

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 and financial matters

Adoption of the 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 16th meeting (Bangkok, 2013), are contained in Annex 1 to the present document.

Introduction

3. At its 66th meeting (SC66, Geneva, 2016), the Standing Committee considered the process to review the Rules of Procedure of CITES bodies, proposed by the Secretariat in SC66 Doc. 5.2. The Standing Committee members expressed their interest in following closely the review process, especially the revisions necessary after a regional economic integration organization (REIO) had become a Party. They supported the review process and agreed that it should focus on inconsistencies and omissions, on ensuring a balanced representation in the working groups and on simplifying the number of working groups, taking into account the fact that small delegations cannot participate in all working groups. Several Parties expressed caution about a possible transition from postal procedure to electronic voting. Noting that the Rules of Procedure of the technical committees are different from those of the Conference of the Parties, the Chair of the Animals Committee informed the Standing Committee that both the Plants and Animals Committee would be requesting a mandate to review their terms of reference in Resolution Conf. 11.1 (Rev. CoP16).
4. The Standing Committee requested the Secretariat to work in close cooperation with the Chairs of the Standing, Animals and Plants Committees to draft a revised set of Rules of Procedures for the CITES bodies to be circulated, as soon as possible, for wider input by the Parties.
5. Pursuant to the request of the Standing Committee, the Secretariat worked closely with the chairs of the permanent committees of CITES and consulted widely on a revised set of Rules of Procedure for the Conference of the Parties and the Standing Committee. The present document concerns only the Rules of Procedure of the Conference of the Parties. Document CoP Doc. 11 contains the report on the work concerning the CITES Standing Committee and the technical committees.
6. A set of draft amendments to the Rules of Procedure of the Conference of the Parties and of the Standing Committee was circulated with Notification to the Parties No. 2016/27 of 21 March 2016, inviting Parties to provide their input to the Secretariat by 11 April 2016. Ten responses were received during this formal consultation with Parties¹. The written comments received will be available to Parties in an information document. Further consultations were held with the Parties that submitted comments, in order to exchange views and discuss ways forward, in particular with regard to the adjustments required to take into account the participation of an REIO as a Party to the Convention. While these discussions were

¹ Comments were received from: Burkina Faso, Canada, China, European Union and its Member States, Israel, Japan, Mexico, South Africa, Switzerland and United States of America

considered useful and constructive by the involved Parties, the matter is complex and will require further consultations.

7. At the time of the deadline for submitting documents for consideration at the present meeting, there continued to be divergent views on how to adapt the Rules of Procedure to REIOs that have acceded to the Convention, in particular with regard to the voting rights of such organizations. These views reflect ongoing discussions in other fora that go well beyond the scope and nature of CITES Rules of Procedure. In an attempt to provide for a practical way forward at the present meeting, the Secretariat, in consultation with the Chairs of the permanent committees, has prepared a set of proposed amendments to the Rules of Procedure intended to allow for the smooth and effective conduct of the meeting. The proposed amendments are set out in Annex 2 to the present document, taking into account, to the extent possible, the comments received from Parties during the consultation. These draft amended Rules of Procedure are complemented by a note prepared by the Secretariat on the proposed practical arrangements for CoP17 and the first participation of an REIO at a meeting of the Conference of the Parties, contained in Annex 3 to the present document.
8. Parties are encouraged to continue their discussions on how to adapt the Rules and the practical implementation of the Rules to REIOs that have acceded to the Convention, in particular with regard to the voting rights of such organizations, in order to reach a common understanding before the start of CoP17. The Secretariat stands ready to facilitate such consultations as necessary.
9. The voting nature of CITES meetings is unique and other international agreements to which an REIO has acceded provide little precedence as voting there is not customary. The Secretariat therefore suggests that the practical arrangements for CoP17 be subject to review, as necessary, by the Standing Committee, with a view to agreeing on any further required revisions of the Rules of Procedure before CoP18.

Notes on the main proposed amendments to the Rules of Procedure contained in Annex 2

10. The Secretariat notes that some of the provisions in the Rules of Procedure are complemented by specific resolutions of the Conference of the Parties, including Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties* and Resolution Conf. 13.8 (Rev. CoP16) on *Participation of observers at meetings of the Conference of the Parties*. As explained further below, the Secretariat proposes that the Conference of the Parties considers to include the relevant provisions of Resolution Conf. 13.8 (Rev. CoP16) on *Participation of observers at meetings of the Conference of the Parties* in the Rules of Procedure to facilitate the use of the Rules.

Part I: Definitions and Participants: delegates, observers, Secretariat

11. The Secretariat suggests the insertion of two new rules at the beginning of the document, to clarify the scope of the Rules, and to include the definitions of a number of terms used throughout the Rules, to facilitate and clarify their use. Some of these definitions are included in various places in the existing rules (paragraphs b, h, j), others are transposed from the text of the Convention.
12. Footnotes to Rules 1 and 2 are proposed to reflect the fact that a number of Parties to the Convention have not yet accepted the Gaborone Amendment. Their agreement to the Rules of Procedure as amended cannot be understood as an implicit acceptance of that amendment. Furthermore, nothing in the Rules prejudices the views of any Party concerning the rights and obligations of regional economic integration organizations in other international fora.
13. As demonstrated in document SC66 Doc. 5.2, the interest of non-State actors in participating in CITES meetings is continuously increasing. A number of the proposed changes to the Rules are intended to facilitate their participation and to provide greater transparency around the conditions for such participation in the meeting of the CoP. Furthermore, as the Rules of the CITES permanent committees will be aligned with these Rules, these Rules will contribute to greater consistency in the involvement of non-State actors in all CITES meetings. It is thus proposed that the revised set of Rules incorporates relevant provisions of Resolution Conf. 13.8 (Rev. CoP16) on *Participation of observers at meetings of the Conference of the Parties*, specifically the provisions further clarifying what constitutes an international agency or body (in the "DECIDES"), and the deadline for such bodies or agencies to register for meetings (in the first "INSTRUCTS"). The provisions regarding the participation of observers in the debates and in working groups established by the Committees (in the second "INSTRUCTS") are included in the proposed Rule 7, paragraph 3, and in part IV of the Rules.

14. In new Rule 4, paragraph 2 b), it is proposed to make it explicit that international or national non-governmental agencies and bodies include private sector entities wishing to be represented at a meeting of the CoP. The deadline of 6 weeks from the Resolution 13.8 for informing the Secretariat of the wish to participate is proposed to be extended to 60 days to allow sufficient time for both the Secretariat and the agency to make the necessary arrangements. At the same time, the Secretariat is provided with a possibility of exceptionally accepting late registrations at its own discretion.
15. The Convention requires in Article XI, paragraph 7 (b) that national non-governmental agencies or bodies, wishing to be represented at a CoP shall be approved for this purpose by the State in which they are located; this requirement is maintained in Rule 4, paragraph 3. This Rule is replacing the old Rule 3, paragraph 5. It also contains the essential requirement from the Resolution 13.8 that an international agency or body “*should be registered by the Secretariat only if it demonstrates, to the satisfaction of the Secretariat that it is b) an organization is its own right, with a legal persona and an international character, remit and programme of work.*” The Secretariat proposes that an national or international non-governmental agency or body that has already been registered for previous meetings would generally not be required to submit the same documents for the next meeting. The Secretariat maintains the records of approved international and national non-governmental agencies and bodies from one meeting of the CoP to the next and hence, such observers would generally only need approval once, although there may be exceptions to this general rule. The participation fee is decided by the CoP at each meeting and is intended to ensure that the observers contribute to the costs of their participation at the meeting.² The reference in the Rules of Procedure to the fee is included to make it clear that payment is a condition of participation.
16. The suggested revised paragraph 1 of Rule 5 on credentials reflects the guidance on submission of credentials approved by the Standing Committee at its 66th meeting. The rule is further adapted to REIOs that are Parties to the Convention. During the consultations on the draft, it was suggested that an obligation be included for REIOs to indicate in their credentials the matters on the agenda of the CoP within their competence. This suggestion is addressed in Annex 3 to the present document. Finally, Rule 5 contains a new paragraph concerning credentials for States that are not Parties to the Convention; copied from Rule 8 of the Rules of Procedure of the Standing Committee. As noted above, the last paragraph of Rule 5 has been moved to Rule 4 as a more appropriate place, given that rules on credentials do not apply to observers representing non-governmental bodies and agencies.
17. In the draft Rules circulated for comments, more detailed Rules on the Secretary-General and the Secretariat had been proposed. However, some Parties felt that these details were not strictly necessary and the Secretariat decided to go back to the text of the Convention to keep the Rules simple and streamlined.

Part II: Arrangement of the meeting

18. As noted in document SC66 Doc. 5.2, the current Rules of Procedure provide very little guidance on the establishment, composition, working modalities and mandates of Committee working groups, even though they have played an increasing role in the functioning of the governing bodies and technical committees, particularly the Standing Committee, the Animals Committee and the Plants Committee. The Standing Committee currently has 31 intersessional working groups, subcommittees, subgroups, contact groups, consultative groups and advisory groups, working on a variety of key issues for the Convention. The Secretariat has observed that Parties have found it challenging to engage with all these groups simultaneously. The document also recognized the need for clarification of the participation of non-State actors in working groups. The suggestions by the Secretariat for Rule 7, paragraph 3, are intended to ensure that the composition of working groups is considered at the time they are established, with an aim to ensure a regional balance, where possible and appropriate. Further, the Presiding Officer is expected to ensure a fair and balanced representation of delegates and observers with the number of observers not exceeding the number of delegates. These provisions are intended to ensure that non-State actors can continue to play an important role and contribute to the evolution of the Convention while underscoring the intergovernmental character of the meeting. In the same vein, it is suggested that the chair of each working group should be a delegate, unless otherwise decided by the Presiding Officer. More detailed Rules on working groups will also be proposed for the Rules of Procedure for the Standing Committee and the technical committees.

² See for instance Resolution Conf. 16.2

19. During the consultations on the draft, comments were made with respect to the interpretation of Rule 9 on the quorum in relation to the participation of an REIO. It is suggested that these comments be addressed in Annex 3 and that the Rules be kept simple and hence no changes are proposed to Rule 9 at this point in time.
20. The proposed changes to Rule 14 are a consequence of the changes suggested to the rules on working groups, mentioned above.
21. The proposed changes to Rule 15 on media are taken from a similar rule of the United Nations General Assembly³.

Part III: Officers

22. The Secretariat is proposing to update the language by substituting Chair for Chairman across the Rules of Procedure.

Part IV: Rules of order and debate

23. The proposed new paragraph 2 in Rule 19, is intended to explicitly recognize the right to speak of the Chairs of the Animals and Plants Committees on matters relevant for the work of those Committees. This is already current practice. In paragraph 3, the Secretariat proposes to replace “*organizations*” with “*agencies and bodies*” that is the language of the Convention and more accurately reflects that this also includes the private sector.

Part V: Submission of proposals and procedures for making decisions

24. The proposed changes in Rule 22, paragraph 1, reflects the rule in Resolution Conf. 4.6 on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties* and hence existing practice operating with a limit on documents to 12 pages, mainly for budgetary reasons. The Secretariat had suggested a document limit of 6000 words but several Parties objected to this during the consultations so the existing practice is maintained in the proposed revision of the Rules of Procedure.
25. In their comments during the consultations, some Parties noted that the rules for considering documents and for deciding on proposals for amendment of Appendices I and II remained ambiguous and merited further consideration by Parties. Specific suggestions for changes have also been proposed. However, given the time available and the complexity of these rules, the Secretariat suggests that the Standing Committee be requested to undertake a review of these Rules with a view to proposing amendments for CoP18.

Part VI: Voting

26. The rules on the right to vote need to be adjusted to take account of the REIO that has become a Party to the Convention. This is a complex matter that raises many questions. In the draft prepared by the Secretariat in close collaboration with the chairs of the permanent committees, it had been proposed to include some interpretative footnotes to the proposed new paragraphs in Rule 26. However, almost all comments provided during the consultation were in disagreement with these interpretative footnotes. The Secretariat therefore suggests that agreed language from the rules of procedure of other international environmental agreements⁴ be used in Rule 26, paragraphs 1 to 3. Paragraph 3 is repeating Article XXI, paragraph 5, of the Convention. The questions related to the interpretation of this rule are addressed in Annex 3 of this document. The proposed paragraph 4 is included for practical purposes and to avoid any misunderstandings as to whether the REIO that is now a Party will exercise its right to vote or whether its Member States will exercise their right individually, and is further explained in Annex 3.

Part VII: Information documents and exhibitions

27. The changes proposed in this part are based on existing practice. The new paragraph 4 of Rule 30 should be read in conjunction with Notification to the Parties No. 2011/018, of 11 February 2011, on *Use of the CITES logo*, in which the Secretariat “authorizes all national CITES authorities to use the CITES logo for

³ See <http://www.un.org/en/media/accreditation/request.shtml>

⁴ See for instance rules of procedure for Basel, Stockholm and Rotterdam Conventions, CBD and the Montreal Protocol

official purposes". The Secretariat also authorizes other entities to use the logo on a case-by-case basis according to the procedure laid out in the Notification.

Part VIII: Complaints

28. No substantive changes are proposed for this part.

Part IX: Amendment of the Rules of Procedure

29. At SC66, the Secretariat presented two possible options to amend Rule 30 to reflect the agreement reached at CoP16. A majority of the Parties expressed support for the two-thirds majority to amend the Rules of Procedure, three Parties supported the simple majority option. One Party expressed concern about reopening discussion of this issue. The Standing Committee agreed not to propose any changes to the Rules of Procedure and to refer back to the interpretation of the Rules as agreed by the Conference of the Parties at CoP16. At SC66, the Standing Committee also gave the Secretariat a mandate to review the Rules of Procedure of all the Convention bodies as described above. In view of the fact that the Rules of Procedure are being revised anyway, the Secretariat proposes that the agreement reached at CoP16 be codified with an explicit reference to a two-thirds majority in Rule 30. It should be noted that, during the consultations, four Parties commented on this suggestion; two agreed to the suggestion and two recalled the decision of the Standing Committee not to propose a change to the rules.
30. Similarly, the Secretariat proposes to amend Rule 28 to clarify that amendments to the Rules of Procedure require a decision by a two-thirds majority of the Representatives present and voting.

Resolution Conf. 13.8 (Rev. CoP16) on the *Participation of observers at meetings of the Conference of the Parties*

31. As noted above, the Secretariat proposes to incorporate relevant provisions of the above-mentioned Resolution on the participation of observers into the Rules of Procedure to ensure consistency and facilitate the use of the Rules. The Resolution also contains a recommendation with regard to the venue of the meetings of the CoP aiming at ensuring sufficient space at the venue for the observers. These recommendations have become standard practice when selecting the venue and agreeing on the host Government agreement with the host of the Conference of the Parties – and meetings of the permanent committees when held outside Geneva. The final provision in the Resolution concerns the Sponsored Delegates Project and is aimed to ensure that an individual is not sponsored as a delegate when he/she is also an observer for a non-governmental organization at the meeting. As a Resolution on the Sponsored Delegates Project has been proposed for the consideration of the CoP (see document CoP17 Doc. 8), the Secretariat proposes that this provision be included in that Resolution as it is more pertinent.
32. Based on these considerations, it would appear that Resolution 13.8 is no longer of much added value and could be repealed as a sign of full mainstreaming of the participation of observers in the meetings of the CITES CoP and the permanent committees.

Recommendations

33. On the basis of the explanations provided above, the Secretariat recommends that the Conference of the Parties:
 - a) adopts the proposed amendments to the Rules of Procedure as contained in Annex 2 to the present document, taking into account the proposed practical arrangements contained in Annex 3 to the present document;
 - b) for the duration of CoP 17 applies the *Proposed practical arrangements for the participation of a regional economic integration organization at the 17th meeting of the Conference of the Parties to CITES*, as set out in Annex 3 to the present document;
 - c) repeals Resolution Conf. 13.8 on the *Participation of observers at meetings of the Conference of the Parties*.
 - d) adopt the draft decision contained in Annex 4.

34. The Secretariat considers that the resource implications of these recommendations can be absorbed within the current financial and human resources of the Secretariat and the permanent committees.



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

Rules of Procedure of the Conference of the Parties

(as amended at the 16th meeting, Bangkok, 2013)

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Part I Participants: delegates, observers, Secretariat

Rule 1 Delegates

1. A State party to the Convention (hereafter referred to as "a Party")¹ 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
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.³ 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.
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.

¹ 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.

² See Convention, Article XI, paragraph 6.

³ See Convention, Article XI, paragraph 7.

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.⁴

Part II **Arrangement of the meeting**

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.

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.

⁴ See Convention, Article XII, paragraph 2 (a).

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.

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.

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**

Rule 20 ***Submission of draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)***

1. As a general rule, draft resolutions, draft decisions 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, 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.

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.
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.

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

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

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 Parties⁵ in the working languages.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at anytime, 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

⁵ See Convention, Article XV, paragraph 1 (a).

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 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

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. 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.
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

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

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.



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

Rules of Procedure of the Conference of the Parties

(as amended at the 16th meeting, Bangkok, 2013)

With proposed amendments to be considered at the 17th meeting

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Part I Definitions and Participants: delegates, observers, Secretariat

Rule 1 Scope

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Articles XI and XVII of the Convention.¹

Rule 2 Definitions

For the purpose of these Rules of Procedure:

- a) "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 D.C., United States of America, on 3 March 1973;
- b) "Party" means a Party to the Convention as defined by Article I, subparagraph (h), Article XXI and Article XXII of the Convention;
- c) "Regional economic integration organization" means an organization defined in Article XXI of the Convention;²
- d) "Conference of the Parties (CoP)" means the Conference of the Parties established by Article XI of the Convention;
- e) "Delegates" means Representatives, Alternate Representatives and Advisers representing a Party to the Convention;
- f) "Duly accredited", when referring to Representatives, Alternative Representatives and Advisers representing Parties to the Convention means that their credentials have been accepted by the Conference of the Parties in accordance with Rule 5;
- g) "Representatives present and voting" means duly accredited Representatives, including Alternate Representatives, present and casting an affirmative or negative vote;
- h) "Presiding officer" means an officer elected to preside over sessions in accordance with Rule 14;
- i) "Secretariat" means the Secretariat of the Convention, which shall arrange for, service and act as secretariat for any meeting of the Conference of the Parties in accordance with Article XII, paragraph 2, of the Convention and Rule 6;
- j) "Working documents" means 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 any Party to the Convention, the Standing Committee, the Animals Committee, the Plants Committee or the Secretariat, as well as proposals to amend Appendices I and II, submitted by Parties;
- k) "Information documents" means documents submitted to the Conference of the Parties in accordance with Rule 30, by Parties, observers or the Secretariat for information purposes only.

¹ These Rules of Procedure cannot be understood as an implicit acceptance of the Gaborone Amendment to Article XXI of the Convention by any Party that has not deposited its instrument of acceptance of that amendment.

² Nothing in these rules prejudices the views of any Party concerning the rights and obligations of regional economic integration organizations in other international fora.

Rule 13 Delegates

1. A ~~State~~ Party to the Convention (~~hereafter referred to as "a Party"~~)³ 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 24 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.³
2. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
 - a) an ~~international~~ intergovernmental agency or body, ~~either governmental or non-governmental~~, or a national governmental agency or body; or
 - b) an international or national non-governmental agency or body, including a private sector entity;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers 60 days before the meeting⁴, 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.⁵ However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

3. A body or an agency referred to in paragraph 2 of this Rule desiring to be represented at the meeting by observers shall submit the names of these observers and pay the standard participation charge to the Secretariat at least 60 days prior to the opening of the meeting and,
 - a) evidence of the approval of the State in which it is located in the case of a national non-governmental body or agency; or⁶
 - b) evidence that it has a legal persona and an international character, remit and programme of activities in the case of an international non-governmental body or agency,

~~unless it has already been registered by the Secretariat.] to the Secretariat of the Convention at least six weeks prior to the opening of the meeting~~

Rule 35 Credentials

1. The Representative ~~and~~ 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, or, in the case of a regional economic integration organization, by the competent authority of that organization, 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~~

³ 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.

³ See Convention, Article XI, paragraph 6.

⁴ Where justified, the Secretariat may exceptionally accept late registrations.

⁵ See Convention, Article XI, paragraph 7.

⁶ See Convention, Article XI, paragraph 7 (b)

4. Unless the chair of a working group is appointed by the Presiding OfficerChair of the session at which it is established, Each working group shall elect its own officerschair from among the delegates that are members of the working group.

Rule 68 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.

Rule 79 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 810 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, the Bureau and working groups only if the Conference of the Parties agrees to provide the only if resources allow for this.
3. The official working documents of the meeting shall be distributed in the three working languages, except for informative Information documents submitted in accordance with Rule 28-30 below which are not submitted for discussion and therefore shall be distributed only in the working language in which they are provided.

Rule 911 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 working 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 1012 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 made available on the website of the Convention 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 1113 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 observer body or agency, be present at plenary sessions and sessions of Committees I and II.

Rule 4214 ~~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 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.~~

Rule 4315 ~~Media~~

1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Media accreditation is strictly reserved for representatives of the media (print, photo, radio, television, film, news agencies, online media) who represent a bona fide media organization and who are not registered as an observer for any agency or body. Applications for accreditation shall be considered on a case-by-case basis and the decisions of the Secretariat shall be final. Plenary sessions and sessions of Committees I and II are open to the accredited 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

Rule 4416 ~~Chairmen~~Chairs and Vice-Chairmen~~Chairs~~

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 itself~~ 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~~Chairs 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~~Chairs of the Conference to deputize for him/her as Presiding Officer.
6. The Presiding Officer shall not vote.

Rule ~~45~~17 Bureau

1. The ~~Chairman~~, the Alternate ~~Chairman~~ and the Vice-~~Chairmen~~Chairs of the Conference, the ~~Chairmen~~Chairs 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~~Chairs to preside.

Part IV

Rules of order and debate

Rule ~~46~~18 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 4413, paragraph 2 or 4 on seating arrangements, 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 ~~47~~19 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 24, as well as to the Secretariat.
2. The Chairs of the Animals and Plants Committees shall have the right to speak in that capacity on matters relevant for the work of those Committees.
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 agencies and bodies and non-governmental organizations agencies and bodies, 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.

34. 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.
45. 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.
56. The Chair~~man~~ 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.
67. 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.
78. 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 1820 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 1921 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

Rule 2022 Submission of draft resolutions, draft decisions and other working documents (except proposals to amend Appendices I and II)

1. As a general rule, working documents, including draft resolutions, draft decisions, reports and other documents shall not be longer than 12 pages and shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate place them on the website of the Convention for information of 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, draft decisions and other documents arising after the 150-day period provided that they have been circulated placed on the website of the Convention as above and their consideration will not unduly inhibit the proceedings of the Conference.
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.
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.

Rule 2123 Procedure for deciding on draft resolutions, draft decisions and other documents (except proposals to amend Appendices I and II)

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

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 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.
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.
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.

Rule 2224 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~~ place them on the website of the Convention for information of all Parties⁸ 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 2325 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 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.

⁸ See Convention, Article XV, paragraph 1 (a).

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 2224, paragraph 2, and proposals made in accordance with ~~Rule 23~~, paragraph 5 of this Rule 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

Rule 2426 *Right to vote*

1. Each Party shall have one vote, except as provided for in paragraph 3 of this Rule.
2. The duly accredited Representative of a Party shall exercise the voting rights of that Party.
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 their Member States exercise theirs, and vice versa.⁹
4. In advance of each vote, each regional economic integration organization that is a Party to the Convention shall be invited to announce whether it will exercise its right to vote in accordance with paragraph 3 of this Rule or whether its Member States will exercise their right to vote.

Rule 2527 *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. 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.
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.

⁹ See Convention Article XXI, paragraph 5

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~~28 **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, including amendments of these Rules, 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~~29 **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 Information documents and exhibitions**

Rule ~~28~~30 **Submission of informative documents and exhibitions**

1. ~~Informative~~ on documents on the protection, conservation or management and utilization of natural resources-wild fauna and flora 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. Information ~~D~~ 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. ~~D~~ 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.

4. The CITES logo may not be used on information documents and other material unless authorized by the CITES Secretariat.
45. Any Representative may complain to the Bureau if an informative document that has been distributed is considered offensive or uses the CITES logo without authorization, in accordance with Rule 31.
56. 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

Rule ~~29~~31 Complaints

1. A complaint may be addressed to the Bureau pursuant to Rule ~~28~~30, paragraph 45, 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~~30, paragraph 45, 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

Rule ~~30~~32 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 two-thirds majority decision of the Representatives present and voting Conference.

Proposed practical arrangements for the participation of a regional economic integration organization at the 17th meeting of the Conference of the Parties to CITES

This note should be read in conjunction with the Rules of Procedure and has been prepared by the Secretariat to assist the Chairs and delegates at the 17th meeting of the Conference of the Parties (CoP17) to use the Rules of Procedure for CoP17, with regard to the participation of the regional economic integration organizations that is a Party to the Convention.

CoP17 will be the first meeting of the Conference of the Parties after the entry into force of the Gaborone Amendment to Article XXI of the Convention in November 2013 – accepted by 100 Parties at the time of writing (April 2016) - and the subsequent accession of the first regional economic integration organization (REIO) in 2015. On 9 April 2015, the European Union deposited with the Depository Government of the Convention an instrument of accession to CITES containing a declaration of competence in accordance with Article XXI, paragraph 3, of the Convention.¹

At its 66th meeting (Geneva, January 2016), the Standing Committee requested the Secretariat, in consultation with the chairs of the CITES permanent committees, to draft a set of proposed amendments to the Rules of Procedure of the CoP and the permanent committees, *inter alia* to propose adjustments to reflect the fact that a regional economic integration organization had become a Party to the Convention, referring to paragraphs 2 to 6 of Article XXI of the Convention.

In accordance with the request of the Standing Committee, the Secretariat has consulted widely on the proposed adjustments, including through Notification to the Parties No. 2016/27, of 21 March 2016, on the draft amendments to the Rules of Procedure. Ten responses were received during this formal consultation with Parties. The Secretariat invited those Parties that had expressed an opinion to further exchange views and explore possible ways forward.

At the time of the document deadline for the Conference of the Parties, there continued to be divergent views on how to adapt the Rules of Procedure to take account of the fact that an REIO had acceded to the Convention, in particular with regard to the voting rights of such organizations. These views reflect ongoing discussions in other fora that go well beyond the scope and nature of CITES Rules of Procedure.

In an attempt to provide for a practical way forward at the meeting of the Conference of the Parties, the Secretariat, in consultation with the Chairs of the Standing, Animals and Plants Committees, has prepared a set of proposed amendments to the Rules of Procedure, to allow for the effective conduct of the meeting of the Conference of the Parties. This is supplemented by the present notes on the Rules, intended to allow for a practical understanding of the Rules as they apply to the only regional economic integration organization that has acceded to the Convention thus far, namely the European Union. These practical arrangements are only proposed for CoP17. After the meeting, the Conference of the Parties will have a better basis for adapting the Rules of Procedure on a permanent basis to take account of regional economic integration organizations as Parties to the Convention.

Rule 2: Definitions

Paragraph 3: “Regional economic integration organization” means an organization defined in Article XXI of the Convention;

This definition should be read in conjunction with Article XXI, paragraph 2, 3 and 4 of the Convention, as well as the declaration of competence provided by the European Union (EU) in its instrument of accession.²

¹ The declaration is available on <https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/traites-internationaux/depositaire/esp%C3%A8ces-menacees-%28cites%29/notifications-cites.html> in English and French.

² The declaration is available on <https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/traites-internationaux/depositaire/esp%C3%A8ces-menacees-%28cites%29/notifications-cites.html> in English and French.

Rule 3: Delegates

- 1. A Party to the Convention 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.**

It should be noted that the CITES Conference of the Parties has a long established practice whereby a delegate can be accredited by more than one Party and can therefore be in the delegations of two or more Parties to the Convention and represent these Parties at the meeting of the CoP.

Taking into account comments made on the draft Rules and to avoid any confusion, for CoP17 the Secretariat proposes that a delegate can only act as the Representative and vote on behalf of one Party at the meeting; he/she can, however, serve as an Adviser on the delegation of one or more other Parties.

Rule 5: Credentials

- 1. The Representative and 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, or, in the case of a regional economic integration organization, by the competent authority of that organization, enabling him/her to represent the Party at the meeting.**

In the case of the EU, the competent authority to grant the powers to the delegation for the 17th meeting is the President of the European Commission or the High Representative of the Union for Foreign Affairs and Security Policy of the EU.

Before the beginning of CoP17, the EU is invited to indicate in writing whether the EU or its Member States will exercise the right to vote on matters on the agenda – should a matter be submitted to a vote. This indication will be non-binding on EU and its Member States.

Rule 9: 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.

The Convention itself is silent on issue of quorum. The Secretariat has therefore little guidance as to how this rule should be interpreted with regard to REIO, and several different opinions on the matter have been provided to the Secretariat.

For practical purposes and to avoid any complications and complex situations, it is proposed that, for CoP17, only Member States of the EU will count for the purposes of calculating the quorum. The EU will not count.

Rule 26: Right to vote

- 1. Each Party shall have one vote, except as provided for in paragraph 3 of this Rule.**
- 2. The duly accredited Representative of a Party shall exercise the voting rights of that Party.**
- 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 their Member States exercise theirs, and vice versa.**
- 4. In advance of each vote, each regional economic integration organization that is a Party to the Convention shall announce whether it will exercise its right to vote in accordance with paragraph 3 of this Rule or whether its Member States will exercise their right to vote.**

The proposed new paragraph 3 of Article 26 incorporates into the Rules of Procedure the provisions of paragraph 5 of Article XXI of the Convention. It is the same language that is used in other international

agreements that are open for accession by REIOs. The provision establishes that, when exercising the right to vote, an REIO will have the number of votes equal to the number of Member States that are a Party to the Convention. It also establishes that an REIO cannot exercise its right to vote if its members exercise theirs and vice versa.

The Convention does not explicitly address the question as to whether an REIO can only exercise its right to vote if delegations of the individual Member States are duly accredited and present in the meeting at the time of voting. Different legal opinions and interpretations on this question have been provided to the Secretariat during the consultation on the draft amendments to the Rules.

There may be matters that fall outside the competence of the European Union, for which the Member States will be exercising their right to vote individually. It is therefore to be expected that the 28 Member States of the EU that are Parties to the Convention will be represented at the meeting and their delegations duly accredited. Consequently, it is expected that the EU as well its 28 Member States will be eligible to vote at the meeting.

For CoP17, the Secretariat proposes the following practical arrangements:

- a) Without prejudice to its rights and obligations in other international fora and without setting a precedent for the 18th meeting of the Conference of the Parties to CITES, EU will only exercise its right to vote if all 28 EU Member States are represented at the meeting and that their delegations are duly accredited. The Secretariat will inform the Conference of the Parties of the presence of the EU Member States at the meeting of the Conference of the Parties, as necessary.
- b) In accordance with Rule 5, paragraph 4, no Representative may vote until the Credentials Committee has decided to recommend acceptance of his/her credentials; for the EU, the credentials of the Representative of the EU as well as the credentials of the Representatives of the 28 Member States would need to be recommended for acceptance by the Credentials Committee, before the EU may exercise its right to vote.
- c) For practical purposes, the EU will be invited to take the floor before each vote to state whether it will exercise its right to vote, or whether its Member States will exercise their right to vote. If the CoP agrees, this statement may be made to cover more than one voting, e.g. where the CoP is voting on a string of proposals related to the same species. This is also intended to ensure that the electronic voting system be set correctly for each vote. As noted above, the EU is invited to indicate in writing whether the EU or its Member States will exercise the right to vote on matters on the agenda, should a matter be submitted to a vote.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Rules of Procedure

Directed to the Standing Committee

- 17.X With the support of the Secretariat, the Standing Committee shall review the Rules of Procedure for the Conference of the Parties, in particular with regard to the rules related to the participation of regional economic integration organizations in the meetings of the Conference of the Parties as well as the Rules on Submission of proposals and procedures for making decisions; and propose amendments, as appropriate, at the 18th meeting of the Conference of the Parties with a view to ensuring the effective conduct of meetings.