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INTERGOVERNMENTAL COMMITTEE
ON THE CONVENTION ON
BIOLOGICAL DIVERSITY

First session
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DRAFT RULES OF PROCEDURE FOR THE INTERGOVERNMENTAL
COMMITTEE ON THE CONVENTION ON BIOLOGICAL DIVERSITY

Explanatory note by the secretariat

1. The attached draft rules of procedure for the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD) are substantively identical to those negotiated and adopted by the Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity, later renamed the "Intergovernmental Negotiating Committee (INC)¹ for a Convention on Biological Diversity". All changes are shown in bold typeface and are technical in nature, reflecting the contextual changes involved in moving from the negotiation phase to the preparatory period for the first meeting of the Conference of the Parties.

2. The full list of changes made is as follows:

(a) Throughout the text, the word "Parties" has been changed to "Committee" where it refers to ICCBD as a whole, and to "participants" where it refers to State representatives that make up the Committee. The Definitions in rule 1 have been revised accordingly. These changes are made to distinguish ICCBD from INC and to avoid confusions with the Contracting Parties that will attend meetings of the Conference of the Parties after the Convention enters into force;

(b) The word "Convention" has been re-defined to specify the final agreed title of the Convention on Biological Diversity;

¹ See UNEP/Bio.Div/WG.2/2/5, Annex.

(c) The word "Secretariat" is re-defined to mean the Interim Secretariat for the Convention on Biological Diversity established by UNEP in accordance with resolution 2 of the Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity;

(d) References to "negotiations" have been changed to "deliberations" because ICCBD, unlike INC, is not a negotiating body but was established by UNEP Governing Council decision 17/30 of 21 May 1993 "to prepare for the first meeting of the Conference of the Parties ... in accordance with resolution 2 of the Nairobi Final Act";

(e) Rule 6, on election of the Bureau has been changed by adding the words "and at least" before the words "three-Vice-Chairpersons and a Rapporteur" to give the Committee flexibility in determining the size of the Bureau. This allows for any changes the Committee may feel would help its work in preparing for the first meeting of the Conference of the Parties;

(f) Rule 52 on participation by non-governmental organizations has been changed to reflect the language of the Article 23, paragraph 5, of the Convention;

(g) References to "sub-working groups" have been changed to "working groups", which would be the main type of subsidiary organ to be set up by the Committee. (At the time the original rules were adopted, INC itself was called a "working group");

(h) Finally, all language has been made gender-neutral.

DRAFT RULES OF PROCEDURE

1. GENERAL PROVISIONS

Preamble

These rules of procedure shall govern the **deliberations of the Intergovernmental Committee on the Convention on Biological Diversity as it prepares for the first meeting of the Conference of the Parties.**

Definitions

Rule 1

1. "Convention" means **the Convention on Biological Diversity.**
2. "**Participants**" means the States participating in the **deliberations of the Intergovernmental Committee on the Convention on Biological Diversity.**
3. "**Committee**" means the **Intergovernmental Committee on the Convention on Biological Diversity established by the UNEP Governing Council in its decision 17/30 of 21 May 1993.**
4. "**Chairperson**" means the **Chairperson** elected in accordance with rule 6, paragraph 1, of the present rules of procedure.
5. "**Secretariat**" means **interim Secretariat for the Convention on Biological Diversity established by the Executive Director of the United Nations Environment Programme in accordance with resolution 2 of the Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity for the period ending with the first meeting of the Conference of the Parties.**
6. "**Executive Director**" means the **Executive Director of the United Nations Environment Programme.**
7. "**Meeting**" means any session convened in accordance with these rules of procedure.

Place and time of meetings

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Rule 2

1. The Meetings of the **Committee** shall be convened by the **Executive Director** in accordance with Governing Council decision 17/30 of 21 May 1993 to prepare for the first meeting of the Conference of the Parties. If the **Committee** requires more than one meeting to prepare for the first meeting of the Conference of the Parties, the **Executive Director** will determine the location and dates after consultation with the **Committee**.

II. AGENDA

Drawing up of the provisional agenda for a meeting

Rule 3

The **Executive Director** shall submit a provisional agenda for the **First Meeting of the Committee** based on resolution 2 of the **Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity**. If subsequent meetings are held, the **Executive Director**, after approval by the **Chairperson**, shall submit to each meeting the provisional agenda for the following meeting. The provisional agenda shall include all items recommended by the **Committee**.

Adoption of the agenda

Rule 4

At the beginning of each meeting, the **Committee** shall adopt the agenda for the meeting.

Revision of the agenda

Rule 5

During a meeting, the **Committee** may revise the agenda.

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III. OFFICERS

Elections

Rule 6

1. The **Committee** shall elect a Bureau composed of one **Chairperson**, **and at least** three **Vice-Chairpersons** and a Rapporteur.

2. In electing its officers, the **Committee** shall have due regard to the principle of equitable geographical representation.

Acting Chairperson

Rule 7

If the **Chairperson** finds it necessary to be absent from a meeting or any part thereof **he/she** shall call on a **Vice-Chairperson** to take his/**her** place.

Replacement of the Chairperson

Rule 8

If the **Chairperson** is unable to continue to perform his/**her** functions, a new **Chairperson** shall be elected with due regard to rule 6, paragraph 2.

Powers of the Acting Chairperson

Rule 9

A **Vice-Chairperson** acting as **Chairperson** shall have the same powers and duties of the **Chairperson**.

Voting power of the Chairperson

Rule 10

The **Chairperson** shall not vote, but may designate another representative to vote in his/**her** place.

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IV. SECRETARIAT

Functions of the Executive Director

Rule 11

The Executive Director may designate **her** Deputy or one of the Assistant Executive Directors to act as **her** representative during the meetings.

Rule 12

The Executive Director or **her** designated representative **and the Secretariat** shall supply and direct the staff required by the **Committee** for the **deliberations** and any staff required for subsidiary organs which may be established by the **Committee**.

Rule 13

The Executive Director or **her** designated representative may, subject to rule 17, make oral as well as written statements at the plenary meetings and at the meetings of subsidiary organs, if any, concerning any matter under consideration.

Rule 14

The Executive Director shall be responsible for convening meetings in accordance with rules 2 and 3 and for making all the necessary arrangements for meetings of the plenary and of subsidiary organs, if any, including the preparation and distribution of documents at least six weeks in advance of the meetings.

Duties of the Secretariat

Rule 15

The Secretariat shall, in accordance with these rules: interpret speeches made at meetings; receive, translate and circulate the documents of the meetings; publish and circulate reports and relevant documentation

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to the **Committee**; have the custody of the documents in the archives; and generally perform all other work that the **Committee** may require.

V. CONDUCT OF BUSINESS

Quorum

Rule 16

The Chair**person** may declare a meeting open and permit the debate to proceed when at least one third of the **Participants** participating in the meeting are present. The presence of a majority of **Participants** so participating shall be required for any decision to be taken.

Powers of the Chairperson

Rule 17

In addition to exercising the powers conferred upon him/**her** elsewhere by these rules, the Chair**person** shall declare the opening and closing of each meeting, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/**she** shall rule on points of order and, subject to these rules, shall have control over the proceedings of the meetings and over the maintenance of order at meetings. The Chair**person** may propose to the meeting the limitation of the time to be allowed to speakers, the limitation of the number of times each **Participant** may speak on any subject, the closure of the list of speakers or the closure of the debate. He/**she** may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 18

The Chair**person**, in the exercise of his/**her** functions, remains under the authority of the **Committee**.

Speeches

Rule 19

No one may address the meeting without having previously obtained the permission of the Chair**person**. Subject to the rules, the Chair**person** shall

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call upon speakers in the order in which they signify their desire to speak. The Chair**person** may call a speaker to order if his/**her** remarks are not relevant to the subject under discussion.

Precedence

Rule 20

The Chair**person**, Vice-Chair**person** or Rapporteur of a **working group**, or a designated representative of any other subsidiary organ which may be established subject to rule 45, may be accorded precedence in speaking for the purpose of explaining the conclusion arrived at by the **working group** or subsidiary organ concerned and for the purpose of replying to questions.

Points of order

Rule 21

1. During the discussion of any matter, a **Participant** may at any time raise to a point of order, and the point of order shall be immediately decided by the Chair**person** in accordance with the rules of procedure. A representative may appeal against the ruling of the Chair**person**. The appeal shall be immediately put to the vote, and the ruling of the Chair**person** shall stand unless overruled by a majority vote of the **Participants** present and voting.

2. A **Participant** rising to a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 22

The meeting may limit the time allowed to each speaker and the number of times each person may speak on any question, except on procedural questions, when the Chair**person** shall limit each intervention to a maximum of five minutes. When debate is limited and a speaker has spoken for his/**her** allotted time, the Chair**person** shall call him/**her** to order without delay.

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Closing of list of speakers

Rule 23

During the course of a debate the Chair**person** may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chair**person** may, however, accord the right of reply to any **Participant** if, in his/**her** opinion, a speech delivered after he/**she** has declared the list closed renders this justified. When the debate on an item is concluded because there are no other speakers, the Chair**person**, with the consent of the meeting, shall declare the debate closed.

Adjournment of debate

Rule 24

During the discussion of any matter, a **Participant** may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, one **Participant** may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Closure of debate

Rule 25

A **Participant** may at any time move the closure of the debate on the subject under discussion, whether or not any other **Participant** has signified **its** wish to speak. Permission to speak on the closure of the debate shall be accorded only to two **Participants** opposing the closure, after which the motion shall be immediately put to the vote. If the meeting is in favour of the closure, the Chair**person** shall declare the closure of the debate.

Suspension or adjournment of the meeting

Rule 26

During the discussion of any matter, a **Participant** may move the suspension or the adjournment of the meeting. Such motion shall not be debated, but shall immediately be put to the vote.

Order of procedural motions

Rule 27

Subject to rule 21, and regardless of the order in which they are submitted, the following motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the subject under discussion;
- (d) To close the debate on the subject under discussion.

Proposals and amendments

Rule 28

Proposals and amendments **to proposals** shall normally be introduced in writing and submitted to the Executive Director, who shall circulate copies to the **Participants**. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the **Committee** unless copies of it have been circulated to all **Participants** not later than the day preceding the meeting. Subject to the consent of the **Committee**, the Chairperson may, however, permit the discussion and consideration of proposals or amendments to proposals, even though these proposals or amendments have not been circulated or have only been circulated the same day.

Decisions on competence

Rule 29

Subject to rule 27, any motion calling for a decision on the competence of the **Committee** to adopt any proposal or any amendment **to a proposal** submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

Withdrawal of proposals or motions

Rule 30

A proposal or a motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal or the motion has not been amended. A proposal or motion which has thus been withdrawn may be reintroduced by another **Participant**.

Reconsideration of proposals

Rule 31

When a proposal has been adopted or rejected, it may not be reconsidered unless the **Committee**, by a two-thirds majority of the **Participants** present and voting, so decide. Permission to speak on a motion to reconsider shall be accorded only to two **Participants** opposing the motion, after which it shall immediately be put to the vote.

Consensus

Rule 32

The meeting should make every effort to reach consensus on substantive matters.

Voting rights

Rule 33

Each **Participant** shall have one vote.

*Majority required and meaning of the expression "**Participants** present and voting"*

Rule 34

1. Subject to rule 32, decisions of the meeting on substantive matters shall be taken by a two-thirds majority of the **Participants** present and voting.

2. Subject to rule 53, decisions of the meeting on procedural matters shall be taken by a simple majority of the **Participants** present and voting.

3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, that issue shall be decided by a simple majority of the **Participants** present and voting.

4. For the purpose of these rules, the phrase "**Participants** present and voting" means **Participants** present and casting an affirmative or negative vote. **Participants** who abstain from voting are considered as not voting.

Method of voting

Rule 35

Subject to rule 41, the **Participants** shall normally vote by show of hands, but any **Participant** may request a roll call, which shall then be taken in the alphabetical order of the names of the **Participants**, beginning with the **Participant** whose name is drawn by lot by the Chairperson.

Recording of roll call

Rule 36

The vote of each **Participant** participating in a roll call shall be recorded in the relevant documents of the meeting.

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Conduct during voting

Rule 37

After the Chairperson has announced the beginning of voting, no **Participant** shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit **Participants** to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chairperson may limit the time to be allowed for such explanation. The Chairperson shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment.

Division of proposals or amendments

Rule 38

A **Participant** may move that part of a proposal or of an amendment of a **proposal** shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two **Participants** in favour and two **Participants** against. If the motion for division is carried, those parts of the proposal or of the amendment to a proposal which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment to a proposal have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 39

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the **Committee** shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies

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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. If no amendments are adopted, the proposal shall be put to the vote in its original form.

2. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 40

1. If two or more proposals are related to the same question, the meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Any proposals or motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Elections

Rule 41

All elections shall be held by secret ballot unless, in the absence of any objection, the meeting decides to proceed without taking a ballot when there is an agreed candidate.

Rule 42

1. If, when one person or **Participant** only is to be elected, no candidate obtains, in the first ballot, the majority required, 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 Chair**person** shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the

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case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidate, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Rule 43

1. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority on the first ballot shall be elected.

2. If the number of candidates obtaining such majority is more than the number of places to be filled, those candidates obtaining the largest number of votes shall be elected.

3. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, who shall number not more than twice the places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.

4. If three restricted ballots are inconclusive, unrestricted ballots shall follow in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in a case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall not be more than twice the places remaining to be filled.

5. The following three ballots thereafter shall be unrestricted and so on, until all the places are filled.

Equally divided votes

Rule 44

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

IV. SUBSIDIARY ORGANS

*Subsidiary organs of the meetings such as **working groups** and expert groups*

Rule 45

1. The **Committee** may establish such subsidiary organs as may be necessary for the effective discharge of **its** functions.

2. Each subsidiary organ shall elect its own officers.

3. The rules of procedure of subsidiary organs shall be those of the meetings, as appropriate, subject to such modifications as the **Committee** may decide upon in the light of proposals by the subsidiary organs concerned.

VII. LANGUAGES AND RECORDS

Languages of the meetings

Rule 46

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the meetings.

Interpretation

Rule 47

1. Speeches made in a language of the meeting shall be interpreted into the other languages.

2. A representative may speak in a language other than a language of the meeting. In this case he/**she** shall himself/**herself** provide for

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interpretation into one of the languages of the meeting, and interpretation into the other languages by the interpreters of the Secretariat may be based on the interpretation given in the first language.

Languages of official documents

Rule 48

Official documents shall be made available in the languages of the meeting.

VIII. PUBLIC AND PRIVATE MEETINGS

Plenary meetings

Rule 49

The plenary meetings shall be held in public unless the meeting decides otherwise. All decisions taken at a private meeting shall be announced at an early public meeting.

Other meetings

Rule 50

Meetings of subsidiary organs, other than any drafting group that may be set up, shall be held in public unless the organ concerned decides otherwise.

IX. OBSERVERS

Participation of observers

Rule 51

Observers shall participate in the work of the meeting in accordance with the established practice of the United Nations General Assembly.

Observers of non-governmental organizations

Rule 52

1. Non-governmental organizations qualified in fields relating to conservation and sustainable use of biological diversity who have informed the Secretariat of their wish to be represented as observers at the meetings may attend the meetings unless at least one-third of the Participants present at the meeting object.

2. Such observers may, upon invitation of the Chairperson, and unless at least one-third of the Participants present at the meeting object, participate without the right to vote in the deliberations of any meeting.

X. SUSPENSION AND AMENDMENT OF THE RULES
OF PROCEDURE

Rule 53

A rule of procedure may be amended or suspended by a decision of the meeting taken by a two-thirds majority of the **Participants** present and voting provided that twenty-four hours notice of the proposal has been given.
