

## **3<sup>d</sup> Meeting of the Sessional Committee of the CMS Scientific Council (ScC-SC3)**

*Bonn, Germany, 29 May – 1 June 2018*

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### **OVERVIEW OF THE RULES OF PROCEDURE OF THE CONFERENCE OF PARTIES RELEVANT TO THE SCIENTIFIC COUNCIL**

*(Prepared by the Secretariat)*

## OVERVIEW OF THE RULES OF PROCEDURE OF THE CONFERENCE OF PARTIES RELEVANT TO THE SCIENTIFIC COUNCIL

### Introduction

1. At its 12<sup>th</sup> meeting, held in Manila, in October 2017, the Conference of Parties (COP) to CMS adopted the Rules of Procedures (RoP) for meetings of the COP, as attached to this document (Annex 1).
2. Decision 12.1 requests the Secretariat to further review the RoP of the COP during the intersessional period between COP12 and COP13. In particular, the Secretariat is requested to review the consistency, order and presentation of the RoP and submit the revised Rules to the COP at its 13<sup>th</sup> meeting for adoption.
3. Decision 12.2 requests the Scientific Council (ScC), with advice of the Secretariat, to develop and establish a revision of its RoP, in accordance with UNEP/CMS/Resolution 12.4 on the ScC. Proposed amendments to the RoP of the CMS ScC and its Sessional Committee (ScC-SC), are presented in Document UNEP/CMS/ScC-SC3/Doc.3.1.
4. According to both the current RoP of the ScC (Document UNEP/CMS/ScC-SC3/Inf.1) and their proposed revision, in matters not covered by the RoP of the ScC, the RoP of the COP - as adopted by the last regular meeting - shall be applied *mutatis mutandis*.
5. To support the work of the 3<sup>rd</sup> meeting of the ScC-SC, the Secretariat compiled an overview of the RoP of the COP that are relevant to the ScC because applicable to matters not covered by the RoP of the Council, as currently drafted.

### Rules of Procedure of the Conference of Parties relevant to the Scientific Council not covered by the current version of its Rules of Procedure

- i.* Rule 9 ‘RIGHT TO SPEAK’ of the RoP of the COP (to supplement Rule 4 of RoP of the ScC);**
  6. Rule 4 of the RoP of the ScC, regulates the attendance of observers to the meetings of the ScC-SC. In particular, Rule 4, d. states that “all observers may, upon the invitation of the Secretariat, participate, but without the right to vote”. Nothing is said regarding the observers’ right to speak, and the way how speakers are moderated. Rule 9 of the RoP COP might apply to this matter.
- ii.* Rule 13 ‘METHODS OF VOTING’ of the RoP of the COP (to supplement Rules 15 and 16 of the RoP of the ScC);**
  7. Rules 15 and 16 of the RoP ScC-SC regulate how decisions of the Council or Sessional Committee are approved, by consensus or by voting with simple majority. The methods of voting are here not further developed or explained. Rule 13 of the RoP COP might apply to regulate this gap.

**iii. Part VII ‘SUBMISSION OF DOCUMENTS’, Rules 21 and 22 of the RoP of the COP (to supplement Rule 13 b. of the RoP of the ScC);**

8. Rule 13, b. of the RoP of the ScC stipulates that, for the ScC-SC meeting immediately preceding the meeting of the Conference of the Parties, “the Secretariat shall post documents following the Rules of Procedures of the COP”. This rule refers to Part VII ‘Submission of Documents’ of the RoP of the COP. In particular, Rule 21 ‘*Submission of Proposals for Amendment of the Convention and its Appendices*’ and Rule 22 ‘*Submission of Resolutions and Decisions*’ are applicable.
9. It might be relevant to consider that not all the documents for the meetings of the Scientific Council or the Sessional Committee, might fully correspond to the documents regulated in Part VII of the RoP of the COP.
10. Rule 22, (3) of the RoP of the COP is relevant to the ScC also in establishing a role of the ScC for the scrutiny of the scientific and technical accuracy of proposed Resolutions and Decisions with a scientific element, and in providing advice to the Standing Committee on all proposed Resolutions and Decisions.

**RULES OF PROCEDURE  
FOR MEETINGS OF THE CONFERENCE OF THE PARTIES**

*(as adopted by the Conference of the Parties at its 12<sup>th</sup> Meeting)*

**Part I**

**Representatives, Observers, Secretariat**

**Rule 1: Representatives**

1. A Party to the Convention (hereafter referred to as a "Party") 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 13, 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 over the full range of their functions.
3. Logistics and other limitations may require that no more than four Representatives of any Party be present at a plenary session and sessions of the Committee of the Whole established under Rule 17. The Secretariat shall notify Parties 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. 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 that has been approved for this purpose by the State in which it is located;

and that 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. 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. Logistics 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 observers and other participants of any such limitations in advance of the meeting.

5. The standard participation fee for all non-governmental organizations is fixed by the Standing Committee and announced in the letter of invitation.

### **Rule 3: Credentials**

1. The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization<sup>1</sup>.
2. All credentials shall be submitted to the Secretariat of the Convention in their original form, on letterhead of the official enabling the Representative to participate at the meeting, together with a translation into English, French or Spanish if they are not in one of these languages. Photocopies, scans, and faxes of the original letter will not suffice.
3. A Credentials Committee of not more than five Representatives from at least three regions shall examine submitted credentials and shall report thereon to the meeting.
4. Pending a decision on their credentials, representatives may participate provisionally in the meeting, but not vote.
5. Representatives are encouraged to submit their credentials prior to the meeting to allow efficient processing by the Secretariat and Credentials Committee.

### **Rule 4: Secretariat**

The Secretariat of the Convention shall service and act as secretariat for the meeting and the Bureau of the Conference of the Parties.

## **Part II**

### **Officers**

#### **Rule 5: Election and Duties of Chair**

1. The Chair of the Standing Committee shall act as temporary Chair of the meeting until the meeting elects a Chair in accordance with Rule 5, paragraph 2 (a).
2. The Conference in its first session shall elect from among the representatives of the Parties:
  - a) a Chair of the Conference;
  - b) a Chair of the Committee of the Whole, who shall also serve as Vice-Chair of the Conference; and
  - c) a Vice-Chair of the Committee of the Whole.

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<sup>1</sup> 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 environment.

3. The Chair of the Conference and the Chair of the Committee of the Whole shall preside over sessions of the Plenary and the Committee of the Whole respectively in the capacity of Presiding Officer and shall have no voting power.
4. If the Chair of the Conference or the Chair of the Committee of the Whole is absent or is unable to discharge his/her duties, the respective Vice-Chair shall deputize for him/her as Presiding Officer.

**Rule 6: Bureau**

1. The Officers listed in Rule 5 (2) together with the Chairs of the Scientific Council and the Standing Committee, and, members of the Standing Committee shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and 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 Chair of the Conference shall preside over the Bureau.
3. If the Chair of the Conference is absent or is unable to discharge his/her duties, the Chair of the Committee of the Whole shall deputize for him/her. If the Chair of the Conference and the Chair of the Committee of the Whole are both unavailable, the Vice-Chair of the Committee of the Whole shall deputize for him/her.

**Part III**

**Rules of Order and Debate**

**Rule 7: Powers of the Presiding Officer**

1. In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting and at sessions of the Committee of the Whole:
  - a) open and close the session;
  - b) direct the discussion;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to a vote and announce decisions;
  - f) rule on points of order; and
  - g) subject to these Rules and the Convention, have complete control of the proceedings and the maintenance of order.
2. The Presiding Officer may, in the course of discussion at a plenary session of the meeting and at sessions of the Committee of the Whole, propose
  - 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 8: Seating and Quorum for the Plenary and Committee of the Whole**

1. Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the English language except that the European Union shall be seated next to the State holding the rotating Presidency of the European Union.
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 9: Right to Speak**

1. The right to speak shall extend to Party Representatives, Alternative Representatives and Advisers whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 2, as well as to the Secretariat.
2. The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to Party Representatives. Amongst observers, precedence shall be given to non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However, the Presiding Officer may depart from this general rule and call on speakers in the order that the Presiding Officer judges appropriate to ensure the timely progress of the debate.
3. A Representative 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.
4. 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 Representative or observer to request elucidation on a particular point in that speech.
5. 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.
6. The Conference and Committee of the Whole may, on a proposal by the Presiding Officer or by a Representative, limit the time to be allowed to each speaker and the number of times the members of a delegation or the observers either from a State not a Party, or from an agency or body may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the speaker's allotted time, the Presiding Officer shall call the speaker to order without delay.
7. During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the Conference or Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any Representative or observer if an intervention delivered after the Presiding Officer has declared the list closed makes this desirable.

## **Rule 10: Procedural Motions**

1. During the discussion of any matter, a Representative may rise to make a point of order, and the point of order shall be immediately decided by the Presiding Officer. A Representative may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to the vote, and the Presiding Officer's ruling shall stand unless a two-thirds majority of the Representatives present and voting otherwise decides. In such instances, a Representative 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; and
  - d) to close the debate on the particular subject or question under discussion.
3. In addition to the proposer of the motion in (2) above, a Representative from one other Party may speak in favour of the motion and a Representative of each of two Parties may speak against it, after which the motion shall be immediately put to a vote. The Presiding Officer may limit the time to be allowed to the speakers.

## **Rule 11: Motions to open and reopen debates in Conference sessions**

1. 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, there shall be no further discussion on the recommendation, and it shall immediately be decided upon, subject to paragraph (2) of this Rule.
2. However, any Representative, if seconded by a Representative 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 Representative presenting the motion and a seconder, and to a Representative 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, two-thirds of the Representatives present and voting support the motion. While speaking on a motion to open the debate a Representative may not speak on the substance of the recommendation itself.
3. Whenever the Conference considers a recommendation originating in plenary session, where the discussion of the recommendation has been conducted with interpretation in the three working languages, it may be reconsidered during the meeting only under the following circumstances.
4. Any Representative, if seconded by a Representative of another Party, may present a motion for the reopening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and the seconder, and to a Representative of each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to a vote. A motion to reopen the debate shall be granted if two-thirds of the Representatives present and voting support the motion. While speaking on a motion to reopen the debate, a Representative may not speak on the substance of the decision itself.



**Rule 12: Publicity of Debates**

1. 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.
2. As a general rule, sessions of committees and working groups other than the Committee of the Whole shall be limited to Representatives and observers invited by the Chairs of the committees or working groups.

**Part IV****Voting****Rule 13: 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 that are Parties. In such case, the member States of such organizations shall not exercise their right individually.
2. Representatives of Parties that are three or more years in arrears in the payment of its assessed contributions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote. However, the Conference of the Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Standing Committee. The exceptional and unavoidable circumstances shall be communicated in advance by the Party concerned to the Standing Committee for consideration at its meeting prior to the meeting of the Conference of the Parties.
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 and decided by two-thirds majority. 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. 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.

7. 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 14: Majority**

1. The Parties shall make every effort to reach agreement on all matters by consensus.
2. Except where otherwise provided for under the provisions of the Convention, all votes shall be taken by a two-thirds majority of votes cast.

#### **Rule 15: Procedure for Voting on Motions and Amendments**

1. Any Representative may propose an amendment to a draft resolution or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
2. A Representative 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 Representative from each of two Parties wishing to speak in favour of the motion and a Representative 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 that 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.
3. 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 or revises part of that proposal.
4. 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 16: 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 a 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**

### **Committees and working groups**

#### **Rule 17: 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.

## **Part VI**

### **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 simultaneously interpreted into the other working languages.
3. The official documents of the meeting shall be distributed in the working languages.
4. With the exception of the Committee of the Whole, where simultaneous interpretation will be provided, simultaneous interpretation in sessions of other committees and working groups will not normally be available.

#### **Rule 19: Other Languages**

1. A Representative 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 VII**

### **Submission of documents**

#### **Rule 21: Submission of Proposals for Amendment of the Convention and its Appendices**

1. As a general rule, proposals for amendment of the Convention and its Appendices shall, subject to any provisions of the Convention itself, have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting as soon as possible after receipt.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I or II may, at any time, withdraw the proposal or amend it to reduce its scope<sup>2</sup> or to make it more precise. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its scope, it may not be reamended during the meeting to increase the scope of the amended proposal.
3. Any other Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope<sup>2</sup> or to make it more precise.
4. The Presiding Officer may permit the immediate discussion and consideration of a proposed amendment referred to in paragraph (3) of this Rule even though it has not been circulated previously.

#### **Rule 22: Submission of Resolutions and Decisions**

1. Parties must submit any proposed Resolutions and Decisions that include a scientific element to the Executive Secretary at least 150 days prior to the commencement of the meeting.
2. Parties should endeavour to submit any proposed Resolutions and Decisions not including a scientific element to Executive Secretary within the timeline set out in paragraph (1), and in any event Parties must submit such proposals at least 90 days prior to the commencement of the meeting.
3. All proposed Resolutions and Decisions that include a scientific element shall be submitted by the Executive Secretary to the Scientific Council for scrutiny of their scientific and technical accuracy at least 120 days prior to the commencement of the meeting. The Scientific Council shall provide appropriate advice to the Standing Committee on all proposed Resolutions and Decisions.

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<sup>2</sup> The phrase "reduce its scope" includes situations, such as amending a proposal to include a species in Appendix I so as to include that same species in Appendix II; and amending a species listing proposal to include fewer populations. However, it does not include situations, such as amending a proposal to include a species in Appendix II to include that same species in Appendix I; or amending a species listing proposal to add populations to the proposal or include different populations in the proposal.

4. The Executive Secretary shall transmit the documents to the Conference of the Parties at least 60 days before the meeting.
5. Proposed Resolutions and Decisions arising out of discussion of documents submitted in accordance with paragraphs (1) to (4) 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 in the first sentence of this paragraph provided that they relate to proposed amendments which have been circulated and that their consideration will not unduly inhibit the proceedings of the Conference.

## Part VIII

### Rules of Procedure of committees and working groups

#### **Rule 23: Procedure**

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups.

## Part IX

### Amendment to the Rules of Procedure

#### **Rule 24: Amendment**

1. The Rules adopted by the Conference of the Parties shall remain in effect until Rules of Procedure are adopted at the start of the next meeting of the Conference of the Parties.
2. These rules may be amended by decision of the Conference. Amendments to these Rules shall be decided by a two-thirds majority of votes cast.