

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

Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

VIEW OF THE UNITED STATES OF AMERICA REGARDING ADOPTION OF THE RULES OF PROCEDURE

1. This document has been submitted by the United States of America¹ in relation to CoP17 Doc. 4.1 on *Adoption of the rules of procedure – Report of the Secretariat*.
2. The United States would like to share its views on the Report of the Secretariat on Adoption of the Rules of Procedure for CoP17 (CoP17 Doc. 4.1), particularly with regard to the participation of Regional Economic Integration Organizations (REIOs).
3. Rules of Procedure (RoP) should provide clear guidance to all participants in a meeting and should explain how each Chair is to conduct business. In providing draft RoP (CoP17 Doc. 4.1 Annex 2) and “proposed practical arrangements for the participation of a regional economic integration organization” (CoP17 Doc. 4.1 Annex 3), the Secretariat suggests that the draft RoP do not provide sufficient clarity and guidance to run the meeting in which a REIO will participate as a Party.
4. The United States believes the best way forward is to further revise the RoP relating to REIO participation so that additional guidance is not needed.
5. CITES Articles XXI(4) and XXI(5) contain two guiding principles for REIO participation in CITES. First, the participation rights of REIOs should not be “additional” to the aggregate rights of their Member States. That is, a REIO should be able to exercise the participation rights equivalent to the aggregate rights of its Member States, but should not exercise rights that are additional to those aggregate rights or provide Member States with additional rights that would not exist in the absence of the REIO. Second, REIOs may only participate on matters within their competence. These principles could be addressed directly in the RoP with additional revisions to the draft RoP in Document CoP17 Doc. 4.1 Annex 2 in three areas: Right to Vote (Rule 26, paragraph 3), Quorum (Rule 9), and Competence (Rule 26, paragraph 4), as follows:
6. **Right to Vote (Rule 26, paragraph 3):** Each State Party to CITES must be accredited and present in the meeting room to cast a vote. To avoid granting REIO Member States additional rights, a REIO should vote only on behalf of those Member States that are accredited and present in the meeting room at the time of the vote. Therefore, we recommend that the text in bold and underline be added such that draft Rule 26, paragraph 3 reads as follows:

26 (3). In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if any of their Member States exercises theirs, and vice versa. **When regional economic integration organizations exercise their right to vote, they shall do so only with a number of votes equal to the number of their Member States that are present at the time of the vote, and eligible to vote.**

¹ * *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

7. **Quorum (Rule 9)**: As stated in Document CoP17 Doc. 4.1 Annex 3, for purposes of a quorum, a REIO should not be counted, as its Member States will be counted. To ensure that the RoP provide clear guidance on this issue, we recommend that the text in bold and underline be added such that Rule 9 reads as follows:

A quorum for a plenary session of the meeting or for a session of Committee I or II shall consist of one-half 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. **For purposes of calculating a quorum, the Member States of regional economic integration organizations having delegations at the meeting shall count but the regional economic integration organizations shall not.**

8. **Competence (Rule 26, paragraph 4)**: To ensure that the CITES Parties understand and are aware of the areas of competence for a REIO, the RoP should require a REIO to specifically identify its fields of competence prior to each meeting, rather than in advance of each vote. Competence refers to the authority conferred upon the REIO by its Member States to act in certain areas. Therefore, we recommend the following revisions to draft Rule 26, paragraph 4, shown in strikethrough and bold underline as follows:

26 (4). In advance of each ~~vote~~ **meeting**, each regional economic integration organization that is a Party to the Convention shall ~~announce whether~~ **indicate the matters on the agenda within its competence on which** it will exercise its right to vote in accordance with paragraph 3 of this Rule ~~or~~ **and matters on the agenda on which** ~~whether~~ its Member States will exercise their right to vote. **If during the course of the meeting there are changes to the announcement of competence, the regional economic integration organization should so announce as soon as possible and at least in advance any affected vote. The rights of the REIO extend to the limits of its competence.**