



## CONVENTION ON BIOLOGICAL DIVERSITY

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### CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Eighth meeting

Curitiba, Brazil, 20-31 March 2006

Item 22.1 of the provisional agenda\*

#### INFORMATION TO ASSIST THE CONFERENCE OF THE PARTIES IN ITS CONSIDERATION OF IMPROVED WORKING ARRANGEMENTS FOR AD HOC OPEN- ENDED WORKING GROUPS

##### I. INTRODUCTION

1. The meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, held in Montreal from 5-9 September 2005, recommended that the Conference of the Parties consider improved working arrangements for ad hoc open-ended working groups at its eighth meeting (recommendation 1/2). In order to facilitate consideration of this issue by the Conference of the Parties, the Working Group further requested the Executive Secretary to compile: (i) relevant decisions of the Conference of the Parties (V/20); (ii) the mandates of previous and existing ad hoc open-ended working groups; (iii) submissions by Parties to the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention; (iv) the note by the Executive Secretary on review of processes under the Convention (UNEP/CBD/WG-RI/1/3 and Add.1); (v) existing materials on procedures for subsidiary bodies in other conventions; (vi) the rules of procedure for the Conference of the Parties; (vii) the *modus operandi* of the Subsidiary Body on Scientific, (viii) Technical and Technological Advice; and a reference list of final reports from ad hoc open-ended working groups.

2. Much of the information requested above is readily available in Convention documents or on the Convention website. The exact location of such information (i.e. the relevant decision or document) has been identified in section II below, while existing materials on procedures for subsidiary bodies in other conventions has been compiled in section III of the present document.

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\* UNEP/CBD/COP/8/1.

## II. LINKS TO INFORMATION RELATED TO THE WORKING ARRANGEMENTS FOR AD HOC OPEN-ENDED WORKING GROUPS OF THE CONVENTION

### A. *Relevant decisions of the Conference of the Parties*

1. Decision V/20.
2. Decision IV/16.

### B. *The mandates of previous and existing ad hoc open-ended working groups*

3. Ad Hoc Open-ended Working Group on Review of Implementation of the Convention:

(a) “*Recognizing the need* to establish a process, for evaluating, reporting and reviewing the Strategic Plan 2002-2010, *decides* to allocate adequate time in subsequent meetings of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice, as well as ad hoc open-ended Working Groups, as appropriate, and *establishes* an Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, subject to the availability of the necessary voluntary contributions, to consider progress in the implementation of the Convention and the Strategic Plan and achievements leading up to the 2010 target in line with the multi-year programme of work for the Conference of the Parties (decision VII/31), to review the impacts and effectiveness of existing processes under the Convention, such as meetings of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice, national focal points and the Secretariat, as part of the overall process for improving the operations of the Convention and implementation of the Strategic Plan, and to consider ways and means of identifying and overcoming obstacles to the effective implementation of the Convention.” (paragraph 23 of decision VII/30).

4. Ad Hoc Open-ended Working Group on Protected Areas:

(a) “*Decides* to establish an ad hoc open ended working group on protected areas to support and review implementation of the programme of work and report to the Conference of the Parties.” (paragraphs 25 of decision VII/28);

(b) “*Suggests* the following tasks need to be undertaken by the ad hoc open ended working group: (a) To explore options for cooperation for the establishment of marine protected areas in marine areas beyond the limits of national jurisdiction, consistent with international law, including the United Nations Convention on the Law of the Sea, and based on scientific information; (b) To explore options for mobilizing as a matter of urgency through different mechanisms adequate and timely financial resources for the implementation of the programme of work by developing countries, particularly in the least developed and the small island developing States amongst them, countries with economies in transition, in accordance with Article 20 of the Convention, with special emphasis on those elements of the programme of work requiring early action; (c) To contribute to the further development of "tool kits" for the identification, designation, management, monitoring and evaluation of national and regional systems of protected areas, including ecological networks, ecological corridors, buffer zones, with special regard to indigenous and local communities and stakeholder involvement and benefit sharing mechanisms; (d) To consider reports from the Parties, academia, and scientific organizations, civil society and others on progress in the implementation of the programme of work on protected areas, compiled by the Executive Secretary; (e) To recommend to the Conference of the Parties ways and means to improve implementation of the programme of work on protected areas.” (paragraphs 29 of decision VII/28).

5. Open-ended Inter-sessional meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010:

(a) “*Decides* to hold an open-ended inter-sessional meeting to consider the multi-year programme of work for the Conference of the Parties up to 2010. The meeting will have a duration of two days and will be held back-to-back with the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice. The inter-sessional meeting will report to the next meeting of the Conference of the Parties.”(paragraph 3 of decision VI/28).

6. Open-ended Inter-sessional meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity:

(a) “*Decides* to hold an open-ended inter-sessional meeting, to assist with preparations for the sixth meeting of the Conference of the Parties. The meeting will be of three days duration and is to be held in conjunction with an existing meeting. The meeting will consider, and to the extent possible develop draft elements of decisions on, the following topics: (a) Preparation of the Strategic Plan for the Convention; (b) The second national reports; and (c) Means to support implementation of the Convention, in particular, implementation of priority actions in national biodiversity strategies and action plans.” (paragraph 38 of decision V/20).

7. Ad Hoc Open-ended Working Group on Access and Benefit-sharing:

(a) “*Decides* to establish an Ad Hoc Open-ended Working Group, composed of representatives, including experts, nominated by Governments and regional economic integration organizations, with the mandate to develop guidelines and other approaches for submission to the Conference of the Parties and to assist Parties and stakeholders in addressing the following elements as relevant to access to genetic resources and benefit-sharing, *inter alia*: terms for prior informed consent and mutually agreed terms; roles, responsibilities and participation of stakeholders; relevant aspects relating to *in situ* and *ex situ* conservation and sustainable use; mechanisms for benefit-sharing, for example through technology transfer and joint research and development; and means to ensure the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, taking into account, *inter alia*, work by the World Intellectual Property Organization on intellectual property rights issues. The above-mentioned elements should, in particular, serve as inputs when developing and drafting: (a) Legislative, administrative or policy measures on access and benefit-sharing; and (b) Contracts or other arrangements under mutually agreed terms for access and benefit-sharing.” (paragraph 11 of decision V/26);

8. Ad Hoc Open-ended Inter-sessional Working Group on the Implementation of Article 8(j) and Related Provisions:

(a) “*Decides* that an ad hoc open-ended inter-sessional working group be established to address the implementation of Article 8(j) and related provisions of the Convention. The mandate of this working group shall be: (a) To provide advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity; (b) To provide the Conference of the Parties with advice relating to the implementation of Article 8(j) and related provisions, in particular on the development and implementation of a programme of work at national and international levels; (c) To develop a programme of work, based on the structure of the elements in the Madrid report (UNEP/CBD/COP/4/10/Add.1) as set out in the annex to the present decision; (d) To identify those objectives and activities falling within the scope of the Convention; to recommend priorities taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits; to identify for which work-plan objectives and activities advice should be directed to the Conference of the Parties and which should be directed to the Subsidiary Body on Scientific, Technical and Technological Advice; to recommend which of the work-plan objectives and activities should be referred to other international bodies or processes; to identify opportunities for collaboration and coordination with other international bodies or processes with

the aim of fostering synergy and avoiding duplication of work; (e) To provide advice to the Conference of the Parties on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and make proposals for the strengthening of mechanisms that support such cooperation.” (paragraph 1 of decision IV/9);

(b) “*Decides* that the working group shall be composed of Parties and observers, including, in particular, representation from indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity with participation to the widest possible extent in its deliberations in accordance with the rules of procedure.”(paragraph 2 of decision IV/9).

9. Inter-sessional meeting on the Operations of the Convention:

(a) “*Decides also* to hold an open-ended meeting to consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties, taking into account proposals made at the fourth meeting of the Conference of the Parties, including a preparatory discussion of the item on access to genetic resources on the agenda of the fifth meeting of the Conference of the Parties. This meeting will be of three days duration and is to be held in conjunction with one of the meetings planned for 1999.”(paragraph 2 of decision IV/16).

10. Open-ended Ad Hoc Working Group on Biosafety:

(a) “*Decides* to establish an Open-ended Ad Hoc Working Group under the Conference of the Parties which shall operate in accordance with the terms of reference in the annex to this decision.” (paragraph 2 of decision II/5);

(b) “Terms of reference for the Ad Hoc Open-ended Working Group

(i) The Open-ended Ad Hoc Working Group should be composed of representatives, including experts, nominated by Governments and regional economic integration organizations;

(ii) The Open-ended Ad hoc Working Group shall, in accordance with operative paragraph 1 of the present decision:

(a) elaborate, as a priority, the modalities and elements of a protocol based on appropriate elements from Sections I, II and III, paragraph 18 (a), of Annex I of the report of the Open-ended Ad Hoc Group of Experts on Biosafety;

(b) consider the inclusion of the elements from Section III, paragraph 18 (b), and other elements, as appropriate;

11. The development of the draft protocol shall, as a priority:

(a) elaborate the key concepts and terms that are to be addressed in the process;

include consideration of the form and scope of advance informed agreement procedures;

identify relevant categories of LMOs resulting from modern biotechnology.

12. The protocol will have to reflect that its effective functioning requires that Parties establish or maintain national measures, but the absence of such national measures should not prejudice the development, implementation and scope of the protocol.

13. The protocol will take into account the principles enshrined in the Rio Declaration on Environment and Development and, in particular, the precautionary approach contained in Principle 15 and will:

(a) not exceed the scope of the Convention;

(b) not override or duplicate any other international legal instrument in this area;

(c) provide for a review mechanism;

(d) be efficient and effective and seek to minimize unnecessary negative impacts on biotechnology research and development and not to hinder unduly access to and transfer of technology.

14. The provisions of the Convention will apply to the protocol.

15. The process will take into full account the gaps in the existing legal framework identified through analysis of existing national and international legislation.

16. The process shall be guided by the need for all Parties to cooperate in good faith and to participate fully, with a view to the largest possible number of Parties to the Convention ratifying the protocol.

17. The process will be carried out on the basis of the best available scientific knowledge and experience, as well as other relevant information.

18. The process of developing a protocol should be conducted as a matter of urgency by an open-ended ad hoc group, which will report on progress to each subsequent meeting of the Conference of the Parties. The Open-ended Ad Hoc Working Group should endeavour to complete its work in 1998.” (annex of decision II/5).

**C. Submissions by Parties to the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention**

19. Submissions from Parties, other Governments and relevant organizations on issues to be addressed by the Ad Hoc Open-Ended Working Group on Review of Implementation of the Convention are compiled in document UNEP/CBD/WG-RI/1/INF/2 (see submissions from Australia, the European Commission and Canada in Section I of the document).

**D. The note by the Executive Secretary on review of processes under the Convention**

20. Review of Processes Under the Convention (UNEP/CBD/WG-RI/1/3)

21. Review of Processes Under the Convention: Summary of Previous Reviews, External Reviews and Submissions from Parties (UNEP/CBD/WG-RI/1/3/Add.1)

**E. Rules of procedure for meetings of the Conference of the Parties**

22. The rules of procedure for meetings of the Conference of the Parties consist of the annex to decision I/1 modified by decision V/20. They are available and can be downloaded at <http://www.biodiv.org/convention/rules.shtml>. They are also included in the *Handbook of the Convention on Biological Diversity* (page 57).

**F. *Modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice***

23. The *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice consists of annex I of decision IV/16 modified by Section III of decision V/20. It is available at <http://www.biodiv.org/convention/sbstta.asp?page=modus> and is included in the *Handbook of the Convention on Biological Diversity* (page 73). Pursuant to recommendation 1/2 of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, the Executive Secretary, in consultation with the SBSTTA Bureau, has prepared a consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice, which is in document UNEP/CBD/COP/8/16/Add.4.

**G. *A reference list of final reports from ad hoc open-ended working groups***

24. Ad Hoc Open-ended Working Group on Review of Implementation of the Convention: UNEP/CBD/COP/8/4.

25. Ad Hoc Open-ended Working Group on Protected Areas: UNEP/CBD/WG-PA/1/6.

26. Open-ended Inter-sessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010: UNEP/CBD/COP/7/5.

27. Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity: UNEP/CBD/COP/6/5.

28. Ad Hoc Open-ended Working Group on Access and Benefit-sharing: UNEP/CBD/COP/6/6; UNEP/CBD/COP/7/6; UNEP/CBD/WG-ABS/3/7.

29. Ad Hoc Open-ended Inter-sessional Working Group on the Implementation of Article 8(j) and Related Provisions: UNEP/CBD/COP/5/5; UNEP/CBD/COP/6/7; UNEP/CBD/COP/7/7.

30. Inter-sessional Meeting on the Operations of the Convention: UNEP/CBD/COP/5/4.

31. Ad Hoc Open-ended Working Group on Biosafety: UNEP/CBD/BSWG/1/4; UNEP/CBD/BSWG/2/6; UNEP/CBD/BSWG/3/6; UNEP/CBD/BSWG/4/4; UNEP/CBD/BSWG/5/3; UNEP/CBD/ExCOP/1/2.

**III. EXISTING MATERIALS ON PROCEDURES OF SUBSIDIARY BODIES IN OTHER CONVENTIONS**

**A. *CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS (Aarhus Convention)***

**Decision I/1**

**Rules of Procedure, adopted at the first meeting of the Parties held in Lucca, Italy, on 21-23 October 2002**

**(ECE/MP.PP/2/Add.2)**

[...]

**X. Subsidiary Bodies**

## Rule 23

1. The Meeting of the Parties may establish such subsidiary bodies as it deems necessary, in accordance with article 10, paragraph 2 (d), of the Convention. It may also dissolve such bodies.
2. These rules of procedure shall apply *mutatis mutandis* to the proceedings of subsidiary bodies established by the Meeting of the Parties, save as otherwise specified in paragraphs 3 to 6 below or decided by the Meeting of the Parties.
3. The Meeting of the Parties shall determine the matters to be considered by its subsidiary bodies and establish their terms of reference.
4. The Meeting of the Parties may decide that any subsidiary body shall or may meet in the period between ordinary meetings.
5. Unless the Meeting of the Parties decides otherwise, each subsidiary body shall elect its own Chairperson and Vice-Chairperson(s).
6. Rules 14 to 17 shall not apply to the proceedings of subsidiary bodies.

### ***B. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)***

- i) **Rules of Procedure for meetings of the Animals Committee (CITES)  
(adopted at the 20th meeting, Johannesburg, April 2004)  
Twenty-first meeting of the Animals Committee  
Geneva (Switzerland), 20-25 May 2005  
(AC21 Doc. 2.1)  
(Note: These rules are similar to those of the Plants Committee of CITES)**

## **Representation and attendance**

### Rule 1

The membership of the Committee shall consist of the regional representatives elected at each meeting of the Conference of the Parties.

### Rule 2

If a member is not present at a meeting, his/her alternate shall be entitled to represent the region as a member and to vote in his/her place.

### Rule 3

Only members of the Committee have the right to vote.

### Rule 4

Parties and alternate members shall be entitled to be present at meetings of the Committee as observers who shall have the right to participate but not to vote.

### Rule 5

All observers should inform the Secretariat of their intention to participate in a meeting at least four weeks in advance.

Rule 6

The Chairman may invite any other person or a representative of any country or organization to participate in meetings of the Committee as an observer without the right to vote.

**Credentials**

Rule 7

Any observer representing a Party or an organization shall, before making any intervention in a meeting, have been granted powers by a proper authority enabling him or her to represent the Party or organization at the meeting.

**Officers**

Rule 8

After election of the members at each regular meeting of the Conference of the Parties or at the beginning of the first meeting of the Committee thereafter, the members of the Committee shall elect the Chairman and the Vice-Chairman.

Rule 9

The Chairman shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat and maintain liaison with other Committees between meetings of the Committee. He/she shall represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee and the Standing Committee.

Rule 10

The Vice-Chairman shall assist the Chairman in his/her functions, and shall act on his/her behalf at meetings in the absence of the Chairman.

Rule 11

The Secretariat of the Convention shall service and act as secretary for meetings of the Committee. However, in the event of a closed session, the meeting shall provide for its own rapporteur, if needed.

**Meetings**

Rule 12

The Committee shall normally meet at least once every year.

Rule 13

Meetings of the Committee shall be called at the request of the Chairman or of a simple majority of the members.

Rule 14

The time and place of meetings shall be determined by the Chairman.

### Rule 15

Notice of meetings shall normally be given by the Secretariat at least 105 days, and in case of emergency meetings at least 14 days, in advance of the meeting.

### Rule 16

Documents to be considered at a meeting shall normally be provided to the Secretariat by Parties only, or by members of the Committee. These documents should also be submitted to the Chairman and the Regional Representative(s) of the Party concerned.

### Rule 17

Non-governmental organizations may provide documents through the CITES Authorities of the Party where they are located. However, international non-governmental organizations, recognized under the provisions applied at meetings of the Conference of the Parties, may send documents to the CITES Secretariat. In both cases the decision to distribute these documents shall be taken by the Secretariat in consultation with the Chairman. These documents should also be submitted to the Chairman and the Regional Representative(s) of the Party concerned.

### Rule 18

Documents to be considered by the Committee shall normally be provided to the Secretariat at least 90 days before the meeting where they are to be discussed.

### Rule 19

All documents submitted by the Secretariat or to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the CITES website as soon as possible after they are received in the original language in which they have been submitted. All available documents shall be posted on the website no later than two weeks before the start of a meeting. The Secretariat shall distribute printed documents for any meeting at least 40 days before the proposed date of the meeting where they are to be discussed. The documents shall be provided to all members and alternate members of the Committee, and to Parties on request.

### Rule 20

A quorum for a meeting shall consist of six members from at least four regions. No decision shall be taken at a meeting in the absence of a quorum.

### Rule 21

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairman or by members from two regions.

### Rule 22

In the case of a vote, the decision of the Committee shall be taken by a simple majority of the members voting. In the case of a tie, the vote of the Chairman shall be decisive.

### Rule 23

At the request of the Chairman or of any member the Committee shall decide by a vote whether the discussion of any particular subject shall be held in closed session; any such vote shall be decided by a

simple majority. Parties, alternates and inter-governmental organizations present at the meeting as observers shall be entitled to be present at closed sessions.

#### Rule 24

A concise executive summary of the decisions of the Committee shall be prepared by the Secretary before the closure of each meeting of the Committee that will include reports of the working groups in the language in which they were produced.

#### Rule 25

The summary record of each meeting shall be prepared by the Secretary and sent to the Parties represented at the meeting within 60 days. The Secretary shall take into account the comments received within 20 days of the circulation and shall communicate the final summary record to all Parties after it is approved by the Chairman.

#### Rule 26

The working languages of the meetings of the Committee shall be English, French and Spanish.

### **Communication procedure**

#### Rule 27

Any member may submit a proposal to the Chairman for a decision by postal procedure. The Chairman shall send the proposal to the Secretariat for communication to the members, who shall comment within 40 days of the communication of the proposal; any comments received by the Secretariat within this time limit shall also be so communicated to the members.

#### Rule 28

If no objection from a member to a proposal is received by the Secretariat within 25 days of the date when the results of the consultation on the proposal were communicated to the members, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

#### Rule 29

If any member objects to a proposal within the applicable time limit, the proposal shall be put to a vote. The proposal shall be considered as decided by a simple majority of the members. If no majority is achieved, the proposal shall be referred to the next meeting of the Committee.

### **Final provisions**

#### Rule 30

Any working document submitted for consideration by the Committee may be marked as "Restricted" or "Confidential" by the Secretariat, in consultation with the Chairman, when it determines that the document contains information that might be detrimental if disclosed to non-Parties or to organizations; Parties should use their best efforts to maintain such restriction or confidentiality unless the classification has been removed by the Secretariat or the Committee.

#### Rule 31

In matters not covered by the present Rules, the Rules of Procedure as adopted at the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

### Rule 32

These Rules shall come into force on adoption by the Committee, and may be amended by the Committee as required.

- ii) **Rules of Procedure of the Standing Committee (CITES)  
(as amended at the 53rd meeting, Geneva, June–July 2005)  
Fifty-third meeting of the Standing Committee  
Geneva (Switzerland), 27 June-1 July 2005  
(SC53 Doc. 3)**

### Representation and attendance

#### Rule 1

Each member of the Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. Each member shall also designate a person with whom communications regarding the work of the Committee should be conducted between meetings of the Committee and an alternate.

#### Rule 2

If a regional member is not represented at a meeting, its alternate member shall be entitled to represent the region.

#### Rule 3

The Representative shall exercise the voting right of a member or alternate member. In his/her absence, the Alternate Representative shall act in his/her place. Only members or alternate members representing the six regions shall have the right to vote, except in the case of a tie vote when the Depositary Government shall have the right to vote to break the tie.

#### Rule 4

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by observers who shall have the right to participate but not to vote.

#### Rule 5

The United Nations, its Specialized Agencies, the International Atomic Energy Agency, as well as any State not a Party to the Convention may be represented at meetings by observers who shall have the right to participate in meetings of the Committee but not to vote.

#### Rule 6

1. The Chairman may invite any person or any body or agency technically qualified in protection, conservation or management of wild fauna and flora to be represented at meetings of the Committee by observers. These observers shall have the right to participate only during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any such observer to participate shall be withdrawn if so agreed by the Committee.

2. Any person or body wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least 30 days before the meeting, or in the case of an emergency meeting at least seven days prior to that meeting. This request shall be accompanied by relevant information with regard to the technical qualifications of the person or body and proof of the approval of the State in which the body is located. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

## **Credentials**

### Rule 7

The Representative or, in his/her absence, the Alternate Representative of a member shall, before exercising the voting rights of the member at a meeting, have been granted credentials by or on behalf of a proper authority enabling him or her to represent the member at the meeting.

### Rule 8

Any observer representing a State or an organization in a meeting, shall have been granted credentials by or on behalf of a proper authority enabling him or her to represent the State or organization.

### Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention, together with a translation into one of the working languages if they are not in one of those languages. The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, indicating whether credentials have been presented for each participant and the form of the credentials received, drawing attention to any potential problems.

### Rule 10

On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them requires further review by members of the Committee. In the latter case, a Credentials Committee of not more than three Representatives of members, or their Alternates, shall examine the credentials requiring further review and shall report thereon at the meeting. Credentials in the form of a letter from the Minister for Foreign Affairs or the Minister responsible or the Director of the Management Authority or a *note verbale* from a permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall however not be accepted if they have been signed by the person whom they accredit. Credentials may be valid for more than one meeting if this is specified in the text thereof.

### Rule 11

Pending a decision on their credentials, representatives of members and observers may participate provisionally in the meeting.

## **Officers**

### Rule 12

Following each regular meeting of the Conference of the Parties, the regional members of the Committee shall elect its Chairman, Vice-Chairman and Alternate Vice-Chairman from among the regional members.

### Rule 13

The Chairman shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat and maintain liaison with other CITES committees between meetings of the Committee. He/she shall represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee.

#### Rule 14

The Vice-Chairman and the Alternate Vice-Chairman shall assist the Chairman in his/her functions, and shall act on his/her behalf at meetings in the absence of the Chairman.

#### Rule 15

The Secretariat of the Convention shall service and act as secretary for meetings of the Committee. However, in the event of a closed session, the meeting shall provide for its own rapporteur, if needed.

### **Meetings**

#### Rule 16

Meetings of the Committee shall be called at the request of the Chairman or of a simple majority of the members.

#### Rule 17

The time and place of meetings shall be determined by the Chairman.

#### Rule 18

Notice of meetings shall normally be given by the Secretariat at least 75 days, and in case of emergency meetings at least 14 days, in advance of the meeting.

#### Rule 19

Documents to be considered at a meeting shall normally be provided to the Secretariat at least 60 days before the meeting where they are to be discussed, and should not be longer than 12 pages.

#### Rule 20

All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received, in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting to the members and alternate members of the Committee at least 45 days before the proposed date of the meeting where they are to be discussed. The documents shall also be provided to all Parties that request them.

#### Rule 21

A quorum for a meeting shall consist of Representatives or Alternate Representatives of seven regional members or alternate regional members from at least four regions. No decision shall be taken at a meeting in the absence of a quorum.

#### Rule 22

1. The right to speak shall extend to all participants whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 4, 5 or 6, as well as to the Secretariat.
2. The Chairman shall, as a general rule, call upon speakers in the order in which they signify their desire to speak and shall give precedence to the members of the Committee. Amongst observers, precedence shall be given to representatives of Parties, non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However the Chairman may depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate.
3. Participants shall speak only if called upon by the Chairman, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
4. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chairman, give way during his/her intervention to allow any other participant to request elucidation on a particular point.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The Committee may, on a proposal by the Chairman 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 may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Chairman shall call him/her to order without delay.
7. During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He/she may, however, accord the right of reply to any participant if an intervention delivered after he/she has declared the list closed makes this desirable.

#### Rule 23

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairman or by Representatives or Alternate Representatives of regional members or alternate regional members from two regions.

#### Rule 24

In the case of a vote, the decision of the Committee shall be taken by a simple majority of the regional members or alternate regional members voting. In the case of a tie, the motion shall be considered as rejected unless the tie is broken by the vote of the Depositary Government.

#### Rule 25

At the request of the Chairman or of any Representative or Alternate Representative the Committee shall decide by a vote whether the discussion of any particular subject shall be held in closed session; any such vote shall be decided by a simple majority. Parties represented at the meeting by observers shall be entitled to be represented at closed sessions.

#### Rule 26

A concise executive summary of the decisions of the Committee shall be prepared by the Secretary for endorsement by the Committee before the closure of the meeting. However the executive summary of the last day of each meeting shall be sent by email to the members for endorsement after the meeting.

### Rule 27

A summary record of each meeting shall be prepared by the Secretary and sent to the Parties represented at the meeting within 40 days. This shall be presented in the order of the agenda and comprise three parts for each agenda item: a short statement indicating the main points of the discussion; the text indicating the decision that was made, as it appears in the executive summary; and the text of any statement provided by the representative of any Party that was read into the record during the meeting. The Secretary shall take into account the comments received within 20 days of the circulation and shall communicate the final summary record to all Parties after it is approved by the Chairman.

### Rule 28

1. The working languages of the meetings of the Committee shall be English, French and Spanish and no working document may be discussed at a meeting unless it has been made available in accordance with Rules 19 and 20 in these languages.

2. Documents arising out of the discussion of the foregoing may be discussed provided that copies have been circulated no later than during the session preceding the session at which they are to be discussed.

### **Communication procedure**

### Rule 29

Any member may submit a proposal to the Chairman for a decision by postal procedure. The Chairman shall send the proposal to the Secretariat for communication to the members, who shall comment within 40 days of the communication of the proposal; any comments received by the Secretariat within this time limit shall also be so communicated to the members.

### Rule 30

If no objection from a regional member to a proposal is received by the Secretariat within 25 days of the date when the results of the consultation on the proposal were communicated to the members, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

### Rule 31

If any regional member objects to a proposal within the applicable time limit, the proposal shall be put to a vote. The proposal shall be considered as decided by a simple majority of the regional members. If no majority is achieved, the proposal shall be referred to the next meeting of the Committee.

### **Final provisions**

### Rule 32

In matters not covered by the present Rules, the Rules of Procedure currently in effect for meetings of the Conference of the Parties shall apply *mutatis mutandis*.

### Rule 33

These Rules shall come into force on adoption by the Committee, and shall remain valid for each of its meetings unless amended by decision of the Committee.

## **C. Convention on Migratory Species (CMS)**

### **29th Meeting of the Standing Committee**

**Rules of Procedure of the CMS Standing Committee**

**Nairobi, 20 November 2005**

**Agenda Item 2.0**

**(CMS/StC29/Inf. 1)**

**General Functions**

Rule 1

The Committee provides general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Convention. It also provides guidance and advice on the preparation of agendas and other requirements of the meetings, and on any other matters brought to it by the Secretariat in the exercise of its function.

Rule 2

It carries out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary.

Rule 3

It oversees, between the meetings of the Conference of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat.

Rule 4

It represents the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, UNEP and other international organizations for consideration of matters relating to the Convention and its Secretariat.

Rule 5

It makes recommendations or draft resolutions, as appropriate, for consideration by the Conference of the Parties.

**Representation and Attendance**

Rule 6

The Committee shall consist of no more than ten Parties, who shall be nominated by the Conference of the Parties. The membership of the Committee shall consist of two Parties elected from Europe and Africa and one each from North America and the Caribbean, Central & South America, Asia and Oceania, as well as the Depositary Government and, if appropriate, the next host Party of the meeting of the Conference of the Parties. Furthermore, Alternate Members shall similarly be nominated by the Conference of the Parties to attend meetings of the Committee as the regional member in the absence of the member of the region to which it belongs.

Rule 7

Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. The Representative shall exercise the voting rights of a Member. In his absence, the Alternate Representative shall act in his or her place.

Rule 8

If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting.

#### Rule 9

Each meeting of the Conference of the Parties shall elect eight regional representatives to serve as alternative members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are the alternate member. The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the Conference of the Parties following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.

#### Rule 10

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote. The Chairperson of the Scientific Council shall have the right to participate in meetings of the Committee as an observer without the right to vote.

#### Rule 11

The Chairperson may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote.

#### **Officers**

#### Rule 12

The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after the meeting of the Conference of the Parties.

#### Rule 13

The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat and maintain liaison with other committees and with the Scientific Council between meetings of the Committee. The Chairperson may represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.

#### Rule 14

The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson.

#### Rule 15

The Secretariat of the Convention shall provide a secretary for meetings of the Committee.

#### Elections

#### Rule 16

If in an election to fill one place no candidate obtains an overall 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.

Rule 17

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 for reducing the number of candidates to two.

Rule 18

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 for reducing 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 Rule 16.

**Meetings**

Rule 19

The Committee shall normally meet at least once every year.

Rule 20

Meetings of the Committee shall be called at the request of the Chairperson or at least three members.

Rule 21

The time and place of meetings shall be determined by the Chairperson, in consultation with the Secretariat.

Rule 22

Notice of meetings to all Parties including the time and venue, shall be given by the Secretariat at least 45 days and, in the case of emergency meetings, at least 14 days in advance of the meeting.

Rule 23

A quorum for a meeting shall consist of four members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.

Rule 24

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members.

Rule 25

Decisions of the Committee by voting (pursuant to Rule 24) shall be taken by a simple majority of the members present. In the case of a tie, the motion shall be considered as rejected.

Rule 26

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties.

#### Rule 27

The Committee shall decide on the working languages of its meetings, which in any case shall have simultaneous interpretation in English, French and Spanish.

### **Communication Procedure**

#### Rule 28

Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure. The Secretariat shall communicate the proposal to the members for comments within 60 days of communication; any comments received within these limits shall also be so communicated.

#### Rule 29

If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

#### Rule 30

If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.

### **Other functions**

#### Rule 31

The Committee shall submit to each ordinary meeting of the Conference of the Parties a report on its work since the previous ordinary meeting.

#### Rule 32

The Committee shall receive reports from other Committees established under the Convention.

### **Final Provisions**

#### Rule 33

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

#### Rule 34

These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required. The Committee shall, by consensus, establish its own Rules of Procedure.

**D. *United Nations Framework Convention on Climate Change (UNFCCC)***

**Organizational matters. Adoption of the rules of procedure. Note by Mr. Chen Chimutengwende (Zimbabwe), President of the Conference of the Parties at its second session, on his informal consultations on the draft rules of procedure.**

**19 November 1997  
(FCCC/CP/1997/5)**

Organizational Matters

Adoption of the Rules of Procedure

Note by Mr. Chen Chimutengwende (Zimbabwe), President of the Conference of the Parties at its second session, on his informal consultations on the draft rules of procedure

Annex to the draft decision United Nations Framework Convention on Climate Change

Draft Rules of Procedure of the Conference of the Parties and its Subsidiary Bodies

[...]

**IX. Subsidiary Bodies**

Rule 27

1. These rules shall apply mutatis mutandis to the proceedings of the subsidiary bodies.
2. The Conference of the Parties may establish, in accordance with Article 7.2(i), such subsidiary bodies as are deemed necessary for the implementation of the Convention.
3. In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.
4. The Conference of the Parties shall decide on the dates of the sessions of the subsidiary bodies, taking note of the desirability of holding such sessions in conjunction with the sessions of the Conference of the Parties.
5. Unless the Conference of the Parties decides otherwise, the Chairman of any subsidiary body other than those established by Articles 9 and 10 of the Convention, shall be elected by that subsidiary body from among the representatives of the Parties present at the session. The Chairmen, Vice-Chairmen and Rapporteurs of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms of one year.
6. Each subsidiary body shall elect its own Vice-Chairman and Rapporteur.
7. Subject to Articles 9 and 10 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairman of a subsidiary body, to adjust the allocation of work.

**E. *Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat***

**Rules of Procedure for Meetings of the Conference of the Contracting Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, 1971)**

/...

adopted by the 7th and 8th Meetings of the Conference of the Contracting Parties, San José, Costa Rica, 1999, and Valencia, Spain, 2002, and as amended in Rule 18 by the 8th Meeting of the COP

(Ramsar COP8 – DOC. 2)

[...]

### **The Conference Committee, other Committees and Working Groups**

Rule 26

1. The voting members of the Standing Committee of the Convention shall constitute the Conference Committee, which shall also include the elected President and Vice Presidents of the current meeting. Observers may be invited to attend meetings of the Conference Committee, if required. The Conference Committee shall be chaired by the chairperson of the Standing Committee during the period previous to the current meeting.

2. The Conference Committee shall meet at least once daily to review the progress of the meeting, including the draft of the report of the previous day prepared by the Secretariat, and to provide advice to the President in order to ensure the smooth development of the rest of the proceedings.

3. The Conference of the Parties may establish other committees and working groups if it deems it necessary for the implementation of the Convention. Where appropriate, meetings of these bodies shall be held in conjunction with meetings of the Conference of the Parties.

4. The Conference of the Parties may decide that any such bodies may meet in the period between ordinary meetings.

5. Unless otherwise decided by the Conference of the Parties, the chairperson for each such body shall be elected by the Conference of the Parties. The Conference of the Parties shall determine the matters to be considered by each such body and may authorize the President, upon the request of the chairperson of a body, to make adjustments to the allocation of work.

6. Subject to paragraph 5 of this rule, each body shall elect its own officers. No officer may be re-elected for a third consecutive term.

7. Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of such bodies, except that:

(a) A majority of the Parties designated by the Conference of the Parties to take part in any such body shall constitute a quorum, but in the event of the body being open-ended, one quarter of the Parties shall constitute a quorum;

(b) The chairperson of any such body may exercise the right to vote;

(c) There shall be no requirement to provide interpretation in committee or working group sessions, including the Conference Committee.

[...]

### ***F. United Nations Convention to Combat Desertification (UNCCD)***

**Report of the Conference of the Parties on its First Session, Held in Rome From 29 September to 10 October 1997**

**Addendum**

/...

**Part Two: Actions Taken by the Conference of the Parties at its First Session**

**Decision 1/COP.1**

**22 December 1997**

**(ICCD/COP(1)/11/Add.1)**

**Rules of procedure of the Conference of the Parties**

[...]

**Application of rules to subsidiary bodies**

Rule 27

Save as provided in rules 28 to 33, the present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies.

**Establishment of subsidiary bodies**

Rule 28

1. The Conference of the Parties may establish such subsidiary bodies as are deemed necessary for the implementation of the Convention.
2. Meetings of standing subsidiary bodies shall be public unless the subsidiary body concerned decides otherwise.
3. Meetings of ad hoc subsidiary bodies shall be private unless the ad hoc subsidiary body concerned decides otherwise.

**Quorum for non open-ended subsidiary bodies**

Rule 29

In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

**Dates of meetings**

Rule 30

The Committee on Science and Technology shall meet in conjunction with the ordinary sessions of the Conference of the Parties. Meetings of any other subsidiary bodies shall be held in conjunction with the sessions of the Conference of the Parties, unless the Conference of the Parties decides otherwise.

**Election of officers of subsidiary bodies**

Rule 31

The Chairperson of the Committee on Science and Technology shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chairperson of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own four Vice-Chairpersons, one of which shall act as Rapporteur. The Chairperson and four Vice-Chairpersons of such subsidiary bodies shall be elected with due regard to the need to ensure equitable geographical distribution and adequate representation of affected country Parties [in the regions referred to in the implementation annexes of the Convention], particularly those in Africa, and shall not serve for more than two consecutive terms.

## **Voting in subsidiary bodies**

### **Rule 32**

Subject to rule 31, subsidiary bodies shall not take votes.

## **Matters for consideration**

### **Rule 33**

Subject to article 24 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of a subsidiary body, to adjust the allocation of work.

### ***G. World Heritage Convention***

#### **The World Heritage Committee, Rules of Procedure**

**Amended by the Committee at its sixth extraordinary session (Paris, 2003)**

**Adopted by the Committee at its first session (Paris, 1977) and amended at its second (Washington, D.C., 1978), third (Luxor, 1979), twentieth (Merida, 1996), twenty-fourth (Cairns, 2000) and twenty-fifth (Helsinki, 2001) ordinary and sixth extraordinary (Paris, 2003) sessions.**

[...]

#### **Rule 21. Subsidiary bodies<sup>20</sup>**

**21.1** The Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work, within the limits of the technical facilities available.

**21.2** The composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies shall be defined by the Committee at the time of their creation. These bodies can only be constituted from amongst States members of the Committee.

**21.3** These Rules shall be applicable *mutatis mutandis* to the subsidiary bodies, unless otherwise decided by the Committee.

**21.4** Each subsidiary body shall itself elect its Chairperson and, if necessary, its Rapporteur.

**21.5** In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions and cultures of the world.

(Footnote 20). Rules 21.2 and 21.3 adopted and Rule 21.4 amended by the Committee at its sixth extraordinary session (Paris, 2003); Rule 21.5 adopted by the Committee at its twenty-fourth ordinary session (Cairns, 2000) and amended at its sixth extraordinary session (Paris, 2003)

[...]

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