

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

PROPOSAL OF ISRAEL

1. This document has been submitted by Israel.\*
2. This revised document replaces CoP17 Doc. 4.3. This document offers a number of proposals for changes in the Rules of Procedure for the Conference of the Parties (CoP). Each proposed change is shown in a table and is preceded by an explanation of the rationale for the proposal.
3. Regarding Rule 23 on the procedure for deciding on proposals for amendment of Appendices I and II. The current situation in Rule 23 paragraph 6, deals with the issue of multiple proposals dealing with the same taxon when there are major differences among the proposals, (while Rule 23 paragraph 4, deals with the case of multiple proposals related to the same taxon but having the same substance). Paragraph 6 says: "*When however, the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall not be submitted to decision*". From cases that occurred at the last CoP, we saw that this phrase is not clear and it can be interpreted in a large number of ways. The Parties could, for example, reject an Appendix I proposal because they think an Appendix II proposal with a zero quota is more appropriate, but is it unclear which of these is more or less restrictive. The issue is really what proposals remain on the table after the first decision is made. In other words, we believe that the Rules should not interfere with allowing the Parties to provide the protection that they want for each species, and that the Chair must have discretion to determine in what order to deal with all the proposals (note that if the Parties disagree with the Chair's determination, they can choose to override the Chair, if they so wish). Therefore, in order to ensure the maximum clarity and ease of dealing with the proposals, we propose to delete from Rule 23 paragraph 6 the problematic sentence quoted above.
4. In addition, Rule 23 paragraph 6 does not take into account the special case where one proposal is a subset of the taxon in another proposal, as can happen for example, when there is one proposal related to a whole genus (see for example Proposal 26 at the present CoP, on the genus *Abronia*) and another proposal of just individual species from this genus, (see for example, Proposal 25 for a number of species in the genus *Abronia*). Our proposal is that in such a case, the CoP shall deal first with the proposal that covers the largest number of species (the genus, in our example), and then the CoP shall move on to make a decision on the smaller subset (the species, in our example). It is therefore, important that the Rules of Procedure do not remove any proposals from the table automatically, especially because each case can be different. So we propose, as above, no automatic acceptance or rejection of proposals.

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

Table 1. Rule 23 Paragraph 6

Rule and paragraph number	Original version (as amended at the 16th meeting, Bangkok, 2013)	Proposed changes (added text is underlined)	Clean version with proposed changes
<p><b>Rule 23</b> <b>Procedure for deciding on proposals for amendment of Appendices I and II</b></p> <p>Paragraph 6.</p>	<p>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.</p>	<p>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. <u>When however, the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall not be submitted to decision. If two or more proposals relate to different taxa such that the taxon in one proposal is a subset of the taxon in another, then the proposal covering the largest number of species shall be considered first.</u></p>	<p>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. If two or more proposals relate to different taxa such that the taxon in one proposal is a subset of the taxon in another, then the proposal covering the largest number of species shall be considered first.</p>

5. Regarding Rule 25 on the method of voting. This rule states that secret ballots “*shall not normally be used*”, however it allows for a secret ballot on any issue when one Party proposes and ten Parties second the motion. This current situation makes it relatively easy to call for a secret ballot. The CoP discussed a proposal to change the method of voting on secret ballots at CoP16 in 2013, using CoP16 Doc. 4.3 (Rev. 1). That document gave an excellent history of the debates on secret ballots including a summary of the issue as presented by the Secretariat at SC62 (Geneva, July 2012) in document SC62 Doc. 10.3. The latter consisted of a review on the use of secret ballots during the period from CoP10 to CoP15. Much effort was expended at CoP 16 on how to vote on the proposal to change the method of using secret ballots, but nonetheless the proposal was not approved. We feel that the high number of secret votes at each CoP contributes to opacity and to attacks on the Convention and on its decision-making. We propose that the secret ballot should be used rarely and only if a simple majority of the Parties want it.

**Table 2. Rule 25 Paragraph 2**

<b>Rule and paragraph number</b>	<b>Original version (as amended at the 16th meeting, Bangkok, 2013)</b>	<b>Proposed changes (added text is underlined)</b>	<b>Clean version with proposed changes</b>
<b>Rule 25 Method of voting.</b>  Paragraph 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.	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 <del>10</del> <u>a simple majority of the Representatives present and voting, then the vote shall be by secret ballot.</u> <u>The determination of whether a vote shall be by secret ballot, shall not be made by secret ballot.</u>	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 a simple majority of the Representatives present and voting, then the vote shall be by secret ballot. The determination of whether a vote shall be by secret ballot, shall not be made by secret ballot.

6. We propose language to clarify an issue that came up at CoP 16 regarding Rule 26 on determining what kind of majority is needed for different kinds of votes. The Rule states that all “procedural matters” are decided by a simple majority, and all other issues are decided by a two-thirds majority. In the current situation, the Rules can be circumvented. For example, a controversial procedural issue could be proposed to be “non-procedural” and then only a simple majority would be needed to affirm that it is now non-procedural and then the vote on the matter would require only a simple majority instead of the two-thirds majority that the Parties decided upon for procedural matters. This occurred at CoP 16 where there was a debate as to whether a certain matter should be considered “procedural” or not. Our proposal is that in such a case, a two-thirds majority shall be required to determine if a matter is indeed “procedural”.

**Table 3. Rule 26 Paragraph 1**

<b>Rule and paragraph number</b>	<b>Original version (as amended at the 16th meeting, Bangkok, 2013)</b>	<b>Proposed changes (added text is underlined)</b>	<b>Clean version with proposed changes</b>
<b>Rule 26 Majority</b>  Paragraph 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	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	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

	<p>Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.</p>	<p>Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting. <u>Any question as to whether a motion is procedural, shall only be approved with a two-thirds majority.</u></p>	<p>Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting. Any question as to whether a motion is procedural, shall only be approved with a two-thirds majority.</p>
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TENTATIVE BUDGET AND SOURCE OF FUNDING  
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The authors of this document have determined that the proposed changes have no budgetary or workload implications for the Secretariat or for the permanent committees.