

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



Eighteenth meeting of the Conference of the Parties
Geneva (Switzerland), 17-28 August 2019

GUIDE FOR PARTICIPANTS

1. This document has been prepared by the Secretariat on the basis of the *Guide for participants* produced for previous meetings of the Conference of the Parties (CoP) to CITES. It is based on the Rules of Procedure of the Conference of the Parties as amended by the Parties at the 17th meeting of the CoP (CoP17, Johannesburg, 2016). No proposals were received to amend the Rules from CoP17.
2. The present document is not intended as an official interpretation of the Rules. The aim of this *Guide for participants* is to give participants a clearer idea of how a meeting of the Conference of the Parties is expected to proceed. It is also meant to inform participants who are not familiar with CITES meetings of what might be expected of them.

Introduction

3. Meetings of the Conference of the Parties to CITES are always busy gatherings and include discussions of a large number of complex and sometimes sensitive issues. Participants in the meetings, including delegates of Parties and observers, may have different views about the conservation of endangered species and, understandably, want to express their positions and ideas as strongly as possible.
4. Some participants may not have attended large international gatherings before. Time for discussion on individual topics is limited in view of the number of participants. It is therefore very important that everyone taking part in meetings of the Conference of the Parties work together to make sure that the issues are examined in a thorough and objective way.
5. The Rules of Procedure are intended to provide a way of ensuring that debates are conducted in an orderly and constructive way. They give the Presiding Officer powers to direct discussion and control the proceedings. The Presiding Officer may, for example, on reasonable grounds, limit the number of speakers on a particular issue, set time limits for individual speakers or remind speakers to stick to the subject in order to secure expeditious and efficient treatment of the issues at hand.

Functional bodies

6. **Conference of the Parties** - The Conference of the Parties, also known as 'the Conference', is the combined body of all the Parties to CITES and is convened every three years. A meeting of the Conference is often referred to as a 'CoP'.
7. **Bureau** - The Bureau comprises the Chair, the Alternate Chair and the Vice-Chairs of the Conference, the Chairs of Committees I and II, the Chair of the Credentials Committee, the Chair and the other members of the Standing Committee, and the Secretariat. The Bureau, to be presided over by the Chair of the Conference, has the duty to ensure effective enforcement of the Rules of Procedure and forwarding of the business of the meeting. To ensure the effective completion of business, the Bureau may take steps to alter the timetable or structure of the meeting and, as a last resort, to limit the time for debates (Rule 17.1 of the Rules of Procedure).

The Bureau also has a task assigned to arbitrate conflicts that occur during the business outside meeting rooms. It will consider complaints from participants who consider themselves to have been subject to abuse

by others (Rule 31). If a case is of the utmost gravity, the Bureau may recommend to the Conference withdrawal of the right of admission of an organization or the making of a formal complaint to a Party.

8. **Plenary** - The plenary sessions are the decision-making sessions of the Conference of the Parties.
9. **Committee I** - This Committee discusses and makes recommendations concerning proposals to amend the Appendices, quotas and ranching operations, and other scientific issues.
10. **Committee II** - This Committee discusses and makes recommendations concerning the implementation and operation of the Convention.

The recommendations of Committees I and II, some of which may be in draft resolutions or decisions, are forwarded to the plenary session for final approval.

11. **Secretariat** - The Secretariat serves as the Secretariat of the Conference of the Parties and, therefore, services the meetings of the Conference of the Parties (Articles XI and XII of the Convention).

A guide to the Rules of Procedure – conduct of discussions and decision-making

12. This guide to the Rules of Procedure is designed to familiarize delegates with the Rules of Procedure that govern meetings of the Conference of the Parties to CITES. The Rules of Procedure are the primary source of rules. The Rules of Procedure adopted at a meeting apply at the following meetings until they are amended (Rule 32).
13. **Purpose of the Rules of Procedure** – The purpose of the Rules of Procedure is to define the structure for the conduct of meetings of the Conference of the Parties, and the process for making decisions. While the Rules do not promote any particular outcome, they can often impact on the outcome of specific votes. An effective set of rules provides for a balance between full and open discussion of all issues and efficient decision-making. Some concern for efficiency (limited time for discussion of an issue) is warranted because the CoP is limited in time, has a busy agenda and many complex issues to consider and decide upon.
14. **Adoption of amendments to the Rules of Procedure** – While some rules that govern the conduct of the CoP are found within the text of the Convention, the full set of rules is adopted by the Conference as one of the first orders of business at the start of the meeting (bearing in mind that the Rules last adopted apply until they are amended).
15. **Implementation of the Rules of Procedure** – The Chair of the meeting or the Chair of a Committee or working group is the person primarily responsible for ensuring that the Rules are applied. Because the Chair must often make decisions quickly, it is important that he or she be familiar with the Rules of Procedure and the Chair is assisted in this regard by the Secretariat. As will be discussed later, a Party delegate at a Committee meeting or in plenary session may challenge a procedural decision of the Chair by raising a 'point of order', and the Chair should be able to respond correctly. The Chairs, as well as Parties, can also request assistance from the Bureau in interpreting the Rules of Procedure, because the Bureau has the ultimate responsibility for "ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting" (Rule 17).
16. **Starting the meeting – A quorum** – Before the Parties may undertake any business in Committee I or II or plenary session, a quorum of the Parties must be present in the room. Under Rule 9, a quorum is "one-half of the Parties having delegations at the meeting". Under Rule 5, paragraph 4, delegates may participate provisionally in the meeting pending the acceptance of their credentials but not vote. For this reason, the phrase "delegations at the meeting" means all delegations of Parties that have registered as participants at the meeting. Thus, if all 183 Parties have delegations at a meeting, then delegates from 91 Parties must be present in the room to start a particular session. If a Party believes that a quorum does not exist when the meeting starts, that Party may ask the Chair for a quorum count. If the required number of Parties is not present, then the Chair must wait until the necessary number is reached. This is why the Parties are urged to ensure that they have a representative in both Committee I and Committee II at all times.

17. **Decision-making** – The Conference decides as far as possible on draft resolutions, decisions and amendment proposals¹ by consensus.² In some cases, the Conference or the Committee may establish a working group and decide on its terms of reference and the composition, which may include observers. Upon completion of the discussions in the working group, the Conference or the Committee decides by consensus, if possible. Whenever the Conference does not reach consensus, the Chair proposes that the decision be put to a vote.
18. **Who can vote?** – Each delegation of a Party to CITES that has had its credentials accepted at the CoP may cast one vote on any issue being put to a vote by the Parties in plenary session, Committee I or Committee II. The Rules of Procedure provide that copies of credentials may not be accepted by the Credentials Committee. They also require that the credentials of delegations should include the Advisers and make clear that persons whose credentials have been found to be unacceptable may not participate in the meetings. Each Party decides which of its delegates (either the Representative or an Alternate Representative) will cast its vote. For Parties that are Members of regional economic integration organizations that have acceded to the Convention,³ it is either the regional economic integration organization or the Member States individually that will exercise the right to vote (not both) in accordance with Article XXI of the Convention.⁴
19. **How many votes are necessary?** – The number of votes necessary to adopt a decision is determined by two factors: a) the number of affirmative votes necessary to adopt a particular motion, decision, resolution, or proposal; and b) the calculation of votes.

a) The number of affirmative votes necessary

The Rules of Procedure require a different number of affirmative votes to make a decision, depending on the nature of the decision. A **two-thirds (2/3) majority vote** is necessary for most issues decided in a Committee and in plenary session (Rule 28). If a vote calls for a two-thirds majority and 100 Parties vote, at least 67 affirmative votes are necessary to approve the measure. At CITES meetings, the following issues require a two-thirds majority:

- recommendations to approve Resolutions and Decisions, in Committees I and II and in plenary session;
- recommendations to amend Appendices I and II, in Committee I and in plenary session;
- adoption of Decisions and Resolutions and Proposals to amend Appendices I and II in plenary session; and
- motions to amend draft resolutions and draft proposals.

A **simple majority** of votes cast (meaning more than one-half of the votes if there are only two options 'in favour' or 'against') is necessary to adopt all procedural motions relating to the conduct of the business of the meeting, such as points of order (Rules 20 and 28). If 100 Parties vote on an issue that requires a simple majority, the motion is adopted if 51 Parties vote in the affirmative. If the numbers of votes for and against are equal, the motion shall not be carried. An affirmative vote of one-third (1/3) of the Parties is necessary to reopen debate in plenary session on a matter covered by a recommendation from one of the Committees (Rule 21.1).

At CoP16, Parties interpreted the Rules of Procedure to mean that an amendment of the Rules of Procedure requires a two-thirds majority.

¹ A decision is an agreement between the Parties typically containing instructions to a specific committee, Parties or the Secretariat. A resolution is an agreement between the Parties regarding the interpretation of the Convention or the application of its provisions. An amendment proposal is a proposal to include a species in Appendix I or II, delete it from the Appendices or transfer it from one Appendix to the other.

² See Rule 23, paragraph 1 and Rule 25, paragraph 1

³ Currently, the only regional integration economic organization that has acceded to the Convention is the European Union.

⁴ Article XXI, paragraph 5: "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."

b) The calculation of votes

Only the votes of those Parties "present and voting" are counted. To be considered "present and voting", a Party must first have its credentials accepted. In addition, a Party must be represented in the room where the session is taking place and that Party must cast an affirmative or negative vote. Parties that abstain from voting or that cast a vote of abstention are not counted for purposes of calculating the majority (Rule 28.2).

Based on these rules, it is possible that a relatively small number of Parties could decide the outcome of a vote. For example, if 145 Parties attend the meeting of the CoP, but the credentials have been accepted of Representatives of only 100 Parties and they are present in a session for a vote on an issue, only 67 votes are needed to adopt a resolution or a proposal to amend the Appendices (a 'species proposal') as 2/3 of 100 is 66.66. Thus, it is very important for Parties to ensure that their credentials are accepted and that they attend each session.

c) How to use the electronic voting system

A Guide on how to use the audio/voting system will be distributed on the table of all Parties in Committees I and II and in the plenary.

20. **Motions – Amending a Resolution or a proposal** – A Party may request action on a particular subject by making a 'motion'. A motion is a formal proposal by a delegation that the meeting take a certain action. In Committee I, for example, a Party may make a motion to amend a species proposal.
21. **Making a point of order (procedural motion)** – A 'point of order' is an assertion by a Party that the Chair or another Party is violating a Rule of procedure and a request to have the Rule enforced, or that it wants a certain action to be taken (e.g. adjourning the debate, voting). Under Rule 20, a Party directs a point of order to the Chair of the session. The Chair must make a decision relating to the point of order before any other action is taken. A Party may make a point of order at any time. A Party may interrupt a speaker to make a point of order, provided that the point of order relates to a continuing violation of the Rules of Procedure. Thus, if the Chair makes a ruling regarding the Rules of Procedure, such as limiting debate or determining the order of voting on species proposals, a Party can make a point of order to ask the Chair to reconsider. The Chair must immediately make a decision on the point of order. A Party may appeal the decision of the Chair relating to a point of order (see below). It is important to note that only Representatives of Parties can make a point of order; representatives of intergovernmental organizations and of registered observers are not entitled to do so.
22. **Appealing decisions of the Chair** – If a Party disagrees with the decision of the Chair on a point of order, the Party may appeal the decision of the Chair. A Party appeals the decision of the Chair by stating: "I appeal the decision of the Chair". The Chair must immediately put the appeal to a vote (Rule 20.1). The Parties must then vote on whether or not to sustain the decision of the Chair. The decision of the Chair is affirmed unless a simple majority of the Parties votes to reject the decision of the Chair.
23. **Amending and voting on species proposals** – A proposal to include a species in the Appendices, to transfer a species from one Appendix to another or to delete a species from the Appendices must be submitted by a Party at least 150 days before a CoP [Article XV, paragraph 1 (a), of the Convention; Rule 24.1]. The Parties, however, may amend species proposals before approving or rejecting them, a process that raises several questions of procedure.

The process for approving an amendment to a species proposal differs depending on whether the proponent amends the proposal or another Party proposes to amend it. Rule 24.2 allows the proponent to withdraw or amend the proposal to reduce its scope "at any time". The use of the phrase "at any time" indicates that a vote is not necessary to amend the proposal in this manner at the request of the proponent. In contrast, Rule 25.5 allows any Party to "propose" an amendment, which must be put to a vote if there is no consensus.

A proposal can only be amended to "make it more precise" or to "reduce its scope". The Rules of Procedure do not define the phrases to "make it more precise" or "reduce its scope", but both phrases have logical meanings. The phrase "make it more precise" means to "clarify" the proposal. The phrase "to reduce its scope" refers to the effect of a proposal in relation to a species' status in the Appendices. For example, if a Party proposes to transfer three populations of a species from Appendix I to Appendix II, an amendment to apply the proposal to only one population would reduce the scope of the proposal. Similarly, an amendment to transfer these populations to Appendix II subject to a quota could reduce the scope of the proposal, if the

original proposal sought an Appendix-II listing without other conditions. On the other hand, an amendment to apply the proposal to a fourth population, or to delete the species from the Appendices, would increase the scope of the proposal, and therefore would be ruled out of order.

These same rules apply to a proposal to transfer three populations of a species from Appendix II to Appendix I. An amendment to limit the proposal to one population would reduce the scope of the proposal, as would an amendment to retain the three populations in Appendix II but with quotas.

24. **The order of voting when two or more proposals relate to the same taxon** – In some cases, two or more proposals may have been put forward relating to the same taxon, but be different in substance. In these cases, the Parties must vote first on the proposal that has "the least restrictive effect on the trade" (Rule 25.6). If the Parties adopt a proposal that would have a less restrictive effect on trade in the species concerned than another proposal relating to the same species, then the Parties cannot consider the second proposal (Rule 25.6).

The same principle would apply in the case where amendments are made to a proposal for amendment of Appendix I or II. When such a proposal is under consideration, one or more Parties may move an amendment. Rule 25.6 provides that an amendment to a proposal shall be regarded as a separate proposal. The potential effect on trade would determine the order for consideration. The first amendment to be decided upon would be the amendment that would have the least restrictive effect on the trade in the species. If, however, the original proposal would have a less restrictive effect than any of the proposed amendments to it, then the original proposal would be decided upon first. If it is rejected, then no further amendment can be proposed but the remaining amendments would be considered in order until one is accepted or all are rejected (Rule 25.6).

25. **Limitations on debate** – To complete the work of the meeting, it may be necessary to impose limitations on the debate, such as restrictions on the time allowed each speaker or on the number of times a Party may speak. Under the Rules of Procedure, the Chair may propose time limits for debate, but it is the Parties that ultimately decide. If the Chair proposes to limit debate, he/she must seek the consent of the Parties. If the views of the Parties are divided and it is necessary to vote, a simple majority is required to approve a proposal to limit debate, because this is a procedural matter relating to the conduct of the meeting.

26. **Reopening of matters in plenary session**

The Parties spend much of their time debating draft resolutions in Committees I and II and proposals to amend the Appendices in Committee I. The decisions of the Committees, however, are not the decisions of the Conference. They are recommendations to the Conference that must be adopted or rejected in a plenary session. Because the Parties debate the issues thoroughly in Committees and sometimes create working groups to resolve difficult issues, the Parties generally accept the recommendations of Committees I and II. Accordingly, the Rules of Procedure allow no further discussion on recommendations in plenary session, unless a Party makes a motion in a plenary session to reconsider a recommendation of a Committee (Rule 21.1).

To reopen debate on a Committee recommendation concerning a draft resolution, a draft decision or a proposal to amend the Appendices, a Party must make a motion to reopen debate, another Party must second the motion, and one-third of the Parties present and voting must support the motion (Rule 21.1). If one-third of the Parties agree, then the Parties may debate the matter again in plenary session. The Parties then must vote again with a two-thirds majority of the Parties present and voting required to adopt the proposal. Once the Parties adopt or reject a proposal to amend Appendices I and II in plenary session, they cannot reconsider the matter (Rule 21.2).

The Parties may also reopen debate on decisions that are made in plenary session without a recommendation originating from any Committee. These decisions can be reopened for debate in plenary session if a Party makes a motion to reopen, another Party seconds the motion, and a two-thirds majority supports the motion (Rule 21.3). Only the Party presenting the motion and the seconder may speak in support of the motion and only two Parties may speak against it (Rules 21.3). If the motion to reopen debate succeeds, then the Parties may debate the matter again. The Parties must then vote again – by a two-thirds majority of Parties present and voting – to adopt the draft resolution or other document.

27. **Observers** – Under the terms of the Convention, international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies may qualify to be represented at meetings of the Conference by observers (Article XI, paragraph 7, of the Convention). Once properly

admitted, observers have "the right to participate but not to vote". For observers, the right to participate includes the right to have representatives present at all the sessions of the Committees and in plenary sessions, and the right, subject to time limitations, to contribute to the discussions. The number of delegates representing an observer may be limited if there is insufficient seating space in the meeting room (Rule 13.4) The Rules of Procedure provide that the right of participation for observers that is granted by the Conference of the Parties may be withdrawn by the Conference of the Parties (Rule 4.2) if so agreed by one-third of the Parties. Observers are also allowed to participate in various ad hoc working groups with the permission of the Chair of the Committee establishing the working group, and provided that there is a fair and balanced representation of delegates and observers in the group with the number of observers not exceeding the number of delegates (Rule 7.3)

Inside the meeting rooms

28. **Seating arrangements** - Paragraph 2 of Rule 13 of the Rules of Procedure states that "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", and paragraph 4 of the same Rule states that "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".

Depending on the meeting room capacity, the above-mentioned limits per Party and per observer may not have been applied at past meetings of the Conference of the Parties. At CoP18, however, it is possible that these limits could be applied. In this case, States and organizations whose representatives exceed the above-mentioned numbers in any one session will have to decide which persons will represent them in each session.

Delegates should bear in mind that the seating arrangements in the area designated for them will be fixed and that there will be no flexibility.

Paragraph 3 of Rule 13 states that "observers shall be seated in one or more designated areas within the meeting room" and that "they may enter an area designated for delegations only when invited to do so by a delegate." The areas closest to the podium are reserved for Party delegates.

Participants are kindly requested to cooperate with the organizer regarding the seating arrangement.

Outside the meeting rooms

29. **Distribution of documents** – The CITES Secretariat is aiming to make CoP18 a paper-smart meeting. All official meeting documents, such as summary records of sessions and draft resolutions from working groups (so-called COM documents), and information documents submitted by Parties and the Secretariat will be numbered and distributed on the CITES website and on the CoP18 intranet.

Representatives of intergovernmental organizations and registered observers may request the Secretariat to distribute information documents in the pigeon holes of Parties. They will, however, not be numbered or distributed electronically. In this case, the organization should provide a sufficient number of copies and clearly indicate on the document its author. Organizations that are not registered as observers may not distribute documents at the meeting.

However, if any participant finds any document distributed through the pigeon holes offensive, he/she may make a formal complaint to the Bureau. The Rules of Procedure give the Bureau the right to decide on the appropriate action. In a case of the utmost gravity, it may recommend to the Conference to withdraw the right of admission to the meeting of the offending organization.

The procedure for making complaints and resolving conflicts is indicated below.

30. **Complaints** - Differences in views and philosophy are natural. They only become problematic when one person refuses to accept the rights of another to hold different views and consequently attacks them, either verbally or physically.

With the reduced control on the checking of information materials, some participants might be concerned that there will be an increase in incidents where individuals, countries or organizations are slandered or otherwise offended.

It is therefore important to stress that, while information documents are not reviewed by the Secretariat before they are distributed, anyone who produces such a document still remains responsible for the content. The Rules therefore provide a procedure for dealing with complaints about documents.

Any participant who has a grievance should always try first to resolve the problem with the other party concerned. If this fails, the complaint should be submitted to the Secretary-General, who will try to resolve the problem with the parties concerned and, if this fails, report to the Bureau, which should decide on appropriate action.

CoP "Do-s" and "Don't-s"

31. Even participants who are knowledgeable about the Rules of Procedure and well-informed on topics to be discussed can become frustrated.

Meetings with over a thousand delegates – and an equal number of observers – will always be challenging. There are very many views to be expressed. Everybody wants to have his/her say but there is not enough time. Participants can feel neglected and get frustrated when the Chair does not include them in the list of speakers.

Below are a few principles of good conduct – especially relevant for newcomers.

32. **Participants should:**

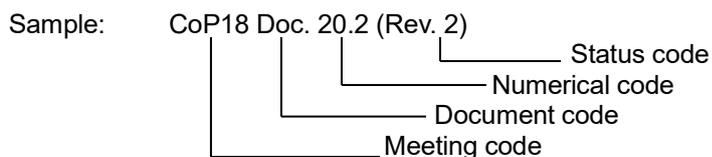
- a) Always follow the Rules of Procedure (section 3 of this document will give you a basic understanding).
- b) Wait for the Chair to invite them to speak (the Chair should try to allow time for contributions from both delegates and observers).
- c) Make presentations and interventions brief, concise and to the point. The Chair may call a speaker to order if the comments are not relevant to the subject under discussion or the person is not getting to the point.
- d) Liaise with other participants and, where appropriate, make joint interventions to avoid the same points being made repeatedly.
- e) Bear in mind the principles and objectives on which the Convention is based.
- f) Be patient and respectful.
- g) Stay seated during a secret ballot.
- h) Distribute documents by asking the Secretariat staff to place them in Parties' pigeon holes or placing them on tables designated for this purpose.
- i) Expect to engage in an appropriate and polite manner with other participants. Instances of physical or verbal abuse should be reported to the Secretary-General.
- j) Respect areas that are designated for delegates or for the Secretariat only.

33. **Participants should not:**

- a) Interrupt the business of the CoP, except to make a point of order (only Representatives of Parties may raise points of order).
- b) Heckle other delegates or observers; they too have a right to express their opinion.
- c) Attack other participants.
- d) Use the meeting for demonstrations.
- e) Seek to obtain information dishonestly during meetings of the Conference of the Parties.

Numbering of Documents

34. Document numbering system



Meeting code: The number simply indicates which meeting the document is produced for. For the 18th meeting of the Conference of the Parties, the number is 'CoP18'.

Document codes: The following document codes will be used.

Documents prepared for discussion before the meeting

- Doc. Working documents
- Prop. Proposals to amend the Appendices

Documents resulting from the discussions in Committees

- Com. I Documents of Committee I
- Com. II Documents of Committee II

Summary reports

- Plen. Summary reports of plenary sessions
- Com. I Rep. Summary reports of Committee I
- Com. II Rep. Summary reports of Committee II

Other documents

- Inf. Information documents
- Cred. List of credentials
- Part. List of participants

Numerical code: For working documents, the numerical code relates to the agenda item. In the case of other documents, the numerical code will be a serial number.

Status code: There is a status code only if the document is a revised version of a document already published. Code (Rev. 1) is used for the first revision, (Rev. 2) for the second revision, etc.