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INTERGOVERNMENTAL COMMITTEE
ON THE CONVENTION ON
BIOLOGICAL DIVERSITY
Second session
Nairobi, 20 June - 1 July 1994
Item 4.1.1 of the provisional agenda

RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

Revised draft rules of procedure for meetings of the
Conference of the Parties to the Convention on
Biological Diversity

Note by the Interim Secretariat

1. At the first session of the Intergovernmental Committee, Working Group II considered draft rules of procedure for the Conference of the Parties to the Convention on Biological Diversity, as contained in document UNEP/CBD/IC/1/6. In the Working Group:

"It was agreed to recommend that all the observations would be taken into account by the Secretariat when it proposed a further draft for consideration by the Working Group at its next session. All new options and proposals would be clearly highlighted." (See UNEP/CBD/IC/2/2, annex III, para. 34).

In the light of the above, the Interim Secretariat has prepared the revised draft rules of procedure annexed to the present note.

2. The revised draft takes account of the observations made at the Committee's first session as well as written submissions provided by Governments after the session. In the revised draft, all proposed additions appear in bold type. Proposed alternatives to original text are in square brackets in bold type preceded by an asterisk (*). The text proposed to be replaced by the alternative is in square brackets and underlined. Proposed deletions of text from the original draft rules have been put in brackets in the revised draft with the original type face retained. Where written opposition to the inclusion of an amendment has been expressed by Governments, either at the first session of the Committee or in writing, such opposition is explicitly recorded as a footnote.

3. With regard to the use of the word "majority" in rule 26, paragraph 6 (b), and rule 40, paragraphs 2 and 3, the Interim Secretariat received two suggestions: one, that the three references to be "simple majority" and, two, that the three references be to "majority" without qualification. The Interim Secretariat understands the concern underlying the suggestions to be a desire for textual consistency. The word "simple" has been included in bold type. The Committee is invited to consider and recommend one term which the Interim Secretariat can incorporate consistently throughout the draft rules for presentation to the first meeting of the Conference of the Parties.

Annex

REVISED DRAFT RULES OF PROCEDURE FOR MEETINGS OF THE
CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention on Biological Diversity convened in accordance with article 23 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the Convention on Biological Diversity adopted in Nairobi on 22 May 1992 and opened for signature in Rio de Janeiro on 5 June 1992;
2. "Parties" means Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties to the Convention established in accordance with article 23 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 23 of the Convention;
5. "Regional economic integration organization" has the same meaning as that assigned to it in article 2 of the Convention;

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6. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

7. "Secretariat" means the secretariat established under article 24 of the Convention.

PLACE OF MEETINGS

Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

DATES OF MEETINGS

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held once every year, unless the Conference of the Parties decides otherwise.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.

3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of a meeting at least

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two months before the meeting is due to commence.

OBSERVERS

Rule 6

1. The Secretariat shall notify the United Nations, its specialized agencies, **any institution called on by the Conference of the Parties pursuant to article 21 of the Convention to carry out the operations of the financial mechanism**, and the International Atomic Energy Agency as well as any State not Party to the Convention of meetings of the Conference of the Parties so that they may be represented as observers.

2. Such observers may, upon invitation of the President **of the Conference of the Parties**, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object.

Rule 7

1. The Secretariat shall notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented, of meetings of the Conference of the Parties so that they may be represented as observers [, unless at least one third of the Parties present at the meeting object].

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

AGENDA

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

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Rule 9

The provisional agenda of each ordinary meeting shall include [, as appropriate]:

1. Items arising from the articles of the Convention, including those specified in article 23 of the Convention;
2. Items the inclusion of which has been decided at a previous meeting **including those items included in accordance with rule 15**;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party and received by the Secretariat before the provisional agenda is produced;
5. [The proposed budget as well as all questions pertaining to the accounts and financial arrangements.] ***[The proposed budget for the coming financial year as well as a review of the accounts and financial arrangements for the previous financial year.]**

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed **in the official languages** by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Rule 11

[The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the production of the provisional agenda and the opening of the meeting in a supplementary provisional agenda, which the Conference of the Parties shall examine together with the provisional agenda.]

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***[The Secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, in a supplementary provisional agenda.]**

Rule 12

The Conference of the Parties shall examine the provisional agenda as well as any supplementary provisional agenda. The Conference of the Parties when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the Conference of the Parties on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such item shall be considered until at least [forty-eight] ***[twenty-four]** hours after the Conference of the Parties has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS

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Rule 16

Each Party participating in [the] *[a] meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the [Secretary-General] *[Executive Secretary] of the Conference **of the Parties** [or his/her representative] *[or the representative of the **Secretary-General**] [of the meeting] if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the [Secretary-General] *[Executive Secretary] of the Conference **of the Parties** [or his/her representative] *[or the representative of the **Secretary-General**]. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs **or by an appropriate authority properly designated by one of them for the purpose** or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties. **The Conference of the Parties shall decide whether to accept the credentials of each delegation member.**

Rule 20

Pending a decision of the Conference of the Parties upon their credentials,

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representatives shall be entitled to participate provisionally in the meeting.

OFFICERS

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the Bureau of the meeting. In electing its Bureau, the Conference of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur of the meeting of the Conference of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. Any officer may be re-elected for one further consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon [him/her] ***[the President]** elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have [complete] ***[ultimate]** control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the

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list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of [his/her functions] ***[the functions of that office]**, remains under the authority of the Conference of the Parties.

Rule 23

[If the President is temporarily absent from a session or any part thereof, he/she] ***[The President, if temporarily absent from a session or any part thereof,]** shall designate a Vice-President to act as President. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete [his/her] ***[the assigned]** term of office or to perform [his/her] ***[the]** functions, a representative of the same Party shall be named by the Party concerned to replace [him/her] ***[the said officer]** for the remainder of [his/her] ***[that officer's]** mandate.

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in [his/her absence] ***[the absence of the President]**, a Vice-President, shall preside until the Conference of the Parties has elected a President for the meeting.

SUBSIDIARY BODIES

Rule 26

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1. In addition to the subsidiary body on scientific, technical and technological advice established under article 25 of the Convention, the Conference of the Parties may establish such subsidiary bodies [, including committees and working groups,] that it deems necessary for the implementation of the Convention. **Where appropriate, such meetings shall be held in conjunction with the sessions of the Conference of the Parties.**

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

3. Unless otherwise decided by the Conference of the Parties, the chairperson for each such subsidiary 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 subsidiary body and may authorize the President, upon the request of the chairperson of a subsidiary body, to adjust the allocation of work.

4. [Without prejudice] ***[Subject]** to paragraph 3 of this rule, each subsidiary body shall elect its own officers.

5. A majority of the Parties designated by the Conference of the Parties to take part in the subsidiary body shall constitute a quorum, but in the event of the subsidiary body being open-ended, one quarter of the Parties shall constitute a quorum.¹

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

¹ In order to be consistent with rule 30 it has been suggested that rule 26, paragraph 5, be moved to be part (a) of rule 26, paragraph 6, with rule 26 being renumbered and relettered accordingly.

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(a) The chairperson of a subsidiary body may exercise the right to vote; and

(b) Decisions of subsidiary bodies shall be taken by a **simple** majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

SECRETARIAT

Rule 27

1. The head of the Secretariat of the Convention shall be the [Secretary-General] ***[Executive Secretary]** of the Conference of the Parties. [He/she, or his/her representative] ***[The Secretary-General or the representative of the Secretary-General]** shall act in that capacity in all meetings of the Conference of the Parties and of subsidiary bodies.

2. The Secretary-General shall provide and direct the staff required by the Conference of the Parties or subsidiary bodies.

Rule 28

The Secretariat shall, in accordance with these rules:

(a) Arrange for interpretation at the meeting;

(b) **Prepare**, receive, **compile**, translate, reproduce and distribute the documents of the meeting;

(c) Publish and circulate the official documents of the meeting;

(d) Make and arrange for keeping of sound recordings of the meeting;

(e) Arrange for the custody and preservation of the documents of the meeting;

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and

(f) Generally perform all other work that the Conference of the Parties may require in the light of article 24 of the Convention.

CONDUCT OF BUSINESS

Rule 29

1. Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.
2. Sessions of subsidiary bodies shall be held in public unless the subsidiary body concerned decides otherwise.

Rule 30

The President may declare a session of the meeting open, permit the debate to proceed **if at least one third of the Parties to the Convention are present** and have any decisions taken when representatives of at least two thirds of the Parties are present.

Rule 31

[1. No one may speak at a session of the Conference of the Parties without having previously obtained the permission of the President. [Without prejudice] *[**Subject**] to rules 32, 33, 34 and 35, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.]

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to

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order without delay.

Rule 32

The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it, **translated into the official languages of the Conference of the Parties**, have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Rule 36

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1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

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1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and *vice versa*.
3. **Each regional economic integration organization or one of its members which is a Party to the Convention shall notify the President before each meeting of the Conference of the Parties, or the chairperson before each meeting of any subsidiary body, of whether the regional economic integration organization or its member States are competent in respect of any specific question to be considered by the meeting and only the regional economic integration organization or its member States, depending upon where competency rests, shall exercise the right to vote in respect of that question.**

Rule 40

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision, **except a decision under paragraph 1 or 2 of article 21 of the Convention**, shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in paragraph 3 of article 23 of the Convention, or the present rules of procedure. **Decisions of the Parties under paragraphs 1 and 2 of article 21 of the Convention shall be taken by consensus.**²
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

² Opposition to inclusion of the two proposed additions to rule 40, paragraph 1, was expressed both during the discussions in Working Group II at the Committee's first session and subsequently in writing to the Interim Secretariat.

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3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a **simple** majority of the Parties present and voting.

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

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

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

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. **The President shall allow the request unless a Party objects.** If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 43

If the [motion] ***[request]** referred to in rule 42 is **allowed or** adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

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A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

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Rule 46

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

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

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President 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, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

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2. In the case of a tie in the first ballot 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 candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

LANGUAGES

Rule 52

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

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Rule 53

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language, if the Party provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

SOUND RECORDS OF THE MEETINGS

Rule 55

Sound records of the meetings of the Conference of the Parties, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AMENDMENTS TO RULES OF PROCEDURE

Rule 56

1. These rules of procedure may be amended by consensus by the Conference of the Parties.
- [2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.]

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OVERRIDING AUTHORITY OF THE CONVENTION

Rule 57

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

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