

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

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

RULES OF PROCEDURE

PART I

Delegates, Observers, Secretariat

Rule 1 - Delegates

- (1) A State party to the Convention (hereafter referred to as "a Party")¹ 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) The Representative of a Party shall exercise the voting rights of that Party. In his absence, an Alternative Representative of that Party shall act in his place.
- (3) Seating limitations may require that no more than four delegates of any Party be present at plenary and Committees I and II sessions of the meeting.

Rule 2 - 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.²
- (2) Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
 - (a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
 - (b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

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 plenary sessions and sessions of Committees I and II unless one-third of the Parties present object. Once admitted, these observers shall have the right to participate but not to vote.³

¹ See Convention, Article I, sub-paragraph (h), and Article XXII. A Party is a State which has deposited with the Government of the Swiss Confederation its instrument of ratification, acceptance, approval or accession at least 90 days before the meeting.

² See Convention, Article XI, paragraph 6.

³ See Convention, Article XI, paragraph 7.

- (3) Bodies and agencies desiring to be represented at the meeting by observers shall submit the name of these observers (and, in the case of bodies and agencies referred to in paragraph (2) (b) of this Rule, evidence of the approval of the State in which they are located) to the Secretariat of the Convention at least one month prior to the opening of the meeting.
- (4) Seating limitations may require that no more than two observers from any State not a Party, body or agency be present at plenary sessions and sessions of Committees I and II.

Rule 3 - Credentials

- (1) The Representative or any Alternative Representative of a Party shall, before exercising the voting rights of the Party, have been granted powers by, or on behalf of, a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him to represent the Party at the meeting.
- (2) Such credentials shall be submitted to the Secretariat of the Convention.
- (3) A Credentials Committee of not more than five Representatives shall examine the credentials and shall report thereon to the meeting. Pending a decision on their credentials delegates may participate provisionally in the meeting but not vote.

Rule 4 - Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.⁴

PART II

Officers

Rule 5 - Chairman and Vice-Chairmen

- (1) The Chairman of the Standing Committee shall act as temporary Chairman of the meeting until the Conference of the Parties elects a Chairman in accordance with Rule 5, paragraph (2).
- (2) The Conference of the Parties shall elect a Chairman and two Vice-Chairmen to preside over plenary sessions of the meeting. It shall also elect a Chairman for each of the Committees I and II. Candidates for these offices shall be nominated by the Standing Committee in consultation with the Host Government, who shall satisfy themselves that the candidates are, *prima facie*, capable of impartially expediting the business of the Conference. As the chair has no vote there is no other limitation in the qualifications required for nomination.

Rule 6 - Presiding Officer

- (1) The Chairman shall preside at all plenary sessions of the meeting.
- (2) If the Chairman is absent or is unable to discharge his duties, one of the Vice-Chairmen shall deputize for him as Presiding Officer.
- (3) The Presiding Officer shall not vote but, if necessary, may designate an Alternative Representative from his delegation to vote in his stead where appropriate.

Rule 7 - Bureau

- (1) The Presiding Officer, the Vice-Chairmen, the Chairmen of Committees I and II and of the Budget Committee, 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

⁴ See Convention, Article XII, paragraph 2(a).

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 Presiding Officer shall preside over the Bureau.

PART III

Rules of Order and Debate

Rule 8 - Powers of Presiding Officer

- (1) In addition to exercising powers conferred upon him elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting:
 - (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 1, paragraph (3), or Rule 2, paragraph (4), shall be applied.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the meeting, propose to the Conference:
 - (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 9 - Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the English language names of their States.
- (2) Observers shall be seated in a designated area within the meeting room. They may enter the area designated for delegations only when invited to do so by a delegate.
- (3) A quorum for a plenary session of the meeting or for a session of Committee I or II shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of Committee I or II shall take place in the absence of a quorum.

Rule 10 - Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak with precedence given to the delegates.
- (2) A delegate or observer shall speak only if called upon by the Presiding Officer, who may call a speaker to order if his remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted except on a point of order. He may, however, with the permission of the Presiding Officer, give way during his speech to allow any other delegate or observer to request elucidation on a particular point in that speech.
- (4) The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee or working group.

Rule 11 - Submission of Draft Resolutions and Other Documents

- (1) As a general rule, draft resolutions and other documents shall have been communicated at least 150 days before the meeting to the Secretariat which shall circulate them to all Parties in the working languages of the meeting. Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session and session of Committees I and II provided copies of them have been circulated to all delegations no later than the day preceding the session. The Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions and other documents arising after the 150 day period provided they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference. The Presiding Officer may, in addition, permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
- (2) After a draft resolution or other document has been adopted or rejected by the Conference it shall not be reconsidered unless a two-thirds majority of the Representatives participating in the meeting so decides. Permission to speak on a motion to reconsider a draft resolution or other document shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to a vote.

Rule 12 - 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 circulate them to all Parties⁵ in the working languages of the meeting.
- (2) The Representative of the Party which has submitted a proposal for amendment of Appendices I and II may, at anytime, withdraw the proposal or amend it to reduce its scope of effect. Once a proposal has been withdrawn, it cannot be re-submitted during the meeting. Once a proposal has been amended to reduce its scope of effect, it can not be re-amended, during the meeting, to increase the scope of effect of the amended proposal.
- (3) Any Representative may propose an amendment to a proposal for amendment of Appendices I and II to reduce its effect. The Presiding Officer may permit the immediate discussion and consideration of the amended proposal even though it has not been circulated previously.
- (4) Once a proposal for amendment of Appendices I and II has been adopted or rejected by the Conference of the Parties, it can not be reconsidered during the meeting.

Rule 13 - Procedural Motions

- (1) During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules of Procedure. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall be immediately put to a vote and the Presiding Officer's ruling shall stand unless a majority of the Representatives present and voting otherwise decides. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

⁵ See Convention, Article XV, paragraph 1(a).

- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Conference:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion; and
 - (d) to close the debate on the particular subject or question under discussion.

Rule 14 - Arrangements for Debate

- (1) The Conference 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 allotted time, the Presiding Officer shall call him to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers, and with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any delegate if a speech delivered after he has declared the list closed makes this desirable.
- (3) During the discussion of any matter, a Representative may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against, the motion, after which the motion shall immediately be put to a vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A Representative may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to a vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a Representative may move the suspension or the adjournment of the session. Such motions shall not be debated but shall be immediately put to a vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.
- (6) Whenever the Conference 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 of the meeting, there shall be no further discussion on the recommendation and it shall immediately be decided upon.

However, any delegate if seconded by another delegate of another Party, may present a motion for the opening of debate on any recommendation. Permission to speak on the motion for opening the debate shall be granted only to the delegate presenting the motion and the seconder, and to a delegate 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, on a show of hands, one third of the voting delegates support the motion. While speaking on a motion to open the debate a delegate may not speak on the substance of the recommendation itself.

PART IV

Voting

Rule 15 - Methods of Voting

- (1) Each duly accredited Representative shall have one vote.
- (2) The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may himself 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.

- (3) All votes in respect of the election of officers or of prospective host countries shall be by secret ballot and, although it shall not normally be used, any Representative may request a secret ballot for other matters. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot or roll-call vote.
- (4) 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.
- (5) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. He may be assisted by tellers appointed by the Secretariat.
- (6) 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 16 - Majority

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 forwarding of the business of the meeting shall be decided by a simple majority of votes cast, while all other decisions shall be taken by a two-thirds majority of votes cast.

Rule 17 - Procedure for Voting on Draft Resolutions

- (1) A Representative may move that parts of a draft resolution shall be voted 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 for division 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 which are subsequently approved shall be put to a vote as a whole. If all operative parts of the draft resolution have been rejected, the draft resolution shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a draft resolution, the amendment shall be voted on first. When two or more amendments are moved to a draft resolution, the Conference shall first vote 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 put to a vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to a vote. If one or more amendments are adopted, the amended draft resolution shall then be voted upon.
- (3) If two or more draft resolutions relate to the same question, the Conference shall, unless it otherwise decides, vote on the draft resolutions in the order in which they have been submitted. The Conference may, after voting on a draft resolution, decide whether to vote on the next draft resolution.

Rule 18 - Procedure for Voting on Proposals for Amendment of Appendices I and II

- (1) A Representative may move that parts of a proposal for amendment of Appendices I and II shall be voted 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 for division 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 proposal which are subsequently approved shall be put to a vote as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
- (2) 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 vote 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.

If two or more proposals - including proposals amended in accordance with Rule 12 (2) and (3) - relate to the same taxon, but are different in substance, the Conference shall first vote on the proposal which will have the greatest effect and then on the proposal with the next greatest effect, and so on until all proposals have been put to a vote. When however, the adoption of one proposal necessarily covers the substance of another proposal, the latter proposal shall not be put to a vote.

Rule 19 - 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 V

Languages and Records

Rule 20 - Official and Working Languages

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages.

Rule 21 - Other Languages

- (1) A Representative may speak in a language other than a working language. He shall be responsible for providing interpretation into a working language and interpretation by the Secretariat into the other working languages may be based upon that interpretation.
- (2) Any 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 22 - Summary Records

- (1) A summary record of the meeting shall be kept by the Secretariat in the official languages of the meeting. This shall be circulated to all Parties as soon as possible after the meeting.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.

PART VI

Publicity of Debates

Rule 23 - Plenary Sessions and Sessions of Committees I and II

All plenary sessions of the meeting and sessions of Committees I and II shall be open to the public, except that in exceptional circumstances the Conference and Committees I and II may decide that any single session may be closed to the public.

Rule 24 - Sessions of Committees and Working Groups

As a general rule sessions of committees and working groups other than Committees I and II shall be limited to the delegates and those observers invited by the Chairmen of the committees or working groups.

Rule 25 - Media

- (1) Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Plenary sessions and sessions of Committees I and II are open to the representatives of the media, except if 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 Presiding Officer or the Chairman 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 VII

Committees and Working Groups

Rule 26 - Establishment of Committees and Working Groups

- (1) In addition to the Credentials Committee, the Conference of the Parties shall establish two sessional committees to forward the business of the meeting. These committees shall be called Committee I and Committee II. Committee I shall be responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and for any matter of a primarily biological nature. Committee II shall act similarly in relation to all other matters to be decided upon by the Conference.
- (2) The Conference and Committees I and II may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which shall be limited according to the number of places available in assembly rooms.
- (3) The Credentials Committee and each working group shall elect their own officers.
- (4) In accordance with its Terms of Reference, the Plants Committee of the Conference of the Parties shall serve as a plants working group, if so requested by the Conference or by Committees I and II, to deal with specific issues.

Rule 27 - Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups; however, with the exception of Committees I and II, interpretation may not be provided in the committee and working group sessions.

PART VIII

Rule 28 - Submission of Informative Documents and Exhibitions

- (1) Any participant may submit informative documents on the conservation and utilization of natural resources to the attention of the participants to the meeting. Such documents, which shall clearly identify the delegation or observer presenting them, shall be submitted to the Secretariat in sufficient numbers for distribution.
- (2) Informative documents shall be approved by the Secretariat in consultation with the Bureau, as necessary, before distribution.
- (3) Apart from an exhibition from the host country 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 exhibitors, may be subject to the approval of the Bureau which may withdraw such permission at any time.

PART IX

Rule 29 - Amendment

These Rules are established by the Conference and may be amended as required by decision of the Conference.