

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Committee II

Potential conflicts of interest in the Animals and Plants Committees

DRAFT DECISIONS
AND DRAFT AMENDMENT OF RESOLUTION CONF. 11.1 (REV. COP15)
OF THE CONFERENCE OF THE PARTIES

This document has been prepared by the working group on conflict of interest, on the basis of document CoP16 Doc. 11 (Rev. 1), after discussion in the second session of Committee II. With regard to the amendments made by the working group, text agreed to be deleted is ~~crossed out~~ and proposed new text is underlined.

DRAFT AMENDMENT OF RESOLUTION CONF. 11.1 (REV. COP15)

Proposal by the EU and its Member States

~~The EU and its Member States therefore propose that in~~ the section of Resolution Conf. 11.1 (Rev. CoP15) entitled "**Regarding representation in the Animals and Plants Committees**", a new paragraph (c) is included, which would read as follows:

"c) Conflict of interest

A "conflict of interest"¹ refers to any current [financial] [professional, financial or other] interest which could significantly impair the individual's impartiality, objectivity or independence in carrying out his or her duties as a member of the Committee. A candidate's employment by itself does not automatically constitute a conflict of interest.

- (i) ~~together with the names and curriculae vitae of the proposed candidates, the Parties proposing candidates as members or alternate members are to shall request that, together with their name and curriculum vitae, each candidate provides a declaration of interest which should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference by the Parties at which the representatives will be elected. In that declaration, the candidate should disclose any current or past [financial] [professional, financial or other] interest that might could call into question his or her impartiality, objectivity or independence in carrying out his or her duties as member or alternate member of the Committee;~~
- (ii) Following an election, the declaration of interest and the curriculum vitae of each member and alternate member shall be made publicly available by the Secretariat to the Chair and the members of the Committee concerned and the members Chair of the Standing Committee upon his or her election;
- (iii) ~~During his or her term of office, each member and alternate member shall update his or her declaration of interest where relevant to include any new interest or activity that could call into question his or her~~

¹ [Conflict of interest policies in scientific assessment bodies typically make a distinction between "conflict of interest" and "bias", which refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues.]

~~impartiality, objectivity or independence in carrying out his or her duties as member or alternate member of the Committee;~~

(iv) Each member shall, at the beginning of each meeting of the Committee, declare any interests that he or she considers calls into question his or her impartiality, objectivity or independence regarding any subject on the agenda for that meeting of the Committee. If a member has declared such an interest, he or she may take part in discussions but not in the decision making regarding the agenda item in question. If the member is the subject of the potential conflict of interest, he or she shall not chair the meeting or sub-meeting for the agenda item in question.

~~iv) if, on the basis of this declaration of interest, a given member or alternate member, or the Secretariat (after consultation with the representative concerned) consider that this representative has a professional, financial or other interest that could call into question his or her impartiality, objectivity or independence regarding a subject to be discussed by the Committee, the Committee should be informed in advance of the discussions and the member or alternate member concerned may participate in the discussion but not in the making of any decision on that subject;~~

v) When taking part in meetings or seminars outside the CITES framework, the members and alternate members should specify that their interventions are made in their personal capacity and not on behalf of the Committee or of any CITES body, unless specific instructions have been issued by the Committee to that effect.

~~The EU also propose that~~ the following text should be inserted into Annex 2 of Resolution Conf. 11.1 (Rev. CoP15) as new paragraph a) bis under the 2nd RESOLVES, as follows:

"each member should, to the best of his/her abilities, act as impartially as possible and endeavour to base their judgements and opinions upon an objective, scientific assessment of the available evidence;"

DRAFT DECISIONS

Directed to the Standing Committee

16.xx The Standing Committee shall, at its 65th meeting and on the basis of a review from the Secretariat, assess the functioning of the conflict of interest policy set out in paragraph xx of Annex 2 of Resolution Conf. 11.1 (Rev. CoP16), and make recommendations for refining the definition of conflict of interest, if appropriate, and for a mechanism to deal with such conflicts, having reference to such mechanisms developed in other multilateral environmental agreements or relevant international organizations and bodies, for consideration at CoP17.

Directed to the Secretariat

16.xx The Secretariat shall compile examples of conflicts of interest procedures under other relevant agreements and organizations, and shall prepare a report to the 65th meeting of the Standing Committee.