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AD HOC WORKING GROUP OF LEGAL  
AND TECHNICAL EXPERTS ON  
BIOLOGICAL DIVERSITY

Second session  
Nairobi, 25 February - 6 March 1991

DRAFT RULES OF PROCEDURE

I. GENERAL PROVISIONS

Preamble

These rules of procedure shall govern the negotiations of a convention on conservation and rational use of biological diversity.

Definitions

**Rule 1**

1. "Convention" means an international legal instrument for conservation and rational use of biological diversity.
2. "Parties" means the representatives of states for the negotiation of the convention.
3. "Executive Director" means the Executive Director of the United Nations Environment Programme.
4. "Chairman" means the Chairman elected in accordance with rule 7, paragraph 1, of the present rules of procedure.
5. "Secretariat" means the secretariat of the United Nations Environment Programme.
6. "Meeting" means any session of the Parties.

Place of Meetings

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## **Rule 2**

In accordance with decision SS.II/7 of the UNEP Governing Council the Meetings of the Parties for the negotiation of a convention on biological diversity shall take place at the Headquarters of the United Nations

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Environment Programme, unless otherwise decided by the Parties in consultation with the Secretariat. The dates of the Meetings shall be decided by the Parties in consultation with the Secretariat.

## II. AGENDA

### Drawing up of the provisional agenda for a Meeting

## **Rule 3**

The Executive Director after approval by the Chairman shall submit to each Meeting the provisional agenda for the following Meeting. The provisional agenda shall include all items proposed by:

- (a) The Parties;
- (b) The Executive Director.

### Adoption of the agenda

## **Rule 4**

At the beginning of each Meeting the Parties shall adopt its agenda.

### Revision of the agenda

## **Rule 5**

During a Meeting, the Parties may revise its agenda.

## III. OFFICERS

### Elections

## **Rule 6**

1. After the adoption of the Rules of Procedure the Parties shall elect a Bureau composed of one Chairman, three Vice-Chairmen and a Rapporteur.
2. In electing its officers, the Parties shall have due regard for the principle of equitable geographical representation.

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Acting Chairman

**Rule 7**

If the Chairman finds it necessary to be absent from a Meeting or any part thereof, he shall call on a Vice-Chairman to take his place.

Replacement of the Chairman

**Rule 8**

If the Chairman is unable to continue to perform his functions a new Chairman shall be elected with due regard for Rule 6 paragraph 2.

Powers of the Acting Chairman

**Rule 9**

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

The Chairman shall not vote

**Rule 10**

The Chairman shall not vote but may designate another representative to vote in his place.

IV. SECRETARIAT

Functions of the Executive Director

**Rule 11**

The Executive Director may designate his Deputy or one of the Assistant Executive Directors, with the help of the Secretariat to act as his representative during the Meetings.

**Rule 12**

The Executive Director or his designated representative shall supply direct the staff required by the Parties for the negotiations and any for subsidiary organs which may be established by the Parties.

**Rule 13**

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The Executive Director or his 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 Rule 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 to the Parties; have the custody of the documents in the archives; and generally perform all other work which the Parties may require.

### V. CONDUCT OF BUSINESS

#### Quorum

#### **Rule 16**

The Chairman may declare a Meeting open and permit the debate to proceed when representatives of at least one third of the Parties participating in the Meeting of Parties are present. The presence of representatives of a majority so participating shall be required for any decision to be taken.

#### Powers of the Chairman

#### **Rule 17**

In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman 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 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

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order at Meetings. The Chairman may propose to the Meeting the limitation of time to be allowed to speakers, the limitation of the number of times each Party may speak on any subject, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the Meeting or of the debate on the question under discussion.

**Rule 18**

The Chairman, in the exercise of his functions, remains under the authority of the Parties for the negotiation.

Speeches

**Rule 19**

No one may address the Meeting without having previously obtained the permission of the Chairman. Subject to the rules, the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

**Rule 20**

The Chairman, Vice-Chairman or Rapporteur of a sub-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 sub-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 Party may at any time rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority vote of the Parties present and voting.
2. A Party rising to a point of order may not speak on the substance of the matter under discussion.

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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 Chairman shall limit each intervention to a maximum of five minutes. When debate is limited and a speaker has spoken for his allotted time, the Chairman shall call him to order without delay.

Closing of list of speakers

**Rule 23**

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

Adjournment of debate

**Rule 24**

During the discussion of any matter, a Party may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, one party 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 Party may at any time move the closure of the debate on the subject under discussion, whether or not any other Party has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two Parties opposing the closure, after which the motion shall be immediately put to the vote. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate.

Suspension or adjournment of the Meeting

**Rule 26**

During the discussion of any matter a Party may move the suspension or the adjournment of the Meeting. Such motion shall not be debated, but shall

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be immediately 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 question under discussion;
- (d) For the closure of the debate on the subject under discussion.

Proposals and amendments

**Rule 28**

Proposals and amendments shall normally be introduced in writing and submitted to the Executive Director, who shall circulate copies to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any Meeting of the Parties unless copies of it have been circulated to all Parties not later than the day preceding the Meeting. Subject to the consent of the Parties, the Chairman may, however, permit the discussion and consideration of proposals or amendments, 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 Parties to adopt any proposal or any amendment 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

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has not been amended. A proposer or motion which has thus been withdrawn may be reintroduced by another Party.

#### Reconsideration of proposals

##### **Rule 31**

When a proposal has been adopted or rejected, it may not be reconsidered unless the Parties, by a two-thirds majority of the Parties present and voting, so decide. Permission to speak on a motion to reconsider shall be accorded only to two parties 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 Party shall have one vote.

#### Majority required and meaning of the expression "Parties present and voting"

##### **Rule 34**

1. Subject to the Rule 32, decisions of the Meeting shall be made by [two-thirds] [a majority] of the Parties present and voting.
2. For the purpose of these rules, the phrase "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties who abstain from voting are considered as not voting.

#### Method of voting

##### **Rule 35**

Subject to rule 40, the Parties shall normally vote by show of hands, but any party may request a roll call, which shall then be taken in the alphabetical order of the names of the members, beginning with the Party whose name is drawn by lot by the Chairman.

#### Recording of roll call

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**Rule 36**

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

Conduct during voting

**Rule 37**

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

Division of proposals or amendments

**Rule 38**

A party may move that parts of a proposal or of an amendment 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 parties in favour and two parties against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment 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 is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Parties 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 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.

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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 a candidate or state.

##### **Rule 42**

1. If, when one person or member 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 Chairman 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 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 candidates, 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**

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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, there shall be held additional ballots 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 the 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.

VI. SUBSIDIARY ORGANS

Subsidiary organs of the Meetings such as sub-working groups and expert groups

**Rule 45**

1. The Parties may establish such subsidiary organs as may be necessary for the effective discharge of their functions.

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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 Parties may decide upon in the light of proposals by the subsidiary organs concerned.

## VII. LANGUAGES AND RECORDS

### Languages of the Meeting

#### **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 shall himself provide for 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

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otherwise. All decisions taken at a private Meeting shall be announced at an early public Meeting.

Other Meetings

**Rule 50**

Meetings of subsidiary organs 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**

Non-governmental organizations participating at the Meeting as observers may make their contributions, as appropriate, on the understanding that these organizations shall not have any negotiating role and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session.

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-third majority of the Parties present and voting provided that twenty-four hours notice of the proposal has been given.

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