



**MEMORANDUM OF
UNDERSTANDING ON THE
CONSERVATION OF MIGRATORY
SHARKS**

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Agenda Item 2

**PROPOSED RULES OF PROCEDURE
FOR THE MEETINGS OF THE SIGNATORIES TO THE MEMORANDUM OF
UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS**

Rule 1 – Purpose

- (1) These Rules of Procedure will apply to Meetings of the Signatories (MOS) to the Memorandum of Understanding on the Conservation of Migratory Sharks, hereinafter referred to as the “MOU”, convened in accordance with Section 6 of the MOU.
- (2) Insofar as they are applicable, these Rules will apply *mutatis mutandis* to any other meeting held in the framework of the MOU, such as an intersessional or working group meeting.

Rule 2 – Definitions

For the purpose of these Rules:

- (a) “Advisory Committee” means the body established in accordance with Section 7 of the MOU.
- (b) The “Bureau”, means the body established in accordance with Rule 16.
- (c) The “Chair” means the Chair elected in accordance with Rule 9 of the present rules of procedure.
- (d) “Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, 1979.
- (e) “Convention Secretariat” means the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals.
- (f) “Cooperating partner” means a non-Range State, an intergovernmental or a nongovernmental organization, or other body or entity that associates itself with this Memorandum of Understanding in accordance with the provisions of paragraph 30 of the MOU.
- (g) “Meeting of the Signatories” means the Meeting of the Signatories in accordance with Section 6 of the MOU.

- (h) “MOU” means the Memorandum of Understanding on the Conservation of Migratory Sharks, which entered into effect on 1 March 2010. This MOU is an agreement within the meaning of Article IV, paragraph 4 of the Convention on the Conservation of Migratory Species of Wild Animals (1979).
- (i) “Notify” means to inform by electronic or other written means.
- (j) “Observer” means a Range State, non-Range State, an intergovernmental or a nongovernmental organization, or other body or entity which has informed the Secretariat of its desire to attend the meeting.
- (k) “Secretariat” means the CMS Secretariat of the MOU established in accordance with Section 8 of the MOU.
- (l) "Session" means any ordinary or extraordinary session of the Meeting of the Signatories convened in accordance with Section 6 of the MOU, or any individual session during a Meeting of the Signatories, as appropriate.
- (m) “Signatories” means the Signatories to the MOU.
- (n) “Subsidiary body” means any committees or working groups established by the Meeting of the Signatories.

Rule 3 – Meeting of the Signatories

- (1) The MOS will meet once every 3 years, unless the Signatories decide otherwise. Sessions of the Meeting of the Signatories will be held in public, unless the Meeting of the Signatories decides otherwise.
- (2) At each session of the MOS, the Signatories will strive to decide on the date, venue and duration of the next MOS. If such a decision is not reached, the [interim] Secretariat will contact the Signatories one year after the session of the MOS to solicit expressions of interest to host the next MOS, including potential dates.
- (3) Unless there is an offer from a Signatory, the MOS will meet at the seat of the Convention Secretariat or another United Nations duty station determined by the Secretariat in coordination with the Chair, taking into consideration cost-effectiveness.
- (4) The Secretariat will endeavour to notify the Signatories of the month or quarter in which the meeting will take place at least one year before the meeting is due to commence. The notification will include a deadline for submission by Signatories of proposals to be discussed at the meeting that allows respecting Paragraph 7 of this Rule.
- (5) The Secretariat will notify the venue and dates of each session of the MOS and prepare and circulate to the Signatories the provisional agenda of the meeting at least 150 days in advance.

- (6) The Secretariat will also notify the Convention Secretariat, in its role as Depositary of the MOU, the United Nations, its specialized Agencies, any Range State not Signatory to the MOU, any regional economic integration organization, any secretariat of relevant international conventions and other instruments, and any relevant scientific, environmental, cultural, fisheries or technical body, particularly those concerned with the conservation and management of marine living resources or conservation and management of sharks, of the venue and dates of each session of the MOS at least six months before the meeting is due to commence so that they may be represented as observers.
- (7) All documents for the MOS other than those subject to Rule 19 requiring a decision by the Signatories, will be submitted to the Secretariat at least 90 days prior to the MoS. The Secretariat will make them available electronically at least 60 days before the start of the meeting.
- (8) However, the [Chair, during the meeting, may also permit submission and consideration of a new document addressing an issue arising directly from a document submitted in accordance with the Rules of Procedures.](#)
- (9) The Secretariat will include any item proposed by a Signatory on the provisional agenda. Should items be received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, a supplementary provisional agenda will be circulated.
- (10) The MOS will adopt the provisional agenda. It may add, delete, defer, or amend items as considered appropriate by the Signatories.
- (11) Extraordinary sessions of the MOS will be convened on the written request of at least one third of the Signatories taking also into account paragraph 24 (d) of the MOU.
- (12) An extraordinary session will be convened not later than ninety days after the request has been received, in accordance with paragraph 11 of this rule.
- (13) The provisional Agenda for an extraordinary session of the MOS will consist only of those items proposed for consideration in the request for the extraordinary meeting. The provisional agenda and any necessary supporting documents will be distributed to the Signatories at the same time as the invitation to the extraordinary meeting.

Rule 4 – Signatories

- (1) Each Signatory to the MOU, hereinafter referred to as a “Signatory,” will be entitled to be represented at the meeting by a delegation consisting of a designated Head of Delegation and such Alternative Representative(s) and Advisors as the Signatory may deem necessary.

- (2) Logistical and other limitations may require that no more than five delegates of any Signatory be present at the meeting. The Secretariat will notify Signatories of any such limitations six months in advance of the meeting.

Rule 5 – Cooperating Partners

- (1) Any non-Range State, intergovernmental or nongovernmental organisation, or other relevant body and entity wishing to become a cooperating partner to this Memorandum of Understanding in accordance with paragraph 30 of the MOU, will be accepted unless at least one third of the Signatories present at the meeting object. Candidate Cooperating Partners will submit their expression of interest to the Secretariat, at least 90 days before the start of the next MOS.
- (2) Cooperating Partners that have signed the MOU will have the right to participate but not to vote.

Rule 6 – Observers

- (1) The United Nations, its Specialized Agencies, a non-Signatory State, or any relevant scientific, environmental, cultural, fisheries, or technical body, including Governmental or Non-governmental Organizations, concerned with the conservation and management of sharks may be represented at the meeting as an Observer and will have the right to participate but not to vote.
- (2) Observers must inform the Secretariat 75 days prior to the opening of the meeting. Logistical and other limitations may require that no more than two Observers from any non-Signatory State, body, or agency be present at the meeting. The Secretariat will notify Observers of any such limitations 60 days in advance of the meeting.

Rule 6bis – Media

- (1) The MOS is open to the representatives of the media unless such sessions are closed to the public. Representatives of the media may attend the MOS after they have been accredited by the Secretariat for a period of time as defined by the Chair.
- (2) 2. Representatives of the media will be seated in a designated area within the meeting room. Photographers and television crews may only enter the areas designated for delegations and for observers when invited to do so by the Chair for as long as they are so authorized. Requests for such authorization will be addressed to the Secretariat.

Rule 7 – Credentials

- (1) [The Head of Delegation, any Alternative Representative(s) or Advisors of a Signatory will be accredited by the Head of State, Head of government, Minister of Foreign Affairs, the Minister or Deputy of the focal Ministry/Authority for MoU], [Credentials should be issued by, or on behalf of, a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, or his or her designee.] or the competent authority of any Regional Economic Integration Organization (REIO)^{1, 2}, to fully represent the Signatory at the MOS.
- (3) Credentials will include: the full title and date of the MOS; a full list of representatives authorized to represent the Signatory and to transact all such matters with an indication of who is Head of Delegation; a full signature of the appropriate authority as indicated above and printed on official letterhead, preferably with a seal, clearly indicating that the credentials have been issued by the appropriate authority. The Secretariat will provide a credential template as an example, together with the notification of the venue and dates of the MOS (Paragraph 5 of Rule 3).
- (4) The credentials will be submitted in their original form to the MOU Secretariat within 24 hours of the start of the MOS, for assessment by the Credentials Committee which will be set up in accordance with Rule 7 (4). If credentials are presented in a language other than one of the three working languages of the MOU they will be accompanied by an official translation into English, French, or Spanish.
- (5) A Credentials Committee will be established at the first session of each MOS and be composed of at least one Signatory of each region present. It will validate the supplied credentials and, in consultation with the Secretariat and Chair or Vice-Chair, will report to the MOS on the results of the assessment of the Credential Committee for final approval. Pending a decision approving their credentials, delegates [may participate provisionally in the meeting but not vote].

Rule 8 – Secretariat

- (1) In addition to the tasks laid down in Paragraph 27a of the MOU, the Secretariat will ensure transparency as appropriate, in application of Paragraph 21 of the MOU.
- (2) The Secretariat will develop a provisional agenda for the MOS in consultation with the Signatories and will service the meeting and carry out Secretariat functions as required by the MOS. The provisional agenda will be circulated 150 days before the session of the MOS. At the beginning of each session, the MOS will adopt its agenda for the session on the basis of the provisional agenda.

1 As defined under Article I, paragraph 1 (k) of the CMS Convention – ‘regional economic integration organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international Agreements in matters covered by this Convention for which this Convention is in force.

2 For the purpose of interpreting this Rule, in the case of the European Union “competent authority” means the President of the European Commission or the Commissioner responsible for the Sharks MOU.

- (3) The Secretariat will in accordance with these rules:
- (a) Arrange for interpretation at the meeting;
 - (b) Prepare, receive, translate, reproduce and distribute the documents of the meeting;
 - (c) Publish and circulate the official documents of the meeting;
 - (d) Make and arrange for keeping of sound recordings of the meeting;
 - (e) Arrange for the custody and preservation of the documents of the meeting;
 - (f) Draft the report of the meeting for consideration and approval by the MOS; and
 - (g) Generally perform all other work that the MOS may require.

Rule 9 – Chair and Vice-chair

- (1) At the first plenary session of the MOS, a Chair and a Vice-Chair will be elected taking into consideration appropriate geographic balance. If the Chair or Vice-Chair is unable to carry out his or her functions, or ceases to be a representative of a Signatory, or if a Signatory of which he or she as a representative ceases to be a member of the MOS, he or she will cease to hold office and a new Chair or Vice-Chair will be elected for the unexpired term. A Chair and Vice-chair can be re-elected for a second term at the maximum unless no new candidate is available.
- (2) The Chair and Vice-Chair will serve in this role until the next Chair and Vice-Chair have been elected.
- (3) The Chair will preside at plenary sessions of the Meeting.
- (4) The Chair, in the exercise of the functions of that office, remains under authority of the MOS.
- (5) In addition to exercising the powers conferred upon him/her elsewhere in these Rules, the Chair will at Plenary sessions:
 - (h) Declare the session open and closed;
 - (i) Direct the discussion;
 - (j) Ensure the observance of these Rules;
 - (k) Subject to these Rules, have complete control of the proceedings and the maintenance of order, including the removal of an observer for just cause.

Rule 10 – Seating

- (1) Delegations will be seated in accordance with standard United Nations practice which uses the alphabetical order of the full official names of the Signatories in the English language.

Rule 11 – Quorum

- (1) No MOS will take place in the absence of a quorum. A quorum for convening a MOS will consist of a simple majority of the Signatories present and able to participate, and a minimum of three geographical regions represented, as defined in Annex 2 of the MOU.
- (2) A quorum for opening a plenary session will consist of one half of the Signatories having delegations at the MOS. No plenary session will take place in the absence of a quorum.
- (3) When calculating a quorum REIOs will count for the number of their Member States that are Signatory to the MOU. Where no Member State of an REIO is a Signatory to the MOU, the REIO will count as one Signatory when calculating the quorum.

Rule 12 – Speakers

- (1) The Chair will call upon meeting participants to speak in the order in which they indicate their desire to speak, with precedence given to Signatories, followed by non-Signatory Range States, Co-operating Partners, and Observers, in that order. Meeting participants may speak only if called upon by the Chair, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (2) The Chair may, in the course of discussion at the meeting, propose to the meeting, *inter alia*:
 - (l) Time limits for speakers;
 - (m) Limitations on the number of times members of a Signatory’s delegation or other participants may speak on any subject;
 - (n) The closure of the list of speakers;
 - (o) The adjournment or the closure of the debate on the particular subject under discussion;
 - (p) The suspension or adjournment of the meeting.
- (3) The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by that committee or working group.

Rule 13 – Procedural Motions

- (1) During the discussion of any matter, a Signatory may make a point of order. The point of order will be immediately decided by the Chair. A Signatory may appeal against any ruling of the Chair. The appeal shall immediately be put to a vote and the Chair’s ruling will stand unless a simple majority of the Signatories present and voting decides otherwise.

Rule 14 – Decision Making

- (1) In accordance with Paragraph 18 of the MOU the Signatories should make every effort to reach decisions by consensus.
- (2) Decisions on financial matters, amendments to the MOU, including its Annexes, and Rules of Procedure will be taken by consensus only.
- (3) If all efforts to reach consensus under Rule 14(1) have been exhausted and no agreement is possible, decisions will, unless otherwise specified in the MOU or the Rules of Procedure, as a last resort, be decided by a two thirds majority vote of the signatories present.
- (4) Without prejudice to the provisions of Rule 4, each Signatory will have one vote, which can be exercised by a Representative duly accredited according to Rule 7. However, a regional integration organization, on matters within its competence, will exercise its right to vote with a number of votes equal to the number of its Member States that are Signatories to this MOU. Such an organization will not exercise its right to vote if any of its Member States exercises its right to vote, and vice versa.
- (5) The meeting will vote by a show of hands. The Chair may request a roll-call vote. The roll-call vote will be taken in the seating order of the delegations.

Rule 15 – Committees and Working Groups

- (1) The MOS may establish such Committees and Working Groups as may be necessary to enable it to carry out its functions. Where appropriate, meetings of these bodies will be held in conjunction with the Meeting of the Signatories.
- (2) The Committees and Working Groups may make recommendations to the MOS for consideration and adoption, pursuant to their terms of reference established by the MOS.
- (3) The MOS will elect a Chair and a Vice-Chair, for each Committee and Working Group, taking into consideration appropriate geographic balance. As a general rule, sessions of Committees and Working Groups will be open to Signatories and Observers, unless the MOS decides otherwise. The duration of the appointment of the Chair and Vice-Chair of Committees and Working Groups will be three years. They can be re-elected for a second term at the maximum, unless no new candidate is available.
- (4) Subject to paragraph 3 of this rule, each body will elect its own officers. No officers may be re-elected for a third consecutive term.

Rule 16 - The Bureau

- (1) The Bureau will consist of the elected Chair and Vice-Chair of the current Meeting of the Signatories, the Chair of the Advisory Committee, and as appropriate the Chairs of the Working Groups. The Secretariat will assist and support the Bureau. The Bureau will be chaired by the Chair of the current session of the Meeting of the Signatories.
- (2) The Bureau will meet at least once daily to review the progress of the meeting and to provide advice to the Chair in order to ensure the smooth development of the rest of the proceedings.

Rule 17 – Languages

- (1) English, French, and Spanish, the working languages of the MOU, will be the working languages of sessions of the MOS. Interventions made in one of the working languages will be interpreted into the other working languages. The official documents of the meeting will be produced in all three working languages.
- (2) A delegation may speak in a language other than a working language, but in that case it will be responsible for providing interpretation into a working language, and interpretation into the other working language may be based upon that interpretation. Any document submitted to the Secretariat in any language other than a working language will be accompanied by an appropriate translation into one of the working languages.
- (3) Interpretation will not be provided during meetings of the Committee or Working Groups, unless resources are made available for that purpose.

Rule 18 – Records

- (1) Summary records of the MOS in English, French, and Spanish will be drafted and circulated by the Secretariat for comments from the Signatories, not later than 60 days after the completion of the MOS. The Signatories will submit their comments within 30 days. The final version of the report will be circulated by the Secretariat in all working languages within 30 days and made public.

Rule 19 – Amendments to the MOU

- (1) The MOU, including the Annexes, may be amended at any session of the MOS.
- (2) Proposals for amendment may only be made by one or more Signatories.
- (3) The process and timing for submission of proposals for amendment to the MOU including the Annexes is as follows:

- (a) The text of any proposed amendment, with supporting rationale, and if appropriate, supporting scientific evidence, will be provided to the Secretariat at least 150 days before the MOS at which it is to be considered.
- (b) The Secretariat will publish and communicate to all Signatories any proposal as received in its original working language as soon as possible, but not later than seven days after receipt. Translation and publication into the other working languages will be arranged by the Secretariat as soon as possible, but not later than 30 days after receipt.
- (c) Comments on the proposed amendment may be provided to the Secretariat up to 30 days before the MOS.
- (d) The Secretariat will communicate any comments received by the Secretariat as soon as possible after receipt.

Rule 20 – Procedure

- (1) These Rules of Procedure will enter into effect immediately after their adoption and remain in effect until otherwise decided by the Signatories.

Rule 21 – Authority

- (1) In the event of a conflict between any provision of these rules and any paragraph/provision of the MOU, the MOU will prevail.