the debate on a particular issue

- c) adjournment of the debate on the particular subject or question under discussion
- d) closure of the debate on the particular subject or question under discussion.

**Rule 21**      ***Motions to open and reopen debates in plenary sessions***

1. Whenever the Conference, in plenary session, decides upon a recommendation originating from Committee I or II, where the discussion of the recommendation has been conducted with interpretation in the three working languages, there shall be no further discussion on the recommendation and it shall immediately be decided upon. However, any Representative, if seconded by a Representative of another Party, may present a motion for the opening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and a seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to open the debate shall be granted if one-third of the Representatives present and voting support the motion. While speaking on a motion to open the debate a Representative may not speak on the substance of the recommendation itself.
2. Once a proposal for amendment of Appendix I or II has been adopted or rejected by the Conference of the Parties, it may not be reconsidered during the meeting.

3. Without prejudice to paragraph 2 of this Rule, whenever the Conference, in plenary session, following a discussion conducted with interpretation in the three working languages, has adopted a decision that is not based on a recommendation originating from Committee I or II, it may be reconsidered during the meeting only under the following circumstances. Any Representative, if seconded by a Representative of another Party, may present a motion for the reopening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and the seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to reopen the debate shall be granted if two-thirds of the Representatives present and voting support the motion. While speaking on a motion to reopen the debate a Representative may not speak on the substance of the decision itself.

## **Part V Submission of proposals and procedures for making decisions**

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### ***Rule 22 Submission of draft resolutions, draft decisions and other working documents (except proposals to amend Appendices I and II)***

1. As a general rule, working documents, including draft resolutions, draft decisions, reports and other documents shall not be longer than 12 pages and shall have been communicated at least 150 days before the meeting to the Secretariat, which shall place them on the website of the Convention for information of all Parties in the working languages of the meeting.
2. However, the Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions, draft decisions and other documents arising after the 150-day period provided that they have been placed on the website of the Convention as above and their consideration will not unduly inhibit the proceedings of the Conference.
3. Draft resolutions, draft decisions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committee I or II provided that copies of them have been circulated to all delegations, in the working languages, no later than during the session preceding the session at which they are to be discussed.
4. The Representative of any Party that has submitted a draft resolution, draft decision or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.

### ***Rule 23 Procedure for deciding on draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)***

1. The Conference shall as far as possible decide on draft resolutions, draft decisions and other documents by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution, draft decision or other document, the Presiding Officer shall propose its adoption be put to a vote.
3. If two or more draft resolutions, draft decisions or other documents relate to the same question, the Conference shall, unless it determines otherwise, decide on them in the order in which they have been submitted. The Conference may, after deciding on a draft resolution, draft decision or other document, consider whether to decide on the next such draft resolution, draft decision or document.
4. A Representative may propose that parts of a draft resolution, draft decision or other document shall be decided upon separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion for division is carried, those parts of the draft resolution, draft decision or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution, draft

decision or other document have been rejected, it shall be considered to have been rejected as a whole.

5. Any Representative may propose an amendment to a draft resolution, draft decision or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions, draft decisions and other documents, even though such amendments have not been circulated previously.
6. When an amendment is moved to a draft resolution, draft decision or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution, draft decision or other document, the Conference shall first decide on the amendment furthest removed in substance from the original text and then on the amendment next furthest removed therefrom, and so on until all amendments have been submitted to decision. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be submitted to decision. If one or more amendments are adopted, the amended draft resolution, draft decision or other document shall then be decided upon.

**Rule 24**      ***Submission of proposals for amendment of Appendices I and II***

1. Proposals for amendment of Appendices I and II shall have been communicated at least 150 days before the meeting to the Secretariat, which shall place them on the website of the Convention for information of all Parties<sup>8</sup> in the working languages.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at any time, withdraw the proposal or amend it to reduce its scope or to make it more precise. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its scope, it may not be re-amended, during the meeting, to increase the scope of the amended proposal.

**Rule 25**      ***Procedure for deciding on proposals for amendment of Appendices I and II***

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.
5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously. If consensus cannot be reached, then the proposed amendment shall be put to a vote. If the proposed amendment is accepted, it shall supersede the original amendment proposal.

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<sup>8</sup> See Convention, Article XV, paragraph 1 (a).

6. If two or more proposals including proposals amended in accordance with Rule 24, paragraph 2 ~~or, and proposals~~ made in accordance with paragraph 5 of this Rule relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that will have the least restrictive effect on the trade and then on the proposal with the next least restrictive effect on the trade, and so on until all proposals have been submitted to decision. When however, the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall not be submitted to decision.

## Part VI

## Voting

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### **Rule 26**     **Right to vote**

1. Each Party shall have one vote, except as provided for in the Convention.
2. The duly accredited Representative of a Party shall exercise the voting rights of that Party.
3. In advance of each meeting, each regional economic integration organization that is a Party to the Convention shall indicate the matters on the agenda within its competence on which it will exercise its right to vote in accordance with paragraph 1 of this Rule, and matters on the agenda on which its Member States will exercise their right to vote. If during the course of the meeting there is a change to the exercise of voting, the regional economic integration organization should announce the change as soon as possible and in advance of any affected vote.

### **Rule 27**     **Methods of voting**

1. The Conference shall normally vote through an electronic system or by show of hands, but any Representative may request a roll-call vote. In the case of votes taken by an electronic system, other than votes taken by secret ballot, the individual votes of all Parties shall be displayed on a screen for all participants to see immediately after a vote has taken place, and included in the summary record of the session. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may himself/herself require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.
2. All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters. The Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot.
3. Voting by roll-call or secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
4. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. After all votes, except those concerning the designation of the next host country, the Presiding Officer shall announce the number of affirmative votes, negative votes and abstentions, as well as the majority needed to adopt the decision submitted to votation. He/she may be assisted by tellers appointed by the Secretariat.
5. After the Presiding Officer has announced the beginning of a vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

**Rule 28**      **Majority**

1. Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the conduct of the business of the meeting shall be decided by a simple majority of the Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.
2. Representatives abstaining from voting or Representatives who cast a vote of abstention, shall not be counted in calculating the majority required.

**Rule 29**      **Elections**

1. If in an election to fill one place no candidate obtains the absolute majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
2. If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.
3. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.
4. This Rule also applies to the designation of the next host country of the Conference of the Parties.

## **Part VII**

## **Information documents and exhibitions**

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**Rule 30**      **Submission of information documents and exhibitions**

1. Information documents on the protection, conservation or management of wild fauna and flora may be submitted for the attention of the participants to the meeting by:
  - a) any Representative of a Party or any observer representing a State not party to the Convention or an intergovernmental organization;
  - b) any observer representing any other organization; and
  - c) 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 distributed by the Secretariat. In this case, they 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 documents and other material unless authorized by the CITES Secretariat.
5. Any Representative may complain to the Bureau if an information document that has been distributed is considered offensive or uses the CITES logo without authorization, in accordance with Rule 31.

6. Apart from an exhibition from the host country, where applicable, to show how it conserves nature and implements the Convention, no exhibition is authorized in the immediate vicinity of meeting rooms. Exhibitions set up in a specific exhibition area, at the cost of the exhibitors, may be subject to the approval of the Bureau, which may withdraw such permission at any time.

## Part VIII

## Complaints

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### **Rule 31**      **Complaints**

1. A complaint may be addressed to the Bureau pursuant to Rule 30, paragraph 5, or by any participant who has been subject to abuse by another.
2. When it receives a complaint, the Bureau shall obtain information necessary to consider the validity of the complaint, bearing in mind that legitimate differences of opinion may exist.
3. In the case of a complaint received pursuant to Rule 30, paragraph 5, it shall consider whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute.
4. The Bureau shall decide on appropriate action, which may, as a last resort, include either a proposal to the Conference of the Parties to withdraw the right of admission of an organization to the meeting, or a formal complaint to a Party.

## Part IX

## Amendment of the Rules of Procedure

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### **Rule 32**      **Amendment**

These Rules are established by the Conference of the Parties and shall remain valid for each meeting of the Conference unless they are amended by two-thirds majority decision of the Conference.