

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

RULES OF PROCEDURE

1. This document is submitted by Botswana and South Africa.*

Background

2. At the 16th CoP to CITES different views were expressed by Parties relating to whether a proposed amendment to the Rules of Procedure should be adopted by a simple majority representative present and voting or a two-thirds majority representatives present and voting.
3. The summary record of the fourth plenary session that took place on 6 March 2013 contained in document CoP Plen. 4 reflect the outcome of the deliberations at the 16th CoP to CITES and the report states the following: *“It was thus clarified that any proposal to amend the Rules of Procedure would be decided by a two-thirds majority”*.
4. At the 66th Standing Committee, the CITES Secretariat proposed that amendments to the Rules of Procedures could be considered to clarify the matter. The Standing Committee however agreed to make no changes to the relevant rules of the Rules of Procedure of the Conference of the Parties and to refer back to the interpretation of these rules as agreed by the Conference of the Parties at its 16th meeting [SC66 Sum 2 (Rev. 1)].
5. The SADC Member States are of the view that amendments to the relevant rules of the Rules of Procedure will provide much needed clarity and the following amendments to Rule 26 (Majority) and Rule 30 (Amendment) are proposed (proposed additions is in ***bold and cursive*** font) are proposed:

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, ***including the amendment 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.

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

Rule 30 Amendment

1. 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.
2. *The amendment of these Rules shall be decided by two-third majority of Representatives present and voting.*

Recommendations

6. It is recommended that the Conference of Parties adopt the proposed amendments to Rule 26 and Rule 30 of the Rules of Procedure.

COMMENTS FROM THE SECRETARIAT

- A. In the report of the Secretariat under this agenda item (document CoP17 Doc. 4.1), the existing Rules of Procedure of the Conference of the Parties are contained in Annex 1. A proposal to amend the Rules of Procedure, prepared by the Secretariat on the basis of wide consultations with Parties and the Chairs of the CITES permanent committees, is contained in Annex 2 of that document. The Secretariat suggests that the present document and the two other documents concerning the Rules of Procedure of the Conference of the Parties (CoP17 Doc. 4.2 and CoP17 Doc. 4.3) be considered together.
- B. In the present document, two amendments are proposed: an amendment to current Rule 26 (corresponding to new Rule 28 in the proposal of the Secretariat) and an amendment to current Rule 30 (corresponding to new Rule 32 in the proposal of the Secretariat). Both proposals are intended to clarify that amendments of the Rules of Procedure require a decision by a two-thirds majority of the Representatives present and voting.
- C. The proposed amendment of current Rule 26 is intended to clarify that a decision to amend the Rules of Procedure is not a “procedural matter relating to the conduct of the meeting” and that such a decision is therefore covered by the normal rule that requires a two-thirds majority. This proposal is included in the revised Rules of Procedure put forward by the Secretariat.
- D. The proposal to amend Rule 30 is covered in the proposal by the Secretariat in the following way:

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.~~

- E. Based on the above, the Secretariat considers that these two proposals have already been integrated into the proposed amendments to the Rules put forward by the Secretariat.