

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

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Sixteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 3-14 March 2013

Administrative matters

Rules of Procedure

**REPORT OF THE SECRETARIAT**

1. This document has been prepared by the Secretariat.
2. The current Rules of Procedure of the Conference of the Parties, as amended at the 14th meeting (The Hague, 2007), are annexed to the present document.

Submission of draft resolutions, draft decisions and other documents

References to draft decisions

3. At its fourth meeting (Gaborone, 1983), the Conference of the Parties adopted Resolution Conf. 4.6 on *Submission of draft resolutions and other documents for meetings of the Conference of the Parties* [now Resolution Conf. 4.6 (Rev. CoP15)]. Reflecting the terminology of that Resolution, Rules 20 and 21 of the Rules of Procedure refer to “draft resolutions and other documents” (this phrase also exists in the singular). Since the introduction of the “Decisions” of the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994), the number of draft decisions has grown so that it generally exceeds the number of draft resolutions.
4. The Secretariat therefore recommends that references to “draft resolutions and other documents” be amended to refer to “draft resolutions, draft decisions and other documents”. The Secretariat will also propose a complementary amendment to Resolution Conf. 4.6 (Rev. CoP15) in its document on the Review of Resolutions. At its 62nd meeting (Geneva, July 2012), the Standing Committee supported this recommendation.

Deadline for submission of working documents

5. In Resolution Conf. 4.6 (Rev. CoP15) the Conference of the Parties recommends that:

*the text of any draft resolution or other document to be submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting.*
6. This deadline reflects the deadline specified in Article XV, paragraph 1(a), of the Convention in relation to the submission of proposals to amend Appendix I or II. The need to submit such proposals so far in advance is understandable in view of the requirement for the Secretariat to consult the Parties and interested bodies, and prepare and circulate its own recommendations in accordance with the same paragraph of Article XV. However, there is no such obligation in the text of the Convention in relation to draft resolutions, draft decisions and other working documents prepared for meetings of the Conference of the Parties.
7. The deadline of 150 days for the submission of such documents is a practical one that allows for the translation of documents into the working languages of the Convention and for posting them on the CITES website in time for Parties to study the documents well before the beginning of a meeting of the

Conference of the Parties. At the time when this deadline was established, the practice was to make photocopies of all documents and then distribute them to the Parties by mail. This meant that it was necessary to allow up to three weeks for the printing and delivery of documents. Considering that the documents for meetings of the Conference of the Parties are now all posted on the CITES website, it is no longer necessary to allow so much time for making them available to Parties.

8. The Secretariat believes that there are good reasons to consider reducing the deadline for submission of working documents for meetings of the Conference of the Parties. Firstly, many of the documents for such meetings result from discussions in the Standing Committee, Animals or Plants Committee or their working groups. In some cases, there is little time between the end of these meetings and the document deadline for a meeting of the Conference of the Parties, leaving insufficient time to complete relevant work. Secondly, for a number of the documents that have to be prepared (such as the reports of MIKE and ETIS), it is preferable that they contain the latest information. Thirdly, considering the number of documents that have to be prepared by Parties, Committees, working groups and the Secretariat, it would be preferable to allow them as much time as possible for the preparation of their documents, while ensuring that Parties still have adequate time to study the documents before the meeting.
9. Consequently the Secretariat recommends that the deadline for the submission of working documents for meetings of the Conference of the Parties (i.e. all documents other than proposals to amend the Appendices) be set at 120 days before the meeting at which they are to be discussed. The Secretariat will propose a complementary amendment to Resolution Conf. 4.6 (Rev. CoP15) in its document on the Review of Resolutions.

#### Procedures for deciding on proposals for amendment of Appendices I and II

10. The Secretariat believes that there are three concerns with Rule 23.6: the first relates to the order in which proposals to amend the Appendices I and II are considered; the second relates to the order for consideration of proposals (i.e. formal requests) to amend those proposals; the third concerns the adoption of proposals to amend the Appendices that have been changed (amended) during the discussion.

#### Order for consideration of proposals

11. In cases where two or more proposals to amend Appendix I or II relate to the same taxon but are different in substance, Rule 23.6, indicates the procedure for deciding which proposal should be considered first. It states that:

*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.*

12. It is obvious that this procedure applies to all proposals to amend Appendix I or II that have been submitted 150 days before the meeting. Let us call these the “original proposals”.
13. But Rule 23.6 says that the procedure also applies to “proposals amended in accordance with Rule 22, paragraph 2, and proposals made in accordance with Rule 23, paragraph 5”.
14. What does this mean in practice? It means that, when the Chair is deciding which proposal to consider first out of the proposals relating to the same taxon, he/she has to consider three categories of proposal:
  - a) the original proposal for the amendment of Appendix I or II;
  - b) any proposal that has been amended by the proponent Party either before or during the meeting (to clarify it or reduce its scope); in this case, the amended version of the proposal will be considered instead of the original proposal; and
  - c) any proposal (i.e. formal request) made by any Party, during the discussion of an original proposal, in order to reduce its scope or clarify it.
15. The first two categories are proposals to amend the Appendices and it is logical and understandable that they should be compared when deciding which to consider first. But the third category does not cover proposals to amend the Appendices; it deals instead with requests to change proposals to amend the Appendices. The Secretariat believes that the third category is a mistake resulting from a change to the

rules agreed at the 12th meeting of the Conference of the Parties (Santiago, 2002). In order to correct that mistake, the Secretariat now proposes to amend Rule 23.6 so that the third category would be the proposals to amend Appendix I or II that have been changed (amended) as a result of a formal request made by a Party, which has then been agreed by the Conference of Parties, usually in Committee I (i.e. proposals that have been amended in accordance with either Rule 22.2 or Rule 23.5).

Order for consideration of proposals to amend proposals to amend the Appendices

16. This leaves the question of what happens when a proposal to amend Appendix I or II is being discussed at the meeting and there are several formal requests (proposals) to amend it.
17. As a purely hypothetical example, an original proposal could be submitted to transfer the population of dugong (*Dugong dugon*) of one country from Appendix I to II. When the proposal is being discussed: one Party might propose to add a footnote to say “with a zero quota for export of wild specimens”; another Party might propose to add a footnote to say “with an annual export quota of 10 specimens”. In this case, the Conference of the Parties must decide which of these two proposed amendments to consider first.
18. The principle already contained in Rule 23.6 in relation to proposals to amend Appendix I or II is that:

*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.*

19. This same principle should therefore apply in consideration of any formal request (proposal) to amend a proposal to amend Appendix I or II. In the example given in paragraph 17 above, this principle would mean that the Conference would be asked first to decide on the proposed amendment to indicate an annual export quota of 10 specimens. If that were rejected, the Conference would decide next on the proposed amendment to establish a zero quota. If that were rejected, the Conference would then decide on the original proposal.

Adoption of amended proposals

20. In cases where a proposal to amend Appendix I or II is itself amended during a meeting of the Conference of the Parties, either by the proponent Party or following agreement on a proposal from another Party, the logical next step is to decide whether to adopt the proposal as amended.
21. This principle is contained in Rule 21.6, of the Rules of Procedure of the Conference of the Parties in relation to the “Procedure for deciding on draft resolutions and other documents”, which says, “If one or more amendments are adopted, the amended draft resolution or other document shall then be decided upon.” This principle is not repeated in connection with the adoption of proposals to amend the Appendices. The Secretariat believes that this is an oversight dating back to the time when the rules regarding consideration of such proposals were separated from those regarding consideration of draft resolutions. [The same sentence still appeared in the Rules of the Procedure relating to the adoption of amendment proposals at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but did not appear in relation to amendment proposals at the eighth meeting (Kyoto, 1992).]
22. The same principle is reflected in the Rules of Procedure of the United Nations General Assembly, which state, in Rule 90, that, “If one or more amendments are adopted, the amended proposal shall be voted upon.”
23. Consequently, the Secretariat recommends that Rule 23.6 be amended to standardize the approach to the adoption of proposals as indicated above.

Voting

24. At the 61st and 62nd meetings of the Standing Committee (Geneva, August 2011 and July 2012), it was noted that, when an electronic voting system is used at meetings of the Conference of the Parties, if the vote is not a secret ballot, the Parties should always have the possibility to see how their votes have been recorded, in order to verify that there has been no mistake in the process. The Standing Committee therefore recommends that Rule 25.1 be amended to ensure that this verification is possible.

## Recommendations

25. On the basis of the explanations provided above, the Secretariat recommends that the Conference of the Parties adopt the following amendments to the Rules of Procedure. As indicated above, the Standing Committee has discussed and recommended the inclusion of the references to "draft decisions" in Rules 20 and 21 and the proposed amendment to Rule 25.1.

<b>Rule 20</b>	
Current text showing proposed amendment	Revised text with amendment included
<p><b><i>Submission of draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)</i></b></p> <ol style="list-style-type: none"> <li>As a general rule, draft resolutions, <u>draft decisions</u> and other documents shall have been communicated at least <u>150</u> 120 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting.</li> <li>However, the Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions, <u>draft decisions</u> and other documents arising after the <u>450</u>120-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.</li> <li>Draft resolutions, <u>draft decisions</u> 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.</li> <li>The Representative of any Party that has submitted a draft resolution, <u>draft decision</u> or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.</li> </ol>	<p><b><i>Submission of draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)</i></b></p> <ol style="list-style-type: none"> <li>As a general rule, draft resolutions, draft decisions and other documents shall have been communicated at least 120 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting.</li> <li>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 120-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.</li> <li>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.</li> <li>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.</li> </ol>

<b>Rule 21</b>	
Current text showing proposed amendment	Revised text with amendment included
<p><b><i>Procedure for deciding on draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)</i></b></p> <ol style="list-style-type: none"> <li>The Conference shall as far as possible decide on draft resolutions, <u>draft decisions</u> and other documents by consensus.</li> <li>Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution, <u>draft decision</u> or other document, the Presiding Officer shall propose that <u>its adoption the decision on the draft resolution or other document</u> be put to a vote.</li> </ol>	<p><b><i>Procedure for deciding on draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)</i></b></p> <ol style="list-style-type: none"> <li>The Conference shall as far as possible decide on draft resolutions, draft decisions and other documents by consensus.</li> <li>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 that its adoption be put to a vote.</li> <li>If two or more draft resolutions, draft decisions</li> </ol>

<p>3. If two or more draft resolutions, <u>draft decisions</u> 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, <u>draft decision</u> or other document, consider whether to decide on the next such draft resolution, <u>draft decision</u> or document.</p> <p>4. A Representative may propose that parts of a draft resolution, <u>draft decision</u> 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, <u>draft decision</u> or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution, <u>draft decision</u> or other document have been rejected, <del>it the draft resolution or other document</del> shall be considered to have been rejected as a whole.</p> <p>5. Any Representative may propose an amendment to a draft resolution, <u>draft decision</u> or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions, <u>draft decisions</u> and other documents, even though such amendments have not been circulated previously.</p> <p>6. When an amendment is moved to a draft resolution, <u>draft decision</u> or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution, <u>draft decision</u> 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, <u>draft decision</u> or other document shall then be decided upon.</p>	<p>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, <u>draft decision</u> or other document, consider whether to decide on the next such draft resolution, <u>draft decision</u> or document.</p> <p>4. A Representative may propose that parts of a draft resolution, <u>draft decision</u> 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, <u>draft decision</u> or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution, <u>draft decision</u> or other document have been rejected, it shall be considered to have been rejected as a whole.</p> <p>5. Any Representative may propose an amendment to a draft resolution, <u>draft decision</u> or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions, <u>draft decisions</u> and other documents, even though such amendments have not been circulated previously.</p> <p>6. When an amendment is moved to a draft resolution, <u>draft decision</u> or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution, <u>draft decision</u> 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, <u>draft decision</u> or other document shall then be decided upon.</p>
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Rule 23	
Current text showing proposed amendment	Revised text with amendment included
4. a) 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.	4. a) 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.
b) <u>If two or more proposals for amendment of Appendices I and II relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that would have the least restrictive effect on trade and then on the proposal that would have 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.</u>	b) <u>If two or more proposals for amendment of Appendices I and II relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that would have the least restrictive effect on trade and then on the proposal that would have 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.</u>
5. a) 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. <u>When such an amendment is moved, the amendment to the proposal shall be decided on first.</u>	5. a) 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 of such a proposed amendment even though it has not been circulated previously. When such an amendment is moved, the amendment to the proposal shall be decided on first.
b) <u>If two or more proposals are made, in accordance with Rule 23, paragraph 5.a), to amend a proposal to amend Appendix I or II, the Conference shall first decide on the proposed amendment that would have the least restrictive effect on the trade and then on the proposed amendment that would have the next least restrictive effect on the trade, and so on until all proposed amendments have been submitted to decision. When however, the adoption of one proposed amendment necessarily implies the rejection of another, the latter shall not be submitted to decision.</u>	b) <u>If two or more proposals are made, in accordance with Rule 23, paragraph 5.a), to amend a proposal to amend Appendix I or II, the Conference shall first decide on the proposed amendment that would have the least restrictive effect on the trade and then on the proposed amendment that would have the next least restrictive effect on the trade, and so on until all proposed amendments have been submitted to decision. When however, the adoption of one proposed amendment necessarily implies the rejection of another, the latter shall not be submitted to decision.</u>
6. <u>If two or more proposals including proposals amended in accordance with Rule 22, paragraph 2, and proposals made in accordance with Rule 23, paragraph 5, 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</u>	6. If one or more amendments to a proposal to amend Appendix I or II are agreed, the amended proposal shall then be decided upon.

<u><b>submitted to decision.</b></u> <u>If one or more amendments to a proposal to amend Appendix I or II are agreed, the amended proposal shall then be decided upon.</u>	
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<b>Rule 25</b>	
Current text showing proposed amendment	Revised text with amendment included
<p>1. The Conference shall normally vote through an electronic system or by show of hands, but any Representative may request a roll-call vote. <u>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.</u> 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.</p>	<p>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. 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.</p>

# Rules of Procedure of the Conference of the Parties

(as amended at the 14th meeting, The Hague, 2007)

## Part I

## Participants: delegates, observers, Secretariat

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### Rule 1 Delegates

1. A State party to the Convention (hereafter referred to as "a Party")<sup>1</sup> 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 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. 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 Representatives present and voting object. Once admitted, these observers shall have the right to participate but not to vote.<sup>2</sup> However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

### Rule 3 Credentials

1. The Representative or any Alternative Representative of a Party 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, enabling him/her to represent the Party at the meeting. Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.

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

<sup>2</sup> See Convention, Article XI, paragraph 6.

<sup>3</sup> See Convention, Article XI, paragraph 7.

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.
3. The Credentials Committee referred to in Rule 5, paragraph 2 a), shall examine the credentials and shall report thereon to the meeting. It shall recommend acceptance of credentials only if the signed original has been presented.
4. Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. The right to participate in the meeting shall not extend to persons whose credentials the Conference of the Parties has decided are unacceptable.
5. Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers [and, in the case of bodies and agencies referred to in Rule 2, paragraph 2 b), evidence of the approval of the State in which they are located] to the Secretariat of the Convention at least six weeks prior to the opening of the meeting.

**Rule 4      *Secretariat***

The Secretariat of the Convention shall service and act as secretariat for the meeting.<sup>4</sup>

## **Part II**

## **Arrangement of the meeting**

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**Rule 5      *Plenary sessions, committees and working groups***

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
  - a) the Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting;
  - b) Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature; and
  - c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.
3. 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 may be limited according to the number of places available in assembly rooms.
4. Each working group shall elect its own officers.

**Rule 6      *Rules of Procedure of committees and working groups***

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups.

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<sup>4</sup> See Convention, Article XII, paragraph 2 (a).

**Rule 7**     ***Quorum***

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 8**     ***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 and working groups only if resources allow.
3. The official documents of the meeting shall be distributed in the three working languages, except for informative documents submitted in accordance with Rule 28 which are not submitted for discussion and therefore shall be distributed in the language in which they are provided.

**Rule 9**     ***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 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 10**    ***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 circulated to all Parties 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 11**    ***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 body or agency, be present at plenary sessions and sessions of Committees I and II.

**Rule 12**    ***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, participation in sessions of the Credentials Committee or any working group shall be limited to the delegates and those observers invited by the Presiding Officer of the session at which the Committee or working group is established. However, the Presiding Officer may leave it to the discretion of the Chairman of a committee or working group to decide on the invitation of observers.

**Rule 13**    **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 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 Chairman of the Conference 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 III**

## **Officers**

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**Rule 14**    **Chairmen and Vice-Chairmen**

1. The Chairman of the Standing Committee shall act as temporary Chairman of the Conference until the Conference of the Parties elects a Chairman in accordance with Rule 14, paragraph 2.
2. The Conference of the Parties shall elect a Chairman, an Alternate Chairman and two Vice-Chairmen of the Conference to preside over plenary sessions of the meeting. It shall also elect a Chairman 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 themselves 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 Chairman of the Conference shall preside at all plenary sessions of the meeting.
4. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Alternate Chairman shall deputize for him/her as Presiding Officer. If the Chairman and Alternate Chairman are both unavailable, the Bureau shall nominate one of the Vice-Chairmen of the Conference to serve as Presiding Officer.
5. If the Chairman of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
6. The Presiding Officer shall not vote.

**Rule 15**    **Bureau**

1. The Chairman, the Alternate Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of the Credentials Committee, the Chairman 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 Chairman of the Conference shall preside over the Bureau.
3. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Alternate Chairman shall deputize for him/her. If the Chairman and Alternate Chairman are both unavailable, the Bureau shall nominate one of the Vice-Chairmen to preside.

## Part IV

## Rules of order and debate

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### **Rule 16      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 11, paragraph 2 or 4, 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 17      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 2, as well as to the Secretariat.

2. 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 organizations and non-governmental organizations, 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.
3. 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.
4. 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.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The 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.
7. 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 18      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 19      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 20      *Submission of draft resolutions and other documents (except proposals to amend Appendices I and II)***

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.
2. However, 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 that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.
3. Draft resolutions 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 or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.

### **Rule 21      *Procedure for deciding on draft resolutions and other documents (except proposals to amend Appendices I and II)***

1. The Conference shall as far as possible decide on draft resolutions and other documents by consensus.

2. Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution or other document, the Presiding Officer shall propose that the decision on the draft resolution or other document be put to a vote.
3. If two or more draft resolutions 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 or other document, consider whether to decide on the next such draft resolution or document.
4. A Representative may propose that parts of a draft resolution 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 or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution or other document have been rejected, the draft resolution or other document shall be considered to have been rejected as a whole.
5. Any Representative may propose an amendment to a draft resolution or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
6. When an amendment is moved to a draft resolution or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution 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 or other document shall then be decided upon.

**Rule 22      *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 Parties<sup>5</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 23      *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

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<sup>5</sup> See Convention, Article XV, paragraph 1 (a).

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.
6. If two or more proposals including proposals amended in accordance with Rule 22, paragraph 2, and proposals made in accordance with Rule 23, paragraph 5 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 24      Right to vote**

1. Each Party shall have one vote.
2. The duly accredited Representative of a Party shall exercise the voting rights of that Party.

### **Rule 25      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. 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 26 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. For the purpose of these Rules of Procedure, "Representatives present and voting" means duly accredited Representatives present and casting an affirmative or negative vote. Representatives abstaining from voting or Representatives who cast a vote of abstention, shall not be counted in calculating the majority required.

## **Rule 27      *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

### **Informative documents and exhibitions**

**Rule 28** *Submission of informative documents and exhibitions*

1. Informative documents on the conservation and utilization of natural resources 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. 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. 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. Any Representative may complain to the Bureau if an informative document that has been distributed is considered offensive.
5. 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 29      Complaints**

1. A complaint may be addressed to the Bureau pursuant to Rule 28, paragraph 4, 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 28, paragraph 4, 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 30      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 decision of the Conference.