

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

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Thirteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 2-14 October 2004

Strategic and administrative matters

Review of permanent committees

IMPROVING REGIONAL COMMUNICATION AND REPRESENTATION

1. This document has been submitted by the Animals and Plants Committees.

Introduction

2. Concerns have been raised in the Animals and Plants Committees (AC and PC) about a lack of adequate regional representation and regional communication.
3. Between the 12th and 13th meeting of the Conference of the Parties, the AC and PC each held two meetings. PC members participated in both meetings of the Plants Committee, with the exception of one of the two representatives of Central and South America and the Caribbean who did not attend the 14th meeting of the Plants Committee (PC14; Windhoek, February 2004). In the case of the Animals Committee, the representatives of Africa, Asia, Europe, North America and Oceania attended the two meetings. However, Central and South America and the Caribbean was represented at the 19th meeting of the AC (AC19; Geneva, August 2003) by only one of its two representatives, and by nobody at the 20th meeting (AC20; Johannesburg, March-April 2004). During the whole period, electronic communication with the AC members and alternate members of some regions proved to be very difficult. It also became clear that communication in regions with a large number of Parties (in Africa, Asia, Europe, and Central and South America and the Caribbean) remained problematic, with only a limited number of Parties providing information to representatives or responding to (sometimes repeated) requests. Thus several of the regional reports could only be finished at the last minute (sometimes only at the meetings of the AC or PC itself) and were therefore published in only one language. Regional meetings of the AC or PC, as desirable as they might be, are in some regions almost impossible to organize owing to problems related to communication and funding.
4. The problems outlined in paragraphs 3 and 6 of this document, and the continued difficulties that some members experienced in obtaining adequate support from Parties led to a general discussion in both Committees about tasks, duties and commitments of regional representatives and their supporting governments.
5. Good regional representation and regular regional communication are essential requirements for the effective operation of the Committees to fulfill their tasks as defined in Resolution Conf. 11.1 (Rev. CoP12) on Establishment of Committees. The AC and PC acknowledge the need to improve regional representation and communication, as well as other aspects of the operation of the Committees. These issues were addressed at PC13 (Geneva, August 2003), PC14 and AC20, and resulted in this joint document for consideration by the Conference of the Parties.
6. The principal problems preventing regional representatives from adequately performing their duties appear to be:
  - a) Lack of time and insufficient means to fulfill their tasks;
  - b) Lack of response from the Parties in the region; and

- c) Lack of guidance on and understanding of the representative's mandate and duties, and how to accomplish these.
7. The AC and PC consider it urgent to solve these problems because they hamper the proper functioning of the Committees, preventing them from carrying out effectively their tasks in support of the work of the Conference of the Parties and from operating properly between meetings of the Conference of the Parties.

#### Regional representatives

8. Regional representatives should maintain regular communication with the Parties in their region to assist and represent the region adequately. Regional representatives however find it difficult to carry out this task because: they do not have or are not given sufficient time; do not have the necessary facilities; or do not receive adequate support from their Government or institution. Regional representatives therefore need the full support of their Government or their institution, and need to be provided with all the necessary facilities and means (time, finances, office, equipment, communication facilities, email and Internet connection, etc.). A formal commitment from their Government and employer to that effect is necessary.
9. A regional representative should also be prepared, able and willing to spend a certain amount of time on Committee tasks. It is therefore not sufficient to have only the curricula vitae of the candidates. This must be complemented by a formal personal commitment from candidate members.
10. A particular problem exists for the Chairmen of the Committees. The Committees are concerned that it will be impossible, or at least very difficult, to find a Chairman from a developing country or from countries with economies in transition because of lack of means and support. To enable Chairmen from developing countries or countries with economies in transition to fulfill their tasks properly, the Conference of the Parties needs to develop another mechanism, including a specific budget line to support these Chairmen.
11. Furthermore, to fulfill the functions of advising and guiding the Conference of the Parties as specified in the first RESOLVES, paragraph a), in Annex 2 of Resolution Conf. 11.1 (Rev. CoP12), the AC and PC representatives should be enabled to participate in the meetings of the Conference of the Parties.
12. To improve the present situation, the Plants and Animals Committees recommend several amendments to Resolution Conf. 11.1 (Rev. CoP12) (see Annex 1).
13. Regional representatives are to be replaced at the end of their normal term of office. However it may be necessary to replace the individuals were elected as regional representatives before their term of office ends (for instance for private or health reasons, change of employment or office, retirement, etc.). Particularly in regions with many Parties, it has proven to be difficult to replace such members. There are also no clear guidelines how such replacements should be handled. The Committees therefore recommend that the process for replacing AC or PC members and their alternates be clarified and formalized. The Committees also recommend reviewing the capacity of the members and their alternates to perform their duties at each of their regular meetings to ensure smooth and more effective regional representation. The Secretariat should assist the Chairmen of the Committees in consulting regions, if needed (see Annex 2).
14. The AC also discussed the double role of the Chairmen of the scientific committees, having also to function as a regional representative. It was recognized that this was disadvantageous for both functions. The AC advised however that this could be solved at a regional level by collaboration between the Chairman and his/her alternate (e.g. the alternate AC member of the region taking over the functions as a regional representative) and refrained from proposing a recommendation.

#### Collaboration with the Parties in the region

15. When regional representatives initiate communication with Parties in their region, they frequently do not get a response.

16. Parties should be encouraged to respond to communications of the regional representatives. When a regional representative sends a message to a Party, there should therefore be a person assigned with the task of responding. The contact persons, preferably in the Scientific Authority, should be relatively free to communicate. They should be allowed to give a provisional or less formal answer, without asking approval of their supervisors or the Management Authority. They should also provide the regional representatives with relevant information on their own initiative.
17. As part of their duties under Resolution Conf. 11.1 (Rev. CoP12), Annex 2, under the second RESOLVES, paragraph c), the members of the Animals and Plants Committees and their alternates, should identify 'contact persons' in the countries of a region. This requirement is probably overlooked or misunderstood by many Parties. Implementation of this requirement could greatly improve the possibilities of the AC and PC members to communicate in the region. The AC and PC therefore recommend that the Secretariat issue a Notification requesting all Parties to inform the Secretariat of the name and address of the contact persons for the PC and the AC before a deadline (e.g. 1 April 2005), and that the Secretariat compile a register of contact persons and publish this on its website (See Annex 2).

### Guidance

18. Resolution Conf. 11.1 (Rev. CoP12) contains the duties of the regional representatives. Their tasks could be described in more detail in a manual for representatives. This manual should also contain information for the Management Authorities and Governments of Parties to explain the role and duties of regional representatives, and relevant obligations of Parties and Governments towards regional representatives. To assist and guide the Committees and the regional representatives further, the Secretariat should produce an annual agenda, specifying what actions are required and when. This agenda could include timeframes agreed within the Committees to accomplish certain tasks, internal reporting and communication deadlines, timeframes recommended under the Review of Significant Trade, etc.
19. The AC and PC therefore recommend that:
  - a) the Plants and Animals Committees form a joint drafting group comprising two representatives from each Committee, the Secretariat and an appointed chairman to develop a manual for regional representatives in 2005;
  - b) the Secretariat produce an annual agenda for the Committees and regional representatives, and make it available on its website; and
  - c) the Secretariat verify whether the level of communication of information from the Secretariat to the regional representatives is sufficient for every representative (the Secretariat would have to ensure that information on CITES issues, including relevant documents, is sent to all representatives, either in printed form or by email, as requested by the specific representative.) (See Annex 2).

### Terms of Reference

20. At PC13 and AC19, both Committees discussed budget issues, and in particular whether holding annual meetings alternatively in Geneva and in other regions of the world would indeed reduce costs. The Committees requested the Secretariat to compile a cost comparison of recent AC and PC meetings, including costs for travel, for translators, for logistics, rent of facilities, etc., and complemented with details of the participation of observers from developing countries and/or the region where the meeting was held.
21. As a consequence of an instruction by the Standing Committee, which was of the opinion that it is not the mandate of the two scientific committees to discuss their own budgets, the Secretariat was unable to provide this information, which was originally scheduled to be discussed at PC14 and AC20. Both Committees agreed to propose amendments to Resolution Conf. 11.1 (Rev. CoP12) to allow them to discuss and manage their budgets (see Annex 1).

22. The AC and PC agreed to propose an amendment to Resolution Conf. 11.1 (Rev. CoP12), RESOLVES, paragraph e) to clarify that the Animals and Plants Committees can adopt their own Rules of Procedure (see Annex 1).

#### COMMENTS FROM THE SECRETARIAT

- A. The Secretariat shares many of the concerns expressed by the Animals and Plants Committees regarding the role and functioning of the members of the Committees. The Secretariat is also aware that some regions appear not to be well represented by their Committee representatives.
- B. As already stated at CoP12, the Secretariat remains of the opinion that these persistent problems may be linked to the current structure of the scientific committees, including the fact that individuals and not Parties are regional representatives in the Animals and Plants Committees (see document CoP12 Doc. 13.3). The Secretariat also notes document CoP13 Doc 11.1, submitted by Australia, calling for a review by the Standing Committee of the current operation, structure and financing of the scientific committees, which may result in long-term solutions. In the meantime, the Secretariat welcomes some of the recommendations from the Animals and Plants Committees to enhance the operation of the committees even though they seem modest in scope and may therefore not achieve the changes considered necessary.
- C. With regard to the proposed amendments to Resolution Conf. 11.1 (Rev. CoP12) presented in Annex 1, the Secretariat is not convinced that the activities of the Animals and Plants Committees are significantly different from each other and from those of the Standing Committee. The existence of three different sets of Rules of Procedure would serve to complicate matters for Committee members, observers and the Secretariat. The Secretariat notes that the current Animals and Plants Committee Rules of Procedure are already at variance with those of the Standing Committee for reasons which do not appear to relate to practicability and suggests that the two Committees revert to the Standing Committee Rules of Procedure as a basis for their activities as instructed by the Conference of the Parties.
- D. The Secretariat draws attention to the significant budget implications of the suggestion that it should make financial provisions for members of the scientific committees to attend meetings of the Conference of the Parties. The Secretariat proposes rewording this amendment to the effect that relevant Parties should be encouraged to include representatives of the scientific committees in their CoP delegations.
- E. The Secretariat is concerned about the suggestion that the Animals and Plant Committees should "discuss and manage their budgets". The CITES Trust Fund is administered pursuant to the Financial Regulations and Rules of the United Nations. The Secretary-General has overall responsibility for the operations of the Trust Fund, including direct responsibility and accountability to the Standing Committee and the Conference of the Parties for the management and implementation of the budget in all its aspects. The Secretary General has authority to enter into such arrangements, including contractual agreements that are consistent with the Financial Rules and general procedures governing the operations of the United Nations as may be necessary or appropriate for the efficient and effective operation of the Convention. The Secretary-General may delegate the execution of specific activities to other UN organizations or non-profit organizations, both governmental and non-governmental. In all these cases appropriate projects are formulated with defined financial, technical and other resources required for the successful implementation of the activities. As the Animals and Plants Committees have no legal status it would be impossible for the Secretary-General to enter into any contractual agreements with these Committees. Such contractual agreements are required under the Financial Rules and Regulations in order to delegate the implementation of activities and related budgets to third parties.
- F. With regard to the proposed draft Decisions in Annex 2, the Secretariat is not clear on how the performance of members would be reviewed and evaluated and is concerned that this may compromise the rights of regions to select Committee members to represent them.
- G. The Secretariat supports the second draft Decision.

- H. The idea of a manual for regional representatives has some merit but the Secretariat does not believe that too much time and resources should be devoted to preparing this when the Committees have so many other pressing duties clearly established by the Conference of the Parties.
- I. Concerning the draft Decisions directed to the Secretariat, the usefulness of compiling a separate register of contact persons for the scientific committees is questionable, because this may be confusing and would probably duplicate information contained in existing directories. The part of Resolution Conf. 11.1 (Rev. CoP12), referred to in paragraph 17 above, simply indicates that members of the Animals and Plants Committees should establish a network of contact persons in (the part of) the region they represent, not to build a global register of such contacts. Paragraph 16 suggests that contact persons should preferably be in the Scientific Authorities. The CITES website already contains a regularly updated and readily accessible list of national contacts in all countries, including full details of Scientific Authorities of Parties and of scientific institutions capable of advising that an export is not detrimental to the survival of the species concerned in the case of non-Parties. Furthermore, both the Animals and Plants Committees are instructed through action point 1.7.1 of the Strategic Vision through 2005 to develop regional directories that list botanists and zoologists in each region who are experts in CITES-listed species. The proposed register would add a third set of contact details: members of the two committees would have to choose either to liaise with the regions' Scientific Authorities, with botanists or zoologist in Directories, or with contact persons listed in the proposed register. The Secretariat does not believe that this improves clarity for Parties or guarantees more effective regional communication – perhaps to the contrary. It would also like to point out that the proposed register would probably not only largely overlap with what has already been compiled, but also require considerable efforts to be maintained up to date, with no guarantee of success.
- J. The Secretariat already publishes a CITES calendar on its website which is available to all. It does not see the benefit therefore of compiling something separate for the Animals and Plants Committees and their regional representatives.
- K. The Secretariat also does not see the added value of verifying whether the level of communication of information from it to the regional representatives is adequate. If requested by the Committee chairman, the Secretariat is already charged in Resolution Conf. 11.1 (Rev. CoP12) with providing any secretarial services that can be met within the approved budget.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Amendments to Resolution Conf. 11.1 (Rev. CoP12)

NB: Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.

***Regarding the establishment of committees***

AGREES to formalize a system for the appointment of committees of the Conference of the Parties and to establish procedures to be followed when committees are created;

RESOLVES that:

- e) the Rules of Procedure to be adopted by the Standing Committee ~~shall apply to other Committees as far as is practicable~~ should be taken into consideration by the other committees when they adopt their Rules of Procedure;
- g) to the extent possible, the Secretariat shall make provision for the payment, if requested, of reasonable and justifiable travel expenses, including attendance at the relevant Committee meetings and to the Conference of the Parties, of members, and other expenses of the chairmen of the Standing Committee, the Animals Committee and the Plants Committee, in particular for representatives from developing countries and countries with economies in transition;

***Regarding regional representation in the Animals and Plants Committees***

RECOMMENDS that the following guidelines be implemented:

A. Election of the candidates

- a) The proposals for candidates as representatives should be supported by the relevant Governments and institutions in a formal commitment in order to ensure ~~as far as possible~~ that they will obtain the necessary means to undertake their activities;
- b) The names of the proposed candidates, their formal commitment to fulfill the duties of regional representatives as specified in Annex 2 and their curricula vitae, should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference of the Parties at which the representatives will be elected;

**Annex 2**

Establishment of the Animals and Plants Committees of the Conference of the Parties

RESOLVES to re-establish the Animals and Plants Committees of the Conference of the Parties with the following terms of reference:

Insert after l) report to the Conference of the Parties...

RESOLVES that the Animals and Plants Committees are authorized to discuss and manage their budgets;

RESOLVES further that...

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Directed to the Animals and Plants Committees

- 13.xx The Animals and Plants Committees shall review at their meetings the capacity of their members and alternate members to perform their duties to ensure continuity and effective regional representation.
- 13.xx The Animals and the Plants Committees shall clarify and formalize the process for replacing members and alternate members, and report on progress at the 14th meeting of the Conference of the Parties.
- 13.xx The Plants and Animals Committees will form a joint working group comprising two representatives from each Committee, the Secretariat and an appointed chairman to develop a manual for regional representatives in 2005 that explains the roles and duties of the representatives, provides practical advice on how to accomplish the mandate, is applicable under different cultural conditions, and contains information for the Management Authorities of Parties and governments to explain the role and duties of regional representatives, and the relevant obligations by Parties and Governments towards regional representatives.

Directed to the CITES Secretariat

- 13.xx The Secretariat shall issue a Notification to the Parties, requesting Parties to provide the Secretariat by 1 April 2005 at the latest with the name and address of the contact persons for the Animals Committee and the Plants Committee referred to in Resolution Conf. 11.1 (Rev. CoP12), Annex 2, under the second RESOLVES, paragraph c). The Secretariat shall compile a register of these contact persons and publish it on its website.
- 13.xx The Secretariat will compile an annual agenda for the Animals and Plants Committees and their regional representatives, and publish this agenda on its website.
- 13.xx The Secretariat shall verify whether the level of communication of information from the Secretariat to the regional representatives is adequate. The Secretariat will ensure that all relevant information on CITES issues, including documents, is sent directly to all representatives in printed form or by email, as requested by the specific representative.