

Interpretation and Implementation of the Convention

AMENDMENT TO RESOLUTION CONF. 9.1 ON ESTABLISHMENT OF COMMITTEES

1. The following document has been submitted by the United States of America.

Background

2. The attached draft resolution is submitted as an amendment to Resolution Conf. 9.1. The Parties adopted Resolution Conf. 9.1 at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), through a consolidation of Resolutions Conf. 6.1 and Conf. 7.1. Annexes 2 and 3 of Resolution Conf. 9.1 establish the Animals and Plants Committees, respectively.
3. The "DETERMINES" sections of Annexes 2 and 3 of Resolution Conf. 9.1 establish that the membership of the Animals and Plants Committee shall consist of persons chosen by the major geographic regions. Those representatives are therefore individuals, and not party States. It is the view of the United States of America that it would be more appropriate for members of the committees to be party States, and not named individuals, for the following reasons (certainly governments could designate a representative of their choice).
 4. – It is the party States that are the members of the Convention, and not individuals.
 5. – It is not in accordance with standard international practice for non-governmental organizations to be members of official working committees of inter-

national treaties. However, in some cases, regions have selected individuals who are employed by or are representatives of non-governmental organizations.

6. – The work of the committees has grown over recent years to be more policy oriented and more in need of participation by representatives of governments, who can speak with authority as to the position of party States on critical issues, possible resolutions, questions relating to the inclusion of species in the appendices and other matters.
7. – If an individual has been selected by a region, and that individual leaves government service, takes a job that may conflict with his/her ability to be a fair, unbiased representative of a region, has a conflict of interest, or is taken ill or even dies, there is no simple way to replace that individual without consulting an entire region or waiting until the next meeting of the Conference of the Parties.
8. – It would be far more consistent with international practice to designate party States as members of the committees (but ask those Parties to name individual representatives to facilitate the expeditious work of the committees). Such a policy would bring the Animals and Plants Committees more in conformity with the procedures for the Standing Committee.

COMMENTS OF THE SECRETARIAT

9. The Animals Committee discussed this issue at its 13th meeting (Pruhonice, 1996) and agreed that all members of the Committee should conduct consultations within their respective regions regarding the representation of the regions on the Committee. They noted that the final decision would take place during the 10th meeting of the Conference of the Parties.

10. The Plants Committee discussed the issue at its seventh meeting (San José, 1996) and concluded that it preferred persons rather than States to be elected as its regional representatives (see document Doc. 10.16).

Doc. 10.27 (Rev.) Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES
Amendment to Resolution Conf. 9.1 on Establishment of Committees

RECALLING that Resolution Conf. 9.1, adopted at the ninth meeting of the Conference of the Parties in Fort Lauderdale, United States of America, established the Animals and Plants Committees;

RECALLING that Resolution Conf. 9.1 established that the membership of the Animals and Plants Committees shall consist of persons chosen by the major geographic regions;

NOTING that the aforementioned regional representatives on the Animals and Plants Committees are therefore individuals, and not party States;

CONSIDERING that it is the party States that are the members of the Convention, and not individuals;

CONSIDERING that it is inconsistent with standard international practice for non-governmental organizations to be members of official working committees of international treaties; and

REALIZING that the work of the committees has grown over recent years to be more policy oriented and more in need of participation by representatives of governments, who can speak with authority as to the position of party States on critical issues, possible resolutions, questions relating to the inclusion of species in the appendices, and other matters;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that Parties to the Convention, and not individuals, should be designated members of the Animals and Plants Committees, as is standard practice in the Standing Committee;

AGREES that Parties designated by their region as members of the Animals or Plants Committees should designate an official representative of their government as a point of contact;

AMENDS the "DETERMINES" sections of Conf. 9.1, Annexes 2 and 3, to read:

DETERMINES:

- a) that the membership of the Committee shall consist of:
 - i) a Party chosen by each of the major geographic regions consisting of Europe, North America and Oceania;
 - ii) two Parties chosen by each of the major geographic regions consisting of Africa, Asia and Central and South America and the Caribbean; and

- iii) a Party chosen as an alternate member for a member described in subparagraph i) and ii), to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate; and

- b) that Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer; and

AGREES that all other aspects of Resolution Conf. 9.1 should remain unaltered.