



Convention on the Conservation of Migratory Species of Wild Animals

Distr.
GENERAL

UNEP/CMS/Conf. 5.4
18 March 1997

ORIGINAL: ENGLISH

FIFTH MEETING OF THE
CONFERENCE OF THE PARTIES

Geneva, 10-16 April 1997

AMENDMENT OF THE RULES OF PROCEDURE FOR THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES

Prepared by the Secretariat

1. As requested by the Standing Committee at its 13th meeting, the Secretariat amended the provisional rules of procedure for the fifth meeting of the Conference of the Parties, and presented them for the Committee's consideration at its 14th meeting. For ease of reference, the following amendments proposed during the fourth meeting of the Conference of the Parties and incorporated into the draft rules attached as Annex 1, are quoted below:

Rule 1, paragraph 2, and Rule 14, paragraph 2, have been amended in accordance with Resolution 4.4 to incorporate the ineligibility of representatives to vote where the Party they represent is three or more years behind in paying its contribution.

Rule 1, paragraph 3, and Rule 2, paragraph 4 have been amended to address concerns of Pakistan and Australia about possible seating limitations at future meetings of the Conference of the Parties.

The fourth meeting of the Conference of the Parties recommended that Rule 11, paragraph 1, be examined with a view to ensuring consistency with the text of the Convention. In its previous form, the final sentence of Rule 11 implied that uncirculated texts of amendment proposals, and not only those of motions, could be considered and discussed if the Presiding Officer so decided. Removal of the reference to uncirculated amendments clarifies and brings the text into line with the provisions of the Convention.

Rule 23, paragraph 1, has been amended to clarify the scope of the committee(s) established for the duration of the meeting of the Conference of the Parties.

For reasons of economy, this document is printed in a limited number, and will not be distributed at the meeting. Delegates are kindly requested to bring their copy to the meeting and not to request additional copies.

2. At its 14th meeting, some members of the Standing Committee expressed concern about changing Rule 1 and Rule 14 to render Parties which had not paid their subscriptions ineligible to vote at the meeting of the Conference of the Parties. This amendment had been expressly agreed by the Conference of the Parties at its fourth meeting (cf. Resolution 4.4, Action Point 20). Nonetheless, there was concern that this provision would be inconsistent with provisions generally in force in such matters in other international environmental conventions.

3. Having examined the matter, the Secretariat reported to the Committee at its 15th meeting (January 1997) that such a provision does not appear in the Rules of Procedure for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). However, it has been discussed in that forum but has so far not been accepted.

4. On the other hand, the International Whaling Commission's Rules of Procedure and Financial Regulations (as amended by the Commission at the 48th Annual Meeting, June 1996, and replacing those dated July 1995) contain such a provision, as follows:

“The right to vote of representatives of any Contracting Government whose annual payments including any interest due have not been received by the Commission within 3 months of the due date prescribed in Regulation E.2 of the Financial Regulations, shall be automatically suspended until payment is received by the Commission, unless the Commission decides otherwise.” (sic section E. Voting, paragraph 2.)

This is the final of three levels of sanction against Contracting Parties which fail to pay their contributions. The first sanction is the imposition of a 10% surcharge on their original contribution; the second, occurring if the contribution is still unpaid, instructs the IWC to withhold documentation from such Parties. The IWC sanctions are frequently invoked against Parties dilatory in their payments, and these remain in force for such Parties for as long as they have failed to pay their contribution, while they still remain party to the IWC.

5. The Secretariat informed the Standing Committee that the amendment of Rule 14 would affect the voting rights of 11 Parties (10 from Africa and one from South America) whose contributions to the Trust Fund were three years in arrear. (At the time of writing, these figures were unchanged.) The Standing Committee noted that it had proceeded as instructed by the Conference of the Parties, which would be called upon to decide on the rules at the outset of the fifth meeting. The only additional changes that have been incorporated in the provisional rules attached hereto, in accordance with decisions of the Standing Committee, are minor adjustments to the gender-neutral terms that appear throughout the text, and provision for the Conference of the Parties to operate with a Committee of the Whole, rather than two Committees, if it so decides at the fifth meeting. The latter option is indicated in square brackets throughout the text.

FIFTH MEETING OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE CONSERVATION OF
MIGRATORY SPECIES OF WILD ANIMALS

Provisional Rules of Procedure

Draft of 18 March 1997

Part I

Delegates, Observers, Secretariat

Rule 1 - Delegates

- (1) A Party to the Convention (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) Without prejudice to the provisions of Rule 14, paragraph 2, the Representative of a Party shall exercise the voting rights of that Party. In their absence, an Alternative Representative of that Party shall act in their place of the Representative over the full range of their functions.
- (3) Logistic and other limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of [the Committee of the Whole] established under Rule 23. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.

Rule 2 - Observers

- (1) The United Nations, its Specialized Agencies, the International Atomic Energy Agency and any State not a Party to the Convention may be represented at the meeting by observers who shall have the right to participate but not to vote.²
- (2) Any body or agency technically qualified in protection, conservation and management of migratory species which is either
 - (a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
 - (b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be represented unless at least one-third of the Parties present object. Once admitted, these observers shall have the right to participate but not to vote.³

¹ See Articles I, paragraph 1 (k), and XVIII of the Convention. A Party is a State which has deposited with the Government of the Federal Republic of Germany its instrument of ratification, acceptance, approval or accession by 31 January 1997.

² See Convention, Article VII, paragraph 8.

³ See Convention, Article VII, paragraph 9.

- (3) Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of their representatives (and in the case of bodies and agencies referred to in paragraph (2) (b) of this Rule, evidence of the approval of the State in which they are located) to the Secretariat of the Convention prior to the opening of the meeting.
- (4) Logistic and other limitations may require that no more than two observers from any non-Party State, body or agency be present at a plenary session or [a session of the Committee of the Whole] of the meeting. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.
- (5) The standard participation fee for all non-governmental organisations is fixed by the Standing Committee and announced in the letter of invitation. Greater contributions are appreciated.

Rule 3 – Credentials

- (1) The Representative or any Alternative Representative of a Party shall, before exercising the voting rights of the Party, have been granted powers by, or on behalf of, a proper authority, such as the Head of State, the Head of Government or the Minister of Foreign Affairs or the head of an executive body of any regional economic organisation or as mentioned in footnote 1, enabling them to represent the Party at the meeting and to vote.
- (2) Such credentials shall be submitted to the Secretariat of the Convention.
- (3) A Credentials Committee of not more than five Representatives shall examine the credentials and shall report thereon to the meeting. Pending a decision on their credentials, delegates may participate provisionally in the meeting.

Rule 4 – Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.⁴

Part II

Officers

Rule 5 – Chairpersons

- (1) The Chairperson of the Standing Committee shall act as temporary Chairperson of the meeting until the meeting elects a Chairperson in accordance with Rule 5, paragraph 2.
- (2) The Conference in its inaugural session shall elect from among the representatives of the Parties a Chairperson and a [Chairperson of the Committee of the Whole]. The latter shall also serve as Vice-Chairperson of the Conference.
- (3) The Conference shall also elect, from among the representatives of the Parties, [a Vice-Chairperson of the Committee of the Whole]. If [the Chairperson of the Committee of the Whole] is absent or is unable to discharge the duties of Chairperson, the Vice-Chairperson shall deputize.

⁴ See Convention, Article IX, paragraph 4 (a).

Rule 6 – Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, [the Chairperson of the Committee of the Whole] shall deputize.
- (3) The Presiding Officer shall not vote but may designate an Alternative Representative from the same delegation.

Rule 7 – Bureau

- (1) The Presiding Officer, [the Chairperson and Vice-Chairperson of the Committee of the Whole, and the Chairpersons of] the Scientific Council and the Standing Committee, and the Secretariat shall constitute the Bureau of the Conference with the general duty of forwarding the business of the meeting including, where appropriate, altering the timetable and structure of the meeting and specifying time limits for debates.
- (2) The Presiding Officer shall preside over the Bureau.

Part III

Rules of Order and Debate

Rule 8 – Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the meeting, propose to the Conference:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - (e) the suspensions or adjournment of the session.

Rule 9 – Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the English language.
- (2) A quorum for plenary sessions and sessions of [the Committee of the Whole] of the meeting shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of [the Committee of the Whole] shall take place in the absence of a quorum.

Rule 10 – Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.
- (2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during their speech to allow any delegate or observer to request elucidation on a particular point in that speech.
- (4) The Chairperson 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 11 – Submission of Proposals for Amendment of the Convention and its Appendices

- (1) As a general rule proposals shall, subject to any provisions of the Convention itself, have been communicated at least 150 days before the meeting to the Secretariat, which shall have circulated them to all Parties in the working languages of the meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the meeting provided copies of them have been circulated to all delegations not later than the day preceding the session. The Presiding Officer may also permit the discussion and consideration of urgent proposals arising after the period prescribed above in the first sentence of this Rule provided that they relate to proposed amendments which have been circulated in accordance with the second sentence of this Rule and that their consideration will not unduly inhibit the proceedings of the Conference. The Presiding Officer may, in addition, permit the discussion of motions as to procedures, even though such motions have not been circulated previously.
- (2) After a proposal has been adopted or rejected by the Conference it shall not be reconsidered unless a two-thirds majority of the Representatives participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 12 – Procedural Motions

- (1) During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Representatives present and voting otherwise decide. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

- (2) The following motions shall have precedence in the following order over all other proposals or motions before the Conference:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to adjourn the debate on the particular subject or question under discussion;
 - (d) to close the debate on the particular subject or question under discussion.

Rule 13 – Arrangements for Debate

- (1) The Conference may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.
- (6) Whenever the Conference considers a recommendation originating from [the Committee of the Whole], where the discussion of the recommendation has been conducted with interpretation in the three working languages of the session, there shall be no further discussion on the recommendation, and it shall immediately be decided upon.

However, any delegate, if seconded by another delegate of another Party, may present a motion for the opening of debate on any recommendation. Permission to speak on the motion for opening the debate shall be granted only to the delegate presenting the motion and the seconder, and to a delegate of each of two Parties wishing to speak against, after which the motion shall immediately be put to the vote. A motion to open the debate shall be granted if, on a show of hands, one third of the voting Representatives support the motion. While speaking on a motion to open the debate a delegate may not speak on the substance of the recommendation itself.

Part IV

Voting

Rule 14 – Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, paragraph 2, each representative duly accredited according to Rule 3 shall have one vote. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with the number of votes equal to the number of their member States which are Parties. In such case, the member States of such organizations shall not exercise their right individually.⁵
- (2) Representatives of Parties which are three or more years behind in paying their subscriptions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote.
- (3) The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.
- (4) All votes in respect of the election of officers or of prospective host countries shall be by secret ballot and, although it shall not normally be used, any Representative may request a secret ballot for other matters. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (5) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
- (6) If votes are equal, the motion or amendment shall not be carried.
- (7) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (8) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 15 – Majority

Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of votes cast, while all other decisions shall be taken by a two-thirds majority of votes cast.

Rule 16 – Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing

⁵ See Convention, Article 1, paragraph 2.

to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 17 – Elections

- (1) If in an election to fill one place no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them to reduce the number of candidates to two.
- (3) In the case of tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.

Part V

Languages and Records

Rule 18 – Official and Working Languages

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages.

Rule 19 – Other Languages

- (1) A delegate may speak in a language other than a working language. They shall be responsible for providing interpretation into a working language, and interpretation by the Secretariat into the other working languages may be based upon that interpretation.
- (2) Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

Rule 20 – Summary Records

- (1) Summary records of the meeting shall be circulated to all Parties in the official languages of the meeting.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.

Part VI

Publicity of Debates

Rule 21 – Plenary Sessions

All plenary sessions of the meeting shall be open to the public, except that in exceptional circumstances the Conference may decide, by a two-thirds majority of Representatives present and voting, that any single session be closed to the public.

Rule 22 – Sessions of Committees and Working Groups

As a general rule, sessions of committees and working groups other than [the Committee of the Whole] shall be limited to the delegates and to observers invited by the Chairpersons of the committees or working groups.

Part VII

Committees and Working Groups

Rule 23 – Establishment of Committees and Working Groups

- (1) In addition to the Credentials Committee, the Conference of the Parties shall establish [a committee] to forward the business of the meeting. [This committee] shall be called [the Committee of the Whole]. [It shall be responsible for making recommendations to the Conference on any matter of a scientific or technical nature, including proposals to amend the Appendices of the Convention, as well as recommendations concerning financial, administrative and any other matter to be decided upon by the Conference.]
- (2) The Conference and [the Committee of the Whole] may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which shall be limited according to the number of places available in assembly rooms.
- (3) The Credentials Committee and each working group shall elect their own officers.

Rule 24 – Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups; however, with the exception of [the Committee of the Whole], interpretation may not be provided in sessions of the committees and working groups.

Part VIII

Amendment

Rule 25

These rules may be amended as required by decision of the Conference.