

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Strategic and administrative matters

REVISION OF THE RULES OF PROCEDURE

1. This document has been submitted by Chile.
2. The following changes are proposed by Chile to the draft Rules of Procedure (provisional) that will be submitted at the 12th meeting of the Conference of the Parties (CoP12) by the Standing Committee:
 - a) Rule 20 – Submission of draft resolutions and other documents
 3. Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committees 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~~ twenty-four hours before the session at which they are to be discussed.

Explanation: Twenty-four hours is the minimum time required by delegations for consultation of new documents. In some cases, consultation on new documents involves contacting persons that are not at the meeting.

- b) Rule 25 – Methods of voting

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 ten Representatives the vote shall be by secret ballot.~~ If the request for a secret ballot is seconded, an immediate vote shall be taken to determine whether a secret ballot should be held. The vote on the motion for a secret ballot does not have to be by secret or roll-call ballot. The vote shall be decided by one third of the Representatives present and with a right to vote.

Explanation: There is wide recognition of the importance of United Nations treaties and agreements, which operate under open and transparent systems, permitting public access to information, and that Governments are accountable to the public they serve. The use of a secret ballot obstructs these factors.

3. Under the Rules of Procedure adopted before the ninth meeting of the Conference of the Parties, a request for use of a secret ballot was decided by a simple majority of the Representatives present and with a right to vote. That vote could not be by secret or roll-call ballot. Except for the election of officers or prospective host countries, secret ballots were used on very few occasions.
4. At CoP9, the Rules of Procedure were changed in order to facilitate the holding of secret ballots. Under the new Rules, which are being discussed at CoP12, a secret ballot can be used when one Representative requests a secret ballot and is seconded by ten Representatives. That means that eleven

Representative can impose a vote by secret ballot. The use of a secret ballot has proliferated under these new Rules. In comparison, if the former Rules of simple majority were currently in practice, a secret ballot would require the request of one Representative and seconding by 79 Representatives. Obviously, fewer secret ballots would be held if the Conference of the Parties re-adopted the language used before CoP9. In light of all these considerations, it is proposed that an affirmative vote of one third of the Representatives present in the room be necessary for holding a secret ballot at CoP12.

COMMENTS FROM THE SECRETARIAT

- A. Chile is proposing changes only to Rule 20.3 and to Rule 25.2.
- B. Regarding the proposed change to Rule 20.3, the Secretariat believes that, although the objective is desirable, the proposal as drafted does not take into account that, for practical reasons, it is frequently impossible to make a document available in the three working languages 24 hours before it is to be discussed. In particular, if a document is given late by a working group, or if the Secretariat is instructed to revise a document on the basis of a discussion in a Committee, it might be physically impossible to complete translation, printing and distributing 24 hours before it is to be discussed again in the Committee. This is most notably a problem for the last topics to be considered, which might only be considered for the first time on the penultimate or last day of a Committee meeting.
- C. Regarding the proposed change to Rule 25.2, the Secretariat wishes only to note that the rules regarding the use of secret ballots have been changed several times in the past. The reasons put forward by Chile for making it more difficult to hold a secret ballot were also presented at the ninth meeting of the Conference of the Parties when the Conference decided to facilitate the holding of secret ballots. The Secretariat has no opinion about whether or not it should be made more difficult to conduct a vote by secret ballot; this is entirely a matter for the Parties. From the practical point of view, what is important is that votes by secret ballot consume a great deal of time when there is no possibility to vote electronically, and that consequently delegates should as far as possible refrain from asking for votes by secret ballot.