

Distr.
GENERAL

UNEP/Bio.Div/WG.2/2/3
18 January 1991

ORIGINAL: ENGLISH

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

Second Session

Nairobi, 25 February - 6 March 1991

DRAFT RULES OF PROCEDURE FOR MEETINGS FOR THE NEGOTIATION
OF A CONVENTION ON THE CONSERVATION
OF BIOLOGICAL DIVERSITY

I. GENERAL PROVISIONS

Purposes

Rule 1

These rules of procedure shall apply to any Meeting for the negotiation of a convention on biological diversity.

Definitions

Rule 2

1. "Parties" means the Parties for the negotiation of a convention on biological diversity.
2. "Chairman" means the Chairman elected in accordance with rule 7, paragraph 1, of the present rules of procedure.
3. "Secretariat" means the secretariat of the United Nations Environment Programme.
4. "Meeting" means any session of the Parties.

Place of Meetings

Rule 3

The Meetings of the Parties for the negotiation of a convention on biological diversity shall take place at the seat of the Secretariat (Nairobi, Kenya) unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

II. AGENDA

Drawing up of the provisional agenda for a session

Rule 4

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

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

Adoption of the agenda

Rule 5

At the beginning of each session, after the election of officers when required under rule 7, the Meeting shall adopt its agenda for the session on the basis of the provisional agenda.

Revision of the agenda

Rule 6

During a session, the Parties for the negotiation of a convention on biological diversity may revise the agenda for the session by adding, deleting, deferring or amending items. Only items which the Meeting considers to be urgent and important shall be added to its agenda during the session.

III. OFFICERS

Elections

Rule 7

1. At the commencement of the first negotiating sessions, the Parties shall elect a Bureau composed of
2. In electing its officers, the Parties shall have due regard for the principle of equitable geographical representation.

3. The offices of the Bureau 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.

Terms of Office

Rule 8

The members of the Bureau shall hold office until their successors are elected. Subject to the provisions of rule 7, they shall be eligible for re-election. None of them may hold office after the expiration of the term of office of the Party of which he is a representative.

Acting Chairman

Rule 9

If the Chairman cannot preside at a Meeting or any part thereof, he shall appoint a Vice-Chairman to take his place.

Replacement of the Chairman

Rule 10

If the Chairman ceases to be a representative of one of the Parties or is unable to perform his functions, or if the State of which he is a representative ceases to participate in the negotiations, the Bureau shall designate one of the Vice-Chairmen as Acting Chairman.

Powers of the Acting Chairman

Rule 11

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

Voting rights of the Chairman

Rule 12

In the case of a State which is for the time being represented by the Chairman, an alternate representative shall, at the discretion of the Chairman, be permitted to participate in the proceedings and to vote in the negotiating sessions; the Chairman shall not exercise a right to vote.

IV. SECRETARIAT

Duties of the Executive Director

Rule 13

The Executive Director shall act in that capacity in all negotiating sessions. He may designate any officer of the Secretariat to act as his representative.

Rule 14

The Executive Director or his designated representative shall direct the staff required by the Parties for the negotiation of a convention on biological diversity and any subsidiary organs which may be established by the Parties.

Rule 15

The Executive Director or his designated representative may make oral as well as written statements at the negotiating plenary sessions and at the meetings of subsidiary organs, if any, concerning any matter under consideration.

Rule 16

The Executive Director shall be responsible for all the necessary arrangements for meetings of the plenary and of subsidiary organs, including the preparation and distribution of documents at least six weeks in advance of the meetings.

Duties of the secretariat

Rule 17

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 between the Parties; have the custody of the documents in the archives; and generally perform all other work which the Meeting may require.

V. CONDUCT OF BUSINESS

Quorum

Rule 18

A majority of the Parties shall constitute a quorum for a Meeting.

Powers of the Chairman

Rule 19

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 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 representative may speak on any question, 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 20

The Chairman, in the exercise of his functions, remains under the authority of the Parties for the negotiation of a convention on biological diversity.

Speeches

Rule 21

No person 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 22

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 47, 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 23

1. During the discussion of any matter, a representative 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 representative rising to a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 24

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 25

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 representative 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 26

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, one representative 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 27

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers 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 28

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

Order of procedural motions

Rule 29

Subject to rule 23, 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 question under discussion.

Proposals and amendments

Rule 30

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 31

Subject to rule 29, 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 motions

Rule 32

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

Reconsideration of proposals

Rule 33

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

Consensus

Rule 34

The Meeting should make every effort to reach agreement on substantive matters by way of consensus.

Voting rights

Rule 35

Each negotiating Party shall have one vote.

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

Rule 36

1. Except where the present rules of procedure expressly provide otherwise, decisions of the Meeting shall be made by 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 37

Subject to rule 42, the Parties shall normally vote by show of hands, but any representative 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

Rule 38

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

Conduct during voting

Rule 39

After the Chairman 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 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 40

A representative 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 speakers in favour and two speakers 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 41

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.
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 42

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 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 43

All elections shall be held by secret ballot unless otherwise decided by the Meeting.

Rule 44

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 45

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 46

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 for the negotiation of a convention on biological diversity such as sub-working groups and expert groups

Rule 47

1. The Parties may establish such subsidiary organs as may be necessary for the effective discharge of their 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 Parties may decide upon in the light of proposals by the subsidiary organs concerned.

VII. LANGUAGES AND RECORDS

Languages of the Meeting

Rule 48

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

Interpretation

Rule 49

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 50

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

VIII. OBSERVERS FROM INTERNATIONAL ORGANIZATIONS

Observers

Rule 51

1. International organizations having an interest in the field of biological diversity may designate representatives to sit as observers at sessions of the Meeting and of its subsidiary organs, if any. Upon the invitation of the Chairman or Vice-Chairman, as the case may be, and subject to the approval of the participating Parties or of the subsidiary organ concerned, international organizations may make oral statements on matters within the scope of their activities.

2. Written statements provided by international organizations referred to in paragraph 1 above, related to items on the agenda of the Meeting or of its subsidiary organs, shall be circulated by the secretariat to the participating Parties or members of the subsidiary organ concerned in the quantities and in the languages in which the statements were made available to the secretariat for distribution.

IX. AMENDMENTS AND SUSPENSIONS OF RULES OF PROCEDURE

Rule 52

Any of these rules may be amended or suspended by the Meeting, subject to rule 53 below.

Rule 53

A rule of procedure may be suspended by the Meeting provided that twenty-four hours' notice of the proposal for the suspension has been given. The notice may be waived if no member objects.
