

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



Sixty-fifth meeting of the Standing Committee
Geneva (Switzerland), 7-11 July 2014

Administrative and financial matters

Meetings of the Conference of the Parties

GUIDANCE ON THE SUBMISSION OF CREDENTIALS

1. This document has been prepared by the Secretariat.
2. During the discussions at the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013), the Credentials Committee noted that several Parties had not submitted their credentials in accordance with Rule 3 of the Rules of Procedure of the CoP. The Credentials Committee determined that Parties might benefit from additional guidance to clarify the requirements under Rule 3.
3. Rule 3 of the Rules of Procedure of the CoP states, as follows:

Credentials

1. *The Representative or any Alternative Representative of a Party shall have been granted powers by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him/her to represent the Party at the meeting. Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.*
2. *All credentials shall be submitted to the Secretariat of the Convention, where possible at least one week before the opening session of the meeting, together with a translation into English, French or Spanish if they are not in one of these languages.*
3. *The Credentials Committee referred to in Rule 5, paragraph 2 a), shall examine the credentials and shall report thereon to the meeting. It shall recommend acceptance of credentials only if the signed original has been presented.*
4. *Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. The right to participate in the meeting shall not extend to persons whose credentials the Conference of the Parties has decided are unacceptable.*
5. *Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers [and, in the case of bodies and agencies referred to in Rule 2, paragraph 2 b), evidence of the approval of the State in which they are located] to the Secretariat of the Convention at least six weeks prior to the opening of the meeting.*
4. On the basis of a proposal submitted by the Chair of the Credentials Committee contained in document CoP16 Cred. Com. 1, the CoP adopted Decision 16.1 on *Credentials Committee*, directed to the Secretariat, as follows:
 - 16.1 *The Secretariat shall develop, for consideration at the 65th meeting of the Standing Committee, draft guidance to Parties on the submission of credentials for a meeting of the*

Conference of the Parties taking note of the CoP16 Credentials Committee Chair's recommendations that this guidance should address, inter alia, the following:

- a) *submission of original credentials only and not copies of credentials;*
- b) *use of stationery with an official letterhead which indicates the relevant country and government office;*
- c) *signature of credentials by the head of State, head of government or minister of foreign affairs;*
- d) *the acceptability of alternative signatories (in a temporary or acting capacity), if their authority to sign is clearly indicated;*
- e) *provision of the name and title of the signatory; and*
- f) *translation into one of the three working languages of the Convention.*

When the draft guidance has been endorsed by the Standing Committee, the Secretariat shall make it available to Parties through the CITES website.

5. To facilitate and better inform its implementation of Decision 16.1, the Secretariat undertook an informal survey of how relevant United Nations bodies and other conventions provide guidance to States on the submission of credentials for participation in official meetings. A summary of the survey results can be found in Annex 2 to the present document.
6. Taking into consideration the elements identified in Decision 16.1 and the information gathered from the existing practice of relevant UN bodies and other conventions, the Secretariat has prepared draft guidance for Parties on the submission of credentials for CoP meetings. This guidance has been structured in the form of a checklist and is contained in Annex 1 to the present document.
7. As indicated in Annex 2 to this document, Rule 3 of the Rules of Procedure of the Conference of the Parties is derived from relevant Rules of Procedure of the United Nations General Assembly (UNGA). The Secretariat has looked again at the UNGA Rules of Procedure while preparing this document. It has noted that Rule 25, on the composition of delegations, states that a delegation shall consist of representatives, alternate representatives, advisers, technical advisers, experts and persons of similar status, as may be required by the delegation. Rule 27, on the submission of credentials, refers to the "credentials of representatives and the names of members of the delegation". This language seems to indicate that credentials are required only for representatives in a delegation and that those representatives may thereafter delegate their powers to another member of the delegation, as needed.
8. On the basis of a recommendation by the Secretariat at the 46th meeting of the Standing Committee (Geneva, March 2002), the Committee proposed an amendment to Rule 3, paragraph 1, of the Rules of Procedure of the CoP, to state that original signed credentials are required also for advisers but may be signed either by the same signatory as for Representatives and Alternative Representatives or by an authorized Representative. This amendment was adopted at the 12th meeting of the Conference of the Parties (CoP12, Santiago, 2002) and is reflected in paragraph 3 above.
9. The practice of submitting credentials could be simplified by requiring original signed credentials for the Representative or any Alternative Representative only. The names of advisers and other members of the delegation could be provided in the same document or in an accompanying document. If this suggestion is acceptable to the Standing Committee, it may wish to request the CoP to amend paragraph 1 of Rule 3 of the Rules of Procedure of the CoP, as follows:
 1. The Representative or any Alternative Representative of a Party shall have been granted powers by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him/her to represent the Party at the meeting. ~~Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.~~
10. The UN Secretariat receives signed original credentials in New York for UNGA meetings as they are always held at UN headquarters in New York, whereas meetings of the Conference of the Parties to CITES

are usually held outside the CITES headquarters in Geneva. At times, problems have arisen with signed original credentials submitted to the Secretariat's office in Geneva after staff have already traveled to the CoP meeting venue. Risks of delays in the official receipt of credentials or ambiguity about their status as originals could be reduced or eliminated by having signed official credentials submitted at the venue of the meeting of the CoP. Flexibility could be provided to Parties by allowing signed original credentials to be sent to the Secretariat office in Geneva on an exceptional basis, at a Party's request. Potential problems with the acceptance of credentials by the CoP might be reduced by encouraging Parties to provide a photocopy or a scanned or telefaxed copy of their signed original credentials to the Secretariat at least one week before the opening session of the meeting.

11. Based on the foregoing, the Standing Committee may wish to recommend to the CoP that paragraph 2 of Rule 3 be revised as follows:

2. The signed original credentials for the Representative or any Alternative Representative of a Party, and the names of the other members of the delegation, shall be submitted to the Secretariat of the Convention, where possible at least one week before the opening session of the meeting. In general, such submissions shall be made at the venue of the meeting of the Conference of the Parties, together with a translation into English, French or Spanish if they are not in one of these languages. Exceptionally, at the request of a Party, its signed original credentials and the names of members of the delegation may be submitted to the Secretariat office in Geneva at least one week before the opening session of the meeting, together with a translation into English, French or Spanish if they are not in one of these languages. Parties are encouraged to provide the Secretariat with a photocopy or a scanned or telefaxed copy of their signed original credentials at least one week before the opening session of the meeting.

Recommendations

12. The Standing Committee is invited to:

- a) consider whether it wishes to propose at the 17th meeting of the Conference of the Parties the suggested revisions to Rule 3 of the Rules of Procedure, as contained in paragraphs 9 and 11 above; and
 - b) consider and endorse the draft guidance to Parties on the submission of credentials, as contained in Annex 1.

**DRAFT CHECKLIST FOR SUBMISSION OF CREDENTIALS OF REPRESENTATIVES
OF PARTIES TO COP MEETINGS**

In addition to Rule 3 of the Rules of Procedure of the CoP, Parties may consider the following guidance:

The signed original of the credentials, granting powers to the Representative or any Alternative Representative of a Party, and the names of members of its delegation, must be submitted to the Secretariat.

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative or any Alternative Representative of a Party if a signed original of the credentials has been submitted to the Secretariat. Copies, including scans and faxes of the original credentials, are not acceptable.

It is recommended that all signed original credentials, together with the list of names of members of the delegation, be submitted to the CITES Secretariat at the venue of the CoP meeting. Credentials should be handed to Secretariat staff at the registration desk, in an envelope which clearly indicates that it contains credentials.

Exceptionally, at the request of a Party, its signed original credentials may be submitted to the Secretariat office in Geneva.

The Credentials Committee is established during the first or second plenary session of each meeting of the Conference of the Parties. Therefore, the Credentials Committee cannot review the credentials submitted to the Secretariat until after the meeting has started. In the meantime, delegates who have submitted their credentials can participate provisionally in the meeting but not vote.

Parties are encouraged to submit a photocopy or a scanned or telefaxed copy of their signed original credentials to the Secretariat at least one week before the opening of the meeting, so that it can advise whether there are any potential problems with their acceptance by the Conference of the Parties. This might be done through one of the following methods:

In person:

Handed to the Secretariat in Geneva or at the venue of the meeting of the CoP

By email:

info@cites.org

By telefax:

+41 22 797 3417

By postal service or courier:

CITES Secretariat
Re: CoP Credentials
International Environment House
Chemin des Anémones 11-13
1219 Châtelaine-Geneva
Switzerland

Credentials must be established on official stationery.

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative or any Alternative Representative of a Party if they are on official stationery with a letterhead that indicates the country and government office that has issued them.

Credentials must be signed by an authorized signatory, and his/her name and title must be clearly shown.

The Credentials Committee will only recommend acceptance of credentials granting powers to the Representative or any Alternative Representative of a Party if they have been issued by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs. The name and title of the signatory must be clearly indicated in the credentials.

In exceptional circumstances, the Credentials Committee will recommend acceptance of credentials granting powers to the Representative or any Alternative Representative of a Party if they are issued by an alternate signatory (in a temporary or acting capacity). In this case, the formal authority of the alternate signatory to sign on behalf of the Head of State, the Head of Government or the Minister of Foreign Affairs must be clearly indicated in the credentials, or in an accompanying decree or other official document.

Credentials must be submitted in, or be accompanied by a translation into, English, French or Spanish.

The Credentials Committee will only recommend acceptance of credentials granting powers to a Representative, if they are submitted in, or accompanied by a translation into, one of the working languages of the Convention (English, French and Spanish).

SUMMARY OF THE PRACTICES AND PROCEDURES IN UN BODIES OR
OTHER CONVENTIONS FOR PROVIDING GUIDANCE TO STATES ON THE
SUBMISSION OF CREDENTIALS FOR MEETINGS OF GOVERNING BODIES

United Nations General Assembly:

Rule 27 (*Submission of credentials*), Rule 28 (*Credentials Committee*) and Rule 29 (*Provisional admission to a session*) of the Rules of Procedure of the United Nations General Assembly (UNGA) concern credentials. Rule 3 (*on Credentials*) of the Rules of Procedure of the Conference of the Parties to CITES is derived from the above-mentioned UNGA Rules of Procedure.

Convention on Biological Diversity (CBD):

For CBD CoP12 (Pyeongchang, Republic of Korea, October 2014), a Notification was sent to Parties¹ to remind them of the requirements regarding credentials. This includes reference to the relevant rules of procedure, the deadline, and the authorized signatory of the credentials, along with a sample format for the credentials. For CBD COP8, a *note verbale* was sent in the place of Notification.²

Convention on the Conservation of Migratory Species of Wild Animals (CMS):

The CMS Standing Committee, at its 40th meeting, in November 2012, established an intersessional working group to review, among other things, the rules of procedure for the Conference of the Parties and Standing Committee in relation to credentials.³ A number of changes were made, covering issues including who could issue credentials, timing, and language/translation.

The web page for CMS COP11 (Quito, Ecuador, November 2014)⁴ contains a section on credentials in which Parties are reminded of the requirements regarding the credentials of their representatives. This includes information on who can grant power of authority and sample letters of credentials in English, French and Spanish.

United Nations Framework Convention on Climate Change (UNFCCC):

For UNFCCC COP19 (Warsaw, November 2013), a notification was sent to Parties⁵ outlining the general provisions, including *information on protocol issues concerning credentials*. This contains reference to the relevant rules of procedure, deadline for submission, the issuer/grantor of power of authority and the depository office.

Furthermore, the information for participants to UNFCCC COP19⁶ contained a section on credentials, outlining the authorized issuer and where the deposit should be made.

Basel, Rotterdam and Stockholm (BRS) Conventions on chemicals and wastes:

The respective rules of procedure for meetings of the COPs under each of the BRS Conventions set out:

- who may issue the credentials: either the Head of State or Government or the Minister of Foreign Affairs or, in the case of a regional economic integration organization, the competent authority of that organization;

¹ <http://www.cbd.int/doc/notifications/2013/ntf-2013-116-cop12-en.pdf>

² <http://www.cbd.int/doc/notifications/2006/ntf-2006-008-cop-mop-en.pdf>

³ http://www.cms.int/sites/default/files/document/Doc_11_Annex1_COP_Organizational_Changes_E.pdf

⁴ <http://www.cms.int/en/cop11>

⁵ http://unfccc.int/files/parties_and_observers/notifications/application/pdf/notification_to_parties_cop_19_cmp9_.pdf

⁶ http://unfccc.int/files/meetings/warsaw_nov_2013/application/pdf/information_for_participants_cop19.pdf

- to whom the credentials should be submitted: the Secretariat/the Executive Secretary; and
- when the credentials should be submitted: *if possible* no later than 24 hours after the opening of the meeting.

The respective rules of procedure for each of the BRS Conventions also stipulate that, pending a decision by the meeting to accept the credentials, representatives shall be entitled to participate provisionally in the meeting. These rules, however, do not specify the form in which the credentials should be submitted, and they do not specify the deadline by which credentials should be submitted.

As evidenced by the practice over the years under the three conventions, the flexibility provided by these rules has been used by the bureaux and COPs to ensure that the required quorum was reached and that the meeting could proceed with its work. The practice on the form in which credentials should be submitted has varied over the years under the three conventions, and has alternatively been very lenient in some cases and stricter in other, i.e. with respect to the need to submit originals.

With respect to the deadline for the submission of the credentials, the agenda item pertaining to the examination of credentials is taken up early in the meeting, on the morning of the first day, at which time Parties are reminded of the rules of procedure pertaining to the matter. Consideration by the COP of the report on credentials submitted by the Bureau usually takes place immediately prior to the COP entering decision-making mode, i.e. on the morning of the last day of the COP.

The BRS web page on registration for the 2013 COPs⁷ contains a section on credentials. The information includes the issuer of the credentials and the deadline for submission. The requirement that original credentials be submitted is stressed, and a model form for credentials and a contact person at the Secretariat are also provided on the web page.

⁷ <http://synergies.pops.int/Decisionmaking/2013COPsExCOPs/Registration/tabcid/3138/language/en-US/Default.aspx>