

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

Administrative matters

Rules of Procedure for the Conference of the Parties

COMMENTS SUBMITTED DURING THE CONSULTATION PROCESS

1. This document has been prepared and submitted by the Secretariat, in relation to agenda item 4 on *Rules of Procedure*.
2. Reference is made to Document CoP17 Doc. 4.1. Rev.1 on Rules of Procedure for the Conference of the Parties. The present document contains the comments submitted by the Parties to the Secretariat during the consultation of the Parties on the draft Rules of Procedure for the Conference. The intention of the Secretariat with this document is to reproduce the comments entirely and as they were received. Any substantive difference between what was submitted and what is contained in the present document is entirely unintended.

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\* *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.*

**Compilation of comments received by Parties on the Notification 2016/27 with respect to Annex 2:  
Draft Rules of Procedure for the Conference of the Parties\***

**Comments were received from the following Parties:**

Burkina Faso  
Canada  
China  
European Union and its Member States  
Israel  
Japan  
Mexico  
South Africa  
Switzerland  
United States of America

**General comments:**

**Canada** has reviewed the draft *Rules of Procedure of CITES bodies* (ROP) prepared by the Secretariat and generally support the measures proposed to bring procedural consistency to the numerous meetings held under CITES authority.

**EU and its MS:** This document presents the initial observations of the EU and its Member States on the key points relating to the Notification No. 2016/027 by the Secretariat on the Rules of Procedure of CITES bodies. The aim of these observations is to assist the Secretariat in finalising its proposal for discussion at CITES CoP17. The EU and its Member States anticipate that, once a proposal is submitted by the Secretariat in view of the CoP, further discussions will take place on the Rules of Procedure for the CoP and are looking forward to engaging constructively in these discussions so that an agreement can be found at the beginning of the meeting.

The EU and its Member States thank the CITES Secretariat for its work and support the inclusion of new wording on REIO in the RoP, as the current RoP are not suited to address the participation of REIO to CoP meetings. We believe in the first place that the text of the RoP should be consistent with the text of the CITES Convention. In that regard, the RoP should not contain provisions which subject the exercise of rights of the REIOs recognised by the Convention to conditions not foreseen in the Convention. We also support the inclusion of provisions in the RoP which are similar to what has been agreed and works in practice in many other international Conventions (CBD, CMS, UNFCCC, Montreal Protocol, Stockholm, Basel and Rotterdam Conventions). Against this background, we think that what is referred to by the CITES Secretariat as the "generic approach" is the best and simplest approach. We note that the CITES Secretariat indicates that, as an alternative to the "generic approach", a "specific approach" could be considered by CITES Parties when developing new RoP. According to the CITES Secretariat, the rationale for such "specific approach" would be that CITES is a "voting Convention". We would like first to stress that voting is foreseen in many other international Conventions and has taken place in some of them, which have RoP which correspond to the "generic approach" described by the CITES Secretariat. We would also like to emphasize that the link between the "voting nature" of the CITES Convention and the wording proposed by the CITES Secretariat for some provisions of the RoP under the "specific approach" is not clearly established. In addition, we note that the wording proposed is completely new compared to other international Conventions and sometimes complicated to understand. We fear that this might lead to long discussions at the CoP and thus do not constitute necessarily the best way forward for a quick resolve of the matter. The EU and its Member States are certainly ready to provide as much information as possible to the other Parties on the functioning of the EU as a REIO in CITES and what it will mean in terms of repartition of speaking and voting rights between the EU and its Member States. We do not think however that there is a need to include detailed specific provisions on this in the RoP. We would also like to point out that the EU as a REIO will not vote (unlike set out in the introduction of the notification) "on behalf of its Member States" but in its own right as a Party to the Convention for matters falling within its competence (see wording of the Gaborone amendment).

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**South Africa:** Overall the proposed amendments seem to be reasonable. Some minor editorial issues should be addressed but due to the format (pdf) it was difficult to make comments on the document relating to these. The provisions relating to the inclusion of the Regional Economic Integration Organisation seems clear, and coordination will be required between the Member States and the REIO to ensure credentials are submitted as required to ensure there is clarity relating to the voting procedure. The following comments relate to the establishment of working groups. The main concern is the fact that the Parties to the Convention are responsible for the implementation of the Convention and the Convention is legally binding only on States. The contribution by observers (ngo, public entities, etc) is valuable, but there is a need to ensure a balance in terms of the working group composition.

**Switzerland: General Remarks**

- Switzerland concurs with the view that the ROP of the CITES governing bodies should be as congruent as possible. There may be special circumstances for the technical committees which may therefore deviate in some points from the ROP of the COP or the SC. The rules must allow for a transparent and efficient functioning of each body in the first place and only in the second place be streamlined.

- Concerning the ROP in relation to the new situation with the accession of the EU as a REIO, we see the main challenge is on how the voting rights are handled. It is our view that this matter should be handled similar to other bodies, meaning that whenever the EU Commission exercises the voting right it should have the number of votes of contracting parties of EU members accredited and present at the meeting. See e.g. article 10 of the FAO Constitution: "10. Except as otherwise provided in this Constitution or in rules set down by the Conference, and Article III paragraph 4 notwithstanding, a Member Organization may exercise on matters within its competence, in any meeting of the Organization in which it is entitled to participate, a number of votes equal to the number of its Member States which are entitled to vote in such meeting. Whenever a Member Organization exercises its right to vote, its Member States shall not exercise theirs, and conversely."

**USA:** As reflected in CITES Article XXI(4) and XXI(5), there are two guiding principles that govern the participation rights of REIOs in CITES. First, the REIO may participate on matters within its competence, and, conversely, should not participate on matters outside of its competence. Second, the participation rights of the REIO should not be "additional" to the aggregate rights of its 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 which are additional to those aggregate rights or provide Member States with additional rights that would not exist in the absence of the REIO. In light of this, our comments coalesce around a few key issues that need to be addressed in the draft rules of procedure.

Voting Rights - Rule 2(7) and Rule (26): Article XXI(5) seems clear that a REIO is entitled to exercise the voting rights held by its Member States that exist at the time of the vote. For example, as each State Party must be present in the meeting room in order to cast a vote, if a REIO Member State is not present in the meeting room at the time of the vote, that voting right does not exist; therefore, the REIO should not be entitled to exercise the right on behalf of that Member State. Otherwise, the Member States of a REIO would be granted "additional" rights by virtue of REIO membership that are not available to other CITES Parties. We have suggested edits to the draft Rules that would clarify that REIOs should be able to vote, in the fields of their competence, with the number of votes equal to the number of their Member States that are Parties to the Convention present and eligible to vote.

Delegates and Proxy Voting - Rule 3: We believe it was the intention of the CITES Parties that each delegate should represent only one Party to the Convention and that proxy voting should not be allowed. Text from another International Organization on this matter (Article III(3) of the Constitution of the UN Food and Agriculture Organization) reads "no delegate may represent more than one Member Nation or Associate Member"; we have suggested similar clarifying language here.

Competence and Credentials – Rule 5: Given that Article XXI(4) lays out limits on participation based on competence, we believe the rules should be clear that a REIO must specifically identify its fields of competence prior to each meeting. Such clarity is necessary to ensure that the meeting can operate smoothly.

Quorum - Rule 9: Recognizing Article XXI(6), which indicates that reference to "Party" includes a REIO, it seems helpful to clarify how REIOs are counted for quorum purposes; there should be no additionality and the REIO should not be accounted for independent and additional to its Member States.

Rule	Notification 2016/27	Comments by Parties
Rule 1	<p><b><u>Scope</u></b></p> <p><u>These rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Article XI of the Convention.<sup>1</sup></u></p> <p><sup>1</sup> <u>These rules of procedure cannot be understood as an implicit acceptance of Gaborone Amendment by those Parties which have not deposited their instrument of acceptance of that amendment.</u></p>	<p><b>Mexico:</b> Agreed</p> <p><b>USA:</b> We agree with this footnote since the U.S. is one of those Parties that has not deposited its instrument of acceptance of the Gaborone Amendment.</p>
Rule 2	<p><b><u>Definitions</u></b></p> <p>1. <u>"Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora agreed at a meeting of representatives of 80 countries in Washington DC., United States of America, on 3 March 1973.</u></p> <p>2. <u>"Parties" means Parties to the Convention as defined by Article I, sub paragraph (h), Article XXI and Article XXII of the Convention.</u></p> <p>3. <u>"Regional economic integration organization" means an organization defined in Article XXI, paragraph 2 of the Convention.<sup>2</sup></u></p> <p><sup>2</sup> <u>Nothing in these rules prejudices the legal views of any Party concerning the rights and obligations of regional economic integration organizations in other international fora.</u></p> <p>4. <u>"Conference of the Parties (CoP)" means the Conference of the Parties established by Article XI of the Convention;</u></p> <p>5. <u>"Delegates" means Representatives, Alternate Representatives and Advisers representing a Party to the Convention;</u></p>	<p><b>Mexico:</b> Agreed, it provides clarity to the RoP.</p> <p><b>EU and its MS:</b> We are supportive of this new rule, but object to the inclusion of the bracketed footnote 3, which indicates that REIO would only be able to vote on issues of their competence with the number of votes of the MS which have deposited their credentials to the CoP meeting. We note that this condition is stricter than the text of Article XXI(5) the Convention, which does not subject the right of REIO to exercise its vote to any specific additional requirement (such as deposition of credentials by individual MS). In addition this is, see above, not consistent with the fact that the REIO exercises its own right as a Party for matters within its competence and does not vote on behalf of the Member States. REIO should deposit credentials for themselves, like for any other Party. It seems illogical for REIO to depend on the deposit of credentials by their individual MS on issues within the competence of the REIO. We note that this solution has not been agreed in any other Convention to date. We therefore request that the bracketed footnote 3 be deleted.</p> <p><b>Japan:</b> On 2. <del>"Parties"</del> "Party" means Parties a Party to the Convention as defined by Article I, sub paragraph (h), Article XXI and Article XXII of the Convention.</p> <p><b>USA:</b> On para. 2: Suggest changing this to the singular</p> <p><b>USA:</b> on paragraph 3: Delete <del>paragraph 2</del> XXI ¶3 is also important in terms of REIO participation in the Convention and should not be excluded. On the footnote: Delete the word <del>legal</del>.</p> <p><b>China: Principle:</b> According to the basic principle come from <b>the Gaborone</b></p>

	<p>6. <u>“Duly accredited” means that the credentials for the Representatives, Alternative Representatives and Advisers representing Parties to the Convention have been accepted by the Credentials Committee in accordance with Rule 5 below;</u></p> <p>7. <u>“Representatives present and voting” means duly accredited Representatives present and casting an affirmative or negative vote;<sup>3</sup></u></p> <p><sup>3</sup> <u>[In the case of regional economic integration organizations, “representatives present and voting” means duly accredited Representatives of such organizations present and casting a number of affirmative or negative votes, equal to the number of Member States that are Parties to the Convention, provided that such Member States are duly accredited to the meeting of the Conference of the Parties.]</u></p> <p>8. <u>“Presiding officer” means the officers elected to preside the sessions in accordance with Rule 14 of these rules;</u></p> <p>9. <u>“Secretariat” means the Secretariat of the Convention that shall convene, service and act as secretariat for any meeting of the Conference of the Parties, in accordance with Article XII, paragraph 2 of the Convention;</u></p> <p>10. <u>“Working documents” comprise all documents, including the draft agenda, draft resolutions, draft decisions and reports submitted by the Secretariat or by any Party to the Convention as well as proposals to amend Appendices I and II, submitted by Parties, for discussion and possible decision by the Conference of the Parties.;</u></p> <p>11. <u>“Information documents” are documents submitted by Parties, observers and the Secretariat for information purposes only.</u></p>	<p><b>Amendment for Art. XXI, paragraph 4:</b> <u>“In matters within their competence, regional economic integration organizations shall exercise the rights and fulfill the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.”</u> We considered that it is the very important principle all of the parties should insist, so it seems appropriate to insert it after the definition of REIO, paragraph 3 of Rule 2. Of course, footnote (1) is still necessary, which suggested to the effect that accepting the rules of procedure cannot be understand as an implicit acceptance of that amendment.</p> <p><b>USA:</b> In footnote 3, after “organizations”, add <u>that have acceded to the Convention</u>. After “provided that”, read <u>the Representatives of such Member States are duly accredited to the meeting of the Conference of the Parties and present in the meeting room at the time of the vote.</u></p> <p><b>Japan:</b> 8. “Presiding officer” means the officers elected to preside the sessions in accordance with Rule <b>44 16</b> of these rules</p> <p><b>Japan:</b> 9. “Secretariat” means the Secretariat of the Convention that shall convene, service and act as secretariat for any meeting of the Conference of the Parties, in accordance with Article XII, paragraph 2 of the Convention</p> <p><b>USA:</b> <u>“Working documents” comprise all documents for discussion and possible decision by the Conference of the Parties, including the draft agenda, draft resolutions, draft decisions and reports submitted by the Secretariat or by any Party to the Convention as well as proposals to amend Appendices I and II, submitted by any Party;</u></p> <p><b>Secretariat:</b> <u>“Working documents” comprise all documents, including the draft agenda, draft resolutions, draft decisions and reports submitted by the Secretariat, the Standing Committee, the Animals Committee, the Plants Committee or by any Party to the Convention as well as proposals to amend Appendices I and II, submitted by Parties, for discussion and possible decision by the Conference of the Parties</u></p>
<p><b>Rule 3</b></p> <p><b>Delegates</b></p>	<p>1. A State <del>p</del>Party to the Convention (<del>hereafter referred to as “a Party”</del>)<sup>4</sup> shall be entitled to be represented at the meeting by a delegation consisting of a</p>	<p><b>EU and its MS:</b> We are supportive of the changes made to this rule.</p> <p><b>USA:</b> Add new paragraph: <u>3. No delegate may represent more than one Party.</u> Explanation: This rule is designed to prevent the proxy voting that may have occurred at CITES meetings, such as with one person representing both Liechtenstein and</p>

	<p>Representative and such Alternative Representatives and Advisers as the Party may deem necessary.</p> <p>2. An Alternative Representative may at any time act in the place of the Representative.</p>	<p>Switzerland. It is based on the FAO rule, which reads: <b>Constitution of the Food and Agriculture Organization</b> Article III(3): No delegate may represent more than one Member Nation or Associate Member</p>
<p><b>Rule 4</b></p>	<p><b>Observers</b></p> <p>1. The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State <u>or regional economic integration organization</u> 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.<sup>5</sup></p> <p>2. Any body or agency <del>technically</del> qualified in protection, conservation or management of wild fauna and flora which is either:</p> <p style="padding-left: 40px;">a) <del>an international intergovernmental agency or body, either governmental or non-governmental, or a national governmental or a national governmental agency or body;</del> or</p> <p style="padding-left: 40px;">b) <u>an international or national non-governmental agency or body or a private sector entity</u> which has been approved for this purpose by the State in which it is <u>formally registered, unless it has already been located registered by the Secretariat in accordance with Resolution 13.8 (Rev. CoP16)</u>;</p> <p style="padding-left: 40px;">and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers <u>60 days before the meeting</u>, 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>6</sup> However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.</p>	<p><b>EU and its MS:</b> We are supportive of the changes made in para. 1 to this rule. Consequently, REIOs should be mentioned in Rule 19 (3) concerning the sequence of the right to speak for observers.</p> <p><b>EU and its MS:</b> We are not in support of the proposed addition of "private sector entity". Such entities are already covered by the first part of the sentence "international or national non-governmental agency or body". Accordingly the term "private sector entity" should not be used in other Rules (e.g. 7 (3)).</p> <p>We are also not in support of the "formally registered" requirement. In many countries, such legal registration requirement does not exist for an organisation to do legitimate and legal work and there is no reason to exclude not formally registered organisations from an observer status. Other conventions like the BRS or CBD do not require formal registration in their admission form. We would like to use this opportunity to point to the fact that also the requirement of approval by the State is not replicated in the Rules of Procedure of other conventions and has the potential to unduly limit the possibility for NGOs to attend the meetings.</p> <p><b>USA:</b> The language with respect to observers in Article XI of the Convention uses the word "<u>technically</u>" qualified ... Therefore, the RoP should reflect this by retaining this word here.</p> <p>We suggest this paragraph should be amended to say "<u>at least 6 weeks before the meeting.</u>"</p> <p><b>China:</b> We considered that as to participation of international or national non-governmental agency or body, the approval of the State in which it is located is important, we suggest to remain the original text of paragraph 2 in Rule 4 and paragraph 5 in Rule 5. Meantime, it is necessary to revise Resolution Conf.13.8 to be</p>

<sup>4</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>5</sup> See Convention, Article XI, paragraph 6.

<sup>6</sup> See Convention, Article XI, paragraph 7.

		<p>consist with this rule.</p> <p><b>Switzerland:</b> Concerning Rule 4 on Observers, we think it to be too prohibitive to ask for an observer to be formally registered in the respective country. It is not clear what is meant by the term "formally registered". Many parties may have no legal basis for having a formal registry for that particular purpose. The requirement of registration might in some case conflict with the fundamental right of the freedom of association: E.g. in Switzerland NGO fall under the constitutional right of freedom of association:</p> <p>Article 23 (Freedom of association):</p> <p>(1) Freedom of association is guaranteed.</p> <p>(2) Everyone has the right to form, join or belong to an association and to participate in the activities of an association.</p> <p>(3) No one may be compelled to join or to belong to an association.</p> <p>Unless an NGO does not undertake commercial activities, a public deed of incorporation and an entry in the commercial register to obtain a legal entity is not required.</p>
<p><b>Rule 5</b></p>	<p><b>Credentials</b></p> <ol style="list-style-type: none"> <li>1. The Representative <u>and or</u> any Alternative Representative of a Party <u>as well as any Adviser in the delegation</u> 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.</li> <li>2. All credentials shall be submitted to the Secretariat of the Convention, where possible at least <del>one</del> <u>three</u> weeks 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.</li> <li>3. The Credentials Committee referred to in Rule <del>5</del><u>7</u>, 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.</li> <li>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</li> </ol>	<p><b>Japan:</b> 2. All credentials shall be submitted to the Secretariat of the Convention, where possible at least <u>one three</u> weeks 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.</p> <p><b>USA:</b> Although we will strive to submit credentials earlier, we prefer to maintain the standard of one week before the opening session.</p> <p><b>EU and its MS:</b> We note that provisions should be added in the first sentence of para.1 to address the specific case of submission of credentials for REIO. We propose that, in line with agreed standard text in other international conventions, the text in italics underlined is added to this sentence:</p> <p>"The Representative and or any Alternative Representative of a Party as well as any Adviser in the delegation 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, <u>or, in the case of a regional economic integration organization, by the competent authority of that organization</u>, enabling him/her to represent the Party at the meeting".</p> <p><b>USA:</b> REIO credentials should be addressed in this section, and the section should be footnoted as follows to also address REIO competence: "In their credentials, REIOs that have acceded to the Convention shall indicate the matters on the agenda of the CoP within their competence, where they will exercise the rights and fulfill the obligations which this Convention attributes to their Member States which are Parties to the Convention. In such cases the Member States of the REIOs shall not be entitled to</p>

<p>Parties has decided are unacceptable.</p> <p>5. Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers <u>to the Secretariat of the Convention at least six weeks prior to the opening of the meeting.</u> <del>and in the case of</del> <u>Within the same deadline</u>, bodies and agencies referred to in Rule 24, paragraph 2 b) <del>above,</del> <u>shall also submit</u> evidence of the approval of the State in which they are located, <u>unless they have already been registered by the Secretariat in accordance with Resolution 13.8 (Rev. CoP16) and shall pay the standard participation charge to the Secretariat,</u> <del>to the Secretariat of the Convention at least six weeks prior to the opening of the meeting</del></p>	<p>exercise such rights individually.”</p> <p><b>Mexico:</b> Endorse, but with reservations, as follows:</p> <p>a) Support the amendments related to a specific mention to the accreditation of REIOs; but,</p> <p>b) <u>Reject the new deadline</u> (from one week to two weeks prior to the meeting) for Parties to present their credentials to the Secretariat (the rationale for this is the same as the one we specify below for the amendments to SC’s RoP, see comment on rule 9 below) –in summary, this measure might hinge the participation of delegates from countries who decide their composition close to the start of CoP meetings.</p> <p>It is also important to note that, in ths SC’s amendments they include a 2 week prior the meeting deadline, whereas in CoP they include a three week deadline. It’s important to ensure amendments to similar topics in CoP and SC RoP are the same in substance.</p> <p><b>China: Credentials:</b> We suggest that add the additional provision in Rule 5 as follows: <u>“In their credentials, the Regional Economic Integration Organizations are invited to indicate that REIO will exercise the rights and fulfill the obligations which this Convention attributes to their Member States, which are parties to the Convention, in accordance with Art. XXI and its Gaborone amendment. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.”</u></p> <p><b>China:</b> We considered that as to participation of international or national non-governmental agency or body, the approval of the State in which it is located is important, we suggest to remain the original text of paragraph 2 in Rule 4 and paragraph 5 in Rule 5. Meantime, it is necessary to revise Resolution Conf.13.8 to be consist with this rule.</p> <p><b>Switzerland:</b> Concerning Rule 5 on Credentials we would add to the Head of Government and Minister of Foreign Affairs <i>the Minister of the Ministry in charge</i>. It is not always the Ministry of Foreign Affairs which is in charge of CITES matters, so it would make sense to incorporate this fact in the ROP. Also in this section we were wondering if there should not be an inclusion of a sentence making sure that even if Credentials are being sent beforehand, they can only be validated if there is also a in person presence (physical presence) at the meeting. Otherwise there may be a credential sent in and be validated, but a representative of the contracting party in question might not take part in person at the meeting. (See General Rules FAO: The credentials of delegates, alternates, associates and advisers shall be issued by, or on behalf of, the head of state, the head of government, the minister for foreign affairs or the minister concerned.)</p>
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<p><b>Rule 6</b></p>	<p><b><u>Secretariat and Secretary-General</u></b></p> <ol style="list-style-type: none"> <li>1. <u>The Secretary-General of the Convention shall act in that capacity in all meetings of the Conference of the Parties and its committees. He/she may designate a member of the Secretariat to act in their place at these meetings.</u> –</li> <li>2. <u>The Secretariat of the Convention shall prepare or receive, translate, and distribute the working documents of the Conference of the Parties; provide for interpretation in the three working languages of the Convention interventions made at the meetings; prepare and circulate the records of the sessions; have the custody and proper preservation of the documents in the archives of the Secretariat; and perform all other work which the Conference of the Parties may require within the limit of the resources available service and act as secretariat for the meeting.<sup>7</sup>.</u></li> </ol>	<p><b>Japan:</b> 1. The Secretary-General of the Convention shall act in that capacity in all meetings of the Conference of the Parties and its committees. He/she may designate a member of the Secretariat to act in <b>their his/her</b> place at these meetings.</p> <p><b>EU and its MS:</b> We do not think that the new para. 1 is really necessary</p> <p><b>Mexico:</b> Agreed</p>
<p><b>Rule 7</b></p>	<p><b><u>Plenary sessions, committees and working groups</u></b></p> <ol style="list-style-type: none"> <li>1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.</li> <li>2. The Conference of the Parties shall establish the following sessional committees: <ol style="list-style-type: none"> <li>a) the Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting;</li> <li>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</li> <li>c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.</li> </ol> </li> <li>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 <u>and shall strive to achieve regional balance as appropriate and where possible. The membership of the working groups will be limited to Delegates and to those observers with expertise on the matter invited by the Presiding Officer</u></li> </ol>	<p><b>USA:</b> REIO participation in subsidiary bodies should be addressed</p> <p><b>Israel:</b> The working groups should NOT be limited only to delegates. The Observer NGO's contribute a lot and are very important! This is also in rule 14 paragraph 2 which includes allowing observers in working groups.</p> <p><b>ZA:</b> Paragraph 3: It is recommended that the following be included: <i>The Presiding Officer shall aim to ensure a balance between Delegates and observers and shall limit the</i></p>

<sup>7</sup> See Convention, Article XII, paragraph 2 (a).

	<p><u>of the session at which the working group is established. The Presiding Officer shall aim to ensure a balance between observers representing different bodies, agencies and private sector entities the size of which may be limited according to the number of places available in assembly rooms.</u></p> <p>4. <u>Unless appointed by the Presiding Chair of the session at which the working group is established, Each working group shall elect its own officers from among the Delegates that are members of the working group.</u></p>	<p><i>number of observers to ensure it does not exceed the number of Delegates.</i></p> <p><b>Burkina Faso:</b> dans le nouvel article 7, la limitation de la participation aux groupes de travail. Nous pensons que le système actuel a fait ses preuves et qu'il n'y a pas lieu de limiter encore la participation aux groupes de travail ;</p>
<p><b>Rule 8</b></p>	<p><b><i>Rules of Procedure of committees and working groups</i></b></p> <p>Insofar as they are applicable, these Rules shall apply <i>mutatis mutandis</i> to the proceedings of committees and working groups.</p>	
<p><b>Rule 9</b></p>	<p><b><i>Quorum</i></b></p> <p>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 <u>duly accredited</u> delegations at the meeting. No plenary session or session of Committee I or II shall take place in the absence of a quorum.</p>	<p><b>China: Quorum:</b> Also based on the above principle, REIO cannot be count as one party for the purposes of establishing the quorum, because its member states has been counted, so the right has been exercised. We suggest to add the footnote to Rule 9 as: <u>“For the purposes of establishing the quorum, a regional economic integration organization will <b>not</b> count as one Party in accordance with Rule 2 (3).”</u></p> <p><b>USA:</b> This Rule does not address quorum with respect to REIOs. The U.S. position is that this section should include text and/or a footnote making it clear that, for the purposes of establishing a quorum, the REIO counts only for the number of its Member States accredited and present in the room or, alternatively, only its Member States accredited and present are counted.</p> <p><b>Switzerland:</b> Concerning Rule 9 on the Quorum, it may be implicit but is the Quorum a prerequisite only to open the session or also during the whole session to the end? In our view it should be necessary during the whole time the body meets and maybe this should spelt out clearly<sup>41</sup>. Moreover, if a session is dealing with an agenda item, where the REIO i exercises its right to vote, it is counted for the number of its members which are contracting parties and duly registered?</p>
<p><b>Rule 10</b></p>	<p><b><i>Working languages</i></b></p> <ol style="list-style-type: none"> <li>English, French and Spanish shall be the working languages of the meeting.</li> <li>Interventions made in any of the <u>three</u> working languages shall be interpreted into the other working languages in plenary session and sessions of Committees I and II. Interpretation shall only be provided in sessions of the Credentials Committee, <u>the Bureau</u> and working groups, <u>if the Conference of the Parties agrees to provide the only if resources allow for</u></li> </ol>	

	<p>this.</p> <p>3. The <del>official</del> <u>working</u> documents of the meeting shall be distributed in the three working languages. <del>Except for informative</del> <u>on</u> documents submitted in accordance with Rule 2830 <del>below which</del> are not submitted for discussion and therefore shall be distributed <u>only</u> in the <u>working</u> language in which they are provided.</p>	
<p><b>Rule 11</b></p>	<p><b>Other languages</b></p> <p>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.</p> <p>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 <u>three</u> working languages.</p>	
<p><b>Rule 12</b></p>	<p><b>Summary records</b></p> <p>1. <u>A summary record of plenary sessions and of sessions of Committees I and II shall be prepared by the Secretary in the three working languages of the meeting for endorsement by the Conference of the Parties before the closure of the meeting.</u></p> <p>2. <u>A consolidated summary record of each meeting shall be prepared</u> <del>Summary records of plenary sessions and of sessions of Committees I and II shall be kept</del> by the Secretariat in the three working languages of the meeting. <del>These</del> <u>This</u> shall be circulated to all Parties as soon as possible after the meeting.</p> <p>3. The Credentials Committee and working groups shall decide upon the form in which their records shall be prepared.</p>	<p><b>Japan:</b> 1. A summary record of plenary sessions and of sessions of Committees I and II shall be prepared by the <u>Secretary Secretariat</u> in the three working languages of the meeting for endorsement by the Conference of the Parties before the closure of the meeting.</p> <p><i>(Reason of comment: It seems to be an error.)</i></p> <p><b>Japan:</b> 2. A consolidated summary record of each <u>meeting session</u> shall be prepared <del>Summary records of plenary sessions and of sessions of Committees I and II shall be kept</del> by the Secretariat in the three working languages of the meeting. <del>These</del> This shall be circulated to all Parties as soon as possible after the <u>meeting session</u>.</p> <p><i>(Reason of comment: The word "meeting" is understood to be referring to the COP meeting as a whole, so in the context of this Rule 12, it should be rather "session".)</i></p> <p><b>Mexico:</b> Agreed</p>
<p><b>Rule 13</b></p>	<p><b>Seating</b></p> <p>1. Delegations shall, as a general rule, be seated in accordance with the alphabetical order of the English language names of the Parties they</p>	

	<p>represent.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>4. Seating limitations may require that no more than two observers from any State not a Party, or from any <u>Observer</u> body or agency, be present at plenary sessions and sessions of Committees I and II.</li> </ol>	
	<p><b>Publicity of debates</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. As a general rule, <del>participation in sessions of the Credentials Committee or any working group shall be limited open only 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.</del></li> </ol>	
<p><b>Rule 15</b></p>	<p><b>Media</b></p> <ol style="list-style-type: none"> <li>1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. <u>Media accreditation is strictly reserved for members of the press (print, photo, radio, television, film, news agencies, online media) who represent a bona fide media organization and is not registered as observer agencies and bodies. Applications are considered on a case-by-case basis and the decisions of the Secretariat are final.</u> 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.</li> <li>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 <del>Chairman Chair</del> of the Conference or the <del>Chairman Chair</del> of Committee I</li> </ol>	<p><b>EU and its MS:</b> In para 1 we do not see a need for the proposed addition and suggest to keep it unchanged. The term "bona fide media" is unclear and problematic and should not be used.</p> <p><b>Burkina Faso:</b> ajout au nouvel article 15 : « l'accréditation des médias est strictement réservée aux membres de la presse (presse imprimée, photographes, radio, télévision, films, agences de presse, médias en ligne) représentant une organisation de presse authentique qui n'est pas enregistrée comme institution ou organisme observateur. Les demandes sont examinées au cas par cas et les décisions du secrétariat sont définitives. » nous contestons cette restriction.</p> <p><b>Switzerland :</b> Concerning Rule 15 on Media, we were not sure if it is clear what a "bona fide" media organization represents.</p>

	<p>or II, and for as long as they are so authorized. Requests for such authorization shall be addressed to the Secretariat.</p>	
<p><b>Rule 16</b></p>	<p><b><u>Chairmen-Chairs and Vice-Chairmen Vice-Chairs</u></b></p> <ol style="list-style-type: none"> <li>1. The <del>Chairman</del> <u>Chair</u> of the Standing Committee shall act as temporary Chair of the Conference until the Conference of the Parties elects a <del>Chairman</del> <u>Chair</u> in accordance with paragraph 2.</li> <li>2. The Conference of the Parties shall elect a <del>Chairman</del> <u>Chair</u>, an Alternate <del>Chairman</del> <u>Chair</u> and two <del>Vice-Chairmen</del> <u>Vice-Chairs</u> of the Conference to preside over plenary sessions of the meeting. It shall also elect a <del>Chairman</del> <u>Chair</u> 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, <i>inter alia</i>, if applicable, the host country. The Standing Committee shall satisfy itself that the candidates are, <i>prima facie</i>, capable of impartially expediting the business of the Conference. As Presiding Officers have no vote there is no other qualification required for nomination.</li> <li>3. The <del>Chairman</del> <u>Chair</u> of the Conference shall preside at all plenary sessions of the meeting.</li> <li>4. If the <del>Chairman</del> <u>Chair</u> of the Conference is absent or is unable to discharge his/her duties, the Alternate <del>Chairman</del> <u>Chair</u> shall deputize for him/her as Presiding Officer. If the <del>Chairman</del> <u>Chair</u> and Alternate <del>Chairman</del> <u>Chair</u> are both unavailable, the Bureau shall nominate one of the <del>Vice-Chairmen</del> <u>Vice-Chairs</u> of the Conference to serve as Presiding Officer.</li> <li>5. If the <del>Chairman</del> <u>Chair</u> of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the <del>Vice-Chairmen</del> <u>Vice-Chairs</u> of the Conference to deputize for him/her as Presiding Officer.</li> <li>6. The Presiding Officer shall not vote.</li> </ol>	<p>Mexico: Agreed.</p>
<p><b>Rule 17</b></p>	<p><b><u>Bureau</u></b></p> <ol style="list-style-type: none"> <li>1. The <del>Chairman</del> <u>Chair</u>, the Alternate <del>Chairman</del> <u>Chair</u> and the <del>Vice-Chairmen</del> <u>Vice-Chairs</u> of the Conference, the <del>Chairman</del> <u>Chairs</u> of Committees I and II and of the Credentials Committee, the <del>Chairman</del> <u>Chair</u> 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</li> </ol>	

	<p>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.</p> <p>2. The <del>Chairman</del> <u>Chair</u> of the Conference shall preside over the Bureau.</p> <p>3. If the <del>Chairman</del> <u>Chair</u> of the Conference is absent or is unable to discharge his/her duties, the Alternate <del>Chairman</del> <u>Chair</u> shall deputize for him/her. If the <del>Chairman</del> <u>Chair</u> and Alternate <del>Chairman</del> <u>Chair</u> are both unavailable, the Bureau shall nominate one of the <del>Vice-Chairmen</del> <u>Vice-Chairs</u> to preside.</p>	
<p><b>Rule 18</b></p>	<p><b><i>Powers of Presiding Officer</i></b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) declare the session open and closed;</li> <li>b) direct the discussion;</li> <li>c) ensure the observance of these Rules;</li> <li>d) accord the right to speak;</li> <li>e) put questions to a vote and announce decisions;</li> <li>f) rule on points of order;</li> <li>g) subject to these Rules, have complete control of the proceedings and the maintenance of order; and</li> <li>h) where necessary, determine that Rule 4413, paragraph 2 or 4 on <u>seating arrangements</u>, shall be applied.</li> </ul> <p>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:</p>	

	<p>a) time limits for speakers;</p> <p>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;</p> <p>c) the closure of the list of speakers;</p> <p>d) the adjournment or the closure of the debate on the particular subject or question under discussion; and</p> <p>e) the suspension or adjournment of the session.</p>	
<p><b>Rule 19</b></p>	<p><b><i>Right to speak</i></b></p> <ol style="list-style-type: none"> <li>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 24, as well as to the Secretariat.</li> <li>2. <u>The Chairs of the Animals and Plants Committees shall have the right to speak in that capacity on matters relevant for the work of the Committees.</u></li> <li>3. 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.</li> <li>4. 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.</li> <li>5. 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.</li> <li>6. The <del>Chairman</del> <u>Chair</u> of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that</li> </ol>	<p><b>USA:</b> At the end of the paragraph suggest to change the word “the” to “those” to make it more clear that the AC/PC Chairs are to speak on matters relevant to the AC/PC, not other committees.</p> <p><b>EU and its MS:</b> We are supportive of the changes made in para. 1 to this rule. Consequently, REIOs should be mentioned in Rule 19 (3) concerning the sequence of the right to speak for observers.</p>

	<p>committee or working group.</p> <p>7. 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.</p> <p>8. 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.</p>	
<p><b>Rule 20</b></p>	<p><b><i>Procedural motions</i></b></p> <p>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.</p> <p>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.</p> <p>Regarding the session</p> <p>a) suspension of the session b) adjournment of the session</p> <p>Regarding the debate on a particular issue</p> <p>c) adjournment of the debate on the particular subject or</p>	



	<p>question under discussion</p> <p>d) closure of the debate on the particular subject or question under discussion.</p>	
<p><b>Rule 21</b></p>	<p><b><i>Motions to open and reopen debates in plenary sessions</i></b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p><b>Rule</b></p>	<p><b><i>Submission of draft resolutions, draft decisions and other working</i></b></p>	<p><b>Canada:</b> In Canada's view, there remains ambiguity with respect to the treatment of documents under these Rules and that further consideration by the Parties is merited.</p>

<p><b>22</b></p>	<p><b><i>documents (except proposals to amend Appendices I and II)</i></b></p> <ol style="list-style-type: none"> <li>1. As a general rule, <u>working documents, including draft resolutions, draft decisions, reports and other documents shall not be longer than 6,000 words and shall</u> 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.</li> <li>2. 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 150-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.</li> <li>3. 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>4. 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>	<p>However, given the time available, and with a view to ensuring the smooth operation of the 17th Conference of the Parties, we do not propose suggesting additional amendments at this time. Rather, Canada would see value in a Decision requesting the Standing Committee undertake a review of these particular Rules in order to propose amendments to the 18th Conference of the Parties</p> <p><b>Japan:</b> 1. As a general rule, <u>working documents, including draft resolutions, draft decisions, reports and other documents except proposals to amend Appendices I and II shall not be longer than 6,000 words and shall</u> 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. <i>(Reason of comment: Although the title of this Rule mentions "except proposals to amend Appendices I and II, this should be explicit in the text of the Rule as well.)</i></p> <p><b>Mexico:</b> Pending to confirm that the new 6,000 word limit is equivalent to the current 12 page limit; as a safeguard, we would prefer to set 7,000 word limit instead.</p> <p><b>USA:</b> Based on our evaluation of previous U.S. submissions, this word count further reduces the allowed length of documents. The current length limit on CoP documents is 12 pages, which is typically over 7,000 words. We propose revising this text to either "not be longer than 12 pages" or "not be longer than 8,000 words."</p>
<p><b>Rule 23</b></p>	<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>1. The Conference shall as far as possible decide on draft resolutions, draft decisions and other documents by consensus.</li> <li>2. 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 its adoption be put to a vote.</li> <li>3. If two or more draft resolutions, draft decisions 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, draft decision or other document, consider whether to decide on the next such draft resolution, draft decision or document.</li> <li>4. A Representative may propose that parts of a draft resolution, draft decision or other document shall be decided upon separately. If any objection is made</li> </ol>	

	<p>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, draft decision or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution, draft decision 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, draft decision or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions, draft decisions and other documents, even though such amendments have not been circulated previously.</p> <p>6. When an amendment is moved to a draft resolution, draft decision or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution, draft decision 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, draft decision or other document shall then be decided upon.</p>	
<p><b>Rule 24</b></p>	<p><b><i>Submission of proposals for amendment of Appendices I and II</i></b></p> <p>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>8</sup> in the working languages.</p> <p><sup>6</sup>See <i>Convention, Article XV, paragraph 1 (a)</i>.</p> <p>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</p>	

	<p>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.</p>	
<p><b>Rule 25</b></p>	<p><b><i>Procedure for deciding on proposals for amendment of Appendices I and II</i></b></p> <ol style="list-style-type: none"> <li>1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.</li> <li>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.</li> <li>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 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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<p><b>Israel:</b> 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 <del>least</del><u>most</u> restrictive effect on the trade and then, <u>only if it is rejected, move on to consider</u> <del>on</del> the proposal with the next <del>least</del><u>most</u> restrictive effect on the trade, and so on until all proposals have been <del>submitted to decision</del><u>decided upon</u>. When, <u>however,</u> the adoption of one proposal necessarily implies the <del>rejection</del><u>acceptance</u> of another proposal, the latter proposal shall not be submitted to decision</p>

<p><b>Rule 26</b></p>	<p><b>Right to vote</b></p> <ol style="list-style-type: none"> <li>Each Party shall have one vote, <u>except as provided for in paragraph 3 below.</u></li> <li>The duly accredited Representative of a Party shall exercise the voting rights of that Party.</li> <li><u>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.</u><sup>9</sup></li> </ol> <p><sup>9</sup><u>Provided that such Member States are duly accredited to the meeting of the Conference of the Parties.</u></p> <p><u>Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.</u><sup>10</sup></p> <p><sup>10</sup><u>[Regional economic integration organizations shall only exercise a right to vote in matters within the fields of their competence. In matters outside the fields of their competence, regional economic integration organizations shall not exercise their voting rights.]</u></p> <ol style="list-style-type: none"> <li><u>In advance of each vote, each regional economic integration organization shall announce whether it is voting on behalf of its Member States in accordance with Rule 26 (3) above or whether its Member States will exercise their right to vote themselves.</u><sup>11</sup></li> </ol> <p><sup>11</sup><u>[Regional economic integration organizations are invited to indicate in writing in advance of the meeting the matters on the agenda of the Conference of the Parties within their competence, where they will exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention.]</u></p>	<p><b>EU and its MS:</b> We are supportive of the changes in para. 1 and of the new para. 3, with the exceptions of the footnotes 9 and 10. The paragraph 3 is the text of Article XXI(5) of the Convention and we agree that it is relevant to insert it in the provisions of the RoP on voting. For the reasons explained above on rule 2, we object to the insertion of footnote 9, which is not consistent with the text of the Convention. <u>We therefore request that the footnote 9 be deleted.</u> We do not understand the purpose of the inclusion of the bracketed footnote 10, which seems to repeat the text of para.3 but with an alternative wording. <u>We suggest deleting this footnote.</u> We also note that the Secretariat is proposing in rule 26 a new para. 4 according to which REIO should indicate before each vote if it will be voting or if individual MS would do it. While this is different from what is in place in many other Conventions, we think that this new para. 4 could actually be helpful in providing other Parties information on whether a REIO or its Member States will vote and alleviate possible concerns that they might have. However, for the reasons set out above that a REIO does not vote on behalf of its Member State but in its own right as a party, we request a slight adaptation of the wording so that the para would read <u>"In advance of each vote, each REIO shall announce whether it will exercise its right to vote in accordance with Rule 26 (3) above or whether its Member States will exercise their right to vote"</u>.</p> <p>We are not supportive of the inclusion of the bracketed footnote 11 in its current form but, to facilitate the efficient and transparent proceedings of the CoP, we are ready to inform delegations at the beginning of the meeting for each agenda item about whether the EU or its Member States will exercise the right to vote. According to the current footnote 11, a REIO would be invited to indicate in advance of CoP meetings the matters on the CoP agenda for which they are competent and where they will exercise their rights during the CoP. We note first that the EU already submitted a declaration of competence when joining the CITES Convention and, in line with Article XXI(3) of CITES, will notify all Parties in case of substantial changes to the extent of their competence. We also consider that the text of para. 4 is sufficient to ensure the information of other Parties on who is voting on what during CoP meetings.</p> <p><b>USA:</b> In para. 1, insert after "Each Party": <u>present in the meeting room at the time of the vote and eligible to vote.</u></p> <p>In para. 3, delete footnote and read the para as follows: <u>In the fields of their competence, regional economic integration organizations that have acceded to the Convention 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, duly accredited to the meeting of the Conference of the Parties and present in the room at the time of the vote, and eligible to vote.</u> Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.</p> <p>In footnote 10 and paragraph 4, after "Regional economic integration organizations" add <u>that have acceded to the Convention</u></p> <p>In footnote 10, after "In matters outside the fields of their competence," add <u>such</u></p> <p>In footnote 11: for the first sentence read: <u>[Regional economic integration organizations</u></p>
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~~are invited to~~ that have acceded to the Convention shall indicate in writing in advance of the meeting the matters...]

This language should be clarified regarding the timing

**China: Vote:** Provision 3 and 4 of Rule 26 come from the text of Art. XXI and its amendment of the Convention, we fully agree.

**Mexico:** Endorse, assuming this has been reviewed by the European Union.

**Israel:** Alternative wording for the first sentence in para. 4: *the number of votes cast by the regional integration organization shall be limited to the number of its member states that are present at the meeting and have been duly accredited at the time of the vote.*

**Israel:** *After this announcement, the electronic voting system shall be set in accordance with this announcement, to ensure that the voting system will only accept votes from either the representative of the regional economic integration organization or from its accredited Member States, in order to avoid duplication.*

**Canada:** We support the Secretariat's proposal to transpose the text from article XXI(5) of CITES into Rule 26, paragraph 3 of the ROP, which states:  
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 their Member States exercise theirs, and vice versa. Notwithstanding our support for the inclusion of this provision directly into the ROP, Canada notes that the treaty does not seem to support footnote 9 to Rule 26, paragraph 9 of the ROP, which suggests that the number of votes a regional economic integration organizations (REIOs) may cast is limited to the number of its Member Parties that are duly accredited to a meeting of the COP. In this respect, article XXI(5) of CITES quite clearly states that REIOs have the right to vote with a number of votes equal to the number of their Member States that are parties to CITES. The only limitations that the treaty imposes on this right to vote is that REIOS cannot cast a vote on behalf of its Member States that are not party to the treaty, and they cannot vote as a block if its Member States chose to vote individually. Because the REIO loses its right to vote when its Member State vote individually, it is appropriate in these circumstances that its Member States be present, voting and accredited to the COP when voting as required by article XV (Amendments to Appendices I and II) and article XVII (Amendment to the Convention) of CITES because they are essentially voting as individual States Parties (Rule 26, paragraph 2 of the draft ROP) and not as members of a REIOs. Absent these circumstances, however, it is our view that there is nothing in the treaty that suggests that Members States of REIOs party to the treaty must also be accredited to the meeting of the COP in order for the REIOS to vote on their behalf.

Based on these considerations and noting that the draft ROP lack the authority to limit the rights of a Party to the treaty such as the EU, it is our understanding that the interpretation limiting the voting rights of REIOs suggested in footnote 9 to Rule 26 of

		<p>the draft ROP is inconsistent with article XXI of CITES.</p> <p><b>Burkina Faso:</b> nouvel article 26 sur les organisations d'intégration économique régionales (= eu) : nous estimons que le nombre de votes exprimés par l'organisation d'intégration régionale devrait être limité au nombre d'États membres dûment accrédités pour la session et présents à la session.</p>
<p><b>Rule 27</b></p>	<p><b><i>Methods of voting</i></b></p> <ol style="list-style-type: none"> <li>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, and included in the summary record of the session. 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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	

<p><b>Rule 28</b></p>	<p><b>Majority</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. <del>For the purpose of these Rules of Procedure, "Representatives present and voting" means duly accredited Representatives present and casting an affirmative or negative vote.</del> Representatives abstaining from voting or Representatives who cast a vote of abstention, shall not be counted in calculating the majority required.</li> </ol>	<p><b>Israel:</b> Any question as to whether a motion is procedural or not, shall be decided upon by a two-thirds majority.</p>
<p><b>Rule 29</b></p>	<p><b>Elections</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. This Rule also applies to the designation of the next host country of the Conference of the Parties.</li> </ol>	<p><b>China: Election:</b> Based on the principle above, while REIO exercise the rights and fulfill the obligations, the member states of it shall not be entitled to exercise such rights individually, or <i>vice versa</i>, we considered that REIO cannot be elected as the member of the Standing Committee, because its member states had exercised such right and will be elected as the SC member. Similarly, because the member states of REIO will nominate candidates for Animals Committee and Plants Committee members, such right have been exercised, REIO may not nominate candidates for AC and PC. Considering the unique voting nature of CITES meetings, it is very important to make sure all members of REIO has equal right as those not members of REIO. So we suggest that we should add the other paragraph in Rule 29 as follows: <u>"REIO shall not nominate regional representative to Standing committee, and candidates for Animal Committee and Plant Committee if the member states of the organization do so."</u> We suggest to revise Resolution Conf.11.1 to reflect this point.</p>
<p><b>Rule 30</b></p>	<p><b><u>Submission of informative documents and exhibitions</u></b></p> <ol style="list-style-type: none"> <li>1. Informative documents on the <u>protection, conservation or management and utilization of natural resources wild fauna and flora</u> may be submitted for the attention of the participants to the meeting by: <ol style="list-style-type: none"> <li>a) any Representative of a Party or any observer representing a State not party to the Convention or an intergovernmental</li> </ol> </li> </ol>	<p><b>Japan:</b> 1. Informative documents on the <u>protection, conservation or management and utilization of natural resources of wild fauna and flora</u> may be submitted for the attention of the participants to the meeting by: (Reason of comment: Grammatical correction.)</p> <p><b>USA:</b> protection, conservation or management and utilization of natural resources of <u>wild fauna and flora</u></p>



	<p>organization;</p> <p>b) any observer representing any other organization; and</p> <p>c) the Secretariat.</p> <p>2. No approval is required for the distribution of such documents. However, they shall clearly identify who is presenting them.</p> <p>3. <del>Information d</del>Documents from the States and organizations referred to in paragraph 1 <del>above of this Rule</del> may, on request, be distributed by the Secretariat. In this case, they shall be provided in sufficient numbers for distribution. <del>Information d</del>Information 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.</p> <p>4. <u>The CITES logo may not be used on information documents and other material unless authorized by the CITES Secretariat.</u></p> <p>5. Any Representative may complain to the Bureau if an <del>informative</del> document that has been distributed is considered offensive <u>or uses the CITES logo without authorization, in accordance with Rule 31 below.</u></p> <p>6. 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.</p>	<p><b>China: Regarding the use of CITES logo:</b> CITES Logo is the symbol of the Convention which focus on wildlife conservation and management. In order to address the protection of the endangered species, Parties have the right to use it for the purpose consistent with the Convention. So we suggest to revise the paragraph 4 of Rule 30 as follows: <u>“The rules of using CITES Logo should be discussed and decided by the Conference of Parties, or Standing Committee, if it is mandated by the Conference of the Parties.”</u></p> <p><b>Mexico:</b> Agreed, we see no problem in the precisions regarding the use of CITES logo.</p>
<p><b>Rule 31</b></p>	<p><b>Complaints</b></p> <p>1. A complaint may be addressed to the Bureau pursuant to Rule <del>28</del>30, paragraph <del>45</del> above, or by any participant who has been subject to abuse by another.</p> <p>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.</p> <p>3. In the case of a complaint received pursuant to Rule 30, paragraph 5 above, it shall consider whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute.</p> <p>4. The Bureau shall decide on appropriate action, which may, as a last resort,</p>	

	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.	
<b>Rule 32</b>	<p><b>Amendment</b></p> <p>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 <u>two-thirds majority decision</u> of the <u>Representatives present and voting</u> <del>Conference</del>.</p>	<p><b>China:</b> We agree with the current version of Rule 32, considering that revision of the Rules of Procedure is a substantial issue and even more important than revising of Appendices, so a two-thirds majority is necessary.</p> <p><b>Mexico:</b> Reconsider. We recall the SC66 achieved no consensus on the thresholds proposed to proceed to amend the RoP; in any case Mexico was in favor of a higher threshold (2/3rds majority), yet the amendment might not be well received at CoP considering SC66 outcomes. See par. 12.4 of: <a href="https://cites.org/sites/default/files/eng/com/sc/66/ExSum/E-SC66-Sum-02.pdf">https://cites.org/sites/default/files/eng/com/sc/66/ExSum/E-SC66-Sum-02.pdf</a></p> <p><b>USA:</b> We note that the decision of the SC was to not make changes to Rules 26.1 and 30 of the RoP. See SC66 Sum.2 (Rev. 1) (11/01/16), as there was no agreement on this issue. It would be helpful to understand the Secretariat's basis for proposing this change.</p> <p><b>ZA:</b> proposed amendment supported and aligned with the outcomes of discussions at the 16th CoP to CITES.</p>