

Discussions in Open Ended Consultations on Rules 37 and 38 (1)

Non-Paper

30/05/2023

Voting rights

Rule 37

1. Each Member shall have one vote [, except as provided for in paragraph 2 of the present rule].

Original from Minamata

2. A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States participating in the Committee. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Alt. 1

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States duly accredited and present at the time of the vote [participating in the Committee]. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Alt. 2

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States duly accredited and present at the session [participating in the Committee]. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Alt. 3 (Package from Minamata + footnote)

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States participating in the Committee. * Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

[duly accredited and present at the session]*

Adoption of decisions

Rule 38

The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.

Option 1: The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.

Option 2: [The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.]

Option 3: The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two thirds majority vote of the parties present and voting except when making decisions on the provisions to

- a. Objectives of the instrument
- b. National reporting
- c. Periodical assessment of the progress of implementation of the instrument.
- d. Periodical assessment for the effectiveness of the instrument in achieving its objectives
- e. Any arrangements for capacity building, technical assistance, technology transfer and financial assistance and any issues relating to finance.
- f. Obligations, measures and voluntary approaches in supporting the achievement of the objectives of the instrument.
- g. Matters of flexibility
- h. Cooperation and coordination
- i. Definitions within this instrument
- j. Implementation and update of national plans and their time frames
- k. Principles governing the treaty.

Option 4: The Committee shall make every effort to reach agreement on all matters of substance by consensus.

Option 5: The Committee 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 has been reached, the decision shall, as a last resort, be taken by a [two-thirds] majority of the representatives of Members who are present and voting.

Option 6: The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.]

Option 7: The Committee 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 has been reached, the decision shall, as a last resort, be taken by a two thirds majority vote of the parties present and voting [except on matters relating to:

- a) The financial rules of procedure within this instrument
- b) Any core obligations and control measures within this instrument that are mandatory]

