

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

Strategic matters

POTENTIAL CONFLICTS OF INTEREST IN THE ANIMALS AND PLANTS COMMITTEES

1. This document has been submitted by the Standing Committee.\*

Background

2. At its 15th meeting (CoP15, Doha, 2010), the Conference of the Parties adopted Decision 15.9, in which it instructed the Standing Committee to review the need for the Rules of Procedure of the Animals and Plants Committees to deal with potential conflicts of interest of its members relating to their activities in the Committees, and to deliver a report at the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013).
3. The Standing Committee considered the issue at its 61st, 62nd and 63rd meetings (SC61, Geneva, August 2011; SC62, Geneva, July 2012; SC63, Bangkok, March 2013). At SC63, the Standing Committee noted that the Animals and Plants Committees had submitted a document on potential conflicts of interest for discussion at the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013) in document CoP16 Doc. 11 (Rev. 1) on *Potential conflicts of interest in the Animals and Plants Committees*. That document set out proposed paragraphs addressing conflicts of interest, to be included in Resolution Conf. 11.1 (Rev. CoP15) on *Establishment of committees*.
4. At CoP16, the Conference of the Parties considered document CoP16 Doc. 11 (Rev. 1) and the proposed revisions to Resolution Conf. 11.1 (Rev. CoP15). The Conference adopted an amendment to add insert a new paragraph c) under "Recommends" in the section "Regarding representation in the Animals and Plants Committees", as follows:

*RECOMMENDS that the following guidelines be implemented:*

...

c) *Conflict of interest*

*A "conflict of interest"<sup>1</sup> refers to any current financial interest which could significantly impair the individual's impartiality, objectivity or independence in carrying out his or her duties as a member of the Committee. A candidate's employment by itself does not automatically constitute a conflict of interest:*

- i) *Parties proposing candidates as members or alternate members are to request that, together with their names and curriculae vitae, each candidate provides a declaration of interest which*

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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.*

<sup>1</sup> *Conflict-of-interest policies in scientific assessment bodies typically make a distinction between "conflict of interest" and "bias", which refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues.*

*should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference by the Parties at which the representatives will be elected. In that declaration, the candidate should disclose any current financial interest that might call into question his or her impartiality, objectivity or independence in carrying out his or her duties as a member or alternate member of the Committee;*

- ii) Following an election, the declaration of interest and the curriculum vitae of each member and alternate member shall be made available by the Secretariat to the Chair and the members of the Committee concerned, and to the Chair of the Standing Committee;*
- iii) Each member shall, at the beginning of each meeting of the Committee, declare any financial interests that he or she considers calls into question his or her impartiality, objectivity or independence regarding any subject on the agenda for that meeting of the Committee. If a member has declared such an interest, he or she may take part in discussions but not in the decision-making regarding the agenda item in question. If the member is the subject of the potential conflict of interest, he or she shall not chair the meeting or sub-meeting for the agenda item in question; and*
- iv) When taking part in meetings or seminars outside the CITES framework, the members and alternate members should specify that their interventions are not made on behalf of the Committee or of any CITES body, unless specific instructions have been issued by the Committee to that effect.*

5. In addition to the conflict of interest policy contained in paragraph 4 above, the Conference of the Parties at CoP16 also adopted an amendment to Annex 2 of Resolution Conf. 11.1 (Rev. CoP16), on *Establishment of the Animals and Plants Committees of the Conference of the Parties*, to add the text under paragraph a) as follows:

...

*RESOLVES that the duties of members elected by the regions of the Animals and Plants Committees and their alternates are as follows:*

- a) each member should, to the best of their abilities, act as impartially as possible and endeavour to base their judgements and opinions upon an objective, scientific assessment of the available evidence.*

6. Also at CoP16, the Conference of the Parties adopted Decisions 16.9 and 16.10, directed to the Standing Committee and the Secretariat, as follows:

16.9 The Standing Committee shall, at its 65th meeting and on the basis of a review from the Secretariat, assess the functioning of the conflict of interest policy set out in paragraph c) under Regarding representation in the Animals and Plants Committees of Resolution Conf. 11.1 (Rev. CoP16), and make recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts, having reference to such mechanisms developed in other multilateral environmental agreements or relevant international organizations and bodies, for consideration at the 17th meeting of the Conference of the Parties.

16.10 The Secretariat shall compile examples of conflicts of interest procedures under other relevant agreements and organizations, and shall prepare a report for the 65th meeting of the Standing Committee.

#### Implementation of Decisions 16.9 and 16.10

7. At the 66th meeting of the Standing Committee (SC66, Geneva, January 2016), the Secretariat reported, in document SC66 Doc. 8, that paragraph iii) of the new policy on conflict of interest had been applied, but that paragraphs i) and ii) would only become applicable for the cycle of committee membership selection starting at the 17th meeting of the Conference of the Parties (CoP17). Decision 16.9 could therefore only be implemented in part.
8. Consequently, the Secretariat suggested that additional time would be required to assess the functioning of the policy set out in Resolution Conf. 11.1 (Rev. CoP16), and to propose recommendations to refine the

definition of conflict of interest and mechanisms to deal with such conflicts, if appropriate. The Secretariat further noted that, should the Conference of the Parties authorize a comprehensive review of the terms of reference of the Scientific Committees contained in Resolution Conf. 11.1 (Rev. CoP16), pursuant to a proposal by the Animals and Plants Committees, this would also warrant the extension of Decision 16.9 at CoP17 for implementation by the 18th meeting of the Conference of the Parties.

9. In relation to Decision 16.10, the Secretariat explained in document SC66 Doc. 8 that it continues to compile updated and additional examples of procedures for dealing with potential conflicts of interest. This work builds on document SC61 Doc. 8, prepared by the Secretariat in 2011 to describe such procedures adopted in the context of relevant agreements and by other organizations.

#### Standing Committee review of document SC66 Doc. 8

10. At SC66, the Standing Committee generally welcomed the new policies adopted at CoP16 regarding guidelines for dealing with potential conflicts of interest in the Animals and Plants Committee. It believed that further transparency would be desirable, and that processes should be developed for proactively handling conflicts that may not be declared or identified through the current self-policing by the members of the Animals and Plants Committees. It encouraged the Secretariat to continue examining relevant arrangements in other Multilateral Environmental Agreements (MEAs).

#### Recommendations

11. The Standing Committee recommends that the Conference of the Parties amend Decisions 16.9 and 16.10 by extending the period of validity with the aim of reviewing the conflict of interest policy, and providing proposals for possible amendment to Resolution Conf. 11.1 (Rev. CoP16) on *Establishment of Committees*, as necessary, for consideration at the 70th meeting of the Standing Committee, and consideration if appropriate at the 18th meeting of the Conference of the Parties.
12. The proposed amendments are presented in the Annex to the present document.

#### COMMENTS FROM THE SECRETARIAT

The Secretariat recommends that the Conference of the Parties adopt the amendments to Decisions 16.9 and 16.10 as set out in the Annex to the present document. The Secretariat believes that the resources provided within the current work programme and budget would be sufficient for the implementation of the Decisions as amended.

Proposed amendments to Decisions 16.9 and 16.10

Decision 16.9 (Rev. CoP17)

***Directed to the Standing Committee***

The Standing Committee shall, at its ~~65th~~ 70th meeting and on the basis of a review from the Secretariat, assess the functioning of the conflict of interest policy set out in paragraph c) under Regarding representation in the Animals and Plants Committees of Resolution Conf. 11.1 (Rev. CoP16) on Establishment of committees, and make recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts, having reference to such mechanisms developed in other multilateral environmental agreements or relevant international organizations and bodies, for consideration at the ~~47~~18th meeting of the Conference of the Parties.

Decision 16.10 (Rev. CoP17)

***Directed to the Secretariat***

The Secretariat shall continue to compile examples of conflicts of interest procedures under other relevant agreements and organizations, and shall prepare a report for consideration at the ~~65th~~ 70th meeting of the Standing Committee.