

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

Administrative matters

PROPOSAL TO AMEND THE RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES
WITH A VIEW TO IMPROVING TRANSPARENCY OF VOTING DURING MEETINGS OF THE
CONFERENCE OF THE PARTIES

1. This document has been submitted by Denmark on behalf of the European Union Member States acting in the interest of the European Union.

Background

2. Strengthening transparency in the context of international environmental cooperation is a major goal. This has been confirmed most recently by the Outcome Document of the Rio+20 Conference "The Future We Want", which reaffirms that "*to achieve our sustainable development goals we need institutions at all levels that are effective, transparent, accountable and democratic,*"¹ and acknowledges "*the vital importance of an inclusive, transparent, reformed, strengthened and effective multilateral system in order to better address the urgent global challenges of sustainable development today.*"² Promoting transparency also forms part of the CITES Strategic Vision: 2008 – 2013.
3. The EU and its Member States consider that this requirement for transparency and accountability needs to be reflected in the provisions relating to voting in the CoP Rules of Procedure.
4. The current provisions in the Rules of Procedure (Rule 25.2) state that: "*All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters. The Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot*". In other words, the Rules of Procedure consider open voting as the rule and - outside elections and venue questions - provide for secret voting only as an exception.
5. Nevertheless, there has been a considerable practice of secret voting since the introduction of the current wording during CoP 9. Document 10.3 prepared by the Secretariat for SC 61 shows that since CoP 9 a total of 69 votes were taken by secret vote, relating partly to important conservation matters, in particular on marine species or subjects, elephants and ivory trade. This practice over the last six CoPs shows that the current wording of Rule 25.2. is not sufficient to ensure that the exceptional character of secret votes is maintained.
6. The EU and its Member States are concerned about this development which runs counter to the agreed goal of promoting transparency and accountability in international fora. Based on

¹ Para 10.

² Para 77.

this goal, secret votes are neither accepted in the main international decision-making forum, the UN General Assembly³, nor, for example, under the major UN human rights conventions⁴.

7. The EU and its Member States acknowledge the position of several parties that it may be important to maintain the possibility of secret voting in exceptional circumstances, even beyond the decisions on elections and meeting venues. However, the current practice is a clear departure from the spirit of the Rules of Procedure. In addition, the current threshold of ten delegates supporting a request for secret voting does no longer appear adequate in light of the increased membership of CITES since CoP 9 in 1994 when the current wording was adopted. Since that time, 55 additional countries have become Party of the Convention, raising the number of State parties from 120 to 175.
8. The regular use of secret ballot voting undermines the integrity of the Convention: while a number of agreed criteria are supposed to guide the Parties in their implementation of the Convention, the use of secret ballots makes it impossible to determine on which basis or for which reasons decisions are adopted or rejected within CITES and casts doubts that those agreed criteria are actually being taken into consideration by Parties.
9. The EU and its Member States therefore consider that the Rules of Procedure need to be further clarified. To preserve the exceptional nature of the use of secret ballot and avoid that this restriction is too easily circumvented, the decision on whether or not to hold a secret vote on a certain matter should be treated like other decisions by the CoP on "procedural matters relating to the conduct of the business of the meeting". Therefore, it should be taken by a simple majority of the Representatives present and voting, in line with Rule 26.
10. The proposed system corresponds to the system used under CITES during CoPs 6 to 8 (1987 to 1992). It is also the system used by a number of international conventions dealing with the conservation and management of species and protection of biodiversity, such as the Convention on Migratory Species⁵ and the Ramsar Convention on Wetlands⁶.
11. Other conservation and species management Conventions, the International Whaling Commission⁷ and the Bern Convention on the Conservation of European Wildlife and Natural Habitats⁸ go even further and limit secret ballots entirely to elections and venue decisions.

³ See Rule 87 a of the Rules of Procedure.

⁴ See e.g. Rules of Procedure of the Human Rights Committee under the Covenant on Civil and Political Rights, the Committee on Economic, Social and Political Rights, Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women.

⁵ Rule 15 of the Rules of Procedure for Meetings of the Conference of the Parties.

⁶ Rule 46 of the Rules of Procedure for Meetings of the Conference of Contracting Parties.

⁷ Rule E (3) (d) of the Rules of Procedure.

⁸ Rule 8 of the Rules of Procedure of the Standing Committee.

Proposal by the EU and its Member States

12. The EU and its Member States therefore propose that the CoP at its 16th meeting decides to amend the Rules of Procedure as follows:

Rule 25

2. All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters.

~~The Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot.~~ **[ADD] The request for a secret ballot shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.**