



CONVENTION ON MIGRATORY SPECIES

Distr.: General

UNEP/CMS/WAE1/Doc.5
23 March 2009

Original: English

FIRST MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING CONCERNING
CONSERVATION MEASURES FOR THE WEST AFRICAN
POPULATIONS OF THE AFRICAN ELEPHANT (*Loxodonta africana*)
Accra, Ghana, 30-31 March 2009

PROVISIONAL RULES OF PROCEDURE

Part I

Delegates, Observers, Secretariat

Rule 1 – Delegates

All Signatory States to the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (the “MoU”) shall be entitled to be represented at Meetings of the Signatories (“Meeting”).

Rule 2 – Observers

Any State, body or agency invited to attend the Meeting may be represented by Observers. Such Observers shall have the right to participate in the Meeting but not to vote.

Rule 3 – Secretariat

The Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (“CMS”) shall service and act as secretariat for the Meeting.

Part II

Officers

Rule 4 – Chairpersons

- (1) In its inaugural session, the Meeting shall elect a Chairperson and a Vice-Chairperson from among the Delegates.
- (2) The Chairperson shall preside over all sessions of the Meeting.
- (3) If the Chairperson is absent or is unable to discharge the duties of Chairperson, the Vice-Chairperson shall take on that role.

Rule 5 – Meeting Committee

- (1) The Chairperson and Vice-Chairperson, the chairpersons of ad hoc Working Groups to be established and the Secretariat shall constitute the Meeting Committee 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 Chairperson shall preside over the Meeting Committee.

Part III

Rules of Order and Debate

Rule 6 – Powers of the Chairperson

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Chairperson shall assume the following tasks at sessions of the Meeting: open and close the session; direct the discussions; ensure the observance of these Rules; accord the right to speak; seek consensus for decisions; rule on points of order; and subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
- (2) The Chairperson may, in the course of discussion at a session of the Meeting, propose to the Meeting: time limits for speakers; limitation of the number of times a Delegate or Observer may speak on any question; the closure of the list of speakers; the adjournment or the closure of the debate on a particular subject or question under discussion; and the suspension or adjournment of the session.

Rule 7 – Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Signatory States in the English language.
- (2) A Quorum for sessions shall be established where one half of the Signatory States are represented by a Delegate at the Meeting.

Rule 8 – Right to Speak

- (1) The Chairperson shall call upon speakers in the order in which they signify their desire to speak, with precedence given to Delegates.
- (2) A Delegate or Observer may speak only if called upon by the Chairperson, 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 Chairperson, 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 9 – Procedure for the adoption of decisions

The Meeting should make decisions by a consensus of the Signatory States. A valid consensus is reached where Delegates either provide their express consent or remain silent and no explicit formal objection is made. Signatory States that are not represented by a Delegate shall be deemed to have provided their

consent (i.e. it is not necessary for all Signatory States to be present for a consensus to be reached). The Chairperson of the Meeting shall be responsible for certifying that consensus was reached.

Rule 10 – Voting

- (1) In the absence of consensus, the Chairperson may decide to conduct a vote.
- (2) A decision by the Meeting shall be deemed to have been accepted where supported by at least two thirds of the Delegates present and voting.
- (3) The Meeting 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 Chairperson 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 Delegate 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 Chairperson shall be responsible for the counting of the votes and shall announce the result. The Chairperson may be assisted by tellers appointed by the Secretariat.

Part IV

Languages and Records

Rule 11 – Working Languages

- (1) The working languages of the Meeting are English and French.
- (2) The official documents of the Meeting shall be distributed in English and French.

Rule 12 – Other Languages

- (1) Delegates 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 must be accompanied by a translation into one of the working languages.

Rule 13 – Summary Records

- (1) Summary records of the Meeting shall be prepared in English and French.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.

Part V

Publicity of Sessions

Rule 14 – Meeting Sessions

As a general rule, sessions of the Meeting shall be limited to the Delegates and invited Observers.

Part VI

Committees and Working Groups

Rule 15 – Establishment of Committees and Working Groups

- (1) The Meeting may decide to establish any Working Groups as may be necessary.
- (2) The Meeting and the Working Groups may establish such Committees as may be necessary.

Rule 16 – Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of Committees and Working Groups.

Part VII

Amendment

Rule 17 – Amendment of Rules of Procedure

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

Rule 18 – Amendment of the MoU

(1) Pursuant to its clause 11 the MoU may be amended by a consensus of all Signatories. The procedure set down in Rule 9 shall be followed in order to establish a consensus between all those Signatory States represented at the Meeting. The consent of those Signatory States not represented shall be sought by the Secretariat following the Meeting and shall be deemed to be given where no explicit formal objection is made by those States.

(2) Any amendment agreed upon shall be incorporated into an amending protocol (see template amending protocol in Appendix 1 below). The Chairperson of the Meeting and an authorised representative of the Secretariat shall sign the amending protocol to certify that consensus was reached between all Signatory States. Where some Signatory States are absent from the Meeting, the amending protocol may be signed by the Chairperson of the Meeting and an authorised representative of the Secretariat once their consent has been obtained in accordance with paragraph 1 above.

Appendix 1

Amending Protocol to the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*)

Pursuant to clause 11, the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*) is hereby amended by a consensus of all the Signatories at the [xth] Meeting of the Signatories on [date] as follows:

[Insert amendment e.g. Replace Article 1 with “xxx”]

The Signatory States, as certified by the signature of the Chairperson of the [xth] Meeting of the Signatories and a duly authorised representative of the Secretariat of the Convention on Migratory Species, undertake to implement the provisions of the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant as amended by this Amending Protocol.

*[Insert the following clause where the amendment is to include a new Signatory State and the Signatory State is ready to sign: The Government of [x], represented by the undersigned, undertakes to implement the provisions of the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*) as amended by this Amending Protocol.]*

This Amending Protocol shall take effect immediately upon being signed in full.

Chairperson, [xth] Meeting of the Signatories

Date:

Name in block letters:

[Title], Secretariat to the Convention on Migratory Species

Date:

Name in block letters:

[Insert the following signature block if the amendment is to include a new Signatory State and the Signatory State is ready to sign]

[Title], Representative of [insert Signatory State]

Date:

Name in block letters: