

## ANNEX VI

### REPORT OF THE WORKING GROUP ON THE RULES OF PROCEDURE FOR THE MEETINGS AND CONFERENCES OF THE CONTRACTING PARTIES

1. According to its terms of reference, the Working Group established by the Meeting considered, during four working sessions:
  - the provisions remaining between brackets in the draft rules of procedure;
  - the provisions contained in article 41;
  - the comments and proposals presented by the United Nations Office of Legal Affairs.

Moreover, with a view to avoiding any discrepancy between articles and to improving their wording, it considered all the articles of the draft rules of procedure.

2. Represented in this Group were - France, Israel, Italy, Morocco, Spain, Tunisia, Yugoslavia, the European Economic Community and FAO.
3. The Working Group called the attention of the Meeting to the amendments to the draft rules as follows:
  - 3.1 Rules 6, 7 and 8: After a careful examination of these rules and taking into account the FAO representative's comments on rule 7, (made after consultations with other specialized agencies) the Working Group expressed agreement with the proposals of an ad hoc Working Group and adopted the principle of a tacit agreement of the Contracting Parties for the invitations provided for in rule 6, paragraph 1 and rule 8, paragraph 1, as well as for the right to participate in the deliberations (rule 6, paragraph 2; rule 7, paragraph 2 and rule 8, paragraph 2).

For the purposes of paragraph 1 of rules 6 and 8, it was stressed that the "tacit" agreement meant that the Executive Director should inform the Contracting Parties well in advance of any meeting or conference of the requests for participation he had received. He should give them reasonable time for sending him their reply. Any Contracting Party which had not replied within this time should be considered as having given its agreement.

The Working Group also decided to adopt separate provisions with regard to non-governmental international organizations (rule 8, paragraph 18).

- 3.2 Rules 10 and 13: The Group considered that it would be appropriate to associate the Bureau of the Meeting of the Contracting Parties with the preparation of the draft agenda (rule 10) and its possible supplements (rule 13).
- 3.3 Rules 20 and 21: The Group retained the wording proposed by the United Nations Office of Legal Affairs for paragraph 2 of rule 20. On the other hand, it abided by the text of rule 21 of the draft which dealt with a situation not covered by the provisions of new paragraph 2 of rule 20.
- 3.4 Rules 27 and 28: For both rules, the Group adopted the drafting proposed by the United Nations Office of Legal Affairs.
- 3.5 Rule 32 (new text): The Group adopted the new provisions as proposed by the United Nations Office of Legal Affairs.
- 3.6 Rule 41 (re-numbered 42): An ad hoc Group was set up with a view to resolving the difficulties raised by the drafting of paragraph 2 of the article. The ad hoc Group submitted a new text which met with the agreement of the Working Group. The new text called for the following observation:
- With reference to the provisions of article 19 of the Convention, it was agreed that, when a State Member of the European Economic Community was more than twenty-four months in arrears with its contribution and that, simultaneously, new powers had been transferred from States Members to the EEC on matters covered by the Convention, the latter should be entitled to vote with regard to those new powers within the limits of the number of votes corresponding to those of its States Members having paid their contributions, without prejudice to the provisions of article 42 paragraph 2, subparagraph 2A.

- 3.7 Rule 42 (re-numbered 43): As far as paragraph 1 was concerned, the view of the Working Group was that a unanimous decision or, failing that, a consensus should be sought before passing to vote. The Group considered that when the vote could not be avoided, a two-thirds majority should be required, but during the exchange of views, several delegations expressed their preference for a three-quarters majority.

With regard to paragraph 2, the proposal of the United Nations Office of Legal Affairs had been considered and adopted. However, the Working Group deemed it appropriate to leave it to the Committee to decide whether abstentions should be considered as votes or not. The last sentence of paragraph 2, the deletion of which had not been proposed by the United Nations Office of Legal Affairs, was retained.

- 3.8 Rule 44 (re-numbered 45): The Working Group decided to propose to the Committee the addition to the text of a provision concerning the secret ballot.

- 3.9 Rule 49 (re-numbered 50): The two-thirds majority chosen by the Working Group called for the same observations as those concerning article 42 (re-numbered 43), if recourse was made to the vote.

- 3.10 The question of the entry into force of the rules of procedure was raised following a draft text proposal. The Working Group considered that the Plenary should decide upon the date of application of the rules of procedure.

4. The question relating to the votes by Contracting Parties on a single protocol was raised following a draft text proposal. An exchange of views emphasized the complexity of that important question.

The Working Group was not in a position to find a solution in the time at its disposal.

The attention of the Meeting was drawn in particular to that sensitive item. It was felt that the question should be considered in detail during the next meeting of the Contracting Parties.