

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Administrative and financial matters

Rules of Procedure

REVIEW OF THE RULES OF PROCEDURE

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

Background

2. At its 17th meeting, the Conference of the Parties adopted the following Decision on *Rules of Procedure of the Conference of the Parties*:

Decision 17.1 directed to the Standing Committee

With the support of the Secretariat, the Standing Committee shall review the Rules of Procedure for the Conference of the Parties, including, but not limited to, rules 4, 5, 9, 25, 26, 27, 28 and 32; 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.*

* This refers to the rule numbers in Annex 2 of document CoP17 Doc. 4.1 (Rev. 1).

3. At its 69th meeting, (SC69, Geneva, November 2017), the Standing Committee established an intersessional working group on Rules of Procedure, whose mandate consisted of, among other issues, reviewing and proposing amendments to the Rules of Procedure of the Conference of the Parties.

Regarding Rule 5.1, 9 and 26.1 (REIO)

4. The Standing Committee working group discussed Rules 5.1 (credentials), 9 (quorum) and 26.1 (voting) with reference to Regional Economic Integration Organizations (REIO) that are Parties to the Convention. There was no agreement on how the provisions of the Convention with respect to REIOs should be reflected in the Rules of Procedure. In discussing these Rules, some participants raised an issue of transparency around areas which are in the competency of the REIO and those that fall to individual Member States.

Regarding Rule 4 (Observers)

5. As noted in document [SC69 Doc. 11.1](#), the proposal to amend Rule 4.3 so that the evidence required for observers under in Rule 4.3 a) and 3b) need not be provided if the organization has already been registered by the Secretariat was not agreed. Views remained mixed on whether or not to amend Rule 4.

* 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.

Regarding Rule 27 (Secret Ballot)

6. For the 17th meeting of the Conference of the Parties, a proposal was made to alter the process by which a decision to take a vote by secret ballot is taken [see document [CoP17 Doc. 4.3 \(Rev.1\)](#)]. This issue had also been discussed in previous meetings of the Conference of the Parties and views remained mixed within the Standing Committee working group.

Regarding Rule 25 (Procedure for deciding on proposals for amendment of Appendices I and II)

7. Rule 25 outlines the steps or conditions the Chair must evaluate when putting forward for decision proposals to amend the Appendices. Some of the issues and questions raised in the working group with the current Rule included how to address situations where two different proposals address the same species, including the taxonomic scope of each proposal and the order of consideration (least vs. most restrictive). Challenges associated with the current treatment of amendments to reduce the scope of a proposal during the course of debate were also raised. Finally, rules around introducing annotations or supportive Decisions in the course of debate on a listing decision appeared to be ill-defined in the current rules.
8. Paragraph 5 of Rule 25 allows for a representative to amend a proposal to reduce its scope or make it more precise. Past experience had demonstrated challenges in the application of this Rule. One approach considered by the working group was to modify Rule 25.5 and 25.6 so that amendments to a proposal could be agreed separately from the decision to adopt a proposal.
9. When considering the order by which proposals are put to decision when they deal with the same species, some working group participants further divided this issue into consideration of taxon coverage (genus vs. species proposals; “largest number of species” impacted) or consideration of substance (two different actions proposed for the same species) and provided thoughts on these issues. Currently, the direction in the existing rules to consider the “least restrictive” proposal first is used both in consideration of “taxon coverage” and “substance”. In other words, the Chair determines the order of proposals using the same criteria, whether it be determining order between two proposals different in substance for the same species (i.e. same “taxon coverage”) or between two proposals with different taxon coverage. Whatever order is favoured, it was clear the rules need to support arriving at a single clear listing recommendation or decision for each relevant taxon under consideration. Further, it was recognized that it would be unrealistic to set rules that will clearly address every possible scenario. The rules should provide good direction to the Chair to help them conduct an orderly debate on the proposals submitted but should not be overly or unnecessarily complex. Given the complexity, there was insufficient time to arrive at a conclusion within the working group.

Regarding Rule 28.1 and Rule 32 (Majority to amend the Rules of Procedure)

10. As noted in document SC69 Doc. 11.1, the issue of the majority needed to amend the Rules of Procedures was discussed at the 16th meeting of the Conference of the Parties, resulting in a decision that proposals to amend the Rules of Procedure would be decided by a two-thirds majority. The Standing Committee working group discussed whether or not to reflect this outcome on the Rules of Procedure but did not arrive at a consensus.

Outcomes from the 70th meeting of the Standing Committee (Sochi, October 2018)

11. The Standing Committee, at its 70th meeting, considered the report of the Standing Committee working group as found in document [SC70 Doc. 10.4](#), recognizing that the report reflected a lack of consensus among the members of the working group in the areas discussed.

Recommendation

12. The Standing Committee reviewed the Rules of Procedure of the Conference of the Parties pursuant to Decision 17.1 and after discussion could not agree on any amendments to the Rules as adopted by the Conference of the Parties at its 17th meeting. In the course of its discussions, the Standing Committee recognized that further discussion of Rule 25 would be merited and therefore proposed the following draft decision for consideration and adoption by the Conference of the Parties:

Decision 18.AA directed to the Standing Committee

With the support of the Secretariat, the Standing Committee shall review Rule 25 of the Rules of Procedure of the Conference of the Parties and propose amendments, as appropriate, to the 19th meeting of the Conference of the Parties with the view to ensuring the effective conduct of meetings.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties adopt the proposed draft decision 18.AA directed to the Standing Committee, contained in paragraph 12 of the present document. The Secretariat notes that the decision will have work load implications for the Standing Committee and the Secretariat, but considers that these can be absorbed within the work programme and budget.
- B. The Secretariat recommends that Decision 17.1 be deleted as it is replaced by the proposed draft decision 18.AA in paragraph 12.

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 propose that the resource implications of the implementation of this draft decision can be absorbed within the current financial and human resources of the Secretariat.