



3rd Meeting of the Signatories (Sharks MOS3)
Monaco, 10 – 14 December 2018
Agenda Item 2

RULES OF PROCEDURE

(Prepared by the Secretariat)

1. MOS1 established an intersessional working group to make progress on the draft Rules of Procedure to present to MOS2. During the course of MOS2, Signatories continued to debate various provisions within the text. While Signatories debated the provisions of new Rules of Procedure, MOS2 provisionally adopted the Rules of Procedure used at MOS1.
2. By the final day of MOS2, Signatories had reached consensus on all rules except those relating to quorum and voting. MOS2 adopted the new Rules of Procedure with the exception of these two rules. These two rules were placed in square brackets to indicate that they were not adopted. Therefore, Rule 12 on Quorum and Rule 15 on Decision Making remain with options in brackets.
3. Discussions between certain Signatories indicate that a resolution on these issues may not yet be easily reached.
4. Regarding decision making, the Secretariat proposes that MOS3 be guided by Paragraph 18 of the MOU, which states:
“The Meeting of the Signatories should be the decision-making body of this Memorandum of Understanding. Decision making of the Meeting of the Signatories should be by consensus.”
5. Regarding a quorum, the Secretariat proposes that MOS3 be guided by Rule 30, adopted at both MOS1 and MOS2, which states:
“The chair may declare a session of the Meeting of the Signatories open and permit the debate to proceed if at least half of the Signatories to the MOU are present, and may take a decision when representatives of at least one half of the Signatories are present.”

Action requested:

The Meeting is requested to:

- a) note the attached Rules of Procedure, which apply until such time as they are amended, or new rules are adopted.
- b) Agree that the text quoted in paragraphs 4 and 5 above will apply to this meeting, in lieu of the bracketed text in Rules 12 and 15.

**RULES OF PROCEDURE
FOR THE MEETINGS OF THE SIGNATORIES TO THE MEMORANDUM OF
UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS¹**

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.
3. Considering the non-binding nature of the underlying MOU, the Signatories agree that the Rules of Procedure do not create any legally binding commitments.

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 10 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 non-governmental organization, or other body or entity that associates itself with this MOU 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.

¹ Previously presented as CMS/Sharks/Outcome 2.4

- j) "Observer" means a Range State, non-Range State, an intergovernmental or a non-governmental organization, or other body or entity which has informed the Secretariat of its desire to attend the session.
- 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 three years, unless the Signatories decide otherwise. Sessions of the MOS will be held in public, unless the MOS decides otherwise.
2. At each session of the MOS, the Signatories will strive to decide on the date, venue and duration of the next session of the MOS. If such a decision is not reached, the Secretariat will contact the Signatories one year after the session of the MOS to solicit expressions of interest to host the next session of the 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 session of the MOS will take place at least one year before it is due to commence. The notification will include a deadline for submission by Signatories of proposals to be discussed at the session of the MOS 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 session is due to commence so that they may be represented as observers.

7. All documents for the session of the MOS, other than those subject to Rule 20, that require a decision by the Signatories will be submitted to the Secretariat at least 90 days prior to the session of the MOS. The Secretariat will make them available electronically at least 60 days before the start of the meeting.
8. 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.
9. The MOS will adopt the provisional agenda. It may add, delete, defer, or amend items as considered appropriate by the Signatories.
10. Extraordinary sessions of the MOS will be convened on the written request of at least one third of the Signatories, taking into account paragraph 24(d) of the MOU.
11. An extraordinary session will be convened not later than 90 days after the request has been received, in accordance with paragraph 10 of this Rule.
12. 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 Advisor(s) as the Signatory may deem necessary.
2. Logistical and other limitations may require that no more than five representatives 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 – Co-operating Partners

1. Any non-Range State, intergovernmental or non-governmental organization, or other relevant body and entity wishing to become a cooperating partner to this MOU in accordance with paragraph 30 of the MOU, will be accepted unless at least one third of the Signatories present at the session object. Candidate cooperating partners will submit their expression of interest to the Secretariat, at least 90 days before the start of the next session of the MOS.
2. Cooperating partners that have signed the MOU will have the right to participate but not take part in decision making.

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 take part in decision making.
2. Observers must inform the Secretariat 75 days prior to the opening of the session of the MOS of their intention to participate. Logistical and other limitations may require that no more than two representatives of any observer be present at the meeting. The Secretariat will notify observers of any such limitations 60 days in advance of the meeting.

Rule 7 – Media

1. The session of the MOS is open to representatives of the media unless the Signatories decide otherwise. Representatives of the media may attend the session of the MOS after they have been accredited by the Secretariat for a period of time as defined by the Chair.
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 8 – Credentials

1. The Head of Delegation, any Alternative Representative(s) or Advisor(s) of a Signatory will be accredited to fully represent the Signatory at the session of the MOS by the Head of State, Head of Government, Minister of Foreign Affairs, the Minister or Deputy of the focal Ministry/Authority for MOU or their designee, or the competent authority of any regional economic integration organization (REIO)^{2, 3}.
2. Credentials will include: the full title and date of the session 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 session of the MOS (Rule 3(5)).
3. 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 8(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.

² 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.

³ 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.

4. A Credentials Committee will be established at the first plenary session of each session of the 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 in the meeting but not in decision making.

Rule 9 – Secretariat

1. In addition to the tasks laid down in paragraph 27(a) 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 session of the MOS in consultation with the Signatories and will service the session 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.
3. The Secretariat will, in accordance with these rules:
 - a) arrange for interpretation at the session;
 - b) prepare, receive, translate, reproduce and distribute the documents of the session;
 - c) publish and circulate the official documents of the session;
 - d) make and arrange for keeping of sound recordings of the session;
 - e) arrange for the custody and preservation of the documents of the session;
 - f) draft the report of the session for consideration and approval by the MOS; and
 - g) generally perform all other work that the MOS may require.

Rule 10 – 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 cease 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.
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 or her elsewhere in these Rules, the Chair will at Plenary sessions:
 - a) declare the session open and closed;
 - b) direct the discussion;
 - c) ensure the observance of these Rules; and
 - d) 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 11 – Seating

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 12 – Quorum

Option 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. A quorum for convening and operating plenary sessions of a MOS will consist of a simple majority of the Signatories having delegations at the sessions of the MOS and a minimum of three geographical regions represented as defined in Annex 2 of the MOU. No plenary session will take place in the absence of a quorum.]

Option 2

1. No session of the MOS will take place in the absence of a quorum. A quorum for convening a session of the 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.]

Option 3

[No session or plenary session of a MOS will take place in the absence of a quorum. A quorum for convening and operating a MOS will consist of a simple majority of the Signatories and a minimum of three geographical regions represented, as defined in Annex 2 of the MOU.]

The following paragraph could apply to any of the options:

[When calculating a quorum REIOs will count for the number of their Member States that are Signatory to the MOU [and present and eligible to vote]. 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 13 – Speakers

1. The Chair will call upon representatives to speak in the order in which they indicate their desire to speak, with precedence given to Signatories, followed by non-Signatory Range States, cooperating partners, and observers, in that order. Representatives 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 session, propose to the MOS, *inter alia*:
 - a) time limits for speakers;
 - b) limitations on the number of times representatives of a Signatory's delegation or other participants may speak on any subject;
 - c) the closure of the list of speakers;
 - d) the adjournment or the closure of the debate on the particular subject under discussion;
 - e) the suspension or adjournment of the plenary session.
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 14 – 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.
2. When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting.

[Rule 15 – Decision Making

Option 1

- [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 15(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.]

Option 2

- [1. The Signatories shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Signatories present and voting, unless otherwise provided by the MOU.
2. For the purposes of these Rules, the phrase "Signatories present and voting" means Signatories present at the session at which voting takes place and casting an affirmative or negative vote in accordance with Rule 8(4). Signatories abstaining from voting shall be considered as not voting.]

Paragraphs 4 and 5 could apply to both options

- [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 8. However, a regional economic 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 [and are eligible to vote]. 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 MOS 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 16 – 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 session of the MOS.
2. Committees and working groups may make recommendations to the MOS for consideration and adoption, pursuant to the 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 17 - The Bureau

1. The Bureau will consist of the elected Chair and Vice-Chair of the current session of the MOS, the Chair of the Advisory Committee and, as appropriate, the Chairs of working groups, including intersessional working groups and any other working groups that might be established by the MOS. 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 18 – 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 Advisory Committee or working groups unless resources are made available for that purpose.

Rule 19 – Records

Summary records of the session 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 session. 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 20 – 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 session of 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 21 – Procedure

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

Rule 22 – Authority

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