

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

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

GUIDE FOR PARTICIPANTS

This document has been prepared by the Secretariat on the basis of the Guide for Participants at the 12th meeting of the Conference of the Parties to CITES. It reflects amongst other things some of the changes to the provisional Rules of Procedure agreed by the Standing Committee at its 50th meeting. These provisional Rules of Procedure (CoP13 Doc. 2) are subject to approval by the Conference of the Parties, and this Guide for Participants is not intended as an official interpretation of them.

The aim of this Guide for Participants is to give participants a clearer idea of how a meeting of the Conference of the Parties should proceed. It is also meant to inform the participants who are not familiar with CITES meetings of what exactly is expected of them.

1 – Introduction

Meetings of the Conference of the Parties to CITES are always busy gatherings and include discussions of a large number of complex and 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 ideas as strongly as possible.

Some participants may not have attended large international gatherings before. Time for discussion on individual topics is limited. 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.

The Rules of Procedure once adopted 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.

2 – Functional bodies

Conference of the Parties

The Conference of the Parties, also known as 'the Conference', is the combined body of the Parties to CITES and is convened every two to three years. A meeting of the Conference is often called a 'CoP'.

Bureau

The Bureau comprises the Chairman¹ and Vice-Chairmen of the Conference, the Chairmen of Committees I and II, the Chairman of the Credentials Committee, the Chairman and the other members of the Standing Committee, and the Secretariat. The Bureau, to be presided over by the Chairman of the

¹ Term used irrespective of gender.

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 15.1).

The Bureau also has a task assigned to arbitrate conflicts that occur during the business outside meeting rooms. It will receive complaints from participants who consider themselves to have been subject to abuse by others (Rule 29). 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.

Plenary

The plenary sessions are the decision-making sessions of the Conference of the Parties.

Committee I

Committee I is open to all Parties to CITES. It discusses and makes recommendations concerning proposals to amend the Appendices, quotas and ranching operations, and other scientific issues. The recommendations of Committee I are forwarded to the plenary session for final approval.

Committee II

Committee II is open to all Parties to CITES. It discusses and makes recommendations concerning the implementation and operation of the Convention. These recommendations are often included in resolutions or decisions. Draft resolutions and decisions originating from Committee II are forwarded to the plenary session for final approval.

Secretariat

The Secretariat deals with the day-to-day operations of CITES at the international level. It provides Parties with trade information and technical and capacity-building support as well as other information relating to CITES. It investigates possible violations of CITES and trade-related threats to species. It also convenes the meetings of the Conference of the Parties and serves as its Secretariat (Articles XI and XII of the text of the Convention).

3 – A guide to the Rules of Procedure

This guide to the Rules of Procedure is designed to help delegates understand the Rules of Procedure that govern meetings of the Conference of the Parties to CITES. The Rules of Procedure (as proposed in document CoP13 Doc. 2) are the primary source of rules. Where the Rules of Procedure do not answer a question completely, this guide relies on *Robert's Rules of Order* ("Robert's Rules")².

It has previously been stated at a meeting of the Conference of the Parties that, until the Rules of Procedure were adopted, there were no Rules and consequently there was no indication as to how to decide on the Rules in case of disagreement. The provisional Rules of Procedure, if they are adopted, will settle this matter by specifying that they will continue to apply at each meeting unless they are amended. Thus, for each meeting, the Rules adopted at the previous meeting would apply until the new Rules are adopted.

² MAJOR HENRY M. ROBERT, *ROBERT'S RULES OF ORDER: MODERN EDITION* (revised by Darwin Patnode, 1989). *Robert's Rules have been in existence for more than a century and are used by many organizations and agencies. They are content neutral and are designed to allow an organization to focus quickly and efficiently on issues and make decisions in the clearest, most efficient process possible.*

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. For example, the number of votes needed to adopt a resolution or a species proposal can make approval relatively easier or more difficult. 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 to a two-week period.

Adoption of 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. This gives rise to one of the first difficulties – who is authorized to vote upon the adoption of the rules? As at most international governmental conferences, only Parties with approved credentials are permitted to vote (Rule 3). But at the beginning of a CoP, the Credentials Committee has not yet been appointed. Technically, no Party³ is authorized to vote on the Rules of Procedure. The Parties have set aside this difficult issue by permitting any Party to vote to adopt the Rules. *Robert's Rules of Order* have been used as a framework for discussion and voting on the Rules of Procedure.

Implementation of the Rules of Procedure

Once the Parties adopt the Rules, the Chairman of the meeting or the Chairman of a Committee or working group is the person primarily responsible for ensuring that they are implemented. Because the Chairman must often make decisions quickly, it is important that he or she be very familiar with the Rules of Procedure specifically and *Robert's Rules* generally. As will be discussed later, a Party delegate at a Committee meeting or in plenary session may challenge a procedural decision of the Chairman by raising a 'point of order', and the Chairman should be able to respond correctly. The Chairmen, 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 15).

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 7, a quorum is "one-half of the Parties having delegations at the meeting." Under Rule 3, paragraph 4, delegates may participate provisionally in the meeting 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 145 Parties have delegations at a meeting, then delegates from 73 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 Chairman for a quorum count. If the required number of Parties is not present, then the Chairman must wait until the necessary number is reached. This is why the Chairmen and the Secretariat often urge the Parties to ensure that they have a representative in both Committee I and Committee II at all times.

Who can vote?

Each delegation of a Party to CITES that has had its credentials approved at the CoP may cast one vote on any issue being considered by the Parties in plenary session, Committee I or Committee II. Each Party decides which of its delegates (either the Representative or an Alternate Representative) will cast its vote.

³ The term 'Party', in this guide, also refers to 'delegation', 'delegate of a Party' or 'the Representative of a Party'.

How many votes are necessary?

The number of votes necessary to adopt a decision is determined by two factors: 1. the number of affirmative votes necessary to adopt a particular motion, resolution, or proposal; and 2. the calculation of votes.

1. The number of affirmative votes necessary

The Rules of Procedure, like other rules, require a different number of affirmative votes to pass a motion, depending on the nature of the motion. A **two-thirds (2/3) majority** vote is necessary for most issues decided in a Committee and in plenary session (Rule 26). If a vote calls for a two-thirds majority and 99 Parties vote, at least 66 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;
- recommendations to amend Appendices I and II, in Committee I;
- approval of resolutions and proposals to amend Appendices I and II in plenary session; and
- motions to amend resolutions and 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 (Rule 26). 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 number 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 19.1).

2. 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 credentials⁴ accepted. In addition, a Party must be represented in the room where the meeting 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 26.2).

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, but the credentials have been accepted of only 100 Parties and they are present in a meeting for a vote on an issue, only 67 votes are needed to approve a resolution or a species proposal (because 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 meeting.

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 assembly take a certain action. In Committee I, for example, a Party may make a motion to amend a species proposal or to recommend that the CoP approve a proposal to include a species in Appendix II.

⁴ *The provisional 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. Further, they make clear that persons whose credentials have been found to be unacceptable may not participate in the meetings.*

Making a point of order

A 'point of order' is an assertion by a Party that the Chairman 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 18, a Party directs a point of order to the Chairman of the meeting. The Chairman 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. Thus, if the Chairman 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 Chairman to reconsider. The Chairman must immediately make a decision on the point of order. A Party may appeal the decision of the Chairman relating to a point of order (see below).

Appealing decisions of the Chairman

If a Party disagrees with the decision of the Chairman on a point of order, the Party may appeal the decision of the Chairman. A Party appeals the decision of the Chairman by stating: "I appeal the decision of the Chairman" The Chairman must immediately put the appeal to a vote (Rule 18.1).

The Parties must then vote on whether or not to sustain the decision of the Chairman. The decision of the Chairman is affirmed unless a simple majority of the Parties votes to reject the decision of the Chairman (Rule 18.1).

Amending and voting on species proposals

A proposal to include a species in the Appendices or 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 1 (a) of the Convention; Rule 22.1]. 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 22.2 allows the proponent to withdraw or amend the proposal to reduce its scope of effect "at any time". The use of the phrase "at any time" indicates that a vote is not necessary to amend the proposal at the request of the proponent. In contrast, Rule 23.5 allows any Party to "propose" an amendment, which must be put to a vote.

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's 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, because 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 would be therefore 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 with quotas.

The order of voting when two or more proposals relate to the same taxon

In some cases, two or more proposals may exist relating to the same species, but be different in substance. In these cases, if the provisional Rules of Procedure are accepted, the Parties must vote first on the proposal that has "the least restrictive effect on the trade" (Rule 23.6). 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 23.5).

The same principle would apply in the case where amendments are moved 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 23.6 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 23.6).

Limitations on debate

To complete the work of the meeting, it may be necessary to impose limitations on 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 Chairman may propose time limits for debate, but it is the Parties that ultimately decide. If the Chairman 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 (Rule 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 often 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 19.1).

To reopen debate on a Committee recommendation concerning a resolution or a species proposal, a Party must make a motion to reopen debate, another Party must second the motion, and one-third of the Parties present must support the motion (Rule 19.1). If one-third of the Parties agree, then the Parties may debate the matter again in plenary session. The Parties then must vote again – by a two-thirds majority of the Parties present and voting – 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 19.2). The Rules of Procedure are silent concerning the finality of decisions in Plenary session regarding resolutions and decisions. Thus, it should be possible, by a simple majority vote to reopen debate on a resolution adopted or rejected in Plenary session.

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 (Rules 19.3). 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 19.3). 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 resolution or other document.

Observers

Under the terms of the Convention, governmental and non-governmental organizations may qualify to be represented at meetings of the Conference by observers (Article XI 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. Observers traditionally have also been allowed to participate in various ad hoc committees and working groups with the permission of the Chairman of the committee or group, and provided that there is sufficient seating space in the meeting room (Rule 12.2)

The Rules of Procedure provide that the right of participation for observers that is granted by the Conference of the Parties may also be withdrawn by the Conference of the Parties (Rule 2, paragraph 2).

4 – Inside the meeting rooms

Seating arrangements

Paragraph 2 of Rule 11 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 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 CoP13 in Bangkok, Thailand, however, it is possible that these limits could be applied in sessions of Committee II. 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 arrangement in the area designated for them will be fixed and there will be no flexibility.

Paragraph 3 of Rule 11 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.

For observers who have problems with the seating arrangement, there will be a person appointed in the Secretariat to coordinate and rearrange the seating (wherever possible).

Participants are asked to cooperate with the organizer regarding the seating arrangement.

5 – Outside the meeting rooms

Distribution of documents

The rules regarding distribution of informative documents in the proposed Rules of Procedure are a little different from those for previous meetings (Rule 28). Participants do not need approval for the distribution of such documents, although they should clearly identify the delegation or organization presenting them.

Through pigeon holes

All official meeting documents, such as summary records of sessions and draft resolutions from working groups, as well as the daily journal produced by the Secretariat, will be distributed through the pigeon holes. Each registered Party will have one pigeon hole. If there are enough, each observer State and organization will also have one. Participants are recommended to check what new documents are available at the document distribution area every morning and afternoon.

The representative of any State or intergovernmental organizations may request the Secretariat to distribute informative documents through this channel. In this case the State or organization should provide a sufficient number of copies.

In the public area

An alternative way for participants to distribute informative documents is to place them on the designated tables in the public area (Rule 28.4). 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 or on the public tables offensive, he/she may make a formal complaint to the Bureau. The provisional Rules of Procedure for CoP13 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 or to make a formal complaint to any State concerned.

The procedure for making complaints and resolving conflicts is indicated in the following section of this document.

Anonymous documents

All documents distributed must indicate which State or organization is responsible for them (Rule 28.2). Any document on the public tables that does not indicate who is distributing it will have to be removed by the Secretariat.

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 distributed through the pigeon holes or placed on the public tables, 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 informative documents are not reviewed by the Secretariat before they are distributed, anyone who distributes 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 Deputy 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.

Communication

Good communication between the various Parties and organizations represented at a CITES meeting is one of the keys to its success. Ushers are present in the two main meetings rooms to facilitate this.

When one delegate needs to contact another during one of the meeting sessions, or when an observer needs to get a message to a delegate of a Party, he/she should ask one of the ushers in the meeting room to pass on a message.

The Secretariat will also deliver messages to other delegates and observers through the pigeon holes at the document distribution centre, provided that the name, signature and contact details of the person leaving the message are clearly displayed on the message (or on the envelope if there is one).

In addition, the delegations of all Parties that have approved the participation in the meeting of national organizations are encouraged to set aside time to meet regularly with the observers from these organizations during the meeting of the Conference of the Parties and to inform them of their availability.

6 – CoP "Do-s" and "Don't-s"

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

Meetings with over a thousand participants can 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 Chairman does not include them in the list of speakers.

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

Participants should:

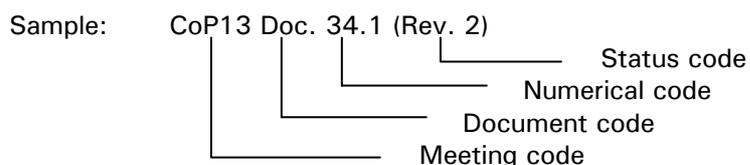
1. Always follow the Rules of Procedure (section 3 of this document will give you a basic understanding).
2. Wait for the Chairman to invite them to speak (the Chairman should try to allow time for contributions from both delegates and observers).
3. Make interventions brief, concise and to the point.
4. Liaise with other participants and, where appropriate, make joint interventions to avoid the same points being made repeatedly.
5. Bear in mind the principles and objectives on which the Convention is based.
6. Be patient.
7. Not attack other participants.
8. Distribute documents by asking the Secretariat staff to place them in delegates' pigeon holes or placing them on tables designated for this purpose.
9. Expect to engage in an appropriate and polite manner with other participants. Instances of physical or verbal abuse should be reported to the Deputy Secretary-General.
10. Respect areas that are designated for delegates or for the Secretariat only.

Participants should not:

1. Interrupt, except to seek clarification (only Representatives of Parties may raise points of order).
2. Heckle other delegates or observers; they too have a right to express their opinion.
3. Use the meeting for demonstrations.
4. Seek to obtain information dishonestly during meetings of the Conference of the Parties.

7 – Numbering of the documents

Document numbering system



1. Meeting code: The number simply indicates which meeting the document is produced for. For the 13th meeting of the Conference of the Parties, obviously the number is CoP13.

2. Document codes: The following document codes will be used.

Discussion documents

- 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

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

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